






**AXE BRUE, PARRETT &  
NORTH SOMERSET LEVELS  
INTERNAL DRAINAGE BOARDS**

**WATERCOURSE MANAGEMENT POLICY**

Version 1.1

Approved by the Boards:		
Axe Brue IDB	09 Jul 2021	 Chairman
Parrett IDB	09 Jul 2021	 Chairman
North Somerset Levels IDB	09 Jul 2021	 Chairman

To be reviewed Annually

## 1.0. INTRODUCTION

1.1. The work of the Drainage Boards is to provide flood risk and water level management to all areas of Axe Brue, Parrett and North Somerset Levels Internal Drainage Boards (IDBs).

1.2. This Watercourse Management Policy provides the Board view on managing the Board's Districts efficiently and effectively.

## 2.0. TERMINOLOGY

2.1. **Board:** All Internal Drainage Boards within the Somerset Drainage Boards Consortium (SDBC), currently consisting of the Axe Brue, Parrett and North Somerset Levels IDBs.

2.2. **Riparian Owner:** A landowner or homeowner with a watercourse on, next to or under their property. Unless otherwise shown on Title Deeds, Riparian Owners normally own up to the centre-line of the watercourse. Riparian Owners have responsibility for maintenance of non-viewed watercourses on their land.

2.3. **Ordinary Watercourse:** All watercourses within the Board's areas (with the exception of Main Rivers) are deemed to be Ordinary Watercourses and fall under the jurisdiction of the Board. Board Byelaws apply to all Ordinary Watercourses within the Board's District.

2.4. **Viewed Rhyne:** An Ordinary watercourse that is deemed by the Board to be critical for the conveyance of water around the District and therefore requires additional or targeted maintenance activities to be conducted otherwise there is a potential to increase flood risk to a wide area. When taken 'into-View', this watercourse is maintained by the Board under its permissive powers and funded through the Board's annual income of Special Levy and Drainage Rates.

2.5. **Injury:** Negligent damage to land and/or property as a result of Board operations.

2.6. **Structures:** Structures referred to in this Policy include culverts, pipes, bridges and other similar constructions in, on, over or adjacent to any Ordinary Watercourse within the Board's District.

2.7. **Undertake Works:** The physical and practical management of water levels through the use of water level control structures, pumping stations and sustaining the capacity and flow within the watercourse network through maintenance activities such as weed cutting, de-silting and drainage improvement schemes.

2.8. **Viewing Gates:** Access Gates/Gateways within the Board's District that are constructed by the Board to enable access by the Board and/or its Contractors to the Viewed Rhyne Network.

## **WATERCOURSE MANAGEMENT POLICY**

### **3.0. Access to Watercourses**

3.1. In order to undertake maintenance of the Viewed Rhyne Network (and other watercourses when necessary), the Board will give a minimum of 7-days notice in accordance with the Land Drainage Act 1991 (but endeavour to give at least 14-days notice wherever possible) to landowners via a formal 'Notice of Entry' to undertake works in accordance with its powers under the LDA.

3.2. For all Viewed Rhynes, the Board and its Contractors require an unhindered continuous strip of undeveloped/uncultivated land from the top of the bank on both sides of any watercourse or culvert to allow free access to meet all maintenance needs in accordance with the Board Standards. This includes access from the highway to the Viewed Rhyne Network via defined vehicle 'Tracking Routes'.

3.3. In order to conduct maintenance activities under a Notice of Entry, where access by the Board and its Contractors to the Viewed Rhyne Network is required but hindered due to the cultivation of crops or grassland, access will be gained by traversing the field around the perimeter wherever possible in order to minimise damage. In these instances, the Board will not normally be liable for any damage to crops or grassland and therefore claims for compensation will not be accepted.

### **4.0. Compensation**

4.1. In accordance with the LDA, the Board is able to consider paying compensation for 'injury' caused by the Board or its approved Contractors in the provision of its duties. Compensation will not normally be paid with respect to annual routine maintenance operations unless injury has been sustained.

4.2. Compensation may be awarded as the Board determines (LDA Pt I Para 15 refers).

4.3. Any compensation claim must be submitted in writing and include as much information as possible (i.e. dates, Contractor/Board officer name and photographs as supporting evidence). Claims will be determined on an individual basis.

4.4. Any dispute on the amount of compensation to be paid is to be determined by the Lands Tribunal (LDA Pt I Para 14(6) refers).

### **5.0. Contributions**

5.1. Any culvert, bridge or structure, excluding residential or development, may be eligible for a contribution of construction/repair costs where there is a clear benefit to the Board..

5.2. In making a contribution to the construction of an agricultural structure, all future liabilities and the ownership remains with the landowner/s.

