

**REDDITCH BOROUGH COUNCIL – FEBRUARY 2009**

**DRAFT LAND DRAINAGE & LANDSCAPE MAINTENANCE POLICY**

General

The maintenance responsibilities for riparian land owners are set out in law. In addition, there may be other specific requirements in accordance with the Land Drainage Acts 1991 and 1994. Following the July 2007 floods and publication of Sir Michael Pitt's review into the circumstances thereof, further primary legislation is anticipated. A draft "Flood and Water Bill" is expected to be published by June 2009. This is expected to unify various pieces of drainage legislation and therefore any references below, refers to documents currently in force.

These comments chiefly apply to trees, shrubs and other planting. With reference to "Living on the Edge" published by the Environment Agency. 'The Agency aims to preserve access to banks of rivers for maintenance and safety purposes'.

The principle criteria for applying the various levels of inspection and/or maintenance regimes are determined by a channel's location and the type of channel concerned. A hierarchy is set out below in terms of implications and/or constraints and each criterion is set out in order of merit, with number 1 being the highest.

Where lengths of river are obscured by vegetation, not only does this make maintenance more difficult, but it is almost always impossible to carry out proper inspections, maintenance and denudes light from the general river corridors. This could mask problems of erosion, pollution, and general obstructions. It is not intended that all riverside vegetation is to be removed as it may provide other environmental benefits in terms of stability or valuable habitats for a range of species of both flora and fauna. A similar set of criteria applies to culverts and culverted watercourses except that sewerage type factors will in most instances, normally suffice. These are principally located within the Redditch Urban Cordon area.

Reference to "EA" means the Environment Agency, or its forebears and to "LDA" means the Local Drainage Authority – Redditch Borough Council or its forebears.

Heirarchy – Locations

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| L1 | Woodland (including copse and/or coppices)                    |
| L2 | General Land (including formal or informal public open space) |
| L3 | Highway areas   |

Hierarchy – Channels

- C1 Main River – River Arrow, The Wharrage, Wixon Brook, Swan's Brook and Bow Brook
- C2 Ordinary Watercourse – An open channel which conveys flow for more than 50% of the time.
- C3 Arterial Ditch – An open channel which serves and receives flows from other ditches, prior to discharge to a main river or ordinary watercourse. These normally flow during wet weather only.
- C4 Ditch - An open channel which may or may not serve or receive flows from other ditches, prior to discharge to an arterial ditch. These normally flow during wet weather only.
- C5 Roadside Ditch – These are adjacent to highways (public or private) and may either wholly serve the highway or drain it in combination with other land. These normally flow during wet weather only. In terms of access, Ordinary Watercourses which abut the highway are in effect roadside ditches. They can eventually discharge to a variety of outlets.
- C6 Culverted watercourses are pipes or other conduits comprising of several such contiguous lengths which convey flows from an open channel ordinary watercourse to either a lake or pond, public surface water sewer, or another open channel (irrespective of the latter's status). A culvert is a single length of pipe or conduit, usually beneath a road, path or other crossing point.

L1 – Woodland

By their very nature, densely planted wooded areas can have a serious impact upon open channel performance. Clear zones must be maintained on either side although localised deviations around mature trees are acceptable, provided that the specified zone is contiguous throughout. Where a channel is adjacent to a boundary, then the clearance zone should be doubled from the boundary, providing enhanced access on one side only.

Clearly, the presence of trees near channel banks at bends can have a positive benefit. However, if allowed to self-set unchecked, there is a danger that the entire channel edge becomes vegetated on both sides. This is unacceptable as not only is access impaired, often leading to serious maintenance problems as well as denuding light from the river corridor. Trees are also a major source of nuisance from leaf and other debris and their close proximity to an open channel is therefore mostly deleterious.

A matrix needs to be developed to identify suitable species, and the permissible size and spacing of trees – the larger the tree, the larger the space between similar examples is required.

Where such an area adjoins a highway (Foxlydiate Wood/Bromsgrove Road), situations can arise whereby trees can become unsafe and

ultimately may fail, and partially obstruct the highway. Consideration needs to be given to also create zones either for clearance, selective retention and/or improved inspection regimes.

L2 – General Land

Clear zones must be maintained on either side although localised deviations around mature trees or other features are acceptable, provided that the specified zone is contiguous throughout. Where a channel is adjacent to a boundary, then the clearance zone should be doubled from the boundary, providing enhanced access on one side only.

