

## Report to

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**Decision to be taken on or after 11 July 2019**

**Decision can normally be implemented at least 3 working days after decision has been signed.**

**Cabinet Member Report No. PE04.19**

**Title:** Buckinghamshire County Council Culvert Policy

**Date:** 03/7/19

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**Local members affected:** All County members

### Summary

Buckinghamshire County Council is the consenting authority under Section 23 of the Land Drainage Act 1991 for erecting a culvert in an Ordinary Watercourse. In order to make clear the stance which Buckinghamshire County Council is taking to the culverting of Ordinary Watercourses, the Strategic Flood Management Team has prepared a culvert policy.

The Culvert Policy is attached and the purpose of it is to prevent the unnecessary culverting of Buckinghamshire's Ordinary Watercourses due to the adverse effects on the environment including which include but are not limited to:

- Exacerbated risk of flooding
- Increased maintenance requirements
- Difficulty detecting pollution
- Destruction of wildlife habitats
- Damage to natural amenity

## **Recommendation**

**The Cabinet Member for Planning & Environment is asked to endorse the policy and agree that it can be published on the County Council's website and, from that point onwards, taken into account in the consideration of future applications for Ordinary Watercourse Land Drainage Consents. The policy will be reviewed in the event of a significant change in relevant legislation, national or local policy, or otherwise annually.**

### **A. Narrative setting out the reasons for the decision**

Consent in writing is required for Ordinary Watercourse land drainage from the Lead Local Flood Authority (Buckinghamshire County Council) under Section 23(1) of the Land Drainage Act 1991 for the following works:

- 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.

Watercourses fulfil many roles in today's environment. They provide drainage for developed and agricultural land and can be vital water resources, while some also have important recreational value. They are important features of the landscape and provide habitats for a wide variety of wildlife. It is therefore important that watercourses and their associated habitats are protected and enhanced for the benefit of present and future generations.

Buckinghamshire County Council (BCC) considers it beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes. Culverting 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.

The Strategic Flood Management Team has prepared a Culvert Policy to make clear BCC's stance on the culverting of Ordinary Watercourses and provide guidance to land drainage consent applicants. This policy document has been adapted from the Environment Agency's Policy regarding culverts dated March 1999 and provides a detailed explanation of BCC's view on works to watercourses, with particular regard to culverts. It is intended for use by developers, landowners, and BCC Strategic Flood Management Team.

The purpose of the Culvert Policy is to prevent the unnecessary culverting of Buckinghamshire's Ordinary Watercourses due to the adverse effects on the environment. Officers reviewing land drainage consent applications will be able to refer to the Culvert Policy to inform their decisions.

### **B. Other options available, and their pros and cons**

Having worked closely with key stakeholders, the Strategic Flood Management Team are of the view that the Culvert Policy will be of benefit to applicants in terms of providing clarity whilst assist BCC to make consist decisions.

### **C. Resource implications**

There are no new costs, risks or implications for subsequent years associated with the recommended action.

### **D. Value for Money (VfM) Self Assessment**

N/A

### **E. Legal implications**

The Culvert Policy has been reviewed by BCC's legal advisors and complies with relevant legislation.

### **F. Property implications**

N/A

### **G. Unitary Council**

The recommended action will not result in any implications or future commitments for the new Unitary Council.

### **H. Other implications/issues**

N/A

### **I. Feedback from consultation, Local Area Forums and Local Member views**

The Cabinet Member has been consulted throughout the preparation of the policy via the Planning and Environment Board, and with the agreement of the Cabinet Member, the policy was circulated to all members for consultation.

The policy has also been circulated to all partners for technical consultation via the Strategic Flood Management Committee; all comments received were considered when amending the policy.

### **J. Communication issues**

In the event of the Culvert Policy being approved, it will be published on BCC's website. The decision will be communicated to partners via email or through the Strategic Flood Management Committee meeting.

### **K. Progress Monitoring**

Progress on the policy will be monitored after one year and at regular intervals thereafter. Any actions, lessons learnt or revisions to the policy arising from enforcement actions taken will be captured, considered and actioned by the officers and Cabinet Member as required.

### **L. Review**

The policy forming part of this decision will be reviewed whenever there is a significant change in legislation, national or local policy, or otherwise annually.

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## Background Papers

- Environment Agency's Policy regarding Culverts (March 1999) – no longer available
  - Chartered Institution of Water and Environmental Management (CIWEM) Policy Position Statement: De-culverting of watercourses (<https://www.ciwem.org/assets/pdf/Policy/Policy%20Position%20Statement/Deculvertin-g-of-water-courses.pdf>)
  - Essex County Council Culvert Policy (April 2012) ([https://flood.essex.gov.uk/media/1263/essex\\_county\\_council\\_culvert\\_policy.pdf](https://flood.essex.gov.uk/media/1263/essex_county_council_culvert_policy.pdf))
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## ***Your questions and views***

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 10 July 2019. This can be done by telephone (to 01296 382343), or e-mail to [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*