

EA-South West

GUIDANCE

NOTES FOR RIPARIAN LANDOWNERS



ENVIRONMENT
AGENCY

INTRODUCTION

Many watercourses are no longer in their natural state due to man's interference, combined with the effects of urban development and intensive agricultural use. The Environment Agency seeks to encourage riparian owners to maintain or enhance their sections of river for wildlife and amenity through the provision of advice. The restoration of vegetation in the river corridor can have many benefits, including bank stabilisation, reduced siltation and improved water quality as well as providing habitats for wildlife. The Agency's Area Conservation Officer can advise on technical details, sources of grant aid, and suitable contractors capable of undertaking such work.



In the past, bank erosion may have been arrested by hard engineering solutions...

Riparian landowner

You are a riparian landowner if you own a property adjacent to a watercourse or river. Unless your deeds specifically state another party as owner, you own the bed and banks of the watercourse to the centre line.

As a riparian landowner, you have certain rights and responsibilities under common law.

- You have the right to receive flow in its natural state, without unnatural interference with quantity or quality.
- You have the responsibility to pass this flow on without obstruction, pollution or diversion affecting the rights of others. You can without a licence abstract a maximum of 20 cubic metres per day for the domestic purposes of your own household or agricultural use, excluding spray irrigation, from a watercourse at a point which directly adjoins your land. Most other types of abstraction will require a valid licence from the Environment Agency. A separate guide for potential abstractors is available on request.
- You may need a licence from the Environment Agency to obstruct or impede the flow of any watercourse by



... Nowadays, a more natural approach is favoured, as above with woven willow branches, known as 'spiling'.

means of works which will impound water. Please contact your local Environment Agency Area Office for advice.

- You have the right to discharge uncontaminated run-off from your land to the stream, even if this increases the flow due to improved drainage on your land, although you may not direct from elsewhere flow not naturally draining to the watercourse.
- You have the responsibility for maintenance of the bed and banks of the watercourse (including trees and shrubs growing on the banks), and for any debris natural or otherwise including litter and animal carcasses even if it did not originate from your land.
- You have the right to protect your property from flooding, and your land from erosion, providing such work does not affect the rights of other riparian landowners. Such work may require consent from the Environment Agency and the Local Planning Authority and you should contact these bodies for advice.
- You have the responsibility to accept flood flows to your land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- You have the right to fish in your watercourse, though this must be by legal methods and with an Environment Agency rod licence. You must not cause any obstructions to the free passage of fish.

The Environment Agency

The Environment Agency aims to protect the river environment through the use of a number of duties and powers affecting riparian landowners. (Principally within the scope of the Water Resources Act 1991)

- Through Abstraction and Impoundment Licensing the Environment Agency ensures that Water Resources are managed effectively to protect the environment and for the benefits of all users.
- Through Consents to Discharge the Environment Agency keeps the impact of discharges on receiving waters within acceptable levels. Through the setting of Water Quality objectives and by ensuring compliance with standards laid down in EC Directives, the Agency aims to maintain and improve where appropriate, the quality of water for all who use it.



- The Environment Agency has powers under the Water Resources Act 1991, the Land Drainage Act 1991 and the Environment Act 1995 to maintain and improve watercourses designated by the Ministry of Agriculture Fisheries and Food as main river for the efficient passage of flood flow and the management of water levels.
- Under the above Acts and associated Byelaws works in ordinary watercourses and in or adjacent to main river require the consent of the Environment Agency to ensure they do not interfere with the Agency's work, nor adversely affect fisheries, wildlife and other riparian landowners.
- The Environment Agency has overall supervisory duty for land drainage. Land drainage is generally understood to include the alleviation or control of flooding of urban and agricultural land, whether by freshwater or saltwater, including the improvement and maintenance of natural watercourses and the construction and maintenance of man-made channels for these purposes.
- The Environment Agency carries out its general supervisory duties through Land Drainage Consents and via advice to Local



Planning Authorities in the form of comments on planning applications and Development Plans. The Agency is a statutory consultee on Development Plans and planning applications that affect the water environment. Local Planning Authorities however have independent powers to decide on planning application proposals, and the Agency has no powers to direct.

