Lancashire County Council

Ordinary Watercourse Regulation Guidance

Guidance for complying with ordinary watercourse regulation in Lancashire

Contents

1. Introduction

1.1. The purpose of the document

The purpose of this guidance document is to explain how the policies contained within the county council's Ordinary Watercourse Regulation Document will be applied, and to serve as a practical implementation guide for those actively involved in applying for consent and delivering ordinary watercourse regulation.

This guidance is intended to be read alongside the Ordinary Watercourse Regulation Document which sets out the county council's policies for how it will apply legislation and undertake its responsibilities in regulating ordinary watercourses.

This is a living document and subject to officer review triggered by either a regular review cycle and/or review when there is a change triggered at a national level that does not require a policy change.

1.2. Acknowledgements

Much of the guidance contained within this document has been derived from the Construction Industry Research and Information Association (CIRIA) Culvert, Screen and Outfall Manual (C786F), which provides a detailed guide for the design, operation and management of culverts, screens and outfalls. The authors of this manual are gratefully acknowledged.

A free download of the CIRIA Culvert, Screen and Outfall Manual (C786F) is available from the CIRIA website.

2. Ordinary Watercourse Regulation

2.1. What is an ordinary watercourse?

An ordinary watercourse, as defined under Section 72 of the Land Drainage Act 1991, 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.

Most watercourses are natural bodies of water that flow from high ground, across land and into larger rivers, lakes and the sea. They flow along natural channels, normally with defined channel beds, and banks on either side.

Most watercourses begin in upland areas and are formed from rain falling on high ground and flowing downhill. Some watercourses may also flow from natural underground springs.

However, not all watercourses are formed naturally. Some watercourses are man-made and created for a specific purpose - for example, a farmer may dig a ditch on their land to divert flow from a nearby river, to irrigate crops or to drain their land.

Whilst most watercourses are found on the surface, there are others that flow below ground in underground structures known as culverts. These are defined in Section 72 of the Land Drainage Act 1991 (as amended) as covered channels or pipes designed to prevent the obstruction of a watercourse or drainage path by an artificial source.

Culverts can take many forms, including pipe culverts, box culverts, arch culverts, highway culverts and railway culverts. Practical examples and definitions for each culvert type listed can be found in Section 2 of the CIRIA Culvert, Screen and Outfall Manual (C786F).

For the avoidance of doubt, the county council does not usually consider its powers under Sections 21, 23, 24 and 25 of the Land Drainage Act 1991 (as amended) to apply to any components of a sustainable drainage system. These components and systems are designed for controlling surface water discharge rate and volume from a defined area.

2.2. What is a main river?

Main rivers, which are regulated separately by the Environment Agency, are usually larger rivers and streams, and are designated as such and shown on the Environment Agency's Statutory Main River map.

Statutory guidance setting out the basis on which the Environment Agency should decide whether or not a watercourse is treated as a main river is available on www.gov.uk.

As the appearance of a watercourse is not considered to be a principal criteria in deciding whether or not a watercourse is treated as a main river, it can be difficult to

establish the correct watercourse classification from its appearance alone. Therefore, it is important to check the relevant mapping and/or seek advice if you are unsure.

You can request printed copies of the Environment Agency's Statutory Main River map through the Environment Agency's National Customer Contact Centre.

2.3. What is a public sewer?

Public sewers, as defined in Section 219 of the Water Industry Act 1991, are sewers which are vested in a sewerage undertaker in its capacity as a sewerage undertaker.

Essentially, these are assets for which ownership and responsibility has been formally transferred to a sewerage undertaker. Most of the public sewerage system in Lancashire is owned and maintained by United Utilities, however the northwest corner of Lancashire, around Earby, is the responsibility of Yorkshire Water. There may be part(s) of the public sewerage system in Lancashire that are owned and maintained by a New Appointment and Variation (NAV), which are limited companies that provide a water and/or sewerage service to customers in a defined area.

