



January 2014

Culverting Policy

1. Introduction

This policy sets out what businesses, individuals and the community as a whole can expect from the three Boards with respect to consideration of proposals to culvert watercourses. Watercourses fulfil many roles in today's environment. They provide drainage for developed and agricultural land and can be vital water resources. They are important features of the landscape and provide habitats for a wide variety of wildlife.

One policy is proposed so that the 3 Boards can demonstrate they act with consistency in respect of consenting culverting and hence reduce the likelihood of challenge.

The Boards generally safeguard the interests of the public in relation to:

- Enforcement of the Land Drainage Act 1991 within the District
- Enforcement of the Land Drainage Act 1991 for Lincolnshire County Council outside the District
- Consent as required by the Land Drainage Act 1991 within the District
- Consent as required by the Land Drainage Act 1991 for Lincolnshire County Council outside the District

2. Policy

The Boards subscribe to the view that no watercourse should be culverted unless there is an overriding need to do so. This is because:

- culverting introduces an increased risk of blockage (with consequent increase in flood risk);
- the ecology of the watercourse is likely to be degraded by culverting;
- it can complicate maintenance

The Boards will consider each application to undertake culverting work on the basis set out in the criteria below, noting that an open channel is preferred:

Ref	Comment
i. Each application will be determined on its merits however it will be considered within context of the surrounding area.	<p>The Boards consider it beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes. Open watercourses of all sizes are the most important carrier of the 'field to sea' path of drainage waters. They are generally accessible and can be a valuable environmental habitat resource. Culverting can exacerbate the risk of flooding, increase maintenance requirements and it can also destroy wildlife habitats.</p> <p>The Boards are mindful of the longer term consequences of culverting open watercourses and assess each application consistently on principles which recognise the wider issues beyond the immediate purpose.</p> <p>The Boards will consider each proposal in the context of the surrounding landscape.</p>
ii. The appropriate length of culvert is proposed.	<p>The Boards accept that sometimes culverting is essential, and consent will only be issued at locations where there is a proven overriding need. The length of proposed culverting must be restricted to a minimum.</p>
iii. An appropriate design of culvert is proposed.	<p>The proposed culvert size must be suitable to cope with the expected flows. It is expected that some hydraulic design and/or philosophy is provided with consideration required for both low and high flows. The Boards will also require the loss of volumetric storage to be assessed, and compensation offered at a level dictated by a flood risk assessment in mitigation.</p>
iv. Appropriate mitigation is proposed to minimise loss of habitat etc.	<p>The Boards accept that it is important that watercourses and their associated habitats are protected and, where possible, enhanced.</p>

As a minimum, the Boards will require compensatory habitat to be provided as near as possible to the length of open watercourse to be culverted. This compensatory habitat should also lie within the same catchment and be of the same quality to that being lost to the culverting operation and of an equivalent dimension.

More significant proposals will be expected to develop a full Environmental Impact Assessment and provide appropriate mitigation with the compensation for habitat loss due to culverting to be highlighted as being in addition to any other habitat mitigation etc required for any other works.

- | | |
|----------------------------------|---|
| v. Design of headwalls etc | It is expected that details of the proposed headwalls are submitted alongside details of any screens and non-return valves. It is accepted that a screen reduces the risk of a blockage inside a culvert, but introduces a significant maintenance obligation. Non return valves can reduce flood risk but can increase maintenance obligations. |
| vi. Future maintenance provision | The responsibility for the condition and maintenance of a culvert lies with the landowner or the owner of the culvert unless other agreements are in place. The responsible party must therefore ensure that the culvert remains in good condition and free from obstructions. The responsible party must be included within the application to show that there has been acceptance of the future responsibilities. |

3. Consent Procedure

The following works require consent from the relevant Board, or from the relevant Board on behalf of the Lead Local Flood Authority (Lincolnshire County Council) outside the Boards' District, under Section 23 of the Land Drainage Act 1991 when the Board is acting in the extended catchment:

- 3.1 erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or
- 3.2 erect a culvert in an ordinary watercourse, or
- 3.3 alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse.

The three Boards will also undertake consideration for consent resulting from requirements laid down within the adopted Byelaws made under Section 66 of the Land Drainage Act 1991. Consideration of all consent applications will follow the '*Enforcement & Consent Concordat*' to be agreed by all IDBs across Lincolnshire during January/February 2014.

4. Unconsented Culverting

There is no opportunity to provide a retrospective consent for works that have been completed. The Boards must consider any unconsented works as an enforcement issue and dealt with accordingly, even if they have received an application for retrospective consent. Consideration of all enforcement actions will follow the '*Enforcement & Consent Concordat*'.

5. Review

This Policy should be reviewed as and when deemed necessary but at least every 3 years

	Upper Witham Internal Drainage Board	Witham First District Internal Drainage Board	Witham Third District Internal Drainage Board
Witham House JI The Point Weaver Road Lincoln LN6 3QN E-mail:	admin@upperwitham-idb.gov.uk	admin@witham-1st-idb.gov.uk	admin@witham-3rd-idb.gov.uk Tel: 01522 697123 Fax: 01522 697064
Board Approval date:	27.01.14	11.02.14	28.01.14
Review Date:	By November 2016	By November 2016	By November 2016
KJP 06.01.2014 JA-708-2013-POL			