Land drainage deals with natural flow and therefore

excludes the drainage of water from man-made surfaces by means of pipes and culverts ie surface water sewers. It excludes

the protection of the coastline from erosion, ie where it is backed by high land, as opposed to flooding, where it is not. The Coast Protection Act 1949 covers the problem of erosion and the Land Drainage Act of 1976 covers flooding.

- Environment Agency staff have the right of entry on to land in order to gain access to carry out its duties.
- In carrying out its duties or powers of water management, the Environment Agency has a duty to further conservation. This duty is applicable to the wildlife, landscape and archaeology of rivers, watercourses, wetlands and associated land.



- The Environment Agency seeks to maintain, improve and develop fisheries by stock assessment, habitat improvements and restocking. This work is supported by enforcement of statutory law and byelaws, and screening of licences and consents.

The Agency also has a duty to further appropriate recreation.

NB. Maintenance of a watercourse for amenity only or to arrest erosion where this does not threaten the interests of the Environment Agency is unlikely to be carried out by the Agency on behalf of a riparian landowner unless sufficient manpower is available to undertake the work on a rechargeable basis.

INTERNAL DRAINAGE BOARDS (IDB)

In certain defined areas, Internal Drainage Boards have the powers of a Drainage Authority on identified watercourses which are similar to the Environment Agency's powers on main river. The IDB's also have a duty towards conservation which is similar to the Agency's.

DISTRICT AND COUNTY COUNCILS

Under the Land Drainage Act 1991, on ordinary watercourses, ie those not designated main river nor IDB drains, District and County Councils have permissive powers to carry out works. Their response as the Drainage Authority to work on ordinary watercourses may vary.

NAVIGATION

The tidal reaches of many rivers in the South West do have public rights of navigation, and where applicable, Harbour

Authorities may exercise a degree of control. There is no public right of navigation on most non-tidal watercourses. Some larger rivers such as the lower reaches of the Bristol Avon are administered by Navigation Authorities such as British Waterways or Port of Bristol, but those wishing to use most rivers by boat and canoe must have the prior permission of the riparian landowner and any fishery owner.

RIVER ENHANCEMENT

Where watercourses are no longer in their natural state due to the past influences of man the habitat can often be enhanced for fishery and wildlife value. The key to river enhancement is to develop variety within the river channel, river margins and river corridor. River restoration can bring significant advantages such as stabilising banks, improving water quality, providing habitat for fish and wildlife and enhancing the landscape.

WHAT CAN BE FOUND IN RIVERS

River Corridor

Many insects that live as juveniles in the river, such as damselflies and dragonflies, will feed and take refuge in the river corridor. Wetland habitats here are important to many types of wildlife including otters and wading birds, such as snipe and redshank

Margins and Banks

Margins and Banks are of value to wildlife in their own right. On the shallow riverside margins, plants such as sedges and yellow iris flourish providing refuge for insects and other wildlife. Further up on the gently sloping banks, wildflowers and grasses are found, with shrubs and trees. Actively eroding steep banks provide ideal nesting sites for kingfishers and sandmartins.

River Channel

A river with a varied channel profile, pool-riffle sequences, and backwaters, supports a diverse flora and fauna. Plants such as water lilies thrive in slow flowing sections, whilst water crowfoots flourish in the faster flows. This variety provides many different habitats for aquatic insects and fish



SOME RIVER ENHANCEMENT IDEAS

NB. In many watercourses, some of the proposals may not be appropriate. Discuss with your local Agency office before planning any work.

Buffer Zones

These are strips of land next to the river which isolate the river from the damaging activities of man, as well as creating more space for wildlife. A buffer zone should be an area, at least 10m in width, of extensively managed pasture or a more natural habitat, such as scrub or woodland.

Wetland Grasslands

Riverside meadows and pastures that temporarily flood in winter, can be valuable feeding grounds for waders and wildfowl. In summer, high water levels in ditches can create moist soil conditions and shallow pools, ideal for breeding waders such as snipe, redshank and lapwing. Water meadows were first introduced in the 17th century, as systems for flooding pastures in a controlled way, using ditches and sluices. Today their remains are much in evidence, with damp furrows sometimes harbouring rich wetland plant communities.

