

# SEPA's Regulatory Guidance on engineering and impounding activities affecting drainage ditches

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## Purpose and Background

Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (referred to as CAR), authorisation is required for the carrying out of building or engineering works and the construction, alteration or operation of impounding works.

It can be confusing for applicants to identify where an authorisation is required when working in

- man-made drainage ditches,
- artificial inland surface waters or
- natural watercourses, ponds and lochs

This document therefore sets out SEPA's regulatory position. It also aims to provide some guidance on identifying if a waterbody is natural or man-made.

## What authorisation is required?

### For engineering works:

- Man-made drainage ditches - SEPA will not require authorisation for any engineering work (i.e. to create, alter, maintain, culvert, bridge or infill) man-made ditches where there is no impact upon a natural watercourse. For example, land drainage works such as the construction and maintenance of road drains and field tiles.

- Artificial inland surface waters – [WAT-PS-07-03](#) : Engineering in artificial Inland Surface waters sets out when authorisation is required in these waterbodies.
- Natural watercourse/ponds/loch – authorisation is required for work impacting these waterbodies as outlined in [SEPA's CAR Practical Guide](#). The level of authorisation required from SEPA will depend on the size of the watercourse and the proposed activity.

### **For impoundments:**

SEPA will not require authorisation for the construction of a weir, dam, or impoundment in inland waters (other than groundwater) or wetland for the purpose of **peatland restoration or wetland creation** where:

- a) The activity is carried out in artificial drainage channels; **AND**
- b) The activity is not associated with an abstraction. **AND**
- c) The impoundment is created in a watercourse less than or equal to 1m wide.

In any other case a CAR licence is required. Further information on the licensing process can be found at: [https://www.sepa.org.uk/media/34761/car\\_a\\_practical\\_guide.pdf](https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf)

## Definitions

- **Man-made drainage ditch**

Where a man-made channel has been dug to drain land and manage/convey the flow of water across an area. These are created where there is no existing watercourse (i.e. water would naturally flow through the ground rather than form a channel). The channel is likely to be straightened, channelised and uniform in nature. This would include roadside ditches and land/field drains. They can either be created underground or on the surface and the channels are designed to remove surface and sub-surface water from an area of land. These drainage ditches may only run intermittently, primarily after periods of rainfall and may have no natural source or issue. They are also unlikely to have natural river bed material.



*Example of an agricultural field drain entering a natural watercourse*





*Example of a channel dug to convey hillside drainage around a car park, where naturally it would have spread*



*Example of a channel dug to convey roadside drainage downstream of an A road*



- **Artificial inland surface water**

A body of water created by human activity in a location where no significant waterbody existed before and which has not been created by the direct physical alteration, movement or realignment of an existing waterbody. Examples include canals, lades, artificial ponds.

- **Natural watercourses/ponds/lochs**

All naturally created standing or flowing water on the surface of the land. These waterbodies/channels could have been significantly altered/modified/straightened over time and can be culverted underground but originate from a natural source/catchment and are located where flow would have naturally channelised. These can include watercourses which are ephemeral (dry for part of the year).

## How do I identify if a waterbody is natural or man-made?

Information can be gained from a number of sources to identify if a waterbody is natural or man-made including those listed below. You should use multiple sources of information in order to inform decision rather than rely on one criteria alone.

### Maps

- Inland surface waters can be identified on Ordnance Survey and historic maps and will usually follow landscape contours in lowest lying areas of land. Larger watercourses will be named on the maps.  
(note: Some very small, but natural channels don't appear on any maps. Likewise, some unnatural channels can appear on maps.)
- Aerial images may help to identify old historic channels in areas which would allude to there being natural channels. These may also reveal if the channel is draining/collecting smaller channels from upstream catchment.

### Topography

- Natural channels will typically occur in 'depressions' in the landscape because this collects and concentrates surrounding surface and ground flow to result in channel. (note: although natural channels will follow the landscape contours, heavily modified natural channels could have been diverted from the natural flow path and some natural watercourses may have been straightened historically)
- Manmade drainage ditches are usually straight, uniform channels and show little relationship with natural landscape contours. They will have been installed for the purpose of conveying drainage in an area.

### Site visit and other local information sources

- It may become apparent from a site walkover that drainage ditches have been cut into landscape.
- Where natural bed material and coarse sediment is present in an open drainage ditch this is an indication of a more natural watercourse.
- The local council may also have information about drainage in an area.

For information on accessing this document in an alternative format or language please contact SEPA by email at [equalities@sepa.org.uk](mailto:equalities@sepa.org.uk)

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<http://contactscotland-bsl.org/>

[www.sepa.org.uk](http://www.sepa.org.uk)

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