



## local planning guidance

This is one of a series of guidance notes providing information to help you understand our procedures and improve design standards.

# Wrexham County Borough Council Culverting Policy

This document provides an explanation of Wrexham County Borough Councils (WCBC) policy regarding culverts. It is intended for use by WCBC, landowners and developers.

## Local Planning Guidance

Watercourses fulfil many roles in today's environment. They provide drainage for developed and agricultural land and are 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 vital that watercourses and their associated habitats are protected and enhanced for the benefit of present and future generations.

WCBC considers it beneficial for watercourses to remain in an open state for both environmental and flood risk management benefits. Conserving open watercourses and, where possible, restoring previously culverted watercourses to a more natural state, remains a clear priority for WCBC.

In considering new development proposals WCBC's objective is to retain open watercourses with a corridor of open land on both sides. This maintains a flood channel and creates a valuable environmental feature which can enhance potential development sites. WCBC

will encourage developers to incorporate open watercourses within their site design. Such features are of particular importance to wildlife by providing valuable open land in developed areas.

Culverting can exacerbate the risk of flooding and increase the maintenance requirements for a watercourse. It also destroys wildlife habitats, damages a natural amenity and interrupts the continuity of the linear habitat of a watercourse.

Culverting should not be considered until other options have been thoroughly explored, for example:

- Clear open span bridges with existing banks and bed retained;
- Revision of site layout to incorporate an open watercourse;
- Diversion of the watercourse in an environmentally sympathetic channel and corridor.

This policy was approved by the Executive Board as part of a range of measures contained within the Wrexham County borough Council Local Flood Risk Management Strategy (April 2013).



## Wrexham County Borough Council Policy

WCBC is in general opposed to the culverting of watercourses because of the adverse ecological, flood risk, human safety and aesthetic impacts. Watercourses are important linear features of the landscape and should be maintained as continuous corridors to maximise their benefits to society.

We will consider each application to culvert a watercourse on its own merits and in accordance with our risk-based approach to permitting. We will only approve a culvert if there is no reasonably practicable alternative, or if we think the detrimental effects would be so minor that a more costly alternative would not be justified. In all cases where it is appropriate to do so, applicants must provide adequate mitigation measures and accept sole ownership and responsibility for future maintenance.

We will normally object to proposals to build over existing culverts because of health and safety considerations, increased maintenance costs, and because this would preclude future options to restore the watercourse.

Wherever practical WCBC will seek to have previously culverted watercourses restored to open channels.

### Reasons for the Policy

The Land Drainage Act (1991) as amended by the Flood & Water Management Act (2010) places both general and specific duties on WCBC regarding the consenting and enforcement of structures within an ordinary watercourse.

WCBC must be mindful of these duties in discharging all its functions, including those relating to flood risk management and land drainage. Consequently, WCBC is in general opposed to the culverting of watercourses because of the detrimental effects that are likely to arise. Such effects may be:

- loss of and adverse effects on environmental features and wildlife habitat;
- increased likelihood of flooding due to blockage;
- increased impact of flooding;
- loss of floodwater storage;
- increased difficulties in providing for drainage connections;
- difficulties in the repair, maintenance and replacement of culverts;
- increased health and safety hazards;
- reduced groundwater recharge;
- increased difficulty in detecting the origins of pollution and in monitoring water quality.

### Exceptions

There may be cases where culverting may in practice be unavoidable (e.g. short lengths for access purposes or where highways cross watercourses). It is the responsibility of the landowner / developer to demonstrate that reasonable alternatives (such as open span bridges or watercourse diversion) have been assessed and discounted prior to consideration being given to a culvert. In such cases the length involved should be restricted to a minimum, the hydraulic and environmental design fully assessed and appropriate mitigating enhancements to the surrounding environment included in the proposal.

### Ordinary Watercourse Consent

Any culverting of a watercourse, or the alteration of an existing culvert, requires Ordinary Watercourse Consent from WCBC under Section 23 of the Land Drainage Act 1991. On main rivers consent from Natural Resources Wales (NRW) is required. If a culvert is constructed (or altered) on a watercourse without consent, WCBC may



consider appropriate enforcement action.

Works either within or which would affect a designated site (ie, a Site of Special Scientific Interest - SSSI) as a result of changes in flow regimes or water levels, require the approval of NRW. Applicants should also check with WCBC whether their culverting proposals require planning permission under the Town and Country Planning Act 1990 and/or consent under the Public Health Act 1936.

## Definitions

**Ordinary Watercourse** - as defined in the LDA1991 is a watercourse that does not form part of a main river, 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.

**Bridge** - An open span structure that carries a road, footpath, railway etc over a watercourse.

**Culvert** - A covered channel or pipeline which is used to continue a watercourse or drainage path under an artificial obstruction.

**Main River** - designated as such on maps held by the Department for the Environment, Food and Rural Affairs and by NRW. Works in or near Main Rivers require the consent of the NRW.

**Sustainable Development** - Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

## References

*Land Drainage Act (1991). Available from The Stationary Office Limited.*  
*Flood & Water Management Act (2010). Available from The Stationary Office Limited.*  
*Town and Country Planning Act (1990). Available from The Stationary Office Limited.*  
*Public Health Act (1936). Available from The Stationary Office Limited.*

## contacts

Flood & Water Management  
 Environment & Planning  
 Wrexham County Borough Council  
 Abbey Road South, Wrexham Industrial Estate, Wrexham. LL13 9PW

Email: [flooding@wrexham.gov.uk](mailto:flooding@wrexham.gov.uk)  
 website: [www.wrexham.gov.uk/planning](http://www.wrexham.gov.uk/planning)

Ver. 1.0 March 2016.

available in other formats on request