

## Our enforcement powers

Hampshire County Council will carry out enforcement action under the following circumstances:

- if work has been carried out without permission;
- if a watercourse has not been maintained properly and could cause a flood risk;
- if work has been carried out without permission, and consent has been sought retrospectively.

If you notice works to an ordinary watercourse please contact us to determine whether the works required consent and whether an application for consent was made.

## Water Framework Directive (WFD)

In addition to consent from Hampshire County Council, any individual or organisation wishing to undertake works on a watercourse must complete a WFD compliance assessment, making sure the proposal does not cause environmental harm, and helps deliver the actions set out in the Environment Agency's local River Basin Management Plan.

The WFD provides legal protection for the water environment. Under the WFD, a riparian landowner who causes harm to a watercourse may be required to put it right. If you would like more information on how the WFD affects you please visit:

<https://www.gov.uk/government/collections/river-basin-management-plans>

## Planning Permission

In addition to Ordinary Watercourse Consent, works on a watercourse may require planning permission. Please contact your local District or Borough Council, who will advise whether your proposed works require planning permission.

The District or Borough Council may also require you to provide an Environmental Statement if the proposed works on a watercourse or lake could have a significant environmental impact. Hampshire District and Borough Council contact details can be found at [www.hants.gov.uk/localcouncils](http://www.hants.gov.uk/localcouncils)

If planning permission is not required for your proposed works, Hampshire County Council may still require that you provide an Environmental Statement.

## Other organisations and consents

There are a number of additional organisations that may require you to seek permission or consent for works on or adjacent to a watercourse. These organisations are listed below with a link to their website.

Your local Borough or District Council:

[www.hants.gov.uk/localcouncils](http://www.hants.gov.uk/localcouncils)

*Environment Agency:*

<https://www.gov.uk/environmental-management/flooding-coastal-change>

*Natural England:*

<https://www.gov.uk/government/organisations/natural-england>

*Historic England:*

<https://www.historicengland.org.uk/advice/planning/>

*Marine Management Organisation (MMO):*

<https://www.gov.uk/topic/planning-development/marine-licences>

Other Hampshire County Council teams holding environmental information:

*Hampshire Biodiversity Information Centre:*

<http://www3.hants.gov.uk/biodiversity/hbic>

*Archaeology & Historic Environment Record:*

historic.environment@hants.gov.uk

## Contact information

**Ordinary Watercourse Consenting advice/applications:**

**Website:** <http://www3.hants.gov.uk/watercourses.htm>

**Email:** owc@hants.gov.uk

**Phone:** 01962 846730

Flood and Water Management general flooding information:

[www.hants.gov.uk/flooding](http://www.hants.gov.uk/flooding)

## Guide to Ordinary Watercourse Consenting

This document provides information to landowners on the consent required for works on or close to ordinary watercourses.

An ordinary watercourse is any passage through which water flows which is not part of a main river. This includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and sewers (other than foul sewers).

Main rivers are typically larger streams and rivers, but some are smaller watercourse of local significance. Main rivers are managed by the Environment Agency (EA). To identify whether a watercourse is a main river visit the EA's website and view their flood maps.

## Ordinary Watercourse Consenting

Hampshire County Council (HCC) as Lead Local Flood Authority is responsible for consenting works that affect the flow of an ordinary watercourse. If you intend to undertake works which may affect the flow or storage of water, even temporarily, you need to apply for a Ordinary Watercourse Land Drainage Consent.

Please contact the HCC Flood & Water Management team before you start your application as consent may not be required and we may be able to help you avoid unnecessary delays.

If your watercourse is part of a main river, you will need to apply for consent from the Environment Agency (EA) instead.

## Which works do and do not require consent from Hampshire County Council?

Hampshire County Council seeks to avoid culverting where possible due to the adverse ecological, flood risk, human safety and visual impact. We will therefore, only approve a culvert if there is no reasonable alternative, or if we think the detrimental effects would be so minor that a more costly alternative would not be justified. Where proposing a culvert you will be required to prove that reasonable and practicable alternatives have been considered. We do recognise that there are situations where culverting may be unavoidable.

### Can consent be refused?

Yes, if:

- It is deemed that the structure being applied for is not necessary.
- A watercourse's flow will be obstructed: or
- There is insufficient information contained within the application.

Applicants should carefully read the guidance notes and ensure that sufficient detail is provided. If you are unclear, please contact the County Council before you send in the application.

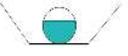
### How much is the application fee?

£50 per structure/change or temporary works event. If the proposed scheme is for two separate culverts, for example, then the application would be £100 (£50 x 2 structures). Please refer to the charging schedule on the website for further details: <http://www3.hants.gov.uk/watercourses.htm>

### How long does it take to reach a decision?

Hampshire County Council has 2 months to determine the application. The applicant will normally receive written confirmation within this period on whether consent has been given or not. If the application is not considered within this timeframe, then consent is automatically given.

## Examples of structures requiring consent

Cross section diagram	Feature	Consent required?
	Pipe culvert (including extensions and removal of)	YES
	Oversized box culvert (including extensions and removal of)	YES
	Trash screens	YES
	Bank protection works	Temporary works may require consent
	Pipe crossing (in channel)	YES
	Pipe crossing (above bank)	NO
	Pipe crossing (below bed)	Temporary works may require consent
	Protruding pipe outfall	YES
	Outfall within bank profile	YES
	Weir/dam or impoundment or temporary works that obstruct flow	YES
	Bridge (where soffit level is below bank top level)	YES
	Bridge (abutments not reducing flow area/width)	NO
	Bridge (abutments restrict flow)	YES
	Clear span bridge	NO
	Bridge with support in channel	YES

## Applying for consent

To apply for consent you need to complete the application form. Guidance notes to help you complete the form should be read to ensure you supply all the necessary information. Both the application form and the guidance notes can be found at: <http://www3.hants.gov.uk/watercourses.htm>

Where possible we prefer applications to be completed electronically and submitted by email to [owc@hants.gov.uk](mailto:owc@hants.gov.uk), with the appropriate plans and documents attached. If you prefer to submit a paper copy, the application form and guidance notes can be obtained from Hampshire County Council at the following address and should be returned along with all accompanying plans and documents and the appropriate application fee. Please send a cheque, made payable to 'Hampshire County Council' to the following address:

**Applications for OW Land Drainage Consent**  
**Flood & Water Management,**  
**ETE Dept.**  
**Hampshire County Council**  
**The Castle, Winchester SO23 8UD**

The application must be completed accurately and all accompanying information needs to be clear. If any information is missing, a decision on your application could be delayed. One application form can be made for multiple structures, if located in the same area or on the same watercourse.

**Please ensure you write the applicant name and address (as submitted in the application) on the reverse of the cheque.**

## What happens if consent is not obtained?

The failure to obtain consent prior to carrying out the works may be a criminal offence, which could result in a fine of up to £5,000, and a further fine of up to £40 for every day on which the contravention is continued after conviction.

Under the **Land Drainage Act (1991)** Hampshire County Council has the power to take action to remedy the effect of the contravention or failure to get consent, and to recover the expenses reasonably incurred by doing so from the person in default.