

What Can I Do... ...in Rivers

An Advice & Guidance Note produced
by the Till River Restoration Strategy

Till River Restoration Strategy and how it can help.

The Till River Restoration Strategy takes a catchment-scale approach to improving the conservation status of the River Till and its tributary watercourses. The TRRS ethos is to deliver works that are in line with the conservation status of the catchment, while also helping to balance the requirements of riparian owners' interests and those of other stakeholders. The TRRS encourages riparian land managers and owners to consider works proposals at the catchment scale – i.e. identifying the causes of problems as well as just addressing the symptoms.

The TRRS project officer can be contacted – see contact section below – to discuss river management issues identified by land owners and land managers across the catchment, and provide advice on the requirements likely to be applicable to consenting.

¹ Tweed Catchment Rivers (England): Till Catchment SSSI.

² Tweed Rivers SAC.

³ Water Resources Act 1991 and Land Drainage Act 1991.

⁴ <http://apps.environment-agency.gov.uk/wiyby/> - Check whether watercourses are classified as Main River or Ordinary Watercourse.

This guidance note is intended to clarify the rules regarding working in rivers. It will highlight the consent process and what information is required to be provided to the regulatory authorities to allow them to make a decision on what is being proposed.

The information here has been developed in partnership with the Environment Agency and Natural England.

The information in this guidance note relates to the area of the Till catchment within England. Works proposed on the Bowmont Water sub catchment in Scotland will require consent from the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH).

Why do we need consent?

The principal rivers, and the majority of tributaries within the Till catchment, are designated as a Site of Special Scientific Interest (SSSI)¹, and also a Special Area of Conservation (SAC)².

Works in, over, under or adjacent to rivers are consented under the Land Drainage and Flood Defence³ legislation to ensure that works do not present an increased flood risk to property, or an environmental risk to the river environment in terms of pollution, impacts on water quality, habitat degradation, or impact on the designated interest features.

Who consents 'riverworks'?

If a watercourse is classified as 'Main River'⁴ the consent is issued by the Environment Agency, with statutory consultation with Natural England in relation to the SSSI and SAC interest features (reasons the site is designated) and the River Tweed Commission in relation to fisheries impacts.

The majority of the watercourses in the Till catchment are 'Main River' – a classification originally based on management of a watercourse for land drainage and/or flood defence.

Watercourses within the catchment that are not main river (including the River Tweed) are classified as 'Ordinary Watercourses' - consent for works on these is dealt with by Northumberland County Council, and is also processed with statutory consultation with Natural England.

The Environment Agency is the statutory body responsible for considering impacts on water quality, flood risk and biodiversity, including designated site interest features.

Natural England is the statutory body responsible for ensuring appropriate management of, and considering impacts on, designated sites and associated features

The River Tweed Commission is the organisation responsible for maintaining and protecting the population of native fish species

What Requires Consent?

- **Main River watercourses** – any works in channel, on riverbanks, or within 5m of river bank top.
- **Watercourses with floodbanks** – any works between floodbank and channel, or within 5m of the floodbank (the floodbank is considered to represent the river bank top).
- **Ordinary watercourses** – culverting or works affecting the flow.



Environment
Agency



What work can be carried out without consent?

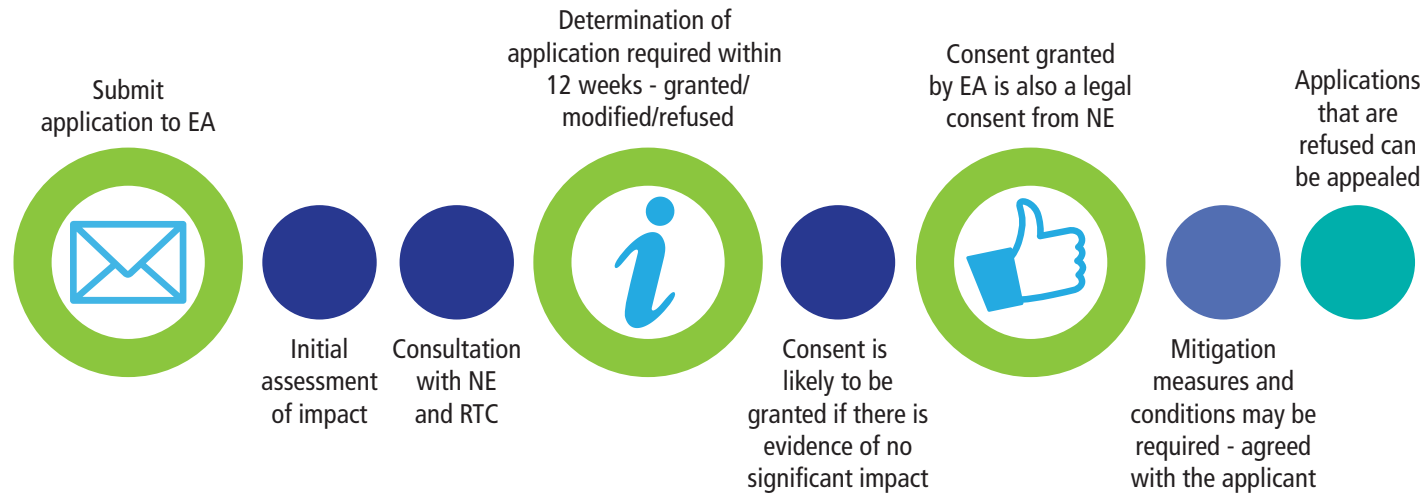
Some works will not require land drainage consent from the EA, although may still need permission from Natural England, where they lie within or affect a designated site. These situations are included on the list of Operations Requiring Natural England Consent – e.g. coppice tree works, vegetation management, changes to grazing.