All sewerage undertakers have a duty under Section 199 of the Water Industry Act 1991 to keep records of the location and other relevant particulars of all public sewers, lateral drains and disposal mains which are vested in them. Sewerage undertakers are required to allow the public to view this information (in the form of a map, free of charge), and they are also required to provide this information to local authorities in their area.

2.4. Are ordinary watercourses mapped?

Some, but not all, ordinary watercourses in Lancashire are shown on the Ordnance Survey maps which you can view online through the county council's interactive mapping website: MARIO (Maps and Related Information Online) and/or through the Ordnance Survey.

The county council also maintains a separate register and record of all known structures and features, including culverts, drains and screens, that may have an effect of flood risk. You can download a copy of the county council's flood risk asset register from our website.

However, it is important to note that a watercourse does not have to be shown on a map to be an ordinary watercourse and usually, it is not.

If you are unsure whether you are dealing with an ordinary watercourse, then we recommend you contact us for advice. Details of how to contact us can be found on our website: www.lancashire.gov.uk/flooding

2.5. How are ordinary watercourses regulated?

Ordinary watercourses are regulated through the issuing of consent for certain changes to an ordinary watercourse that might obstruct or alter the flow, and through the use of enforcement powers to rectify unlawful and potentially damaging works.

The regulation of ordinary watercourses is pivotal in the management of local flood risk, to ensure that they are not posing an unnecessary flood risk to people, property, and infrastructure if they are poorly maintained, neglected, or subject to unconsented works.

2.6. Who regulates ordinary watercourses?

Following the introduction of the Flood and Water Management Act in 2010, the county council was designated as a Lead Local Flood Authority and became responsible for most of the ordinary watercourse regulation in Lancashire, other than in internal drainage districts which remain the responsibility of the Internal Drainage Board (IDB).

Earby and Salterforth is the only Internal Drainage Board currently operating in Lancashire, details of which can be found online through the Association of Drainage Authorities website.

3. Ordinary Watercourse Consent

3.1. What is ordinary watercourse consent?

Under Section 23 of the Land Drainage Act 1991 (as amended), there is a legal requirement to obtain consent from the county council before undertaking certain works on an ordinary watercourse.

The purpose of ordinary watercourse consent is to control certain activities that might obstruct or alter the flow of an ordinary watercourse. This is to ensure these activities do not pose an unnecessary flood risk to people, property, and infrastructure.

Where consent is required under Section 23 of the Land Drainage Act 1991 (as amended), this must be obtained from the county council irrespective of whether the works are permanent or temporary.

3.2. How will I know if my works need consent?

The first thing you will need to do is check whether your watercourse is classified as an 'ordinary watercourse' or a 'main river'. If you are unsure, then please contact us for advice via the contact details on our website: www.lancashire.gov.uk/flooding.

If your watercourse is classified as an 'ordinary watercourse' and your works meet the criteria set out in Section 23 (1) of the Land Drainage Act 1991 (as amended), then it is likely you will need to apply to us for consent before carrying out your works.

Appendix 1 includes a list of the most common activities that are likely to require consent from the county council under Section 23 of the Land Drainage Act 1991 (as amended). However, this is not an exhaustive list and there may be other activities that also require our consent. Therefore, we encourage you to contact us before carrying out works to an ordinary watercourse, so that we can discuss your proposals and confirm any consent requirements in respect of the works.

If your watercourse is classified as a main river, then you may need to apply to the Environment Agency for an Environmental Permit. You can check if you need an Environmental Permit by visiting the Gov.uk website.

3.3. How do I apply for consent?

You will need to complete an ordinary watercourse consent application form and pro-forma and then return this to us, together with the minimum level of information specified in the ordinary watercourse consent validation checklist. Please refer to Appendix 2 for additional guidance on how to complete your application.

When you are ready to do so, please submit your application to us by email or by post to the contact details specified on the application form.

Once your application is received, we will then undertake a basic validation check to make sure your application has been filled in correctly and that the minimum level of information has been received.

To avoid delays with your application, we recommend that you complete the ordinary watercourse consent validation checklist before submitting your application to us.

