

IN THE MATTER OF:

LAND DRAINAGE ACT 1991

AND IN THE MATTER OF

A PUBLIC LOCAL INQUIRY

into

2015 SCHEME FOR THE ABOLITION OF THE RIVER ARUN INTERNAL DRAINAGE DISTRICT

SUMMARY of PROOF OF EVIDENCE

of

JANE WILLMOTT

for

SUSSEX WILDLIFE TRUST

1. I am Jane Willmott, and I hold a Bachelor of Science (Honours) degree in Applied Biology from Nottingham Trent University, specialising in Ecology and Conservation. I have spent my entire career (27 years) in Countryside Management. Currently, I am Reserves Manager for Sussex Wildlife Trust ("SWT"), responsible for managing a number of Nature Reserves including Waltham Brooks and overseeing the RSPB's management of SWT's land at Amberley Wildbrooks.
2. SWT's essential position in this matter is that it does not support the abolition of the IDD. However, if dissolution is inevitable SWT believes that the potential effects of dissolution must be better understood and mitigated before it is allowed to take place. SWT believes that since dissolution of the IDD in the way that is proposed is likely to have a significant effect on the Arun Valley SAC/SPA it cannot be approved unless it can be ascertained that dissolution will not have an adverse effect on the integrity of the SAC/SPA.
3. SWT'S Statement of Case describes the Arun Valley SPA, SAC and Ramsar sites, as well as Waltham Brooks SSSI and Amberley Wildbrooks SSSI and the species of flora and fauna found at those sites. SWT owns and manages Waltham Brooks nature reserve and owns Amberley Wildbrooks nature reserve, which is managed by the RSPB on an agreed basis.
4. Waltham Brooks is a complex site to manage. Essentially all of the special interest features of this nature reserve are dependent, at least in part, on suitable water-level management. My full Proof of Evidence describes the numerous interacting requirements and constraints involved.
5. SWT recognises the complexity of the site and is working to bring it into favourable condition. Positive steps have been made since SWT reinstated management of the IDB ditches in 2013 and gained control of grazing rights in 2011. Because the EA had done very little IDB management

since 1987 there was a considerable backlog of work to be done and a grazing regime has also been instated. A full Management Plan is now in place and there is optimism that due to this improved management favourable condition will result.

6. Waltham Brooks (and Amberley Wildbrooks) were entered into a 10 year Higher Level Stewardship Scheme that started on February 1st 2009. Although the scheme does have capital payments for ditch restoration, IDB ditches are not eligible under the scheme and external grant funding had to be secured for restoration of the IDB ditches. The current funding scheme runs out in January 2019 and the most optimistic scenario is that it will be renewed (in some form) after an 11 month hiatus. However, there is no guarantee that agri-environmental funds will always be available to SWT at these sites.
7. Amberley Wildbrooks SSSI is owned by at least 6 different landowners including conservation charities, farmers and the local Parish Council. Managing the complex interconnected features on the site including grazing, ditch management and water level control is as complicated as it is at Waltham Brooks, but compounded further by the different land ownerships.
8. The floodplain grassland sward management is carried out using a combination of grazing and mowing. A complex system of ditches and water control structures provides the surface water, water table and ditch water depths required at any given time of year.
9. The EA's conclusion that abolition of the IDD will have no likely significant effect on the designated sites is supported by its assumption that the Water Level Management Plan (WLMP) at Amberley Wildbrooks will be continued and extended following any abolition of the IDD. However, I do not believe that this can be treated as a matter of certainty, as the current status of the WLMP is not itself clear.
10. Amberley Wildbrooks is in the same Environmental Stewardship agreement as Waltham. It therefore has the same constraints over funding for IDB ditch management. The 6 water level control structures at Amberley Wildbrooks are described in my full Proof of Evidence.
11. If the IDD is to be abolished, then SWT accepts that the EA's proposals for enmainment of the IDB ditches have the potential to allow adequate coordination across the various landholdings. However, enmainment raises important practical and funding issues that, unless properly taken into account and resolved, threaten suitable management across the site.
12. Enmainment is a statutory process that incorporates formal consultation and gives a statutory appeal mechanism, followed by potential for legal challenge by judicial review. It will inevitably take some time to reach completion and pending completion it cannot be said for certain that it will actually occur. If it does not occur, or during any period of delay between dissolution and enmainment, it cannot be concluded that there will be no likely significant effect. A precautionary approach, as required by the Habitats Directive, suggests that the possibility of failure of the statutory process (or perhaps more likely, delay) is sufficient to prevent one from being certain that the integrity of the site is not going to be adversely affected.
13. SWT also queries the assumption that the same level of resources would be made available under enmainment as under the current IDB arrangements. Under enmainment, the EA will have powers to maintain the ex-IDB ditches but not the local duty of an IDB to exercise general supervision over all matters relating to the drainage of land within its district.

