

Wiltshire Fishery Association - Weed Cutting Guidance Notes

Why cut weed?

There is a long history of weed cutting on the Upper Avon catchment, where aquatic vegetation (including the Ranunculus community) has been managed largely for angling purposes. The cutting encourages the growth of non-flowering stems and so provides prolonged cover for fish and invertebrates and maintains river levels. The practice also assists with flood management so helps protect property and crops. Much of the Upper Avon's internationally important wildlife community also benefits from a sensitive approach to weed cutting.

Impacts on the environment

Weed cutting in a river has the potential to cause pollution as it decays. This decay removes oxygen from the water and in extreme cases could cause the death of fish and other river life from suffocation. This is similar to the breakdown of any organic matter, for example sewage effluents or farm wastes such as silage liquor. High temperatures and low water flows can make the impact much worse, as oxygen is less soluble in warmer water, the rate of decay increases and natural re-aeration, due to less turbulent flow, is reduced.

Cutting large volumes of weed can have a serious impact on fish and invertebrate populations as well as the wider river ecology. There is also a risk of damage from flooding of farmland and property if weed cutting is not managed properly.

Legal Position

It is an offence under Section 90 of the Water Resources Act 1991 "to cut vegetation in inland waters without taking reasonable steps to remove it". If you cut or uproot a substantial amount of vegetation in any inland freshwater (or so near that it falls into an inland freshwater) and don't take reasonable steps to remove the vegetation from the water, then you are undertaking a water discharge activity.

You may be exempt from the requirement to hold a permit if you can meet the following conditions:

1. Vegetation removed from the water is deposited in accordance with Defra guidance.
2. If it is necessary to allow vegetation to pass downstream -
 - i) You give prior notice of the activity to anyone that may be affected.
 - ii) There is sufficient flow to convey the vegetation.
 - iii) You register the exempt activity with the Environment Agency.
 - iv) The activity does not cause pollution.

The River Avon System is designated as a Site of Special Scientific Interest, and also as a European protected site, the River Avon Special Area of Conservation. The notification documents for the SSSI contain a list of operations that could damage its special features and for which prior consent is required from Natural England under the Wildlife and Countryside Act 1981 as amended by subsequent legislation. Further details of the legislation relating to SSSIs can be found on the website of the Office of Public Sector www.opsi.gov.uk and information on SSSI management can be found on the Natural England website www.naturalengland.org/ssi.

This list includes the 'destruction, displacement, removal or cutting of any plant or plant remains'. Weed cutting for fishery purposes (selective cutting and removal of submerged and emergent

water plants), provided that it is carried out at the same locations and level of intensity as before the date of notification (December 1996), is exempt from requiring SSSI consent.

Weed cutting for any other purpose, such as to reduce flooding, or weed cutting for fishery purposes at a location that was not cut prior to notification, or weed cutting that is not undertaken following the protocol below will need SSSI consent from Natural England.

Therefore a special arrangement exists between the Environment Agency (EA), Natural England (NE) and the Wiltshire Fishery Association (WFA) to cut weed under an environmental waste exemption. The exemption requires WFA members to meet all of the requirements of the exemption and also to cut and clear down during the designated periods.

If you cannot meet these requirements you cannot cut weed under the WFA's exemption.

Weed cutting outside the approved WFA weed cutting dates will require individuals to obtain their own approval from both the EA & NE and they will need to remove the weed and dispose of it at their own expense. A waste exemption will be required from the EA if you dispose of weed close to the river or remove it to another location. It is advantageous therefore to operate under the conditions of the WFA's exemption wherever possible. Subject to an annual levy – see below.

The EA's approval does not remove the civil law right of riparian owners to prevent weed drifting through their watercourses or of claiming against whoever cut the weed if it causes damage. The WFA committee are only well intentioned intermediaries in the matter and cannot be held responsible for any damage. Riparian owners and lessees allowing weed cuts within their waters should obtain suitable insurance protection against damage claims and should also obtain agreements from owners downstream for their cut weed to pass through.

Owners and lessees who are WFA members are expected to clear all weed through their water including weed from upstream on the agreed dates. Non-members who make reasonable efforts to clear a blockage but encounter a serious problem, which could damage major structures, may ask the EA for help.

What to do if you cannot meet the conditions of the EA/ WFA's exemption.

One of the conditions of the WFA's exemption is to only allow weed cutting "where there is sufficient flow to convey the vegetation to the EA's extraction site".

For several years the WFA/ EA has experienced problems with weed blockages immediately above a bridge at Bathampton, where the owner does not cut weed. Because vegetation from upstream cannot be conveyed downstream to the EA's boom site at Chilhampton for removal, anyone cutting weed upstream of Bathampton will need to extract their own weed and dispose of it safely.