If you fail to provide the minimum level of information we need, then your application will be returned to you and consent for your works will be refused.

We reserve the right to request additional information from you depending on the type of works involved. If this is the case, then we will contact you to tell you what additional information you need to send.

3.4. Is there an application fee to pay?

The fee for applying for ordinary watercourse consent is charged at £50.00 per structure. Individual structures can include, for example:

- Permanent structures such as bank works, weirs, culverts, screens and outfalls.
- Temporary structures such as pumps, flumes, cofferdams and scaffolding.
- Natural Flood Management features such as sediment traps and leaky dams.

Where multiple structures are combined within a single application, then each individual structure will be counted separately when calculating the application fee. For example, a new 10 metre length of culvert with a headwall at either end would be charged at £150.00 (e.g., 3 x £50.00).

We will confirm the total application fee, via invoice, once your application has been successfully validated.

3.5. How can I pay the application fee?

Once we have validated your application, we will then issue you with an invoice for the total cost of the application fee; this will be issued to the person(s) or organisation specified in your application form.

We will provide details of all relevant payment methods on the back of your invoice.

Payment of the application fee must be received in full before your application can be processed. If you fail to pay the application fee within 28 days from the date the invoice is issued to you, then your application will be returned to you and consent for your works will be refused.

3.6. How long will it take to process my application?

We will notify you of our determination in writing within 2 months from the date we receive payment of your application fee.

When processing your application, it may be necessary for us to consult with other organisations on your proposals, including, for example, other local authorities, the Highway Authority, the Environment Agency, Natural England and others, as appropriate. Please refer to Appendix 2 for more information on this.

3.7. Can I ask for my application to be fast-tracked?

We do not currently offer a fast-track service for ordinary watercourse consent applications.

3.8. What if I need to carry out emergency works?

We encourage you to contact us as soon as possible, so that we can discuss your proposals and offer you appropriate advice. Details of how to contact us can be found on our website: www.lancashire.gov.uk/flooding.

3.9. What if I fail to get consent from you in advance?

It is a criminal offence to carry out works under Section 23 of the Land Drainage Act 1991 (as amended) without the appropriate consent.

Any works constructed prior to the formal written consent of the county council are and will remain unconsented and may be subject to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended).

3.10. Can consent be issued retrospectively?

There is no provision within the Land Drainage Act 1991 (as amended) for consent to be issued retrospectively.

Any works constructed prior to the formal written consent of the county council are and will remain unconsented and may be subject to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended).

3.11. How long will my consent be valid for?

Consents are normally valid for 12 months from the date of issue (unless otherwise stated), and any works referred to within the consent must be commenced within one year from the date of issue; otherwise a further application for consent must be made.

3.12. Is consent subject to restrictions or conditions?

We may attach reasonable conditions to your consent where we feel it is necessary to do so, for example we may include conditions relating to the timing and manner of the works. Any conditions we impose will be clearly set out within your consent and must be complied with in full.

3.13. Can my consent application be refused?

Your consent application may be refused for a number of reasons, including, but not limited to:

- There is insufficient or incomplete information contained within your application,
- You have failed to pay the relevant application fee,
- You have failed to provide sufficient evidence to demonstrate compliance with policies OWC1, OWC2, OWC3, OWC4 and OWC5.

3.14. Do I have the right to appeal your decision?

If you believe that consent has been unreasonably withheld or conditions unreasonably imposed, then, as the applicant, you have a right to appeal under Section 23 (5) of the Land Drainage Act 1991 (as amended). This states:

"*If any question arises under this section whether the consent of the drainage board concerned is unreasonably withheld, that question shall be referred to a single arbitrator to be agreed between the parties or, failing such agreement, to be appointed by the President of the Institution of Civil Engineers on the application or either party.*"

4. Consent Policies

4.1. OWC1: Application Validation Policy

Policy OWC1 requires you to provide a minimum level of information before your consent application can be validated, details of this are set out in the ordinary watercourse consent validation checklist (table 1) below. You must submit the required information upfront and in full irrespective of the type, scale and/or duration of the works involved.

