

21st April 2017

RIVER BANK HABITAT DAMAGE

Winter 2016/2017



1. Introduction

In the winter of 2016/2017, a number reports started coming in to the Angling Trust about the destruction of riparian vegetation and removal of in-river debris by flood defence contractors paid by the Environment Agency. This began with reports from the River Idle in Lincolnshire, a tributary of the River Trent, and this incident was dealt with in a positive and professional manner by local EA fisheries staff, who agreed to work with the controlling angling club to put right the damage caused. The Angling Trust wrote to the EA asking for any future works to be carried out sympathetically, in consultation with local angling clubs, and for contractors not to remove features that are important for fish, invertebrates and birds. However, additional reports have followed and it has since become apparent that the problem is one of national concern. An appeal for information posted by the Angling Trust on Facebook was widely shared and reached over 60,000 anglers, such is the concern on the bank. It is for this reason that the Angling Trust has compiled this dossier of evidence.

The work has left affected stretches devoid of riparian cover and consequently fish populations are now at significantly greater risk of predation by otters, cormorants and goosanders, and will have less food from invertebrates that rely on vegetation and woody debris. In recent years the Agency has been actively encouraging the **installation** of in stream woody debris to create better habitat for fish and wildlife. Their guidance can be found [here](#), and states:

“Management options may include taking no action, minimal removal or alteration of existing woody debris, complete removal or even addition and reuse of woody debris.” It is therefore disappointing to witness the precise opposite of what is recommended as good practice by the Agency itself.

The Environment Agency’s own guidance on flood risk management, from Chapter 4 of its *Fluvial Design Guide* (available [here](#)), states:

*Historically, the focus of fluvial design for flood risk management and water resources was rarely on ecological considerations. Diverse river features such as meanders, gravel shoals, pool sequences and even **riparian vegetation**, have all been considered a hindrance to the effective and efficient transport of water. However, the attitudes and values of society have changed dramatically over recent years, and the **importance of conserving and enhancing fluvial ecology** – while achieving other objectives such as effective flood conveyance – **is now fully acknowledged**.*

*Many riverine features of ecological value slow down the transport of water through the drainage system, causing backing up and hence higher water levels upstream, and an associated increase in flood risk. Removal of these features allows water to pass more quickly through the system and this was frequently undertaken to reduce flood risk upstream. Unfortunately, **this practice often increases the flood risk downstream as floodwaters can arrive at bottlenecks more rapidly**. In addition, **such habitat complexities are essential requirements for aquatic ecological diversity and the consequence of over-engineered river channels can be an ecologically barren watercourse with little connection to the wider environment in which it lies**.*

There is no doubt that the habitat destruction that occurred this winter on a number of rivers will have caused considerable damage to the biodiversity and productivity of the affected fisheries and, in some instances, may have actually increased flood risk downstream. This runs counter to the policies, duties and responsibilities of the Agency which are set out in more detail in the next section.

2. The Environment Agency - Duties, Responsibilities and Policies

The Environment Agency (EA) was established in 1996 to protect and improve the environment. It has around 10,600 employees working across 14 areas in England to *"create better places for people and wildlife, and support sustainable development."*

It is responsible for: regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing flood risk.

Among the EA's stated priorities is a commitment to *"protect and improving water, land and biodiversity"* and it has a duty under the Environment Act 1995 to maintain, improve and develop fisheries of salmon, trout, freshwater fish, eel, lamprey and smelt. It also has more general duties to:

- promote the conservation and enhancement of the amenity of inland and coastal waters;
- the conservation of flora and fauna dependent on the aquatic environment;
- have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.

Policies

The EA has a number of public policies relating to flood risk works which are set out in [Flood and Coastal Risk Management – conserving, enhancing and restoring biodiversity](#), which was issued on 25/07/2013.

The Position Statement at the start of the policy document sets out a series of key principles:

Our Flood and Coastal Risk Management (FCRM) work, whilst primarily undertaken to manage flood risk, must include measures to conserve, restore and enhance biodiversity where feasible.

As far as reasonably practicable, we will work with natural processes, maximising opportunities to conserve, enhance and restore biodiversity, through FCRM consents, projects, schemes, strategies and plans by:

Ensuring FCRM projects and schemes provide effective mitigation or compensation for any significant adverse impact; screening our strategies, plans, capital projects, schemes, maintenance works, flood defence consents, to ensure that we avoid, mitigate or compensate for adverse impacts, and further enhance biodiversity; designing projects which achieve multiple ecosystems services and benefits; stating in our approvals submission if/why we cannot identify restoration/enhancement opportunities; leading by example on our own land, maximising opportunities to achieve biodiversity benefits; consulting regularly with external partners on our capital schemes, strategies and routine maintenance programmes concerning environmental opportunities; monitoring a selection of our projects once constructed to ensure the planned benefits are achieved; undertaking adaptive management on sites where the anticipated benefits have not been achieved; and developing and promoting good practice techniques (e.g. use of woody debris); creating new partnerships and utilise other sources of complementary funding (e.g. Water Framework Directive) to achieve biodiversity benefits; working with land owners and managers to reduce potential adverse impacts of flood risk management works on biodiversity, and help them identify and achieve biodiversity outcomes that are practical and affordable.