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L3 – Highway Areas

Working in or adjacent to a highway may require appropriate Notices and warning signs to be deployed. Typically, access is only possible from the made highway surface(s) and usually the space requirements set out elsewhere are normally satisfied.

In addition to land drainage requirements, there may be issues of highways visibility which can have an impact upon management practices of trees, hedges and the like.

C1 - Main Rivers

The EA has certain powers in respect of Main Rivers, however the responsibility for maintenance of the channel beds and banks remains with the riparian owner(s) and they should be relatively free from any obstructions and provided with a minimum clear zone of 5m on either side, or equivalent thereof. Hard structures within this zone, whether in or adjacent to the channel or not, may require the formal consent of the EA and/or approval of the LDA.

C2 – Ordinary Watercourses

The channel beds and banks are the responsibility of the riparian land owner and should be relatively free from any obstructions and provided with a minimum clear zone of 5m on either side, or equivalent thereof. Hard structures within 5m of the bank, whether in or adjacent to the channel or not, may require the formal consent of the EA and/or approval of the LDA.

C3 – Arterial Ditch

The channel beds and banks are the responsibility of the riparian land owner and should be relatively free from any obstructions and provided with a minimum clear zone of 3m on either side, or equivalent thereof. Hard structures within 5m of the bank, whether in or adjacent to the channel or not, may require the formal consent of the EA and/or approval of the LDA.

C4 – Ditch

The channel beds and banks are the responsibility of the riparian land owner and should be relatively free from any obstructions and provided with a minimum clear zone of 2m on either side, or equivalent thereof. Hard structures within 5m of the bank, whether in or adjacent to the channel or not, may require the formal consent of the EA and/or approval of the LDA.

C5 – Roadside Ditch

The channel beds and banks are the responsibility of the riparian land owner and if adopted, WCC the highway authority, on a shared basis. The latter only has obligations insofar as S80 of the Highways Act applies.

They should be relatively free from any obstructions and there is usually sufficient width from the road surface to facilitate access for maintenance purposes. Appropriate safety measures are to be employed which may involve either Traffic Management Measures and or Temporary Closure Orders. Prior permission from the Highway Authority or other Street Works Manager, must be obtained in writing. Hard structures within this zone, whether in or adjacent to the channel or not, may require the formal consent of the EA and/or approval of the LDA.

C6 – Culverted Watercourses

These are the responsibility of the person whose land within which the pipes or conduits are laid. No hard structures (except inlet/outlet headwalls) within 5m of the centre of pipes or conduits will be permitted. Any hard surfaces over the pipes or conduits will require the formal approval of both the landowner and LDA.

Summary

In clearing watercourses, it is presumed that normal dredgings can be deposited within the range of the excavator's boom, i.e. effective operating circle from the bank. Similarly leaving other loose materials, such as from forestry management in close proximity to any open channel potentially has severe consequences from a flood risk perspective. In the Council's view a range of distances applies, and where the land in question is publicly accessible, these distances from the nearest bank are to be doubled.

Thus the distances are: -

- Main Rivers 15m (30m)
- Ordinary Watercourses 10m (20m)
- Arterial Ditches 5m (10m)

In the case of roadside ditches, such materials cannot normally be stored within the accessible land as these distances cannot be achieved and would in any event be within the dedicated highway zones.

For other areas, the disposal or treatment of vegetation (by Landscape Services) is to be as follows: -

- Minor vegetation Shredded and deposited on suitable flat areas.
- Logging Secured (within critical zones) by means of pegs and wires.
- Burning Where it is not practicable to shred brash and the like, then limited burning is to be carried out to reduce the debris safely. This must be in accordance with any other Council policies on such matters and is a last resort. Normally, the Council's Land Drainage Term Contractor regularly removes debris from the channels and temporarily deposits on adjacent banks to dry. As soon as is reasonably practicable, this is then removed by them to the Contractor's tip. In some instances, the removal is not possible due to problems of remote or unsafe access. In these instances, Landscape Services need to be advised for disposal as above, probably by burning.

Other Initiatives

Where willow whips are likely to be harvested, these may be utilised for providing soft-engineering solutions to low-risk erosion problem areas. Landscape Service officers are requested to advise Asset Maintenance officers at an early stage of the availability of such materials so that an effective programme of recycling can be achieved. Asset Maintenance will keep a register of locations where these may be put to use and a jointly taken decision on their use agreed.

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