

Environmental Guidance for Anglers - Mowing Bank Vegetation / Fishing Swims



middle level
commissioners

Recommended Approaches

1	Ideally, bank mowing should commence outside the bird nesting season (1st March to mid-August). Begin cutting as soon as the vegetation begins to grow in spring and continue cutting throughout the bird nesting season into autumn to deter birds from nesting in the area. Ideally, vegetation should not be allowed to grow longer than approx. 30cm between cuts as longer vegetation increases the risk of nesting birds being attracted to the area. Longer, dense vegetation over 30cm in height will likely require a survey ahead of mowing.
2	Mown areas must not exceed 1.2m in width down the bank and vegetation should not be cut to less than approx. 15cm to ensure sufficient cover is maintained for a range of wildlife and protected species including water vole and reptiles and to ensure that there is sufficient vegetation is retained to provide soil stabilisation.
3	It is only permitted to mow vegetation by mechanical means such as flail mowing or strimming. Herbicides such as glyphosate must not be used.
4	If urgent mowing within the bird nesting season is required in a defined area, and vegetation is over about 30cm, a walkover survey will be required , preferably by a suitably experienced ecologist, no more than 48 hours ahead of works taking place to ensure that any nesting birds are identified and a stand-off area is applied around any nesting birds/nests found. Surveys of this type are very time consuming and are not guaranteed to find all nests so this is not suitable for larger areas or long stretches of bank so should be a last resort. A suggested survey protocol is attached.
5	Marginal vegetation (that on the toe of the bank and in the channel edges) should not be uprooted or removed as the vegetation provides stability to the bank toe and helps to prevent erosion. It is permitted to trim the tops off reeds and marginal vegetation outside the bird nesting season to gain better access to the open water but some vegetation should still be visible above the water. Trimming should commence as soon as it starts to grow in spring and should be kept short throughout the bird nesting season into autumn to deter birds from nesting in the area.
6	Cutting steps and flat berms into the bank is NOT permitted . Any work that breaks ground on a river bank requires formal consent and to undertake such work without consent would be unlawful. Damage to the bank could also destabilise the area and result in increased bank erosion.
7	Assume water voles are always present in the area. Water voles and their burrows are protected by law so avoid the risk of damaging any water vole habitats present or disturbing them, do not interfere with the toe of the bank, as this is where they will be found. If mowing must take place down to the waters' edge, mowing should retain at least approx. 15cm of vegetation height. If any suspected water vole burrows are found, the swim should be taped off to prevent access and damage to the burrow.
8	Do not cut areas of established, dense, bankside scrub before consulting an ecologist as a survey is likely to be required. These areas are favoured by a range of wildlife such as birds and otters, which are all protected species.

9	Do not disturb natural bankside refuges such as piles of logs or fallen deadwood as these areas are favoured by a range of protected species. Leave a buffer of at least 5m around them.
10	Leave a 30m buffer around <u>known</u> otter holts or refuges, i.e. those otters are known to use or are currently in use.
Water Voles	
	It is an offence under the Wildlife & Countryside Act 1981 in relation to water voles to: • Intentionally kill, injure or take any wild animal • Possess or control any live or dead wild animal or part derived from it • Recklessly destroy, damage, or obstruct access to any structure or place which any wild animal uses for shelter or protection • Recklessly disturb any such animal while it is occupying a structure or place which it uses for shelter or protection • Sell or advertise for sale, possess or transport for the purpose of sale, any live or dead wild animal or any part derived from it Offences carry a maximum penalty of imprisonment of up to 6 months or a fine up to £5,000, or both.
Birds	
	It is an offence under the Wildlife & Countryside Act 1981 in England in relation to all bird species to intentionally: • kill, injure or take wild birds • take, damage or destroy a wild bird's nest while it's being used or built • take or destroy a wild bird's egg • possess, control or transport live or dead wild birds, or parts of them, or their eggs • sell wild birds or put them on display for sale • use prohibited methods to kill or take wild birds Some birds are given extra legal protection. These are known as Schedule 1 birds and include barn owl and kingfisher (a full list is overleaf). For these bird species it's also an offence to intentionally or recklessly: • disturb them while they're nesting, building a nest, in or near a nest that contains their young • disturb their dependent young You could get an unlimited fine and up to 6 months in prison for each offence if you're found guilty.
Otters	
	Otters are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to: • deliberately kill, injure, disturb or capture them • damage or destroy their breeding sites and resting places - even if otters are not present • possess, control or transport them (alive or dead) It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

	• disturb otters while they occupy a structure or place used for shelter or protection • obstruct access to a place of shelter or protection Otters are also offered some protection through the Natural Environment and Rural Communities Act (2006) and IDBs must have regard for their conservation. Offences could lead to a £5,000 fine or imprisonment for up to six months
Reptiles	
	All reptiles are protected under the Wildlife and Countryside Act 1981 which makes it an offence to intentionally kill or injure a reptile. Smooth snakes and sand lizards have additional protection which makes it an offence to intentionally or recklessly: • disturb them while they occupy a structure or place used for shelter or protection • obstruct access to a place of shelter or protection Also, under the Conservation of Habitats and Species Regulations 2007 in relation to smooth snakes and sand lizards, it is an offence to: • deliberately kill, injure, disturb or capture them • deliberately take or destroy their eggs • damage or destroy their breeding sites and resting places • possess, control or transport them (alive or dead) Breaching these laws can result in fines up to £5000 per offence and/or a prison sentence.