
Ordinary Watercourse Consent

Guidance for Applicants

The Lead Local Flood Authority (LLFA) advises that you first check whether your works require Land Drainage Consent. You can do this by [contacting us](#).

This advice is based on existing best practice identified within local authorities in England, the current extent of the knowledge of the LLFA and the information available at that time. Therefore our comments are without prejudice.

1. Introduction

The Flood and Water Management Act 2010 introduces a range of new powers, duties and responsibilities and makes Knowsley Council a Lead Local Flood Authority (LLFA). The Flood and Water Management Act 2010 sets out the requirement for LLFAs to manage 'local' flood risk within their area. 'Local' flood risk refers to the flood risk from surface water, groundwater and from ordinary watercourses.

The LLFA is responsible for the consenting of works that affect the flow of ordinary watercourses. The requirement for this Council regulation was established in April 2012 under changes to the Land Drainage Act 1991 brought about by Schedule 2 of the Flood and Water Management Act 2010.

The submission of an acceptable amount and quality of information is fundamental for the LLFA to make an informed decision when determining whether your proposals are acceptable. The LLFA will, if necessary reject an application, if there is a lack of information provided. It is in this capacity that this guidance note has been produced.

2. Do your works require Ordinary Watercourse Consent?

The requirement for Ordinary Watercourse Consent is separate to and independent of any planning permission issued by the Local Planning Authority. The granting of planning permission does not necessarily imply that ordinary watercourse consent will be granted by the LLFA. It is the applicant's responsibility to ensure that their proposal is consistent with other permissions or consents that they require for the development.

Before applying for Ordinary Watercourse Consent it is advised you carry out the following checks to ensure you are applying for the correct permissions for your watercourse.

Check 1: What is the classification of my watercourse?

You can check if your watercourse is classified as a 'Main River' or as an 'Ordinary Watercourse' by looking at the Environment Agency's map.

- **Ordinary Watercourse:** If your watercourse is classified as an Ordinary Watercourse you may require Ordinary Watercourse Consent from the LLFA. See [Check 2.](#)
- **Main River:** If your watercourse is classified as a 'Main River' then your works may require an Environmental Permit from the Environment Agency. See [Check 3.](#)

Regardless of which you require, the Consent or Permit **MUST** be obtained before starting works. **Failure to do so may result in enforcement action.**

Check 2: Do I require Ordinary Watercourse Consent?

The following works require consent from the LLFA under Section 23 of the Land Drainage Act 1991:

- a) erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or
- b) erect a culvert in an ordinary watercourse, or
- c) alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse.

If your works meet any of these criteria you require Ordinary Watercourse Consent and **MUST** obtain this before carrying out any works. Failure to do so may result in enforcement action. This is for two key reasons:

- i. To ensure that the proposals are acceptable in relation to any ordinary watercourse(s). Obtaining planning permission from the local planning authority does not automatically mean that land drainage consent will be granted by the Lead Local Flood Authority.
- ii. To ensure that any development does not negatively impact on the watercourse(s). For example, the watercourse may be ecologically or geomorphically sensitive, or pollution control measures may be required.

Information on how to apply for Ordinary Watercourse Consent can be found in [Section 3](#) of this guidance.

Check 3: Do I require an Environmental Permit?

For works affecting **Main Rivers** an Environmental Permit from the Environment Agency may be required. You can check if you need a Permit and apply for one by visiting the [Gov.uk website.](#)

3. How to apply for Ordinary Watercourse Consent

The consent application form and accompanying guidance is available from the [Council's website.](#)

These forms contain information on the appropriate fees, what information you need to provide in support of your application and where to send your completed forms to.

It is recommended that initial advice is sought from the LLFA before making an application for consent to discuss your proposals to help minimise delays in getting approval. The LLFA will, if necessary reject an application, if there is a lack of information provided.

4. The Consenting Process

On receipt of an application for consent to alter an ordinary watercourse the LLFA has two months to determine the application. As part of the process the LLFA may consult a number of organisations including other local authorities, Knowsley Council Highways, the Environment Agency, Natural England or others, as appropriate.

The LLFA will determine the application, inform the applicant of approval or rejection and provide a copy of the consent, along with any appropriate conditions and information. It should be noted that once land drainage consent is granted and subsequently issued, it is **valid for 12 months from the date of issue**. You will need to reapply for consent should works continue beyond this period.

The general consent process is outlined below.

Before Applying	It is recommended that initial advice is sought from the Lead Local Flood Authority (LLFA), as the consenting authority, before making an application for consent to ensure that there are no delays in getting approval. The LLFA will, if necessary reject an application, if there is a lack of information provided.
Applying for Consent	<p>The necessary form and guidance note for submitting an application for ordinary watercourse consent can be found on the Council's website. These should be submitted, along with the correct fee.</p> <p>The applicant has the responsibility to prove that any proposal would not cause a nuisance or increase flood risk.</p> <p>It should be noted that applicants will be expected to provide all the required information to process the consent. Failure to provide all relevant information will result in an automatic refusal by the 7th week. You will then have to submit a new application.</p>
Upon Receipt of your Application	<p>On receipt of a full and complete application for consent the Council has two months in which to determine the consent application (unless an extension of this time is agreed in writing).</p> <p>As part of the process the Lead Local Flood Authority may consult a number of organisations including other local authorities, Knowsley Council Highways, Environment Agency, Natural England or others, as appropriate.</p>
Determining Your Application	The Lead Local Flood Authority will determine the application, inform the applicant of approval or rejection and provide a copy of the consent, along with any appropriate conditions and information.

5. Culverting of Ordinary Watercourses

The LLFA considers it beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes. Any works that may restrict/alter the flow of an ordinary watercourse can exacerbate the risk of flooding, increase maintenance requirements and create difficulty in pollution detection. It also destroys wildlife habitats, damages a natural amenity and interrupts the continuity of a watercourse.

In line with good practice, the LLFA will only approve an application to culvert a watercourse if there is no reasonably practicable alternative or if the detrimental effects of culverting would be so minor that they would not justify a more costly alternative.

In some case culverting may be unavoidable for example, short lengths for access purposes or where highways cross watercourses. In such cases the length of culvert involved should be restricted to a minimum and appropriate designs will need to be submitted. The applicant has the responsibility to prove that any proposal would not cause a nuisance or increase flood risk.

When applying for consent to culvert, the applicant must, as a minimum, demonstrate that:

- i. The proposed work must not increase the risk of flooding and should not prevent maintenance of the adjacent open watercourse.
- ii. All culverts should be designed and constructed so as not to cause restriction and should accommodate flood flows within the watercourse for the specified location, including an [appropriate allowance for climate change](#).

In all cases, where it is appropriate to do so, adequate mitigation must be provided for damage caused to the watercourse. Wherever practical the LLFA will seek to have culverted watercourses restored to open channels, often termed 'daylighting'.

Clear and concise guidelines for the hydraulic design of culverts are contained within the publication CIRIA Report '[C689 Culvert Design and Operation Guide](#).'

6. Contact Us

If you require further information you can contact the LLFA.

Email: LLFA@knowsley.gov.uk

Phone: 0151 443 2704

Write:

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