14. Essentially all of the special interest features of these nature reserves are dependent, at least in part, on suitable water-level management. If the IDD is abolished then there will be a direct cost to SWT, a private charity whose work is funded almost entirely by its members, by its minimal commercial activity and by grants and agri-environmental monies. My Proof of Evidence contains estimates of the costs, both revenue and capital, that would have to be covered from these sources by SWT following enainment, and highlights areas where grant funding, if available, will not cover the full actual costs. None of the agri-environmental funding sources available will cover contingencies, unexpected liabilities or repairs to the water level control structures.
15. Greatham Pump is situated upriver from Waltham Brooks SSSI and affects water levels on the SSSI. Responsibility for Greatham pump will revert to the landowner if the IDD is abolished. It is SWT's understanding that the landowner does not plan to continue operating the pump. If water is not pumped away, then Waltham Brooks cannot drain to the north and SWT cannot guarantee that appropriate water levels will be maintained.
16. The EA has produced a scheme of works to replace the effect of Greatham Pump, but it is not in place and there is uncertainty as to how well it will work. This uncertainty has not been factored into the EA's Habitats Regulations Assessment. SWT believes that this approach lacks precautionality and that any scheme to replace the Greatham Pump must be in place and tested over a variety of weather and hydrological conditions before the EA gives up control of the pump.
17. As a landowner in the Arun valley Sussex Wildlife Trust was invited to be a stakeholder in the Arun Valley Vision Group when it was established in January 2017. SWT has been an active participant in the group with representatives at each monthly meeting and has delivered two presentations to the group. The AVVG has the support of all the major stakeholders in the Arun Valley and its main objective is to agree an integrated catchment approach which will enable future Flood & Coastal Erosion Risk Management, water quality and land use changes to be made and funded effectively.
18. I believe that the abolition of the IDD, if it should go ahead, should be postponed until after the AVVG has reported in early 2019 and that any subsequent dissolution should be on terms that take into account recommendations of its report.
19. The proposal does not take into account the Lower Tidal River Arun Strategy (LTRAS).
20. The EA has concluded that for Habitats Directive purposes the proposal to abolish the IDD is not likely to have a significant effect and, therefore, that there is no need for it to carry out a more rigorous appropriate assessment. SWT does not agree with this conclusion and believes that a full appropriate assessment of all aspects and consequences of the proposal ought to be carried out before a decision on this matter can lawfully be taken.
21. I do not wish to prejudge the conclusions of a full appropriate assessment. If the proposal to abolish the IDD were to be accompanied by well thought-out mitigation measures a conclusion of no adverse effect on the integrity of the SPA/SAC is entirely possible. However, until the consequences of abolition have been thoroughly looked at it is not possible to understand exactly how best to mitigate adverse effects.
22. If the IDD is to be abolished, I believe that its abolition should be accompanied by the following measures:

- The revenue cost of maintaining assets whose ownership, control and responsibility is to pass to private parties, such as SWT, should be calculated and proposals should be made for ensuring that funding in perpetuity.
- The capital cost of replacing wasting assets whose ownership, control and responsibility is to pass to private parties, such as SWT, should be calculated and proposals should be made for ensuring that funding in perpetuity.
- An assessment should be made of the hydrological effects of operating the Greatham Pump and proposals for alternative water control measures should be reviewed accordingly.
- Enmainment of the ordinary watercourses within Amberley Wildbrooks should be formally confirmed.
- The Arun Valley Vision Group should be given the opportunity and support to complete its work.