

LAND DRAINAGE CONSENTS

What is an Ordinary Watercourse?

An ordinary watercourse is any passage through which water flows which is not part of a main river. This includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and sewers (other than public sewers).

Main rivers are typically larger streams and rivers, but some are smaller watercourse of local significance. Main rivers are managed by the Environment Agency (EA). To identify whether your watercourse is a main river visit the EA's website and view their flood maps (www.environment-agency.gov.uk).

Ordinary Watercourse Consenting

South Gloucestershire Council is responsible for consenting works that affect the flow of an ordinary watercourse. If you intend to undertake works which may affect the flow or storage of water, even temporarily, you will need to apply to our Drainage & Flood Risk Management team for consent.

Please contact our Drainage & Flood Risk Management team before you start your application as consent may not be required and we may be able to help you avoid unnecessary delays. Please email LeadLocalFloodAuthority@southglos.gov.uk or phone **01454 868000**.

If your watercourse is part of a main river, you will need to apply for consent from the Environment Agency (EA).

Enforcement Powers

Under the Land Drainage Act (1991) South Gloucestershire Council has the power to take action to remedy the effect of the contravention or failure to get consent, and to recover the expenses reasonably incurred by doing so from the person in default.

South Gloucestershire Council will carry out enforcement action under the following circumstances:

- if work has been carried out without permission
- if a watercourse has not been maintained properly and could cause a flood risk
- if work has been carried out without permission, and consent has been sought retrospectively

If you notice works to an ordinary watercourse please contact us to determine whether the works required consent and whether an application for consent was made or not. Please email LeadLocalFloodAuthority@southglos.gov.uk or phone **01454 868000**.

Water Framework Directive (WFD) and Planning Permission

Water Framework Directive (WFD)

In addition to consent from South Gloucestershire Council, any individual or organisation wishing to undertake works on a watercourse must complete a WFD compliance assessment, making sure the proposal does not cause environmental harm, and helps deliver the actions set out in the Environment Agency's local River Basin Management Plan. The WFD provides legal protection for the water environment.

Under the WFD a riparian landowner who causes harm to a watercourse may be required to put it right. If you would like more information on how the WFD affects you please visit: www.environment-agency.gov.uk/wfd.

Planning Permission

In addition to Ordinary Watercourse Consent, works on a watercourse may require planning permission. Please contact your local planning authority, who will advise whether your proposed works require planning permission.

Other organisations requiring consent

Environment Agency (EA)

Main Rivers are watercourses designated by the Environment Agency which fall under their authority and are included on the Main River map. [Flood Defence Consent](#) will need to be gained from the Environment Agency if you wish to do work in, on, over and near a Main River.

Lower Severn Internal Drainage Board (LS IDB)

The [LSIDB](#) are an internal drainage board whose drainage district boundary includes low lying land along the Severn Estuary west of the M4 motorway [within South Gloucestershire](#). Under the [Land Drainage Act 1991](#) (LDA 1991), and LS IDB byelaws, the LS IDB have powers that require you to have [LS IDB Land Drainage Consent](#) for work in, on, over and near a watercourse or for any discharges to watercourses within the LS IDB area.

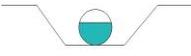
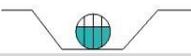
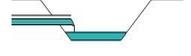
Which works do and do not require consent?

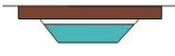
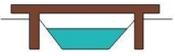
The council seeks to avoid culverting where possible due to the adverse ecological, flood risk, human safety and visual impact. We will therefore, only approve a culvert if there is no reasonable alternative, or if we think the detrimental effects would be so minor that a more costly alternative would not be justified.

Where proposing a culvert you will be required to prove that reasonable and practicable alternatives have been considered. We do recognise that there are situations where culverting may be unavoidable.

The diagrams on the following page help to clarify the issue of consent requirement; if you are still unsure, please contact us using the details provided and we will be able to assist you in your enquiry.

Cross Sections of Works Requiring and Not Requiring Consent from SGC

Cross section diagram	Feature	Consent required?
	Pipe culvert (including extensions and removal of)	YES
	Oversized box culvert (including extensions and removal of)	YES
	Trash screens	YES
	Bank protection works	NO - temporary works may require consent
	Pipe crossing (in channel)	YES
	Pipe crossing (above bank)	NO
	Pipe crossing (below bed)	NO - temporary works may require consent
	Protruding pipe outfall	NO
	Outfall within bank profile	NO

	Weir/dam or impoundment or temporary works that obstruct flow	YES
	Bridge (where soffit level is below bank top level)	YES
	Bridge (abutments not reducing flow area/width)	NO
	Bridge (abutments restrict flow)	YES
	Clear span bridge	NO
	Bridge with support in channel	NO - the use of piers in the watercourse is discouraged

How long does it take to get consent?

The council has two months to determine the application. The applicant will receive written confirmation within this period on whether consent has been given or not. If the application is not considered within this timeframe, then consent is automatically given.

How much does consent cost?

The fee is £50 per structure or temporary works event. If the proposed scheme is for two separate culverts, for example, then the application would be £100 (£50 x 2 structures).

Can consent be refused?

Yes, If:

- It is deemed that the structure being applied for is not necessary.
- A Watercourse's flow will be obstructed: or
- There is insufficient information contained within the application.

Applicants should carefully read the guidance note and ensure that sufficient detail is provided. If you are unclear, please contact the Council before you send in the application.

How to apply for consent

To apply for consent you need to complete the application form which can be found below;



Microsoft Word
Macro-Enabled Document

Figure 1 Application Form

Where possible we prefer applications to be completed electronically and submitted by email to LeadLocalFloodAuthority@southglos.gov.uk, with the appropriate plans and documents attached. If you prefer to submit a paper copy of the application then you should return it to the Council along with all accompanying plans and documents and the appropriate application fee to the following address;

South Gloucestershire Council
Department for Environment and Community Services
PO Box 1954
Street Care
Bristol
BS37 0DD

Cheques should be made payable to 'South Gloucestershire Council' and posted with the application form to the same address. Please ensure that you write the applicant name and address (as submitted in the application) on the reverse of the cheque.

The application must be completed accurately and all accompanying information needs to be clear. If any information is missing, a decision on your application could be delayed. One

application form can be made for multiple structures, if located in the same area or on the same watercourse.

Additional information on completing the application form is contained in the accompanying guidance document which can be found below;



Microsoft Word
Macro-Enabled Document

Figure 2 Guidance Document

What happens if consent is not obtained?

The failure to obtain consent prior to carrying out the works may be a criminal offence, which could result in a fine of up to £5,000, and a further fine of up to £40 for every day on which the contravention is continued after conviction.

Under Section 24 of the Land Drainage Act 1991 the Council has the power (without prejudice to any other criminal proceedings) to take such action as may be necessary to remedy the effect of the contravention or failure to obtain consent, and to recover the expenses reasonably incurred by it in so doing from the person in default.

Again, it is recommended that before carrying out any works that contact is made with the Drainage & Flood Risk Management team by either emailing LeadLocalFloodAuthority@southglos.gov.uk or by phoning the following number **01454 868000** to determine whether or not consent is required. At this point we would also like to highlight the fact that the Drainage & Flood Risk Management team will not get involved in any neighbourly disputes. Any issues of 'land grabbing' will need to be taken up with your solicitors. More information on how to deal with neighbourly disputes can be found at the following link; <https://www.gov.uk/how-to-resolve-neighbour-disputes/overview>.