To avoid delays with your application, we recommend that you complete the ordinary watercourse consent validation checklist before submitting your application to us.

If you fail to provide the minimum level of information we need, then your application will be returned to you and consent for your works will be refused.

We reserve the right to request additional information from you depending on the type of works involved. If this is the case, then we will contact you to tell you what additional information you need to send.

Table 1. Ordinary Watercourse Consent Validation Checklist:

Document	Description	Checklist
Application form and pro-forma	A signed ordinary watercourse consent application form and pro-forma, with all sections complete. Please refer to Appendix 2 for additional guidance on how to complete your application.	☐
Location Plan	A location plan that is set at an appropriate scale (preferably either 1:1250 or 1:2500) and based on a recent Ordnance Survey map. Your location plan must show as a minimum: • A north point, • At least two named roads, and • The general location of where the works will be carried out, identified by a red edge.	☐
Existing Site Plan	An existing site plan that is set at an appropriate scale (preferably either 1:750 or 1:1250) and based on a recent Ordnance Survey map. Your existing site plan must show as a minimum: • A north point, • The existing topography of the site, with contours at 1m intervals as a minimum,	☐

	• The route and alignment of the watercourse as existing, • All existing water features which may influence local river hydraulics, such as dams, weirs, bridges, pipes and ducts, watercourse crossings, culverts, screens, outfalls, embankments, walls and fish passages etc., and • Appropriate labels, dimensions and design levels, including invert levels, bed levels and water levels, as appropriate.	
Proposed Site Plan	A proposed site plan that is set at an appropriate scale (preferably the same scale used for your existing site plan) and based on a recent Ordnance Survey map. Your proposed site plan must show as a minimum: • A north point, • The existing topography of the site, with contours at 1m intervals as a minimum, • Details of changes to existing site levels, • The route and alignment of the watercourse as proposed, • All existing and proposed water features which may influence local river hydraulics, such as dams, weirs, bridges, pipes and ducts, watercourse crossings, culverts, screens, outfalls, embankments, walls and fish passages etc., and • Appropriate labels, dimensions and design levels, including invert levels, bed levels and water levels, as appropriate.	☐
Detailed Drawings	Detailed drawings of each proposed structure, showing as a minimum: • General details of your proposed structure, • Details of construction materials to be used, • The location of any existing or proposed service pipes or cables which may affect the future maintenance of the structure and/or watercourse, • For dams or weirs, the extent of the water to be impounded (held back) under normal and flood conditions, and	☐

	• Appropriate labels, dimensions and design levels, including invert levels, bed levels and water levels, as appropriate.	
Cross Sections	Cross sections of the watercourse both upstream and downstream of your proposed work area. Cross sections should be drawn as if looking downstream on the watercourse and should include details of all existing and proposed features, construction materials, dimensions and design levels, including invert levels, bed levels and water levels, as appropriate.	☐
Longitudinal Sections	Longitudinal sections taken along the centre line of the watercourse, extending both upstream and downstream of the proposed work area. Longitudinal sections should include details of all existing and proposed features, construction materials, dimensions and design levels, including invert levels, bed levels and water levels, as appropriate.	☐

4.2. OWC2: Modification Hierarchy Policy

Policy OWC2 requires you to avoid crossing, diverting and/or culverting an ordinary watercourse unless it is absolutely necessary.

Where a crossing, diversion and/or culvert cannot be avoided, then you will need to explain and justify your reasons for this within your consent application, pro-forma and supporting evidence. As a minimum, you will need to:

1. Provide clear evidence why your structural modification cannot be avoided,
2. Explain and justify why your structural modification has been selected and why it is considered appropriate for the ordinary watercourse, and
3. Demonstrate how the modification hierarchy has been followed. Please refer to Appendix 2 for additional guidance on this.

If you fail to provide sufficient explanation and justification for your structural modification, then consent for your works may be refused.