5.3. Subject to available funding, a contribution will be awarded as follows:

Asset Owner:	Utilised by the Board:	Contribution:
Board	Yes	Full Liability
Riparian Owner	Yes	Cost equivalent of 6m Pipe
Riparian Owner	No	None

5.4. The construction or repair of a bridge or other structure must be subject to Land Drainage Consent.

5.5. All works undertaken must be subject to the Board or the Pipe manufacturer's specification as determined by the Land Drainage Consent.

## **6.0. Culverts**

6.1. The Board will generally avoid culverting or infilling of all watercourses due to adverse environmental impacts, potential increase in flood risk and maintenance requirements.

6.2. Where it is demonstrated there is no reasonable alternative to culverting or infilling, mitigation works for both hydraulic and environmental impacts may be required as determined by the Land Drainage Consent.

6.3. Culverting (by pipe or any other method of construction), altering or removing any existing culvert or infilling any watercourse requires Land Drainage Consent.

6.4. The size and extent of new or replacement culverts may need to be determined by a hydraulic and environmental assessment undertaken by the applicant. Board decision on culvert size is final.

6.5. The Board may, if it is considered to be of benefit to the Board and its Contractors for accessing the Viewed Rhyne network, contribute towards the cost of repair or construction of a new culvert as defined above at Para 5.3.

## **7.0. Damage to Banks**

7.1. The Board reserves the right to re-charge landowners/occupiers for undertaking necessary repairs where damage has been caused to the bank by animals (Board Byelaws refer).

7.2. The Board reserves the right to re-charge landowners/occupiers for undertaking necessary repairs where damage has been caused to the bank by owner/occupier activities (Board Byelaws refer).

## **8.0. Desilting**

8.1. Desilting (Dredging) is a necessary operation for the Board to conduct within its maintenance programme to remove fine silt, sediment and other material that has collected on the bed of a watercourse, whereas re-profiling widens and deepens a watercourse.

8.2. Arisings from desilting operations will be spread within 9 metres on the banks of the watercourse as necessary and will to be deposited in a single movement of the machine.

8.3. Reinstatement of the banks (harrowing and re-seeding) will normally be undertaken as part of the desilting operation.

8.4. Landowners may relocate this spoil from the banks of the watercourse elsewhere on their land at their own expense.

8.5. No additional compensation will be paid to landowners where spoil arising from desilting works is deposited within 9 metres of the banks providing the spoil does not constitute a 'nuisance' by being of a dangerous nature (i.e. containing hazardous content or has caused damage following failed re-instatement works of the banks

## **9.0. Design & Construction**

9.1. Any structure will need to ensure it is fit for purpose and must be designed and constructed to the manufacturer's standards, if applicable, and will be subject to Land Drainage Consent,

9.2. Current standards (e.g. British Standards etc), Regulations and specifications (e.g. Design Manual for Roads and Bridges and Water Industry Specifications etc) must be adhered to.

9.3. The Board accepts no design liability for the structural integrity, the future stability or the future maintenance of any consented structure.

## **10.0. Drainage Rates**

10.1. The Board's Watercourse Management function is funded by Drainage Rates charged to owner/occupiers of agricultural land and a Special Levy charged to Local Authorities in respect of non-agricultural land.

10.2. In accordance with the LDA, annual Drainage Rate settlement is due on demand and non-payment may result in legal action being taken, with costs incurred by the Ratepayer.

10.3. Initial and Final Demands will be sent to all outstanding Ratepayers prior to seeking legal action. The Boards will pursue all outstanding Drainage Rates remaining unpaid as of 01 Oct each year through the Courts.

10.4. Liability Orders sought through the Magistrates Courts will be serviced by external Bailiffs with costs incurred by the Ratepayer.

10.5. The Board will pursue persistent non-payers through the Small Claims Court or Crown Court as necessary with cost incurred by the Ratepayer.

## **11.0. Development Control**

11.1. Any development within the Board's catchment must not increase the rate of flow and volume of water into the Board's District without suitable mitigation.

11.2. Any surface water drainage must be accessible and maintainable for the lifetime of the development.

11.3. Any watercourse adjacent to or within a development must have an agreed appropriate buffer zone for maintenance and environmental reasons.

11.4. The Board will not generally allow any loss of watercourses as a result of development.

11.5. Mitigation must be provided for any adverse effect on watercourses in terms of volume of storage, conveyance and biodiversity. Any mitigation must be demonstrably greater than any effect.

## **12.0. Enforcement**

12.1. The Board operates under the Land Drainage Act 1991 and its Enforcement provisions which are exercised in accordance with the Board's Enforcement Policy.

