Ordinary Watercourse Land Drainage Consents in Warwickshire Advice Note

Warwickshire County Council as Lead Local Flood Authority

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01/04/2021	01/04/2022
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*Please note, this advice note will be updated in a year from the publish date unless legislative or best practice changes require an update in the interim

CONTENTS

1 WHAT REQUIRES A CONSENT?

Section 23 of the Land Drainage Act 1991 requires that before the erection or alteration of any obstruction to the flow in an ordinary watercourse, a written consent is obtained from the Lead Local Flood Authority (LLFA) for the area. These obstructions include, but are not limited to; culverts, mill dam, weir or like obstruction, or other similar structures.. There is no national map of ordinary watercourses, but a map of designated main rivers can be found at the below link. All other watercourses will be classed as ordinary watercourses.

https://www.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386

In some cases, the proposed structure itself may not require a consent as it does not affect the flow in the watercourse, however the temporary works to construct the structure may include obstructing the flow to make a dry working area or to provide access. If this is the case, a temporary consent application should be made.

1.1 Emergency Consent

If the works you are carrying out are an emergency, please contact the Flood Risk Management team. An example of when emergency consent may be required, would be a damaged drainage asset such as a culvert, where the structural integrity has been compromised and needs to be repaired urgently.

Note: Emergency Consent should only be requested under similar circumstances as mentioned above. All other programmed work, will need to be submitted for consent in a timely fashion, bearing in mind the statutory determination period in advance of the construction start date.

1.2 What information must be submitted?

The amount of information required to support an application is generally proportionate to the complexity of the proposals and the flood risk associated to the location or proposals.

As a minimum, a complete application should include;

- A completed application forms.
- A location plan (showing coordinated positions of the structure(s) covered by the application)
- Plan and section drawings of the structure(s), including how it will fit into the existing watercourse.
- A method statement and site-specific risk assessment detailing how works will be done. Particular consideration should be given to what measures are in place both during and after the works to address,
    - pollution to the watercourse (silt, spillage, etc),
    - damage to the watercourse (scour, destabilising the bank, etc),
    - damage to the environment (surveys, habitats, vegetation, etc),

- an increase in flood risk during and after the works particularly if the work area is to be dewatered (monitoring of flood alerts, weather forecasts, evacuation plans, etc).

- application fee (see section below)
- details of who will be taking ownership of the structure and will be responsible for its ongoing maintenance. We will also need to see evidence of maintenance agreements if the party responsible for maintenance is anyone other than the applicant.

Additionally, if the watercourse is not within your ownership, we will need to see some form of written agreement from the landowner, stating that they are happy for you to work on their land and undertake any works. In the scenario a consent involves utilising or works to an asset that is not under your ownership, we will also require evidence of a written agreement with the asset owner. If you need to cross third-party land to access the area of work, we will also need to see evidence of this agreement with the third-party landowner.

Please note that until all of this information is received, alongside payment of the application fee, an application will not be considered 'live', and the determination period referred to below will not have started.

2 DETERMINATION PROCESS

2.1 How to Pay

There is an application fee of £50 per consentable structure. If you are unsure what the total fee will be, please contact the consenting team to discuss the proposals.

Warwickshire County Council (WCC) no longer accept cheques, therefore, our preferred payment method at this time is via card or by bank transfer as per the details provided on all invoices issued. We have now also introduced GOV pay as a form of payment for Land Drainage Consent applications. Gov Pay allows applicants to pay by clicking on a secure payment link which will be sent via email. Please note, A VAT/Non-VAT receipt will not be generated by GOV.UK Pay. Should you require a simple receipt or have any queries, please contact frmconsenting@warwickshire.gov.uk quoting your reference number.

All payments should be made within 21 days of receipt of the invoice and applications will not be considered live until payment has been received.

2.2 Standard determination period

The standard determination period is set at two months as per the Land Drainage Act 1991. The determination period will not commence until the LLFA has received both the supporting documents and the required fee, and the application is live. LLFA will not provide any comments or review until the application start date. Applications are usually determined well within this period, particularly if any additional information requested is provided promptly. If further information is not forthcoming and the two-month period expires, we may decide to refuse the application or give the applicant the option to withdraw the application, until such time that the information is available.

3 CULVERTING ORDINARY WATERCOURSES

WCC's policy on culverting is that we do not accept the culverting of ordinary watercourses unless it is deemed absolutely necessary. Inappropriately designed culverts can increase flood risk in comparison to open channels, presenting a higher blockage and confined space health and safety risk, alongside being more difficult to maintain. Culverts also destroy wildlife habitats, damage natural amenity and interrupt the continuity of the linear habitat of a watercourse. Culverts can impact on water quality due to the change in structure of the watercourse bed, and removal of natural systems that benefit water quality.

Under section 3.5, Table 22, of all River Basin Management Plans, it is stated that improvements should be made to the condition of the channel/bed and/or banks/shoreline if physical modifications are to be made to the watercourse in order to allow the watercourse to still maintain a good ecological status. As part of any culverting proposal, we would expect to see evidence that this requirement has been met.

https://www.gov.uk/government/collections/river-basin-management-plans-2015

However, WCC recognises that there may be instances where culverting is unavoidable, such as short sections to accommodate highway access. WCC prefers crossings to be via a single clear span bridge rather than a culvert where possible, keeping a more natural riverbank and channel bed to facilitate a habitat. If a culvert is required, it should be the minimum length possible. Oversized box culverts sunk 150mm below bed level are the most preferrable option This reduction in flow area from lowering the invert should be accounted for when calculating the flow capacity.

The sizing of culverts should be done by calculating the contributing flow rates. However, maintenance should be considered and a practical minimum pipe size of 600mm diameter should be used, inclusive of 150mm sunk into the bed of the channel, to reduce the likelihood of blockage. If culverting is part of your proposal, we will need to see evidence of how the culvert has been sized before approval can be given. This evidence may include an extract from hydraulic tables or hand calculations including a catchment plan of the contributing area that has been assessed.

