

Hopkins Estates prosecuted for illegal riverbank work in Somerset

A Somerset development company has been ordered to pay £15,000 in fines and costs for carrying out illegal riverbank work that could have harmed water voles and damaged their habitat. The case was brought by the Environment Agency.

In May 2018 an Environment Agency officer visited Manor Farm, Blackford, where a large pond had been dug beside the Blackford stream. Spoil from the pond excavations was dumped beside the stream, damaging approximately 55 metres of riverbank on both sides.

The damaged section of riverbank

On inspection, the officer found remnants of water vole burrows and arranged for an Environment Agency ecologist to carry out a survey that showed a healthy water vole population upstream and downstream of the pond area, but few signs of the animals along the damaged bank.

Any work on or near a main river normally requires a Flood Risk Activity Permit from the Environment Agency that has a duty to ensure such work does not risk harming endangered species. It is an offence to carry out work without a permit.

The water vole is one of Britain's most endangered animals. There has been a 90% decline in their numbers since the 1970s caused by loss of habitat, water pollution and predation by the American mink. The species is protected in the UK under the Wildlife and Countryside Act 1981. It is an offence to intentionally or recklessly kill or injure a water vole or damage or destroy its habitat. This includes its burrows.

Hopkins Estates Ltd, claimed it had made a 'genuine mistake' and thought it had permitted development rights to build the pond. It would not have carried out the work if it thought permission was needed and did not accept it had harmed any water voles. At the time of the offence, the company traded as Hopkins Developments Ltd.

The pond was dug within one metre of the riverbank. The district judge hearing the case commented it was striking to see how close the pond was to the watercourse and that it was clear the work could have had a negative effect on it.

When questioned, company director, Nathan Hopkins, did not accept the stream banks had been worked and that they had only had spoil deposited on top of them. However, digger marks were found in the bank opposite the pond.

The company's own flood risk assessment for Manor Farm, carried out as part

of the planning process for the pond, clearly stated that under the Environmental Permitting (England and Wales) Regulations 2016, prior written consent of the Environment Agency is required for any proposed work or structures within 8 metres of the Blackford Stream, a designated main river.

In addition, the defendant's planning consultant was sent a copy of a letter in which the Environment Agency stated a permit would be required for any work close to the Blackford Stream.

A court heard the offence occurred during the water vole breeding season and it was likely nursing females would have been present in the riverbank burrows with their young.

Trudy Dove of the Environment Agency said:

We couldn't have made it clearer in our response to the planning application for this site that a permit was required.

Landowners must consider such issues and obtain the necessary permits to avoid increasing flood risk and harming or disturbing protected species. They are as important as any other aspect of a development.

Appearing before Yeovil magistrates, Hopkins Estates Ltd, were fined £6,000 and ordered to pay £9,000 costs after pleading guilty to two offences under the Environmental Permitting (England and Wales) Regulations 2016 including carrying out unauthorised excavation work within 8 metres of a main river and the illegal deposit of excavated materials on banks and re-profiling the banks of a main river.

In 2015 the company carried out un-authorized work on the River Yeo upstream of Yeovilton weir when it dug a ditch through the riverbank in contravention of land drainage byelaws.