Example:

Management of riparian trees does not require consent from the EA, as long as the root structure is maintained intact. However work of this nature is likely to still require consent from NE in relation to the SSSI, and may also be subject to other requirements (e.g. felling licencing, habitat protection legislation).



Consenting Procedure



How are consent applications assessed – what are the organisations looking for, and why?

Applications will be reviewed as to whether there is likely to be a direct impact on flood risk and on environmental interest features as a result of the proposed work.

- Potential for direct damage to interest features.
- Potential ‘pathways for damage’ – e.g. changes to flow, water chemistry, habitat alterations.
- Potential for introduction of alien species.

This will also include an assessment of the way the work is to be carried out, and any long term impacts after the consented work is completed.

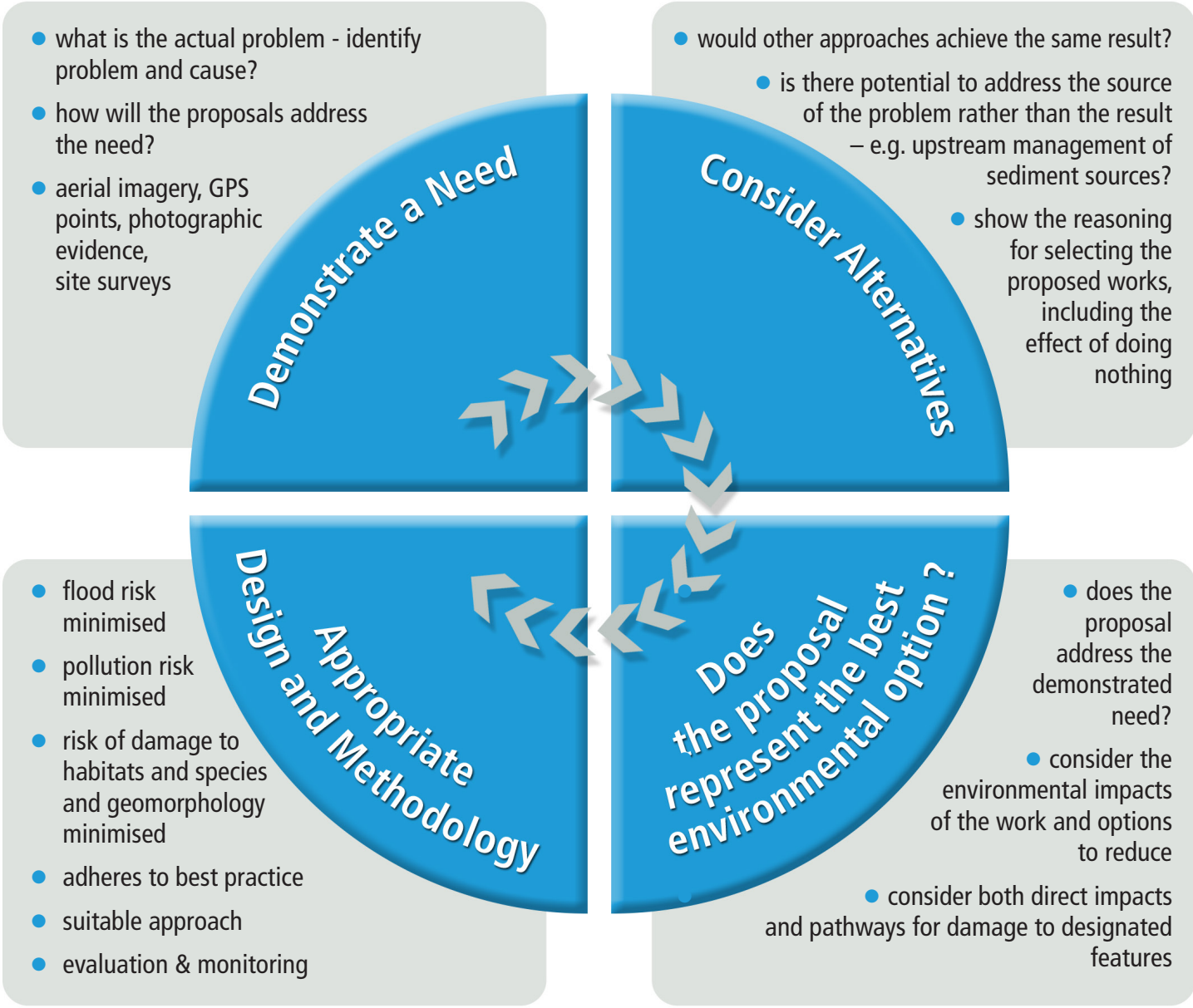
All information required to make this assessment is expected to be provided by the applicant – this may include specialist surveys or expert input which could be requested to provide additional evidence.