Bat and Barn Owl Boxes

Along river banks, barn owls hunt for small mammals and bats, such as the Daubenton's bat, feed on plentiful supplies of insects. Both barn owl and bat populations have suffered dramatic declines. By maintaining bankside trees, or by providing barn owl or bat boxes, you can help with their conservation.

Otters

Otters are now re-establishing themselves in many river systems. Otters and other wildlife benefit from allowing areas of dense vegetation to develop and from retaining mature bankside trees, backwaters, ponds and reedbeds. An artificial otter holt can be readily constructed from logs and branches and should be sited in an undisturbed place close to the river.

Bays and Backwaters

These provide sheltered refuges for fish, amphibians and insects such as water beetles and dragonfly larvae. Emergent reeds and sedges provide cover for nesting moorhens, mallards and little grebes. A shallow bay or backwater can be created, to provide the type of habitat that is lacking along many of our rivers.

Shallow Banks

Shallow Banks create rich habitat along rivers. They give a foothold to emergent plants and damp-ground plants which in turn provide food and shelter for many insects. Re-profiling banks so that they are graded to at least 1 in 2, is an effective way to enhance a barren stretch of river.

Steep Banks

Steep, high banks may occur on the outside of meander bends. They are used by nesting kingfishers and sandmartins, and should be retained wherever possible.

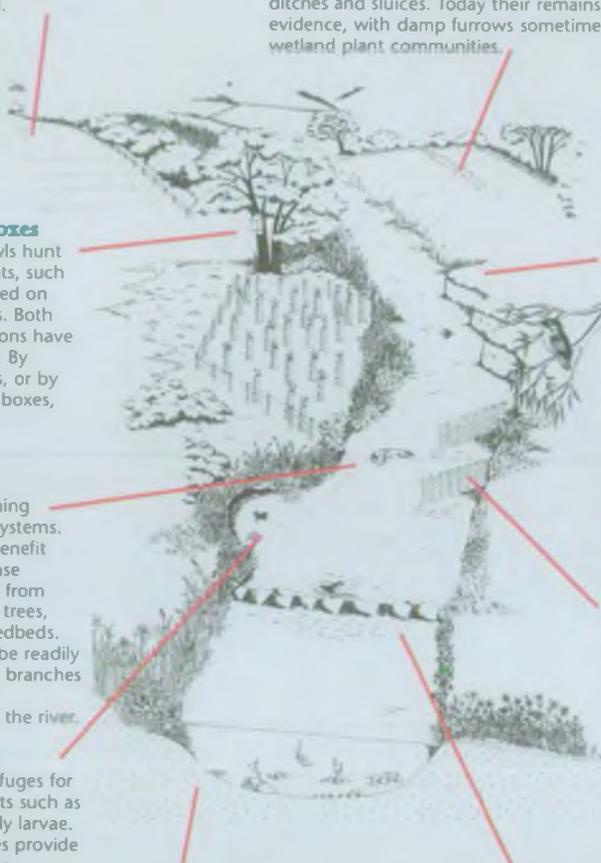
Channel Enhancements

Over-widened river channels can be improved in a number of ways. Hazel hurdles or stone current deflectors can be cheap and simple to install. They create faster-flowing water where trout and salmon feed; and in the lee areas, silt accumulates and wetland plants colonise.

Low Stone Weirs

Small weirs improve the channel environment, by breaking down the pattern of water flow. The turbulence created, also oxygenates the water. Natural stones are ideal because for much of the year they will be above water, providing foraging platforms for dippers and grey wagtails.

NB. Works in watercourses require the consent of the Environment Agency prior to commencement



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ENVIRONMENT AGENCY
GENERAL ENQUIRY LINE

0645 333 111

The 24-hour emergency hotline number
for reporting all environmental incidents
relating to air, land and water.

ENVIRONMENT AGENCY
EMERGENCY HOTLINE

0800 80 70 60



THE ENVIRONMENT AGENCY

The Environment Agency, which began operations on 1 April 1996, brought together the National Rivers Authority, Her Majesty's Inspectorate of Pollution, the Waste Regulation Authorities and several smaller units from the Department of the Environment.

The new Agency provides an integrated approach to the protection and management of the land, air and water environment. Its main functions include pollution prevention and control, waste regulation, flood defence, water resources, fisheries, recreation and conservation.



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