We will specifically seek opportunities to:

- *restore and maintain SSSIs in favourable condition; and*

- *create priority habitat, in line with our commitments to help deliver the outcomes in the England Biodiversity Strategy – Biodiversity 2020*

Statutory Duties

The Agency is governed by multiple layers of legislation setting out its obligations and statutory duties. These include the 1995 Environment Act, the Habitats Regulations and Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006 and an obligation to seek the achievement of the Water Framework Directive objectives. There is also a range of legislation covering the Agency's role in protecting the integrity of designated sites and nature reserves.

The EA's own guidance on Conservation Legal Duties states:

*Much of our governing legislation and statutory guidance on nature conservation is not based on designated sites, protected species or the UK BAP. **We have general duties to protect and enhance biodiversity regardless of specific designations.** This means that screening for nature conservation as widely as is practicable is essential and must be based on best available information. This is especially true for our own works, projects or strategies as we have a duty to promote (enhance) when discharging our powers, as well as to protect flora and fauna. This is highlighted in the Environment Act 1995 sections 6 and 7, Natural Environment and Rural Communities Act 2006 section 40, Code of Practice on Conservation, Access and Recreation and in Planning Policy Statement 9 (PPS9).*

Comments

There appear to be a number of breaches of the above policy evident from the recent FRCM and other works to riverbanks that are highlighted in this dossier and elsewhere in media reports.

We have clear evidence where the recent actions of the EA and its contractors are in breach of its own policies including a failure to consult (screen) both internally with Fisheries and Biodiversity staff and externally with relevant stakeholders including angling interests.

Secondly, there's the question of whether the Agency has failed to meet its statutory obligations as an environmental regulator as set out earlier in this paper.

We therefore expect the EA's duties to include promoting good practice to enhance biodiversity outcomes whether it is the EA themselves, its contractors or another organisation that negatively impact the riverine environment. As a regulator, the Agency should be taking steps to ensure that private landowners, local authorities and drainage boards (with delegated powers from the EA) are not carrying out such damaging works.

3. Confirmed sites

There are number of river sites that have been reported to the Angling Trust for which we are certain that the Environment Agency is either responsible for undertaking the work itself or for arranging for the work to be undertaken by contractors. External stakeholders, such as controlling angling clubs, were not consulted in any of these instances and it seems likely that local EA Fisheries staff were not properly consulted either. The sub-titles give the affected river, region, controlling angling club (if one exists) and approximate date when the work was undertaken.

River Medway, Fordcombe, Kent | Royal Tunbridge Wells Angling Society | December 2016

Committee members visited the Fordcombe stretch below Colliers Land Bridge to oversee a fish stocking on 12th December 2016 to find EA flood contractors removing bankside vegetation downstream of the bridge, leaving only stumps and roots. The club managed to prevent the contractors doing any further work, but only after a week's worth of destruction had already been carried out. This club has also received a grant from the EA to plant bankside trees.

There was no consultation with the controlling angling club and a clear lack of communication between different departments within the Environment Agency. A similar report has been made on the Teston stretch of the River Medway.



Figure 1. The River Medway below Colliers Land Bridge at Fordcombe in Kent, where EA-funded contractors decimated the bankside vegetation in December 2016.

River Nidd, Kirk Hammerton, North Yorkshire | Leeds & District Amalgamated Society of Anglers | March 2017

Leeds and District ASA, who own the affected stretches, reported willow trees were removed by contractors in late March 2017. A map showing the locations of some of the affected areas is available [here](#), with the area previously known as “barbel alley” particularly badly damaged. Some of these areas constitute important fish spawning and holding sites and consequently there have been outcries from local anglers: see article in the [Yorkshire Evening Post](#).



Figure 2. The River Nidd in Yorkshire after contractors had removed many of the riparian trees and in-river branches (damaging important fish spawning sites) in March 2017. Image (a) shows the well-known “barbel alley” stretch.