The initial assessment will include identification of mitigation measures which may counter-act any potential negative impact. If the suggested mitigation is not acceptable to the applicant, additional evidence will be required to show that the proposals will not result in a significant impact. If this cannot be provided, or does not remove the significant impact, then conditions may be applied to the consent that requires work to be done in such a way as to minimise the risk to the watercourse.

Applications will be refused consent where proposals represent a significant impact on the watercourse (in terms of flood risk or environmental impact), and mitigation measures are either insufficient to address the risk, or cannot be agreed or accepted.

Guidance for Applying for Consent for Riverworks Activities

The diagram below shows the steps that should be followed when submitting a consent application – providing information relating to each of these areas will maximise the chance of the application being processed quickly with minimal requests for additional information.



Changes to the Consenting procedure – 2015
There are proposals to change the way in which works on rivers are consented but the process is unlikely to change significantly for the Till catchment. From October 2015, the consent application will be for a ‘Bespoke permit’ and will be submitted and considered in the same way.

General Guiding Principles for Consenting of Riverworks

- Work in or near watercourses will be consented in a way that protects the environment but considers the benefits to land managers or the wider public interest – e.g. works protecting infrastructure.
- When the environmental risk of proposed works is assessed, the cumulative impact of river works needs to be considered.
- Applications will be assessed within 12 weeks.
- If additional information, or changes to the proposal are required, the reasoning for all requested alterations will be explained.
- If a site visit is required, Natural England and the Environment Agency will make efforts to do this at the same time.
- It remains the applicant's responsibility to comply with other legislation that may also apply, for example:
 - Formal licensing procedures for protected species may also be relevant – e.g. bats, otters, nesting birds.
 - Development where permission from the planning authority may be required (Northumberland County Council or Northumberland National Park Authority).
- Riverworks are best carried out between May and September – this takes advantage of summer low flows and reduces the impact on fish.



Bank erosion management using 'green bank', sustainable techniques and natural materials will be a preferred approach.

Making an application

To make an application for consent, it is advisable to consult the EA guidance document¹ before completing the application form². These documents can be located by accessing www.gov.uk and using the search tool to locate the documents³.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289107/LIT_6860_a38fb_2_Guidance_Flood_Defence_Consent_England_Wales.pdf

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289106/LIT_6859_065684__1__Application_Flood_Defence_Consent_England_Wales.pdf

³ Enter the document reference into the search box: for the guidance notes, enter LIT 6860 and for the application form, enter LIT 6859.

Further Information:

Further information in relation to specific river management issues is available from the contacts below. Additional guidance is available upon request specifically in relation to approaches for management, and submitting method statements for applications.

CONTACT DETAILS:



Tweed Forum

Till River Restoration Strategy – Project Officer
Tracy Hall, Tweed Forum, 15 Glendale Business Park,
Haugh Head, Wooler, Northumberland, NE71 6QP

Email: Tracy.hall@tweedforum.org | **Telephone:** 01668 282 121

Mobile: 07824 197 016



Environment Agency

Environment Agency

Tyneside House, Skinnerburn Road,
Newcastle Upon Tyne, NE4 7AR

Telephone: 03708 506 506

Email: enquiries@environment-agency.gov.uk

Local officer contact for SSSI: **Rory Hunter**



Natural England

Lancaster House, Hampshire Court,
Newcastle Upon Tyne
NE4 7YH

Email: enquiries@naturalengland.org.uk

Telephone: 0300 060 3900

Local officer contact for SSSI: **Bob Cussen**

Northumberland County Council

County Hall, Morpeth, Northumberland, NE61 2EF

Email: fcerm@northumberland.gov.uk

Local officer contact: **James Hitching**

Telephone: 01670 623623

River Tweed Commission

North Court, Drygrange Steading, Melrose, TD6 9DJ

Telephone: 01896 848 294

Email: enquiries@rtc.org.uk

Suggested contact: **Nick Yonge**



Environment Agency

