

Ordinary Watercourse Land Drainage Consent

Under the Land Drainage Act 1991, to undertake certain temporary or permanent works that would alter a watercourse which is classified as 'ordinary', consent is required from Sefton Council. Even if you have planning permission or other consents you will still require consent from the Council.

Works to ordinary watercourses that require consent are those likely to cause an obstruction to flow, alter the design, and restrict storage or piping a watercourse (culvert). Changes to structures (dams, weirs, culverts or other like obstructions) already in place will also need consent from the Council. General maintenance work, such as vegetation clearance, would not normally require land drainage consent, but if in doubt please contact Sefton's Flood and Coastal Erosion Risk Management team at the email address below.

How do I know if my works need consent?

When considering if the works in question require consent, it is useful to consider if the works would affect the flow of the watercourse when it is full to the top of the bank. If the works will affect the flow then such works will need consent. Examples:

Permanent works/structures include diversions, construction of bridges, culverts, weirs, dams, alteration of a culvert or any other objects which will permanently interfere with or change the flow of water in a watercourse.

Temporary works/structures include placement of sand bags or dams used to create a dry working area, or any objects or materials that will be removed at a later date that interfere with or change the flow of water in a watercourse.

Consent will be refused if the works are poorly designed, result in an unmanageable increase in flood risk or if they pose an unacceptable risk to nature conservation or the environment. Incomplete applications will also be refused.

Consents may have conditions applied to them, for example to carry out works at a certain time of year in order to reduce flood risk and potential ecological damage.

How long is my consent valid for?

Any Ordinary Watercourse Land Drainage Consent given is typically valid for a period of up to a maximum of three years. The applicant must ensure any contractor(s) appointed to carry out the works are fully aware of the consent and its conditions.

Applying for Ordinary Watercourse Land Drainage Consent

It is recommended to contact the Flood and Coastal Erosion Risk Management team in advance of applying for consent. This will help determine if consent is required, alternative methods that can be implemented and ensure that your application is completed correctly. Please note that the application fee is £50 per structure/operation or temporary works event.

When considering an application for ordinary watercourse consent the Council will consider a number of factors including but not limited to:

- necessity of the structures/works proposed,
- prove that the proposed works will not have a detrimental effect on flood risk, surrounding habitat and environment or to fauna and flora species present,
- adequate mitigation measures are proposed where risk to the above cannot be avoided,
- consideration of health and safety risks and the proposal of adequate measures to manage such risks,
- clear detail on whom has the responsibility for maintenance during and post construction,
- where the applicant is proposing a culvert, prove that reasonable and practicable alternative methods have been considered and cannot be utilised.

Once a fully completed application form including all relevant documents and the correct fee have been submitted, the Council will have up to 2 months to issue a written confirmation detailing whether consent has been granted or refused. If consent has been granted, it may include other conditions attached to it such as additional permits or permissions from other bodies. The applicant is responsible for obtaining the necessary permits or permissions prior to works commencing.

What if my watercourse is not designated as 'ordinary'?

For watercourses designated as 'Main River', under the Environmental Regulations 2010, you need to apply for an environmental permit from the Environment Agency for all development within 8 metres of the top of bank of a Main River. This is because development in this proximity to a Main River may affect flood risk or land drainage, or interfere with the Environment Agency's access.

Further information on this can be found at <https://www.gov.uk/topic/environmental-management/environmental-permits> or call 03708 506 506