For any proposal to install a permanent culvert within a watercourse, WCC's preference is for a robust headwall to be included within the design, such as a brickwork or a precast concrete headwall. WCC does not accept sandbag headwalls on permanent structures, due to the increased maintenance responsibilities this type of structure presents. For temporary structures, WCC will consider the use of sandbag headwalls, depending on the site and its requirements.

3.1 Alternatives to culverting watercourses

Some alternatives to culverting a watercourse according to the CIRIA: Culvert, screen and outfall manual could include:

- Relocating infrastructure to avoid watercourses.
- Diverting watercourse to maintain an open channel (including improving the habitat and amenity of the watercourse)

- Consolidate structures to reduce the number required, for example replacing two small culverts with one large one.
- Using a clear span bridge instead of a culvert

In some cases, safety may be a concern around open watercourses and culverting the watercourse may be a measure considered to attempt to improve this aspect. However, a culvert may present its own hazards and other alternatives to ensure safety around a watercourse should be considered. These can include:

- Fencing around watercourses to highlight the boundary of a watercourse to prevent accidental falls.
- Planting at the border of the water or bank to clearly identify the watercourse and provide a physical barrier.
- Gentle bank slopes
- Maintaining the watercourse to remove hazards.
- Lifesaving equipment near watercourses
- Signs to raise awareness and educate of hazards.

3.2 Trash Screens

WCC would not support the use of trash screens on newly built culverts. Trash screens provide extra maintenance responsibilities and if not maintained properly can increase the risk of flooding in an area if the screen becomes blocked. Trash screens can also pose a health and safety risk if an incident occurs and someone falls into the watercourse, as they could become trapped against a trash screen.

If a trash screen or security screen is being considered as part of the structural design, we will require a full site-specific assessment to be carried out as part of the submission to determine if a screen is necessary for your site. If this assessment indicates a screen is necessary, we would require the screen to be designed in accordance with the CIRIA Culvert, Screen and Outfall Manual (C786). A technical justification will also need to be submitted as part of your application, demonstrating how your proposed design meets the requirements set out in the CIRIA document.

https://www.ciria.org/ItemDetail?iProductCode=C786F&Category=FREEPUBS

WCC does accept flap or non-return valves on outfall structures where appropriate, such as outfalls to watercourses with fluvial flood zones, provided they are justified and included on outfall details. Please note, the invert level of any surface water outfall will be required at planning to be compared to the potential flood levels and the LLFA will request modelling of a surcharged outfall to determine whether a flap or non-return valve is required.

4 GUIDANCE FOR WORKS ON WATERCOURSES

4.1 General

WCC's preference first and foremost is the retention of watercourses in their natural open channel state, as green channels provide biodiversity, water quality and amenity benefits. Vegetated channels have a higher hydraulic roughness than other typical construction materials and act to slow the flow down, reducing velocity and therefore flood risk. Piped sections of watercourse can also present constrictions to the flow due to lack of capacity. When planning construction works on watercourses, WCC encourages applicants to reduce the use of hard engineered concrete structures and consider more environmentally friendly and natural alternatives. In some scenarios this may be unavoidable, but this justification should be reasonable when seeking consent from the LLFA. Specific to headwall structures, the LLFA accepts that a robust design is required and is a preference for permanent structures. Therefore, in the case of headwall design, we will accept more hard engineered concrete and brickwork structures.

4.2 Construction of Outfalls

WCC would expect all outfall pipes to include a headwall structure within the design, to provide protection to pipes and allow the structure to sit within the banks profile of the watercourse, ensuring it does not protrude into the channel. Headwalls should also be angled at 45 degrees with the direction of flow, to reduce the risk of scour occurring within the watercourse and the adjacent bank. These details should be clearly highlighted by the supporting documents provided within a Land Drainage Consent application, see examples within section 5.

4.3 Scour Protection Measures

When proposing scour protection for structures on watercourses, the rationale behind the design of these measures should be clearly highlighted to the LLFA. Whilst scour can be a concern for the stability of structures on watercourses, WCC would expect protection measures to be reasonable, with soft engineered and natural structures considered prior to proposing hard concrete measures. See examples within section 6.

4.4 Proposals to Infill Existing Watercourses

Our preference where possible is for all ordinary watercourses to remain open channel and in their natural state. In the scenario that you intend to infill a section of a watercourse, we will require specific detail on:

- Appropriate justification to infill e.g., planning permission to build
- Clear evidence that the watercourse does not receive any upstream flows or connections e.g., surveys and photos of the watercourse
- Overland flow within the area is accommodated and retains flow routes e.g., site drainage captures overland flows and rainfall

Please note, if the ditch or watercourse is utilised to drain a highway or has gullies discharging into it, no infilling will be accepted as this could increase flood risk to the highway.

Prior to proposing to infill a watercourse, alternatives should be considered, these could include:

- Accommodating watercourses within construction design
- Diverting the watercourse
- Culverting sections where necessary

4.5 Method Statements

When applying for Land Drainage Consent, measures to enable the works on a watercourse should be considered and clearly captured within Method Statements submitted to the LLFA. Generally, WCC would expect a dry working area to be created when installing structures such as culverts and flows within the watercourse to be managed appropriately. A common approach used by applicants we tend to see is a temporary dam and overpumping arrangement to accommodate the works. Alternative methods include offline or diversion works; however, this is left to the applicant's discretion. Please note, the LLFA may ask as a minimum for standby pumps to be present on site, particularly in higher risk areas.

To prevent pollution to the watercourse, plans should be in place in relation to concrete and construction silt, as these materials should be prevented from entering the watercourse. Measures could include construction boards and silt fences. Further guidance on silt management can be found in CIRIA Guidance C768 'Guidance on the construction of SuDs'.

In regard to the timing of works, the aim should be to undergo the works in dry conditions or days with no rainfall. However, weather conditions and flood reports should also be monitored during the works, with plans put in place in response to any change in conditions. Method statements must ensure no increase in flood risk as a result of the works. If the submission of a full method statement is not possible prior to the statutory determination date, we can accept an outline methodology as a minimum and condition the submission of the full method statement prior to the commencement of works.