4.3. OWC3: Culvert and Screens Policy

Within policy OWC3 there is a general presumption against the construction and/or replacement of culverts and screens on ordinary watercourses in Lancashire. This is consistent with the standards and principles adopted in the CIRIA Culvert, Screen and Outfall Manual (C786F).

Therefore, unless there are strong and compelling reasons for doing so, demonstrated through your consent application, pro-forma and supporting evidence, then it is unlikely we will grant consent for the construction and/or replacement of a culvert or screen.

Your frequently asked questions:

Below are answers to some of your most frequently asked questions to help you ensure you proposals comply with requirements of policy OWC3:

1. **Why is there a general presumption against the construction and/or replacement of a culvert on an ordinary watercourse?**

   As explained in Chapter 3 of the CIRIA Culvert, Screen and Outfall Manual (C786F), throughout the United Kingdom, there is a general presumption against culverting on policy, environmental, and flood risk/drainage grounds, such as, for example:

   - They act as a constriction on a watercourse and may lead to a loss of floodwater storage and have the propensity for increasing upstream water levels (and also flood risk) in conditions of high flow,
   - They carry greater risk of blockage than open channels, with consequent increased flood risk,
   - They create barriers to fish passage through increased flow velocities, shallow depths and eroded culvert outlets leading to a 'step' in the watercourse,
   - They can lead to increased river-bank and bed erosion downstream of culverted sections,
   - They can have a negative impact on the aquatic environment, biodiversity, the geomorphological regime including substrate, and amenity,
   - They are more difficult to maintain and repair than open channels and can increase liability on owners,
   - They can reduce groundwater recharge, and
   - They can present increased health and safety hazards in comparison to open channels.

   These and other factors are discussed in more detail in Chapter 3.1 of the CIRIA Culvert, Screen and Outfall Manual (C786F).

2. Why is there a general presumption against the construction and/or replacement of a screen on an ordinary watercourse?

As explained in Chapter 4 of the CIRIA Culvert, Screen and Outfall Manual (C786F), screens can cause severe problems, most notably local flooding due to blockage of the screen or injury from entrapment of someone who falls into the watercourse upstream.

3. What do I need to consider when designing my culvert or screen?

Assuming you have successfully complied with the modification hierarchy set out in policy OWC2 and you have successfully demonstrated the need for a new or replacement culvert or screen within your application, pro-forma and supporting evidence, then you should design your new or replacement structure to the standards and principles adopted in the CIRIA Culvert, Screen and Outfall Manual (C786F). This includes, but is not limited to:

Culverts		
Hydraulic design	The hydraulic design of your culvert should be based on a robust hydrological assessment of design flows as set out in Chapter 10 of the Culvert, Screen and Outfall Manual (C786F). Unless there are overriding reasons for doing so, for example where its purpose is to throttle flow, the design of the culvert should be based on free flow in the design flood, i.e., the water level in the culvert should be below the soffit level of the culvert by a margin, known as freeboard. Culverts must be designed to safely convey the 1% annual exceedance probability, plus allowances for climate change, with no backing up or flooding. You will need to provide evidence of this within your submission. If you fail to do so, your consent application may be refused.	☐
Minimum culvert sizes	Your culvert should be designed to be no smaller than the minimum recommended culvert sizes set out in Table 12.2 of the Culvert, Screen and Outfall Manual (C786F). Any deviation from the minimum recommended culvert sizes must be sufficiently evidenced and justified within your submission. If you fail to demonstrate this in your submission, then your consent application may be refused.	☐