River Idle, downstream of Lound, Lincolnshire | Derbyshire Angling and Scunthorpe Piscatorials | January 2017

Reports initially came into the Angling Trust of this incident on the River Idle in late January 2017 through one of our volunteer bailiffs. The bailiff reported seeing contractors using “Environment Agency equipment” to remove a considerable proportion of the trees from the banks of the Idle. The contractors claimed that they had been instructed to do this to allow access for weed cutting in the summer, but were also removing a number of trees higher up the bank.

The Angling Trust reported this incident and received a reply on 21st February from the local FCRM and Area Environment Manager stating that the work undertaken was indeed insensitive and did not conform with usual procedures and that the EA intended to “investigate what actions we can undertake on site to help benefit local fish populations and the wider environment without increasing flood risk”. While this particular issue may have now been addressed, it has been included herein to show the geographical extent of these issues.



Figure 3. The River Idle downstream of Lound in Lincolnshire after contractors had removed excessive bankside vegetation. Image b shows a tree literally ripped from the ground – far from sensitive management.

4. Additional reports

In addition to the sites described above, following an appeal for information the Angling Trust received a number of further reports from its members of other instances of excessive bankside vegetation being damaged or removed from rivers in a number of English counties. These include Kent, Lincolnshire and Greater London. We are also aware of a number of other sites that we are unable to include within this dossier due to a reluctance of the controlling club to go public with the information.

While we cannot yet be sure that the EA is responsible for the work carried out at the sites outlined below, our members who reported these sites are confident that it is. Therefore, we would welcome further investigation as the damage shown is clearly unacceptable and those responsible must be held to account to ensure that such heavy-handed management is not repeated in the future.

Tidal River Trent, Gainsborough, Lincolnshire | early March 2017

Local anglers reported contractors removing riparian vegetation between Morton Front and Bowling Green Road in Gainsborough, in addition to the opposite bank to Riverside Walk. These are comparatively small trees on a wide (~ 80m) stretch of river with very limited cover beforehand. This stretch of the Trent is very close to its confluence with the River Idle and only a couple of miles away from the site of our initial aforementioned complaint. Worryingly, this work occurred after our correspondence with cooperative local EA fisheries officers, which further raises questions around the communication between the EA fisheries and flood defence teams.

See video [here](#).



Figure 4. The tidal River Trent at Gainsborough in Lincolnshire before (a) and after (b) contractors totally removed bankside vegetation. Images (c) and (d) show the site further downstream.

Kentish Stour, below Canterbury, Kent | Canterbury and District Angling Association | January 2017

Local anglers reported trees and bankside cover being removed by contractors from the Broad Oak Road stretch just below Canterbury when the level was very low and the water clear. This left shoaled silverfish much more vulnerable to cormorant predation. Similar destruction was then reported on the Fordwich/Westbere stretch of the Stour downstream to Grove Ferry.



Figure 5. The Kentish Stour below Canterbury after contractors had removed riparian vegetation, leaving shoaled dace and roach at much greater risk of cormorant predation.

River Colne, Harefield and Uxbridge Moor | Gerrards Cross and Uxbridge District Angling Society | February 2017

Local anglers reported bankside vegetation on a stretch of the River Colne at Harefield being removed by contractors in October and November 2016. Reports have also come in of similar work at Uxbridge Moor starting in mid-December 2016 and continuing in phases until early March 2017.

A video showing the work done at Uxbridge and Harefield is available [here](#). It also illustrates logs and other debris left within the area that could then be swept away by high water and creating further flood risk.



Figure 6. Bankside tree removal reported by local anglers on the River Colne near Harefield.

5. Consultation

As set out above there are clear obligations with regard to both internal (screening) and external consultation on FRCM schemes that might affect the habitat and environment of rivers and streams. We know for sure that Fisheries and Biodiversity staff were not consulted about the works on the lower Medway and it is likely that this consultation was not carried out on a number of other schemes, including on the River Idle and River Nidd. There are similar examples of failures to consult external stakeholders, including the angling clubs who own and lease fishing rights on the affected stretches. This is particularly disappointing as when the system works as it should, planned works are modified to reduce damage to biodiversity. For example, in the West Thames Area, the Operations Delivery team prepare an annual maintenance schedule which is then circulated to Fisheries, Biodiversity and Geomorphology teams months in advance to scrutinise and to feedback any advice or concerns. After this the plans are circulated to relevant stakeholders for their inputs. This should be standard practice in all areas.

6. Conclusion

When working at its best and in accordance with its own published policies the Environment Agency often does an excellent job at balancing the competing demands of flood risk management with its statutory duty to conserve and enhance fisheries and biodiversity. We highlight these recent examples where these standards have not been maintained in order to seek universal application of the good environmental practice which has become more commonplace in recent years.