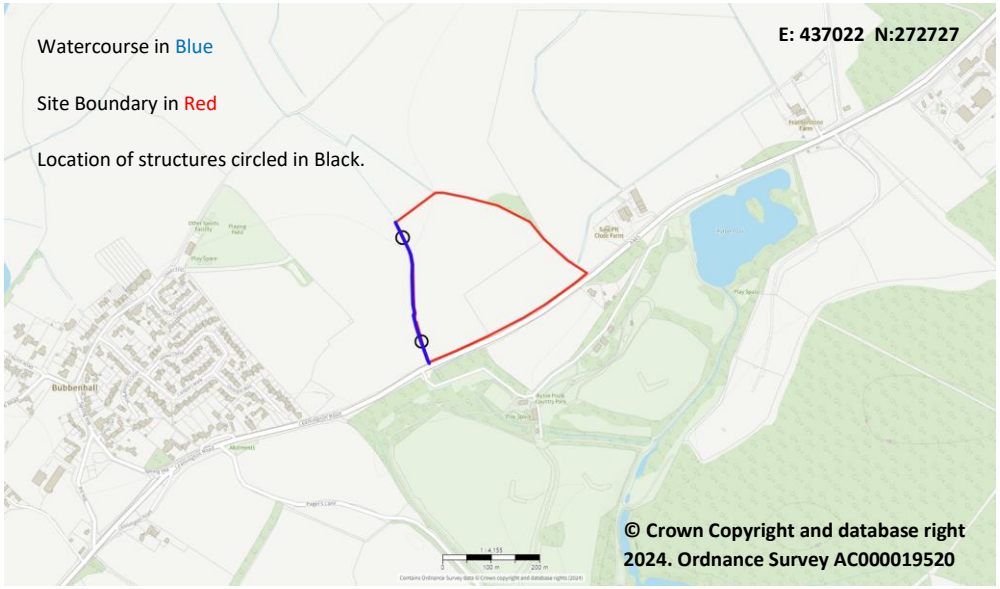
5 SUPPORTING DOCUMENTS

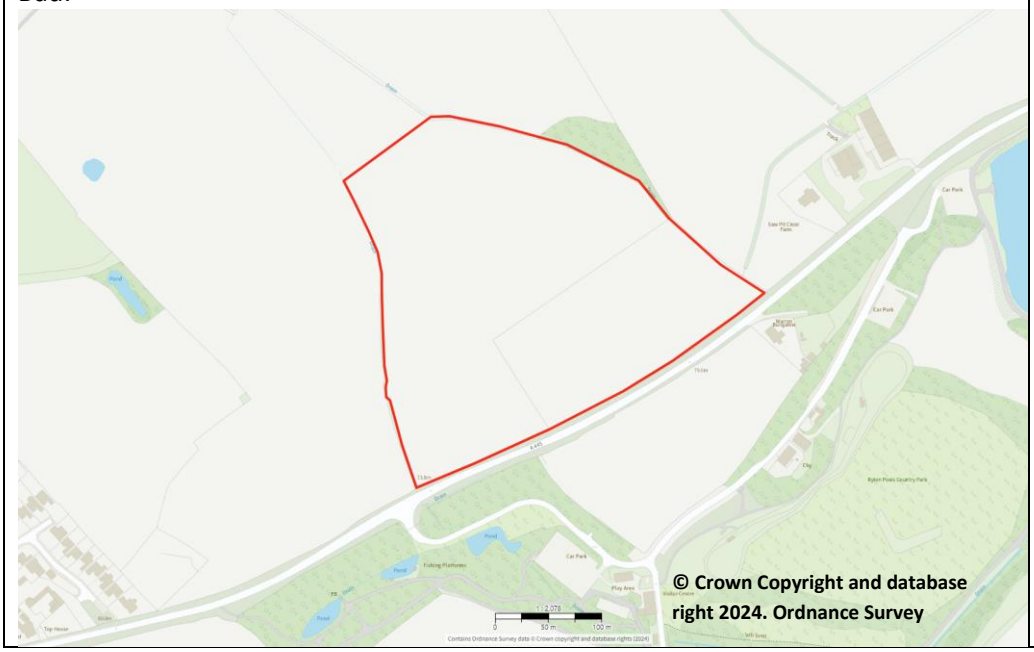
5.1 Introduction

The following section includes examples of the typical details expected to be submitted to support a Land Drainage Consent application. Please note, most applications will not be considered live until all the information outlined on the validation list (refer to section 1:2) has been submitted. This section of guidance in particular aims to assist applicants in submitting information that will help us assess the application, and reduce the likelihood of the delay in determination due to correspondence between the applicant and the LLFA. Please take the time to review the examples provided to ensure supporting documents are appropriate prior to submitting an application.

5.2 Location Plan

Table 1 - Location Plan – Map example & Explanation

Examples	Explanation
Good:  	A good example of a location plan is highlighted on the left. It covers the standard requirement we would expect to see on a location plan submitted, such as: • Location of the site. (with eastings and northings). • Includes general features. • Captures nearby road names. • Identifies the watercourse or other bodies of water within the surrounding area. The proposed structure is captured on the location plan.

Bad:  	A bad example of a location plan is shown here. The outline of the site is shown alone without wider context is difficult to review, there are no nearby road names shown and the wider catchment cannot be determined due to the scale being too small.

5.3 Details and Plans

Drawings and plans submitted should clearly indicate all features both proposed and existing. Annotations should be included, to illustrate relevant details such as materials, levels and dimensions.

The minimum drawings required are listed below:

- Existing arrangement.
- Proposed arrangement.
- Temporary works.

5.4 Existing Arrangement:

A plan should be submitted highlighting the existing arrangement on site before any proposed works have commenced. This should include,

- Both plan and cross-sectional views.
- Any watercourses on site and connectivity to the downstream watercourse network if applicable.
- Existing structures on site which may affect the watercourse such as dams, culverts, bridges, weirs, outfalls, etc.

5.5 Proposed Arrangement:

A separate plan should be submitted, showing the arrangement of the site after the works have been carried out. This plan should include,

- Both plan and cross-sectional views.
- All structures should be captured.
- The direction of flow within the watercourse should be highlighted.
- The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse.