Culvert invert	Ideally your culvert invert should be set slightly below the natural bed level to allow the natural bed level, slope material to be maintained and the gradient within the watercourse to be unaffected by the new structure. If this cannot be achieved, then you will need to demonstrate how you will mitigate against any unwanted effects to the watercourse through your culvert design. If you fail to demonstrate this in your submission, then your consent application may be refused.	☐
Inlet and outlet structures	Appropriate inlet and outlet structures should be provided to ensure smooth hydraulic transition and avoid erosion. Headwall arrangements at the upstream and downstream ends of your culvert should be suitably keyed into the bed and banks of the watercourse and should be appropriate to the local environment. If this cannot be achieved, then you will need to demonstrate how you will otherwise mitigate against any unwanted effects to the watercourse through your culvert design. If you fail to demonstrate this in your submission, then your consent application may be refused.	☐
Future inspection and maintenance	Please refer to the guidance on Policy OWC5: Inspection, Operation and Maintenance.	☐
Screens		
Screen Risk Assessment	Any application to install or replace a trash or security screen on an ordinary watercourse must be accompanied by an agreed Screen Risk Assessment. This must demonstrate how your screen will reduce flood risk and/or improve overall safety, considering the means and sustainability of maintenance and the consequence if the required maintenance is not undertaken. Please refer to Appendix 3 for further detailed guidance on how to complete your Screen Risk Assessment.	☐

Hydraulic performance	The design of your screen should be based on the screen not exacerbating flood risk even when it is partially blocked and there should be sufficient residual flow area through the screen below overflow level to match the flow capacity of the culvert downstream.	☐
Future inspection and maintenance	Please refer to the guidance on Policy OWC5: Inspection, Operation and Maintenance.	☐

4.4. OWC4: Water & Environmental Management Policy

Policy OWC4 requires you to consider the impact that any consentable work to an ordinary watercourse may have on flood risk and to the water environment, such as the quality and ecological status of the ordinary watercourse and protect habitats and species.

Please refer to Appendix 2 for additional guidance on what you must consider within your submission.

If you fail to demonstrate that you have sufficiently complied with policy OWC4, then consent for your works may be refused.

4.5. OWC5: Inspection, Operation and Maintenance Policy

Policy OWC5 requires you to demonstrate that appropriate inspection, operation, and maintenance arrangements are in place for the lifetime of any new and/or replacement structure. As a minimum, you will need to consider:

1. The expected design life of the structure,
2. Who will own the structure both during and upon completion of the works,
3. Who will be responsible for the inspection, operation, and maintenance of the structure both during and upon completion of the works,
4. How will you ensure access for the inspection, operation and maintenance of the structure is secured in perpetuity for the lifetime of the structure,
5. What frequency and method of inspection is likely to be required, particularly for long culverts and smaller culverts where closed-circuit television (CCTV) inspection may be required, and
6. What maintenance or repair work is likely to be required to keep the structure in a satisfactory condition and how will this be carried out, including temporary works and methods for managing flood risk during maintenance.

If you fail to demonstrate appropriate inspection, operation, and maintenance arrangements for the lifetime of your structure, then consent for your works may be refused.

5. Ordinary Watercourse Enforcement

5.1. What is ordinary watercourse enforcement?

Under Sections 21, 24 and 25 of the Land Drainage Act 1991 (as amended), the county council has powers to take enforcement action in connection with ordinary watercourses. These powers are summarised in table 2 below.

The purpose of ordinary watercourse enforcement is to ensure there is a proper flow of water in an ordinary watercourse unless the impediment, such as a nature-based solution, is consented and designed to impede the flow.

5.2. What enforcement powers do you have?

The county council's powers of enforcement in connection with ordinary watercourses are summarised in table 2 below. These powers are permissive, meaning that it remains the decision of the county council whether to use its powers of enforcement in connection with ordinary watercourses. For the avoidance of doubt, the county council is under no legal obligation to do so.

Table 2. Summary of the enforcement powers under Sections 21, 24 and 25 of the Land Drainage Act 1991 (as amended):

