

Lead Local Flood Authority Ordinary Watercourses Policy Statement

Meeting Ordinary Watercourses Standards in Hertfordshire

March 2017

This policy will be approved as a part of the 2017/2018 Local Flood Risk Management Strategy review.

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Contents

Role of this Policy Document	4
Regulatory role of the LLFA	4
Hertfordshire County Council Ordinary watercourses policies	5
Applying Land Drainage Act 2010	5
Monitoring the OWC network.....	5
Sustainability/Restoration	6
References.....	7

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Role of this Policy Document

This document sets out how Hertfordshire County Council will comply with the National Flood Risk Management Strategy in its regulatory role on the ordinary watercourse network.

All Lead Local Flood Authorities are required by the National Flood Risk Management Strategy to adopt a proportionate and risk based approach to the management of local flood risk.

Flood and Water Management Act 2010 transfers powers to Hertfordshire County Council which then is the regulatory body for construction in, and maintenance of flow in all ordinary watercourses in Hertfordshire, except for the small area of the county north of Hitchin (Ickleford & Pirton) that is covered by the Bedfordshire and Ivel Internal Drainage Board (IDB).

This policy statement is supported by Hertfordshire County Council Ordinary Watercourse Service Standards.

Regulatory role of the LLFA

There are over 1200km of known ordinary watercourses in Hertfordshire. Hertfordshire County Council bases its inspection and regulation activity on an indicative risk score approach for each stretch.

Activity linked to regulation includes:

- The determination of applications for the purpose of consenting certain activities within the channel.
- The inspection of ordinary watercourses, to identify unconsented structures which may pose a risk and identify where maintenance is required.
- The investigation of complaints by the general public or other risk management authorities which can lead to enforcement action being taken.

This role includes advice and guidance about structures or enquiries about ordinary watercourses.

The county council also has the responsibility to ensure that any action undertaken on an ordinary watercourse in connection with its responsibilities do not compromise the water bodies' capability to meet its objectives under the water framework directive.

The risk management authorities listed here have also responsibilities in relation to the regulation of ordinary watercourses:

- District Councils
- Environment Agency.
- Internal Drainage Boards

In addition, responsibilities are also assigned to the land owner in respect of the riparian ownership assigned to the land within which the watercourse is located.

Hertfordshire County Council Ordinary watercourses policies

Applying Land Drainage Act 2010

Hertfordshire County Council, as the Lead Local Flood Authority, is the consenting and enforcing body for works on ordinary watercourses in the county (except in IDB areas) applying the sections 23, 24 and 25 in the Land Drainage Act 1991

OWC policy 1

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Hertfordshire County Council under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Enforcement against structures in watercourses constructed in contravention of, or without consent under, section 23 mentioned above can be led by Hertfordshire County Council under Section 24 of the Land Drainage Act 1991.

Hertfordshire County Council holds the powers to require works regarding the maintenance of the flow in the channel of an ordinary watercourse under Section 25 of the Land Drainage Act 1991.

Monitoring the OWC network

The monitoring and inspection aspect of the ordinary watercourse regulation allows the Hertfordshire County Council to have an appropriate knowledge of the county network in order to properly and effectively use its regulatory role, including in consenting and enforcing procedures.

The monitoring and inspection aspect of the ordinary watercourse regulation is based on an indicative risk score for each stretch of ordinary watercourse. The risk score reflects its interaction with infrastructure and flood zones and is derived by correlating a range of datasets.

Further details on how the risk score is defined and how it guides the inspection routine are set out within the Hertfordshire County Council Ordinary Watercourse Service Standards.

OWC policy 2

The Hertfordshire County Council will undertake an inspection regime of the OWC network, based on a proportionate and risk based approach to ensure the effectiveness and efficiency of the network in regard to its drainage function in managing flood risk.

Sustainability/Restoration

The Hertfordshire County Council, in its role as the Lead Local Flood Authority, and as a statutory consultee of the planning process, has an opportunity to improve the ordinary watercourse network to meet the Water Framework Directive targets for water quality and ecological purposes.

Conservation and enhancement of the natural environment are an important part of planning and consenting any new developments.

Each consent process represents an opportunity to restore the ordinary watercourse to its natural state and characteristics.

The applicant must seek the most natural approach, when proposing to modify an ordinary watercourse. This is also applicable for any ordinary watercourse that runs through a planning application site.

LLFA will give preference to open channel watercourses.

Further details on how to comply with the obligations of the Water Framework Directive are set out within the Hertfordshire Water Framework Directive Guidance

OWC policy 3

Any works carried out within an ordinary watercourse must not have a detrimental impact to the water quality and the ecological status of the watercourse with regards to the Water Framework Directive

When there is an existing culverted ordinary watercourse section any betterment of the situation should be sought, such as re-opening or diverting the channel.

If not achievable, the applicant must provide evidences as to why betterment is not viable.

OWC policy 4

In principle, no construction works should occur on the top of a culvert

Any works taking place within and/or over the culvert or within 3 m of the top of bank of the ordinary watercourse will require prior written consent from the Hertfordshire County Council regardless of any planning permission.

References

- Hertfordshire Water Framework Directive guidance
<http://www.hertfordshire.gov.uk/services/envplan/water/floods/ordwatercourse/hertswfd/>
- Flood and Water Management Act 2010
<http://www.legislation.gov.uk/ukpga/2010/29/contents>
- Land Drainage Act 1991
<http://www.legislation.gov.uk/ukpga/1991/59/contents>
- Living on the Edge - Environment Agency
<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>
- Local flood Risk Management Strategy for Hertfordshire
www.hertsdirect.org/services/envplan/water/floods/floodrisk/lfrmsherts/
- Water Framework Directive
www.legislation.gov.uk/uksi/2003/3242/contents/made