5.6 Temporary structures drawing:

If temporary works are required a plan demonstrating how the works will affect the watercourse should be submitted. This plan should include,

- Both plan and cross-sectional views.
- All proposed structures and their position within the watercourse.
- Over pumping arrangement plan (if applicable).

5.7 Upon completion of works:

As built drawings of the completed works in PDF form must be provided to Warwickshire County Council, within 2 months of the completion date.

- Notification of when works commence and confirmation of works being completed.
- Site photos highlighting the proposed structure.
- Completed asset collection form.

5.8 Plan Layout and Cross Section Drawing Examples

Figure 1 – Plan & Section View of Surface Water Outfall

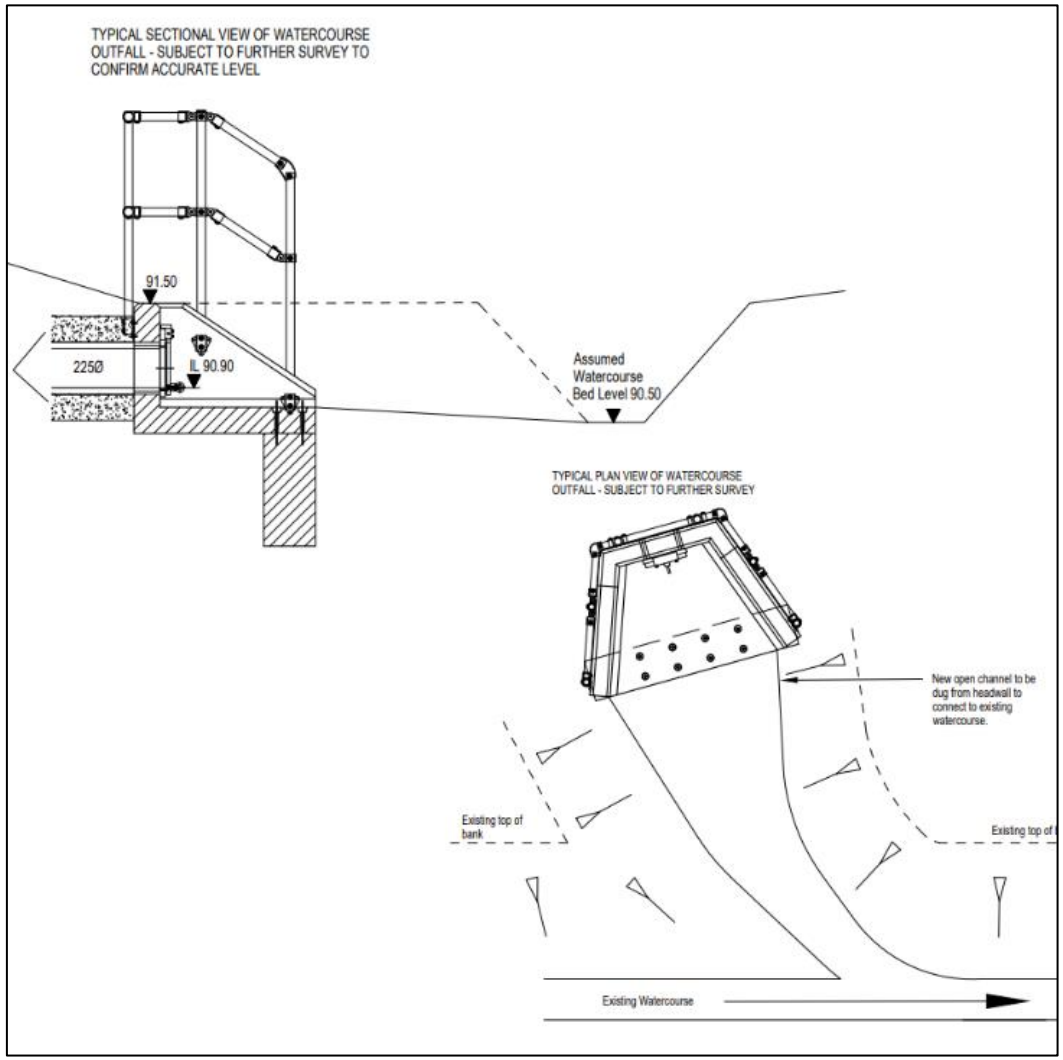


Figure 2 – Plan View of Surface Water Outfall

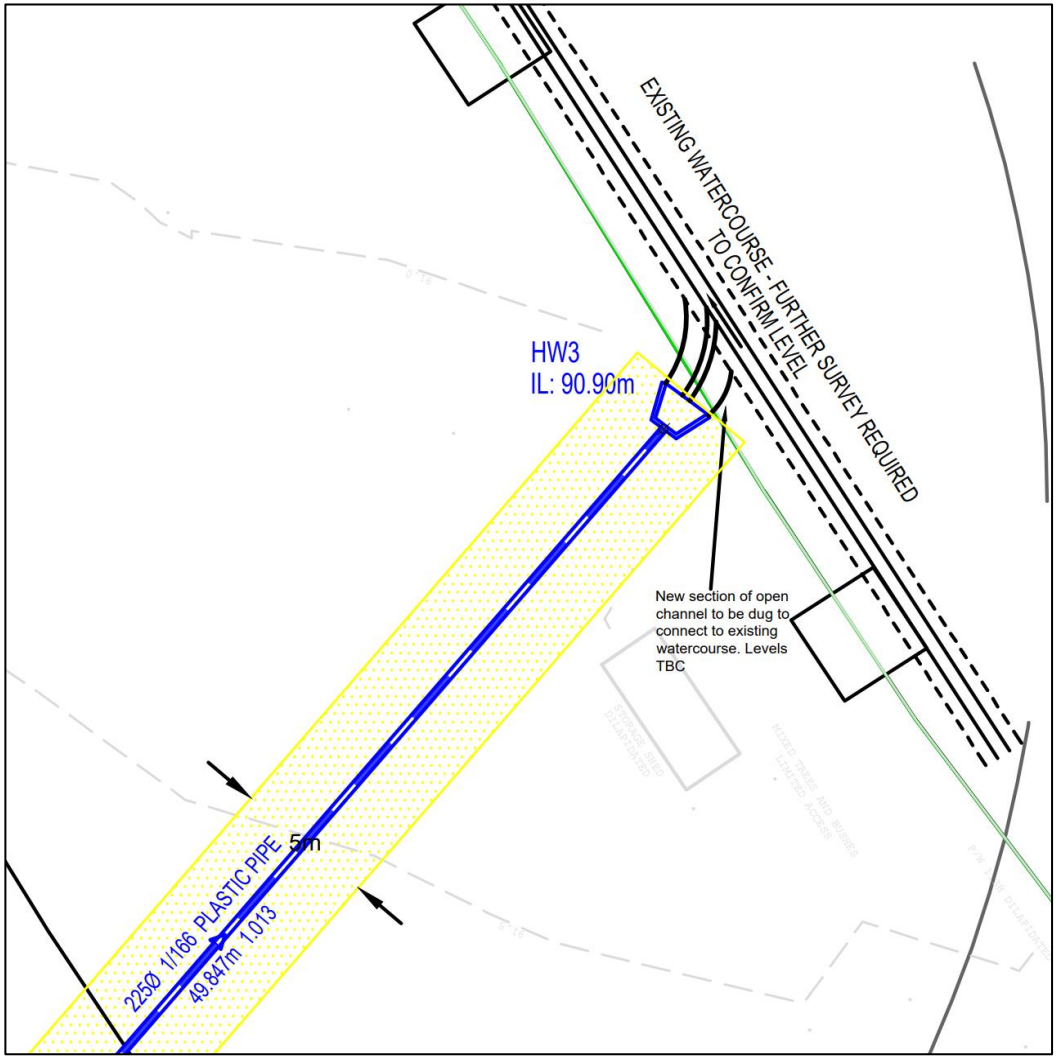
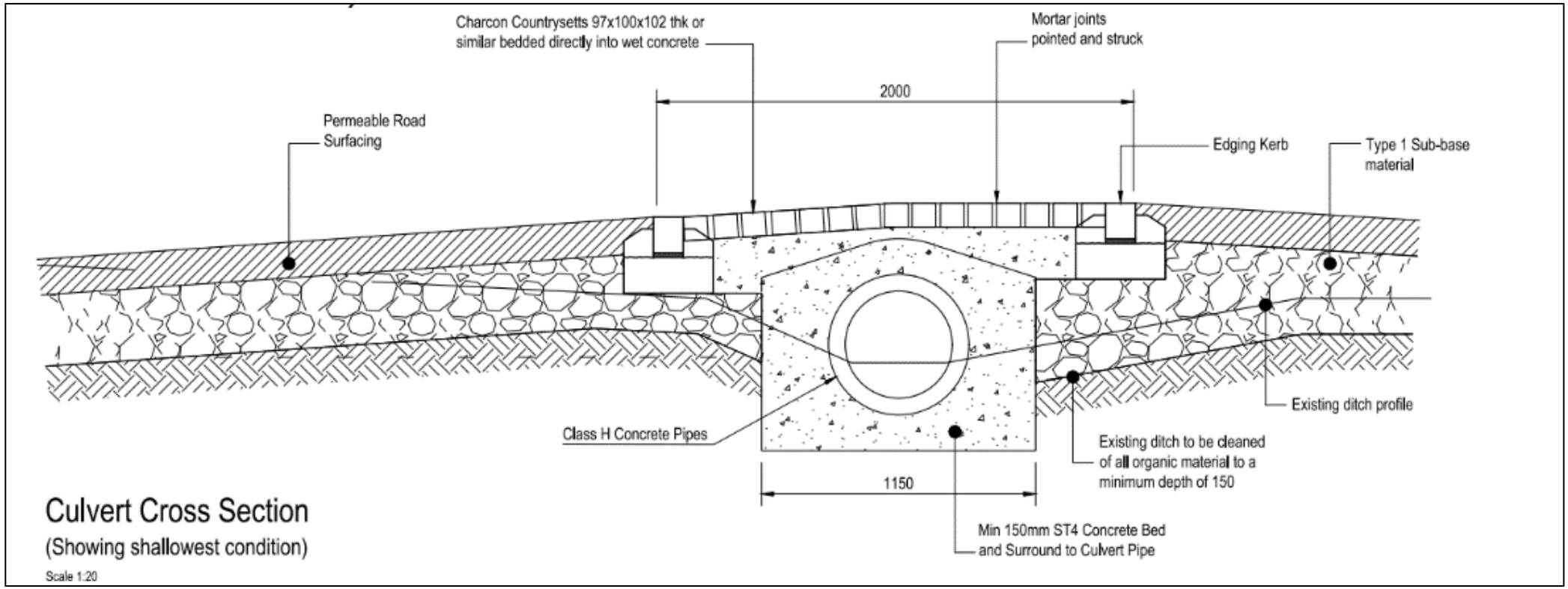


Figure 3 – Cross Section View of Culvert



*WCC may share drawings applicants have submitted for Land Drainage Consent, in relation to flood investigations and asset register with contact details redacted, unless they express to us otherwise.

6 EROSION AND BANK STABILISATION WORKS

Works to stabilise banks and manage erosion will require a Land Drainage consent application to be submitted to the LLFA. When doing works of this nature on smaller watercourses we would recommend and encourage soft engineering solutions where possible. Works such as willow fencing, hazel faggots and brushwood mattresses are all examples of works we would encourage when managing bank stabilisation.

6.1 Examples of soft engineering solutions

Revegetation – increasing vegetation cover through the establishment of young plants and trees on or behind the exposed bank face.

Geotextiles – woven mats, rolls or bags of natural fibres (coir, hessian or jute) or synthetic materials (open weave polythene mesh) that are placed on the bank surface or at the bank toe to prevent fluvial scour and removal of fines from the bank face.

