

Gwynedd Council Culverting Policy

Any culverting of a watercourse, or the alteration of an existing culvert, requires Ordinary Watercourse Consent from Gwynedd Council under Section 23 of the Land Drainage Act 1991. If a culvert is constructed (or altered) on a watercourse without consent, Gwynedd Council may consider appropriate enforcement action.

Gwynedd Council 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 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 Gwynedd Council 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 Gwynedd Council regarding the consenting and enforcement of structures within an ordinary watercourse. Gwynedd Council must be mindful of these duties in discharging all its functions, including those relating to flood risk management and land drainage. Also, the Environment Act (2016) places a duty on Gwynedd Council to maintain and enhance biodiversity in the exercise of its functions.

Consequently, Gwynedd Council 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 in practice is 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 measures to the surrounding environment included in the proposal.

Where hydraulic loading or culvert blockage presents flood risk to property or infrastructure we will ask for evidence that the proposed culvert capacity can accommodate a 1% (plus climate change) fluvial event in accordance with industry best practice.

Where an application is made to upgrade an existing culvert in a previously developed area, we appreciate that site characteristics can restrict culvert sizing and will work with developers to find a reasonable solution which provides the maximum environmental and flood risk betterments.

Environmental mitigation should consider, as a minimum, measures to:

- allow continued passage of fish and eels through proposed structures,
- allow unrestricted movement of river bed material
- allow continued movement of wildlife such as small riparian mammals along the watercourse

The responsibility for future maintenance and clearance of a culvert must be agreed and details of those responsible submitted with the application for consent. The responsibility for the maintenance of a culvert (riparian landowner) lies with the landowner or the person who owns the culvert unless otherwise arranged.

Suitable access arrangements for maintenance should be included in the design.

Inlet screens should not be used unless absolutely necessary. An appropriate risk assessment must be submitted with the application, to demonstrate where a trash screen is necessary. A formal maintenance regime must be agreed prior to approval.