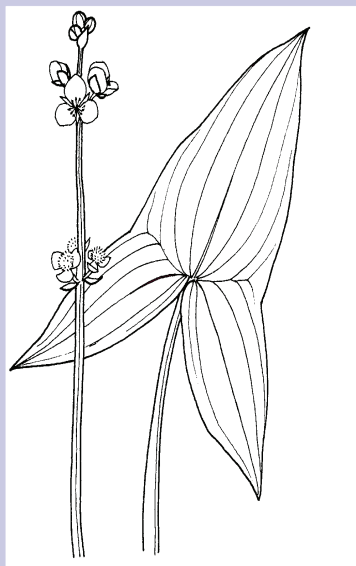




# *The Countryside and Rights of Way Act*

## *Implications for the Water Management Alliance*



Arrowhead  
(*Sagittaria sagittifolia*)

### **About This Information Sheet**

*This information sheet is produced for members of Internal Drainage Boards, particularly those within the Water Management Alliance, although they may be of use to others who have an interest in the management of the water environment.*

*This sheet aims to summarise the legal responsibilities that IDBs have to meet the requirements of the CROW Act.*

*The responsibility rests with members to ensure these requirements are met.*

The Countryside and Rights of Way (CROW) Act became law in January 2001. The Act increases the legal protection given to Nationally important sites and Internal Drainage Boards (IDBs) are bound by this Act with respect to work which may affect these sites. The Act strengthens the protection offered to these sites under the 1981 Wildlife and Countryside Act.

As a significant proportion of maintenance work carried out by the Consortium occurs on these sites it felt important to inform members of how this Act affects them.

### **What are Nationally Important Sites?**

Nationally important sites are defined in the Act as Sites of Special Scientific Interest (SSSIs) which have been designated for their flora, fauna, geological, or physiographical features.

In Norfolk and Suffolk there are many terrestrial SSSIs within the Districts of the Water Management Alliance Boards. Interestingly all European sites covered under the Habitats Directive are also SSSIs and as the CROW Act offers greater legal protection for sites, work which contravened the Habitats Directive would probably be enforced under the CROW Act.

### **Implications for IDBs**

The Act identifies IDBs as a **Section 28G authority** and requires them to have regard to the requirements of the CROW Act in exercising their functions. This means that IDBs have a duty to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the flora, fauna or geological or physiological features by reason of which the site is designated.

It is a requirement that any such operations are carried out so as to cause as little damage as is reasonably practicable, and that the site is restored to its former condition, so far as is reasonably practical if damage does occur.

*Line drawings reproduced courtesy of English Nature*

## What Type of Work is Covered?

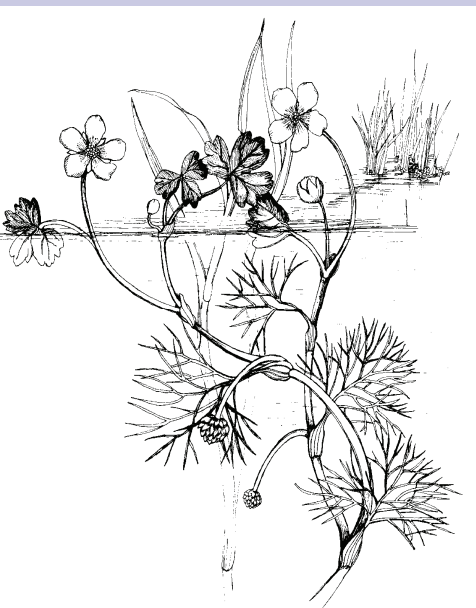
All work that is carried out which could cause damage to the features of the SSSI is covered by the Act, indeed this applies to work outside the boundary of the site. Natural England must be consulted before any work is carried out. Natural England then have 28 days to respond either providing assent, assent with added conditions or refusing assent. These restrictions do not apply to emergency works. However, it would be important to contact Natural England as soon as possible to inform them of the work that was carried out.

The Alliance works closely with Natural England to ensure that these restrictions do not hold up the maintenance operations carried out by the Board. However, they do mean that the a work programme has to be worked out in advance.

The adoption by the Boards of Standard Maintenance Operations means that gaining assent for these operations is not usually a problem. However, where more intensive work is required a site visit between Officers of the Alliance and Natural England staff may be necessary.

### Byelaw Consent for Others to Carry out work Affecting SSSIs

Consistent with its duty as an Operating Authority, and under the powers of the Land Drainage Act, where the consent of an IDB is required to carry out works that might cause damage to the features of interest, the IDB must inform Natural England. The IDB are then obliged to wait a period of 28 days before deciding whether to give consent, which must take into account any advice received from Natural England. The IDB does not have to follow Natural England's recommendations but if it decides not to it must notify English Nature of this, the terms of the permission and include how it has taken into account English Nature's advice. The permission shall not be granted until at least 21 days after the date of the above notice.



Water-Crowfoot  
(*Ranunculus* species)



Bittern (*Botaurus stellaris*)

*IDBs have a responsibility to provide an appropriate standard of land drainage to their rate payers. In doing so there is a requirement to further nature conservation interests.*

*In most cases this can be achieved with little or no alteration to the Boards' current activities.*

## Penalties

Failure to observe these legal requirements could result in court action being taken against the Boards. In this instance, every Board member is personally liable for whatever action the courts take, which is a fine of up to £20,000.

### Further Information

The following information may be useful for specific case studies, and is available from the King's Lynn office for member Boards of the Water Management Alliance.

The Countryside and Rights of Way Act 2000 chapter 37 which is available from the Boards office or on the internet at: [www.hms.gov.uk/acts/acts2000/20000037.htm](http://www.hms.gov.uk/acts/acts2000/20000037.htm)

*Produced on behalf of the Water Management Alliance.*

*Further information on how IDBs can help wildlife can be obtained from the Conservation Officer, Water Management Alliance, Kettlewell House, Austin Fields Industrial Estate, King's Lynn, PE30 1PH (01553) 819600 e-mail [lou@wlma.org.uk](mailto:lou@wlma.org.uk)*