Brushwood bundles and mattress – consist of bundles of wood that are tied together and secured onto the bank surface to slow the flow of water and collect sediment. They are installed parallel to the direction of flow and are typically set into shallow trenches and staked into position.

Faggots – consist of bundles of branches or coppice that are secured in place at the base of the riverbank and are used to provide flexible solutions to many scour problems particularly below water level.

Figure 4 – Faggots – (https://terraqua.co.uk/)

Willow spilling – traditional soft engineering technique used to stabilise eroding banks. It works by weaving live willow rods between live willow stakes set into the affected bank at regular intervals.

Figure 5 – Willow Spilling – (https://www.salixrw.com/)

Coir rolls – consists of fibre hydraulically pressed into a polypropylene or coir net bag and tied. Coir rolls are available as either an unplanted, pre-planted or mature planted product and are typically used to protect the toe of the bank from erosion.

Figure 6 – Coir Rolls - (https://jands-scapes.co.uk/)

However, WCC recognises that there may be instances where soft engineering options are not viable. In these scenarios, we may accept hard engineered options such as gabions. As part of the submission however we would require a justification as to why a more natural approach was deemed unviable.

An alternative option that could be used are vegetated wall systems such as Flex MSE or Rootlock. Vegetated wall systems allow the user to put hard engineering options in place but have the soft engineering and habitat advantages to it as they still allow vegetation to still grow mimicking a more natural channel.

7 NATURAL FLOOD MANAGEMENT (NFM) CONSENTING

NFM is a means by which we can hold back water in the upstream catchment by replicating/restoring natural landforms and processes. NFM aims to reduce peak discharge and increase lag time to allow downstream communities more time to prepare for flooding. NFM consenting works differs to our usual way of consenting, as it actively places obstructions in the watercourse to allow water to back up and sometimes push flow out of the channel.

For NFM to work effectively, early engagement is encouraged to make sure all the proposals are acceptable, and you are not increasing flood risk in the surrounding areas. Please contact us to discus NFM consenting fees as the statutory £50 per structure may not be appropriate for this type of work. For further advice and guidance relating to NFM, the Environment Agency have produced The Natural Flood Management manual, which can be accessed at the link below:

https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/the-natural-flood-management-nfm-manual

Figure 7 - NFM Leaky Barrier cross section produced by Warwickshire Wildlife Trust.

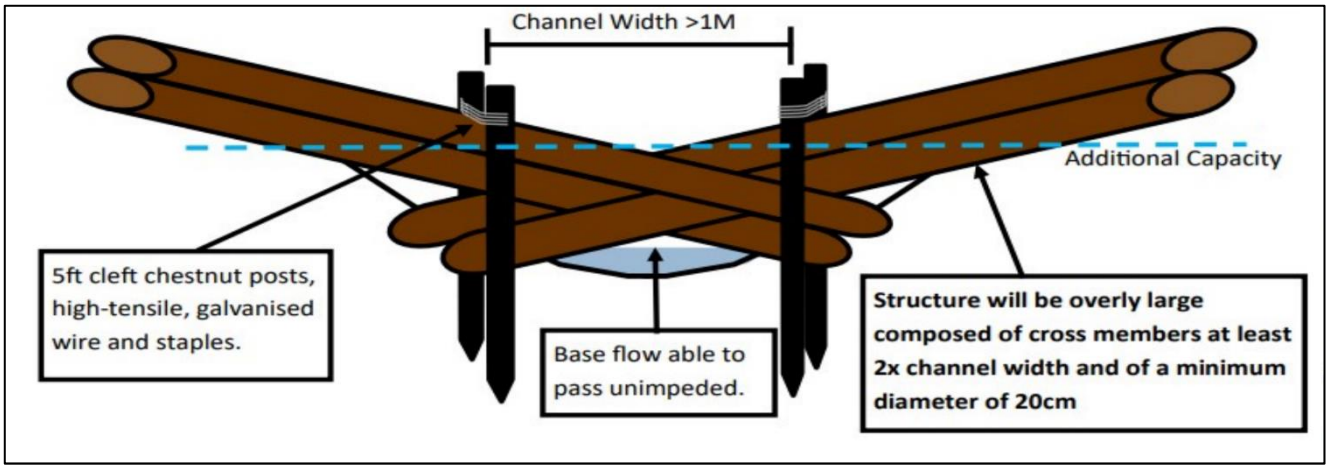
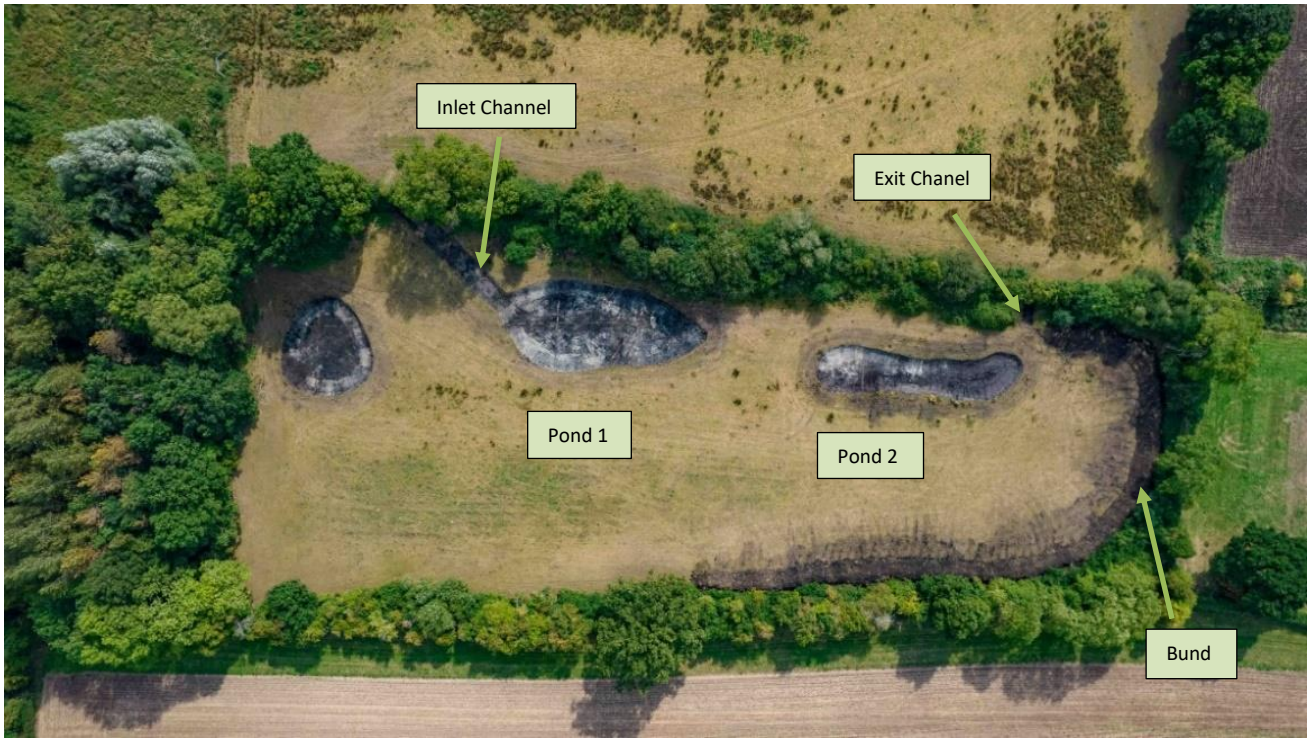


