

Report to Parish Council: Land Drainage Consent Requirements for Proposed Stone Bridge

1. Introduction

This report provides an overview of the legal and regulatory requirements relating to works affecting watercourses, specifically in relation to the proposed construction of a stone bridge over a watercourse within the parish.

2. Legislative Context

Under Section 23 of the Land Drainage Act, it is a legal requirement to obtain consent from the relevant authority before undertaking any works that may obstruct, alter, or affect the flow of a watercourse. This includes activities such as piping, culverting, or constructing structures (including bridges), whether the works are permanent or temporary.

Since April 2012, responsibility for consenting works on ordinary watercourses has been transferred to the Lead Local Flood Authority (LLFA). However, consent for works affecting “main rivers” remains with the Environment Agency.

3. Definitions

For clarity, the following definitions apply under the Flood and Water Management Act 2010:

- **Watercourse:** Includes all rivers, streams, ditches, drains, cuts, culverts, dikes, sluices, and similar channels through which water flows.
- **Ordinary Watercourse:** Any watercourse that is not designated as a main river.
- **Main River:** A watercourse designated as such on the official main river map.
- **Culvert:** A covered channel or pipe designed to carry water beneath an obstruction such as a road or structure.
- **Public Sewer:** A sewer vested in a sewerage undertaker.

4. Consenting Requirements

- Any works that may obstruct or alter a watercourse—such as the construction of a stone bridge—require prior consent from the relevant authority.
- If the watercourse is designated as a main river, consent must be obtained from the Environment Agency.
- If the watercourse is an ordinary watercourse, consent must be obtained from the Lead Local Flood Authority.
- Additional restrictions may apply where works are located:
 - Within 8 metres of a main river, requiring permission from the Environment Agency.
 - Within or near Internal Drainage Board (IDB) areas, where byelaws may also apply.

5. Application Process

- An application must be submitted including detailed plans of the proposed works and the appropriate fee (currently £50 per structure).
- A valid application requires:
 - Completed application form
 - Supporting documentation and plans
 - Application fee (if applicable)
- The determining authority has a statutory period of two months to decide the application. Any changes to the proposal during this time will restart the determination period.

6. Outcome and Conditions

Following review, the application may be:

- Approved
- Approved with conditions
- Refused

If approved, the consent will include any conditions that must be met during and after construction. A timeframe will also be specified for completing the works.

7. Compliance Requirements

- All works must be completed by the date specified on the consent.
- The authority must be notified at least 7 days prior to completion for inspection purposes (for permanent works).
- Failure to comply with consent conditions or failure to provide required information within a reasonable timeframe may result in the application being refused or enforcement action being taken.

8. Conclusion

The construction of the proposed stone bridge constitutes works that may affect a watercourse and therefore falls under the requirements of the *Land Drainage Act*. As such, it is a legal requirement to obtain prior consent from the appropriate authority before any construction work begins.

The Parish Council should ensure that the necessary application is submitted and approved before proceeding with the proposed works to remain compliant with statutory requirements and to avoid potential enforcement action.