

POLICY: Culverting & Filling Watercourse Policy
BOARD APPROVED: 11th December 2014
REVIEWED BY: E.M. Johnson
POSITION: Chief Engineer
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1. Introduction

Under powers vested in the Board by the Land Drainage Act 1991, anyone wishing to install a culvert or pipe or fill in a watercourse within the Board's District requires the prior consent of the Board. Under powers vested in the Board by the Land Drainage Act 1991, anyone wishing to alter, replace an existing culvert or pipe within the Board's District requires the prior consent of the Board.

2. Policy Principle

The Board is opposed to the un-necessary culverting, piping or filling of watercourses due to impacts on drainage, flooding and the environment. Consent for such works will only be given where it can be shown that there is no unreasonable loss of habitat

The Board acknowledges that in some circumstances it may be necessary to carry out such works including to provide access, assist in efficient farming, control nuisance, manage watercourse safety, or to accommodate other overriding need.

3. Consenting Procedure

Consent application forms are available from the Board's Offices or website. On receipt of a completed application form along with fees of £100, applications will be assessed, and a decision issued, normally within a few weeks, although complex applications may take up to 2 months.

From June 2021 onwards all new culverts or pipelines constructed in Board designated watercourses will be subject to commuted maintenance and liability fees (CMLF). Refer to section 2.1.2 Culvert Adoption, page 4 of the Development and Consent Control Guidance for the schedule of fees.

Consent may not be unreasonably withheld, and applicants may appeal decisions if they feel the Board's decision is unacceptable.

4. Factors affecting consents

When considering any culvert, piping or dyke filling application a number of factors will be considered, including:

- Impact on flow
- Impact of storage
- Climate change
- Future repair and maintenance
- Loss of habitat
- Loss of habitat connectivity

- Difficulty in providing new drainage connections
- Difficulty in investigating pollution
- Health and safety

Culverts creating new highway access may also require the applicant to obtain the consent of Lincolnshire County Council.

5. Environmental Considerations

The application procedure requires supporting evidence in respect to the environmental impact of the proposed works. This may range from a simple environmental statement for small access culverts to more detailed habitat surveys for applications affecting longer lengths of watercourse.

6. Watercourse Filling

When considering applications for dyke filling other factors will be considered including if the dyke serves a single occupant and its status as a watercourse or a dry dyke field separator. Greater emphasis will be placed on environmental impacts which may require a detailed Environmental Impact Assessment from the applicant.

Impact on highway drainage may be considered when determining applications to fill roadside dykes.

7. Alterations to Existing Structures

Alterations to structures will be judged on their individual merits. Where such alterations are minor, the requirement for consent may be waived based on the following:

- Will the alteration affect the flow in a detrimental manner
- Can the alteration be achieved without restriction of flow or detrimental change to invert level
- Does the watercourse cater for more than one owner or occupier
- Is the watercourse a critical drainage path
- Is there a history of drainage or flooding problems
- Are there specific environmental considerations to be considered
- Do the alteration increase flood risk to people and property

8. Funding

Where a structure has not been adopted by the Board and/or not required by the Board for access to a watercourse for maintenance it's replacement, if required by the owner/user, will be at the full cost of the owner/user.

Where a structure has not been adopted by the Board and an owner/user wishes to replace a structure also used by the Board, the Board will supply the pipes (equivalent to the width of structure required for Boards access only). Before agreeing to such contribution an assessment of the Board's access requirements should be made and if alternative access is available and practicable, then no contribution will be made.

Where a structure has not been adopted by the Board and has fallen into disrepair, the Board shall instruct the owner/user to make it good or to remove it. A failure to do so may see the Board take enforcement action to have the structure removed.

Where a structure has not been adopted by the Board, but is used by the Board, the Board will supply pipes if the structure is replaced.

Where the Board has adopted the culvert and/or is the sole user of a structure, or replacement is not required by the owner, the full cost will be met by the Board. (a means to prevent use by other persons should be installed e.g. posts and chain where a structure is solely for the use of the Board.)