Figure 8 - Images of the Wellesbourne Flood Action Group NFM works approved by WCC.



Drone photography courtesy of David Clarke Photography.

8 ADDITIONAL APPROVALS

Prior to the submission of a Land Drainage Consent application, please ensure that the relevant consultees have been advised on the design, as there may be design considerations raised that may impact the final structure. Below we have highlighted some additional approvals that may be required:

8.1 Cross-boundary applications

If your proposed works are on or over the Warwickshire boundary, depending on the location of the structure, you may need approval from the neighbouring LLFA. This is because as LLFA for Warwickshire, we are only able to consent structures in Warwickshire. In situations like this, we are likely to discuss the application with the neighbouring LLFA. If contact detail of the neighbouring authority officers is available, please provide them to the team with your application or enquiry.

8.2 Planning Permission

In addition to an Ordinary Watercourse Land Drainage consent, some works may also require planning permission. The two approvals are separate and the granting of one does not necessarily indicate that the proposals are acceptable for the other. If you are unsure whether planning permission is required, please contact your local planning authority to discuss further. Please note that the requirement for Ordinary Watercourse Land Drainage Consent does not absolve you of responsibility under any other requirements or legislation that may apply to the works being undertaken. As an applicant you are responsible for identifying and making suitable provisions for any such requirements that may apply.

8.3 Environmental Permitting

Some works in and around a watercourse also fall within the Environmental Permitting regulations managed by the Environment Agency. If your proposed works involve or affect the following, please contact the Environment Agency;

- Impounding (holding back a watercourse),
- Abstracting (removing) water,
- Fish or fisheries,
- Disposing of waste material,
- Water quality

More information on Environmental Permitting can be found on the GOV.uk website.

8.4 Discharging from a Package Treatment Plant

If your proposal involves discharging into a watercourse from a package treatment plant, you may require an Environmental permit from the Environment Agency. Under the General Binding Rules, you must apply for a permit if you are discharging more than 5 cubic metre (5000 litres) per day. New discharges are not allowed to a ditch or

a surface water body that does not contain flowing water throughout the whole year. That is unless there is a drought or an unusually long period of dry weather.

New discharges to watercourses that seasonally dry up are not allowed under the general binding rules, nor are discharges to enclosed lakes or ponds. If you are unsure whether a permit is required or not for your proposal, please get in contact with the Environment Agency. If a permit is required, we will need to see evidence that it has been obtained before any Land Drainage Consent can be given by us as the LLFA. The approval given by the LLFA is for the outfall structure only and not the discharge.

https://www.gov.uk/permits-you-need-for-septic-tanks/general-binding-rules

8.5 Technical Approvals

Works involving the use of culverts over 900mm in diameter will require structures technical approval from the WCC Design Services team. We would recommend going through this process before submitting an application for Land Drainage consent as we will need to see evidence that structure technical approval has been obtained before we can grant the consent. Additionally, new highway culverts proposed as part of a Section 38 or Section 278 will also require approval as part of the new highway approval process. In the case that technical approval has not been attained prior to consent being granted, we will accept evidence that an application has been made, with a condition within the approval paperwork for the technical approval to be provided at a later date. Culverts should be clearly highlighted within S278 details to allow the design to be reviewed prior to the submission of a Land Drainage Consent Application.

8.6 HS2

If you have any queries relating to HS2 or wish to submit a Schedule 33-part 5 application for consent, please email our designated HS2 team at hs2consents@warwickshire.gov.uk whilst also copying in hs2floodconsents@warwickshire.gov.uk. Our HS2 team will then assign the application or query to the appropriate officer who will then get in touch.

8.7 Main Rivers

Ordinary Watercourse Land Drainage Consent only relates to works within an ordinary watercourse and not main rivers. Main rivers are the responsibility of the Environment Agency and further details can be found on the GOV.uk website.

8.8 Highway Approvals

Any consentable works (such as a culvert extension) that take place within land with highway status and is located on a classified road will require planning consent from the LPA who would liaise with the WCC Development Management team as part of the process. County Highways will then administer the S184 process subject to the resident obtaining planning consent as well as Land Drainage Consent from FRM to carry out the consentable works.

9 ENFORCEMENTS

No provision has been made in the Land Drainage Act that allows the LLFA to retrospectively grant consent for works that have already started construction or have been completed.

Works on ordinary watercourses that take place without consent can result in increased flood risk or environmental damage. Section 24 of the Land Drainage Act allows the LLFA to serve a notice for the watercourse to be restored to its previous condition within a specified time. If this is not done, the LLFA may carry out these works and recover all reasonable costs. Alternatively, the responsible part may be issued a fine, with a further daily fine for every day which the contravention or failure is continued.