## **13.0. Environment**

13.1. The Board will undertake all watercourse maintenance and operational activities in accordance with its duties to conserve and enhance the natural environment and protect the historic environment.

13.2. When carrying out maintenance or improvement work, the Board will aim to avoid environmental damage and will seek opportunities to achieve positive outcomes, including enhancement of habitats and water bodies.

13.3. The Board will manage water levels in a manner that is sympathetic to the natural environment and will use its Water Level Management Plans to help restore and maintain wetland SSSIs in good condition.

## **14.0. Environmental Mitigation**

14.1. Land Drainage Consent may require mitigation work to offset environmental impacts such as habitat loss (watercourses and water features) and protected species and their habitats. Mitigation works might include the enhancement of wetland habitats, re-profiling watercourses to provide 'wet berms', or the creation of ponds and water features.

14.2. Where a Land Drainage Consent application is likely to impact protected species (e.g. water voles, otters, breeding birds) or habitats (e.g. SSSI), the Board may require the applicant to undertake an Environmental Impact Assessment and to consult with Natural England.

## **15.0. Fencing**

15.1. No fencing (with the exception of temporary electric fencing for stock control) will be permitted within 9 metres of an Ordinary Watercourse without authorised Land Drainage Consent having been sought.

15.2. Any fencing or gate erected in association with the construction of a culvert will be owned and maintained by the landowner.

15.3. The Board will only maintain fencing constructed for Board operational purposes (i.e. Viewing Gates, Safety Fencing around Board Structures).

## **16.0. Violence, aggression and abuse towards Board Members and Officers**

16.1. The Board recognise their statutory duty to provide and maintain a safe working environment for their Members, Staff and Contractors. Violence, aggression and abuse towards Board Members, its Officers or approved Contractors and sub-contractors whilst in the conduct of Board activities will not be tolerated.

16.2. The Board has adopted a zero-tolerance approach and Officers are empowered to remove themselves from a situation in which they consider to be violent, aggressive or abusive.

16.3. All threats and incidents will be reported to the Chief Executive for appropriate sanction, which may include legal action for serious offences.

## **17.0. Land Drainage Consent**

17.1. All ordinary watercourses within the Board's District are subject to Land Drainage Consent (LDC) requirements.

17.2. LDC is required for all activities such as construction/removal of Decking; Revetments; Fencing; Planting of Shrubs and Trees etc.

17.2. LDC applications should be submitted by the landowner or their agent, for works on land owned by the applicant.

17.3. In determining Land Drainage Consent applications, the Board will be cognisant of its environmental duties and responsibilities under statute, which may result in a 'Conditional' consent.

17.4. Applications received under section 23 of the Land Drainage Act 1991, with all necessary plans, calculations and appropriate fees will be considered (approved or refused) within two months unless an extension is agreed with the applicant. Consent applications required under byelaws are aimed to be determined in the same time frame.

17.5. Applicants should be aware that Land Drainage Consent does not override an adjacent landowners' rights or responsibilities nor does it permit interference with legally protected wildlife habitats.

## **18.0. Maintenance Responsibility**

### Non-Viewed Rhynes and ditches

18.1. It is the responsibility of the Riparian Owner/Occupier to ensure an unimpeded flow of a watercourse for flood risk, drainage or irrigation.

18.2. A good drainage standard of maintenance or condition is where the channel is not obstructed by trees, bushes, branches, vegetation, silt and structures.

### Viewed Rhynes

18.3. An Ordinary watercourse is maintained by the Board, under its permissive powers, on a regular basis and is subject to higher levels of control subject to Board Byelaws and Land Drainage Consent.

### Culverted Watercourses

18.4. Culverted Watercourses remain in the ownership and liability for maintenance of the Riparian Owner.

### Taking Watercourse into/out of View

18.5. The Board will evaluate all circumstances surrounding any request to take an Ordinary Watercourse into or out of 'View'. There is obviously a cost implication to taking a watercourse into View as the maintenance under the Board's 'Permissive Powers' will be taken on by the Board and therefore the cost of maintenance will be borne from income received through the Special Levy and Drainage Rates raised each year.

18.6. Watercourses will only be taken into View where it is considered to be critical to the conveyance of water around the drainage network and therefore failing to conduct thorough routine maintenance (weedcutting, flailing and desilting operations) would have a significant negative impact on flood risk or water level management within the catchment.

18.7. Likewise, a watercourse can be taken out of View and responsibility for ongoing maintenance handed back to the Riparian Owner where it can be considered that the watercourse is no longer considered to be critical to the conveyance of water around the network and in doing so would not increase flood risk or impact on the ability to manage water levels within the immediate or wider area.

