

**POLICY:** Culverting & Filling Watercourse Policy  
**BOARD APPROVED:** 11<sup>th</sup> December 2014  
**REVIEWED BY:** E.M. Johnson  
**POSITION:** Chief Engineer  
**DATE REVIEWED:** 1<sup>st</sup> April 2025  
**NEXT REVIEW DATE:** 1<sup>st</sup> April 2028



## 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.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact on biodiversity. When applying to fill a watercourse on a development that is subject to Town and County legislation the Board may ask to see the approved biodiversity gain plan.

## 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) and commuted structural liability fees (CSLF) if adopted. Refer to section 2.1.2 Culvert Adoption, page 5 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
- Biodiversity Net Gain
- 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 watercourse filling other factors will be considered including if the watercourse 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. Culvert Adoption and Funding

In some cases the Board will insist on or consider the adoption of culverts or pipelines, see section 2.2.1 of the Boards Development and Consent Control Guidance. The following table sets out the culvert categories based on watercourse type and use, and the liability for costs and fees.

	<b>Culvert Category</b>	<b>Use</b>	<b>Consent Required</b>	<b>Construction Liability</b>	<b>Cost</b>	<b>Commuted Maintenance Liability Fee (CMLF)</b>	<b>Commuted Structural Liability Fee (CSLF)</b>
1	Riparian watercourse, new or replacement	Private use only	Yes	Owner 100%		No	No
2	Riparian watercourse, new or replacement	Private and Board use	Yes	Owner 50% Board 50%		No	No
3	Riparian watercourse, new or replacement	Board use only	No	Board 100%		No	No
4	Board maintained watercourse, new or replacement	Private use only	Yes	Owner 100%		Yes	*see note
5	Board maintained watercourse, new or replacement	Private and Board use	Yes	Owner 50% Board 50%		Yes	*see note
6	Board maintained watercourse, new or replacement	Board use only	No	Board 100%		No	No
7	Board maintained watercourse, replacement	Adopted culvert	No	Board 100%		No	No

\* The adoption criteria will vary upon the site conditions, the decision for adoption will be agreed with the Board's officers upon applying for consent. In principle the Board will not adopt culverts where there is a single riparian owner, the responsibility for structural liability will remain with the owner.