Most vegetation cutting in or around inland freshwaters should involve the prompt removal of vegetation from the waters, and all reasonable steps need to be taken to undertake this. When vegetation is removed from the water, the disposal of this vegetation becomes a waste management activity.

Guidance on which exemptions apply to cutting, removing and disposing of aquatic weed can be downloaded from the EA's website: www.gov.uk/government/organisations/environment-agency

Weed extraction and costs

WFA members who are able to meet the requirements of the EA exemption will have their weed extracted on the Avon and Nadder from New Bridge, Salisbury and on the Wylde at Chilhampton. The cost of the extraction will be shared between those who cut weed and the EA. The levy, based on the length of water owned, single or double bank, is confirmed in October the preceding year. Only those who cut weed will need to contribute to the cost of extraction. There is an annual administration charge of £50 for all owner members of the WFA.

Code of Practice

The following practices should be observed. They will not prevent all possible problems but they should alleviate most of them. Weed cutting requires skill and understanding and needs to be undertaken in a sensitive manner. If in doubt ask a WFA committee member or, if urgent, Natural England for advice.

1. If it is necessary to cut weed at all start doing so at the very beginning of the WFA approved weed cut period. This is particularly important if your water is situated in the upper reaches of one of the three rivers, Avon, Wylde and Nadder. Weed cutting dates are available from the WFA Honorary Secretary or can be downloaded from: www.wiltshirefisheryassociation.org
2. Take existing water levels and rainfall predictions into account before weed cutting. Start cutting at the bottom of your stretch and work upstream allowing the weed to float away as you cut. Cut lightly before Ranunculus flowers in order to promote vegetative growth and so maintain water levels throughout the summer. Cut only a 1/3 (maximum) of the width of the channel, too severe a cut can inhibit regrowth and lower water levels dramatically. This is detrimental to fish and other wildlife. Leave a proportion of the Ranunculus to flower, particularly along the margins and in carriers. Aim to leave a mosaic of submerged and marginal vegetation, promoting a diversity of plant species (in terms of cover, food supply and spawning substrate). In addition weed-cutting should not interfere with the ability of the river channel to downsize through encroachment of marginal vegetation during the summer flow recession.
3. The cut weed is caught on floating booms placed strategically in the river and, where the WFA's exemption allows, the EA staff remove it from the water using machinery. It helps them to do this if weed strands are 3-feet or more in length. It is appreciated that this is not always possible.
4. Complete cutting as soon as possible during the weed cutting period and clear down all of the floating weed stuck in your stretch as soon as possible but no later than the last two days of each cut. Remember your neighbours downstream will need to clear your weed as well as their own.
5. Talk to people upstream and downstream of your stretch and coordinate your activities through the weed cutting group coordinator (see website for details). All of the weed from upstream should reach the top of your water before you clear down or you may need to do it twice. Consider the people on the stretch below you and remember your legal obligations to them. A well-timed flush of water from a hatch can help enormously with the clearing down but please let your downstream neighbour know beforehand.

6. On the Ebbles, Bourne and Upper Wylye (above Bathampton) there is no weed cutting exemption in place. Anyone who wishes to cut weed on these rivers must obtain Environment Agency and Natural England approval. They will need to remove the weed within their own water and dispose of it away from the riverbank as is the case for anyone cutting outside the WFA approved dates.
7. Try to minimise in-channel disturbance particularly in the early part of the season when juvenile salmon and trout are at their most vulnerable. Cutting early in the season can also stimulate a vigorous regrowth of weed. Also be careful not to disturb breeding birds in and around the river between March and July and avoid areas where water voles (protected species) are active or might have burrows.
8. The use of herbicides and pesticides on or near a watercourse is subject to an EA Agreement. Be aware that to dispose of grass cuttings or garden waste in rivers is illegal and is considered as pollution. Grass cuttings that have been treated with herbicides can be very damaging.
9. Owners and Lessees who are not members of the WFA must obtain approval from the EA & NE to cut weed.

Useful contacts:

Wiltshire Fishery Association

Contact: Bob Male	Honorary Secretary
Tel: 01722 503939	
Email: rmale123@virginmedia.com	

Contact: Bob Wellard	Weed Management
Tel: 01985851813	
Email: robertwellard@btinternet.com	

Environment Agency - Blandford

Contact: Andy Martin	Fisheries Technical Specialist
Tel: 01258 456080	
Email: andy.martin1@environment-agency.gov.uk	

Natural England

Contact: Dianne Matthews (Avon and Bourne)	Lead Adviser, River Avon
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Contact: Fergus Mitchell (Wylye and Nadder)	Lead Adviser
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