## **19.0. Invasive Non-Native Species (INNS)**

19.1. The Board uses appropriate biosecurity measures to avoid the spread of invasive species during routine maintenance activities and works.

19.2. The Board is not responsible for the control and removal of invasive species; this responsibility lies with Riparian Owners.

19.3. The Board works in partnership, and coordinate resources with, other Authorities and landowners to ensure the best strategic management of INNS and to reduce risk where invasive species have potential to increase flooding or damage aquatic ecosystems.

## **20.0. Noxious Plants**

20.1. Plants that may be toxic to livestock (e.g. hemlock water dropwort and ragwort) may be deposited on the banks during routine maintenance operations. In instances where it is clear that noxious plants have been disturbed, the Board or its Contractors will endeavour to inform the landowner and it will be the responsibility of the landowner/occupier to ensure livestock management around the arisings.



## **21.0. Planting of Vegetation**

21.1. All potential planting of vegetation or trees within 9m of an Ordinary watercourse within the Board's District is subject to LDC under the Board's Byelaws. Planting of trees and bushes has the potential to de-stabilise the bank of the watercourse, increase flood risk by blocking the channel and/or make access to maintain the watercourse difficult for either the Riparian Owner or Board and its Contractors. The type and extent of planting will be evaluated through the LDC process.

## **22.0. Structures**

22.1. All structures constructed within the Board District will require Land Drainage Consent and may require approval of other licencing authorities.

22.2. Structures installed by the Board as part of an improvement or environmental scheme under statutory powers, will be operated and maintained by the Board unless the operation and maintenance of the structure is handed back to the Riparian Owner.

22.3. The Board will generally not own the land on which the structure has been constructed.

## **23.0. IDB Water Control Structure Operation**

23.1. Authorised operators of IDB Water Control Structures must adhere to Board direction at all times.

23.2. Certain water control structures may be considered by the Board to be critical to control water levels and therefore may be padlocked to secure and control operations.

23.3. Unauthorised operation, or interference with any sluice, or other water control or structure for controlling or regulating the flow of water, may result in prosecution.

## **24.0. Water Quality**

24.1. The Board will take appropriate measures to avoid water pollution and, in particular, the depletion of dissolved oxygen levels whilst undertaking all watercourse maintenance and operational activities.

24.2. The Board will not consent any development that would result in activities, operations or surface water discharge that could cause a deterioration in water quality.

24.3. The Environment Agency are the responsible body to be contacted in the event of a pollution incident or fish kill.

## **25.0. Working Banks**

25.1. When undertaking Board Maintenance and operations, work may be undertaken from either bank at the full discretion of the Board.

25.2. Where possible, the working-side of the bank will be balanced across all landowners affected under a 'burden-share' where at all possible; this will be dependent on access

routes, tracking routes, obstacles and ensure maximum efficiency and effectiveness for the taxpayer/rate payer.

25.3. Spoil arising from watercourse operations may be deposited on either bank.

25.4. Over a period of time, spoil and depositions on banks may induce a Health & Safety risk to Board Contractors due to the build up of the bank and height/angle above the watercourse. The Board may, in discussion with the landowner, level-off the top of banks by depositing the spoil evenly within the 9m of the top of the bank.

## **26.0. Fly-Tipping**

26.1. The Boards have a responsibility to ensure that the Rhyne Network remains unobstructed to allow adequate drainage throughout the system. Fly-Tipping is an illegal form of disposal of waste (liquid or solid) on land contrary to Section 33 of the Environmental Protection Act 1990 and has significant potential to cause blockages and inhibit conveyance and cause pollution within both Ordinary Watercourses and the Main River system.

26.2. Fly-Tipping on Private Land is normally the responsibility of the Landowner. As a Riparian Owner, the Landowner is normally responsible for the removal of items deposited as a result of fly-tipping within their respective ordinary watercourses within the Board's District and for coordinating the removal of such items. The Local Authority and/or Environment Agency may provide support for removal of Fly-Tipping but are under no obligation to remove items where it is on Private Land.

26.3. The Board has Permissive Powers to remove obstructions caused as a result of Fly-Tipping within an Ordinary watercourse where it has potential to cause significant flood risk. Items removed by the Board under its Permissive Powers as a result of Fly-Tipping will often be placed on the banks from which the items were removed. Where items are specifically removed by the Board on private land, it is the Riparian Owners responsibility to subsequently remove such items from Site unless the material is of a hazardous nature where the Board may consider taking responsibility to remove that hazard from Site under a Duty of Care where it increases the risk of harm to human health, wildlife and/or farm animals.