The applicant may choose to provide evidence that the unconsented works have not increased the flood risk. However, as retrospective consent cannot be granted, this evidence will not remove liability for any future flooding found to be a result of the unconsented works.

The LLFA does not accept any responsibility for the design and construction of the works that are the subject of the consents they grant, and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

Below is a link to Section 24 of the Land Drainage act, which outlines the LLFA's powers relating to unconsented works:

https://www.legislation.gov.uk/ukpga/1991/59/section/24

9.1 An example of unconsented works

Figure 9 - An example of unconsented works.

In the example above, the structure would not have been granted consent in its current state for the following reasons:

- Trash Screen – The structure includes a poorly designed trash screen, which can increase flood risk as they may become blocked if not maintained correctly, especially given the horizontal bars are more prone to blockage than sloped bars. Screens can also present a health and safety risk.
- Pipe alignment and wingwall angle – The general arrangement of this structure is not in line with our standards for consent. The wingwalls do not align with the pipe, which would result in the flow being discharged into the side of the wingwall as opposed to exiting the structure without obstruction. The pipe is also not aligned with the watercourse and appears to be angled at 90 degrees to the watercourse. This is likely to cause issues with scour within the watercourse where the flow through the pipe exits the structure.
- Debris – There does not appear to have been the correct pollution measures in place during works as the watercourse appears to contain silt and debris, which has not been removed appropriately and could cause a blockage in the pipe.

9.2 Historic structures and consent applications

The LLFA were given Ordinary Watercourse consenting responsibilities in the Spring of 2012, as such we only hold records of applications from this time. The Environment Agency held this responsibility prior to the LLFA, so they may hold records of applications and structures built pre-2012.

For further information, please contact FRMConsenting@warwickshire.gov.uk.

10 FAQS

What is the definition of an ordinary watercourse?

Under Section 72 (1) of the Land Drainage Act 1991, an ordinary watercourse is defined as a 'watercourse' that does not form part of a 'main river'.

A watercourse is defined as and includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Do we have a formal consent pre-app process, or can we set up a meeting on site to discuss a proposal before submitting an application?

Currently we do not offer a formal consent pre-app process. However, if you would like to call us on 01926 412982, we would be happy to discuss your query further.

Does the maintenance of existing culverts require consent?

Depending on the proposed works a consent may or may not be required. We would recommend getting in touch with the team to discuss the proposal. For example, works to install a plastic liner into a culvert or significantly widening or deepening a channel will require a consent.

Do we need consent for a headwall structure that is fitted into the profile of the bank?

If the headwall structure is fitted into the profile of the bank, no permanent Land Drainage Consent application will need to be submitted. However, it is most likely a temporary consent will be required for the enabling works of constructing the headwall.

Can we gain consent even if a contractor has yet to be appointed to supply a method statement?

If we are in a position to approve your application but have not yet received a method statement, there is a way to still gain approval. In this situation we would expect to see an outline method statement demonstrating a high-level outline of how the works will happen, and any important hazards that would need to be addressed whilst on site. We would then add in a site-specific condition on the approval paperwork requesting the applicant to apply for a temporary consent when the method statement is available.

What happens to the fee we paid if we withdraw our application, or it gets refused?

If an application is withdrawn with a fee having already been paid, the first resubmission of that application will be covered by the fee paid initially. However, if an application gets refused by us and then you choose to re-submit, you will be required to pay a new application fee. If you choose to not resubmit an application, no refund will be issued.

Is there a minimum size of culvert we request where culverting is deemed necessary?

Where the calculations return a smaller size, we would ask that any proposed culvert is a minimum of 600mm diameter, sunk 150mm below the bed level in order to allow the bed of the watercourse to re-naturalise. We specify this diameter of culvert as it minimises the likelihood of a blockage scenario occurring.

As stated previously, as part of any culverting proposal we will need to see evidence of how the culvert has been sized to adequately convey the flows passing through it.

Why do we need to apply for temporary consent?

Occasionally the proposed works being carried out will not require a consent but the enabling works to install the permanent structures will. In these situations, the developers should apply for a temporary consent from us so the enabling works can take place. These enabling work may consist of a temporary diversion or over pumping works. Temporary consent should also be obtained from applicants who have gained permanent consent for a proposal, however, are required to submit a method statement to the LLFA as a contractor was yet to appointed during the permanent application.

Would we accept sandbag headwalls as a proposal?

We do accept sandbag headwalls depending on the site and its requirements. Our preference however is where possible for a precast concrete/brickwork headwall to be put in place due to its increased robustness. If the headwall is being adopted by a third party such as WCC Highways or Severn Trent Water, we would also take into consideration the adoption requirements of these parties.

What is the fee for a Natural Flood Management application?

In some scenarios NFM applications can include several smaller structures on watercourses. Depending on the situation, the LLFA may decide to charge NFM applications on a time charge basis, rather than the statutory £50 fee per structure. Please note, time charges are only available to NFM applications and remain the LLFA's decision on how we wish to charge.

Why are you not taking enforcement action?

WCC enforce land drainage issues using a risk-based approach. This means that enforcement action is usually taken only where it is deemed that a structure has created a significant and unacceptable increase in flood risk, such as internal property flooding. Structures that present minimal or low risk, will typically be dealt with on an advice basis, however the LLFA reserve the right to take enforcement if the risk is deemed to increase.

In the event that WCC do not consider enforcement action to be either appropriate or proportionate, affected parties may wish to proceed with their own civil action, or choose to settle a dispute through the First-tier Tribunal (Property Chamber).

https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber

Should we obtain consent before going through the Highways approval process?

We would recommend obtaining Land Drainage Consent before going through the Highway technical approval process for S278, S184 and S38 agreements. This ensure that our statutory comments are considered early in the highway design and do not cause delays to the technical approval process.

I have filled out the online form but wasn't given the option to attach supporting documents?

Unfortunately, due to the limitations of our online application form you will not be able to attach supporting documents onto your online application. We would encourage you to email over any supporting documents linked to your online application to frmconsenting@warwickshire.gov.uk, making us aware of your application and which site these documents relate to.

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