Section	Summary
Section 21 of the Land Drainage Act 1991 (as amended)	Where any person who, before the commencement of the Land Drainage Act (i.e. 1st December 1991) had an obligation to do work to repair and maintain a watercourse, bridge or drainage work, but fails to do so, the county council has powers to serve notice on them requiring them to complete the works to fulfil that obligation. A common law obligation to carry out works to remove an obstruction from a watercourse falls within the “obligation” referred to in Section 21 and can therefore be subject to enforcement under this section. If the requirements of the notice are not met within seven days from the date it is issued, the county council can take remedial action to complete the works and recover costs from the person liable to complete the repairs.
Section 24 of the Land Drainage Act 1991 (as amended)	As explained earlier in this document, there is a legal requirement under Section 23 of the Land Drainage Act 1991 (as amended) to obtain consent from the county council before undertaking certain works on ordinary watercourses. If any obstruction is erected or raised or otherwise altered, or if any culvert is erected or altered, in contravention of Section 23, it shall constitute a nuisance in respect of which the county council may serve notice on the person who erected

	the obstruction or any other person who has the power to remove it. If the person fails to comply with the notice they can be subject, on conviction, to a fine and the county council can take action to remedy the obstruction and recover the costs from the person responsible.
Section 25 of the Land Drainage Act 1991 (as amended)	This makes enforcement provisions for those instances where the proper flow of an ordinary watercourse is being impeded. If the condition of a watercourse is impeding the flow of water then the county council has powers to serve notice on a person who (a) has control of that part of the watercourse or (b) owns or occupies land adjoining that part of the watercourse or (c) is responsible for the condition of the watercourse, requiring them to take action to remedy the condition. This notice should specify the nature of the works required and the person served has the right of appeal to the Magistrates Court. Subject to this right of appeal, if the recipient of the notice fails to take the appropriate action then they will be guilty of an offence and liable, on conviction, to a fine. The county council can also carry out the works to maintain the flow of the watercourse and recover the cost of those works from the person responsible.

5.3. How will the county council use these powers?

The criteria the county council will use when deciding whether to take enforcement action under Sections 21, 24 and 25 of the Land Drainage Act 1991 (as amended) is set out in Policy OWC6.

A flow chart outlining how the county council will carry out enforcement action in connection with an ordinary watercourse is also included in Appendix 4.

Despite the formal legal enforcement powers available, the county council prefers in the first instance to work with and educate riparian owners to raise awareness and resolve issues on an informal basis.

Formal enforcement action (i.e., serving statutory notices and taking remedial action to complete works) is normally only considered as a last resort.

5.4. Who else has responsibilities, duties and powers?

The key responsibilities, duties and powers placed upon all flood risk management authorities in Lancashire by the Flood and Water Management Act 2010 are set out in Section 2.6 of the Lancashire Local Flood Risk Management Strategy, 2021 – 2027.

5.5. How can I report a blockage or defect?

If you notice a blockage or defect on an ordinary watercourse, then we encourage you to report this to us as soon as possible so that we can investigate whether any action is needed.

Details of how to report blockages and defects on ordinary watercourses are specified on our website: www.lancashire.gov.uk/flooding

5.6. How can I report unconsented works?

If you suspect works are being carried out without consent, then we encourage you to report this to us as soon as possible so that we can investigate whether any action is needed.

Details of how to report unconsented works on ordinary watercourses are specified on our website: www.lancashire.gov.uk/flooding

6. Enforcement Policies

6.1. OWC6: Enforcement Prioritisation Policy

Policy OWC6 sets out the criteria the county council will use when deciding whether to take enforcement action under Sections 21, 24 and 25 of the Land Drainage Act 1991 (as amended).

A flow chart outlining how the county council will take enforcement action in connection with an ordinary watercourse is also included in Appendix 4.

Despite the formal legal enforcement powers available, the county council prefers in the first instance to work with and educate riparian owners to raise awareness and resolve issues on an informal basis.

Formal enforcement action (i.e., serving statutory notices and taking remedial action to complete works) is normally only considered as a last resort.

7. Definitions

Definitions page is under development.

Definitions to follow.

Appendix 1: Common work activities that require consent

Common work activity guidance is under development.

Guidance to follow.

Appendix 2: Completing your consent application and pro-forma

Consent application and pro-forma guidance is under development.

Guidance to follow.

Appendix 3: Completing your Screen Risk Assessment

Screen Risk Assessment guidance is under development.

Guidance to follow.

Appendix 4: Ordinary watercourse enforcement procedure

Ordinary watercourse enforcement procedure is under development.

Guidance to follow.