

APPLICATION FOR CONSENT FOR WORKS AFFECTING WATERCOURSES

EXPLANATORY NOTES

1. INTRODUCTION

It is essential that anyone who intends carrying out works in, over, under or near a watercourse, contacts the Board to obtain any necessary consents **before** starting the work. The reason for this is to ensure that any works do not endanger life or property by increasing the risk of flooding or cause harm to the water environment.

Please note when making an application it is essential to fill in the application form accurately and for any accompanying information, including drawings, maps and calculations submitted to be clear. Further details of the information required by the Board are given in these notes. In order to ensure that proper details are submitted you may wish to discuss the information required with our officers before you make your formal application.

2. ADVICE/DEFINITIONS

Structure: Any construction to include outfall pipes, inlet works, weirs, dams, culverts, bridges, underground services, fences, roads, overhead services or other like obstruction which might affect the flow of a watercourse.

Watercourse: This includes the channel of the watercourse itself and any structure or appliance for controlling the flow of water into, in or out of the channel. This includes the banks of a channel. Any proposed works which affects the banks of an embanked channel or the channel itself requires the consent of the Board.

3. HOW TO MAKE AN APPLICATION FOR CONSENT

The following notes should assist you in the completion of the application form and the submission of supporting documentation:-

- **Details of Applicant**
The name of the individual, organisation or company applying for consent should be given along with the name, address and telephone number of a person who can be contacted to discuss the proposals.
- **Details of Agent**
Agents acting on behalf of an applicant should enter details. If this section is completed, all correspondence will be sent to the Agent. Leave blank if not applicable.
- **Location**
The name of the watercourse as shown on the Ordnance Survey map should be given if known, (many minor watercourses are unnamed). The location of the proposed works should indicate the nearest town/village, the address of the site or sufficient description to enable the site to be identified easily. The OS grid reference should include two prefix letters, (indicated in the corner of OS maps) followed by eastings and northings eg TF 12345678.
- **Description and Purpose of Proposed Works**
It is important to accurately describe the proposal(s) for which application is being made on the application form. State the purpose of the works and indicate the number of structures for which consent is being sought.

- **Description and Numbers of Plans and Sections Submitted**

If you include a drawing which has been prepared for some other purpose, it is requested that those items for which consent is being sought should be highlighted in colour. **Three copies** of all relevant drawings are required. The drawings should not be larger than A0 size and should include:-

- (a) **Location Plan**

This should be based on an Ordnance Survey map if possible and should show clearly the general geographical location of the site where the works are to be constructed.

- (b) **Site Plan**

This must be drawn to scale which must be clearly stated. Ordnance Survey maps or engineering drawings to a scale of 1:1250 or larger are recommended.

- (c) **Detailed Drawings (Plans and Sections)**

Provision of the following details will assist in the determination of your application:-

- Plan(s) and cross section(s) showing details of existing and proposed features. Cross sections should be drawn looking downstream on the watercourse where appropriate.
- Details of existing and proposed water levels, shown on cross sections or a longitudinal section of the relevant length of watercourse where appropriate.
- Calculations to demonstrate the hydraulic capacity of any channel works, culverting or bridge works.
- Land surface contours, where appropriate.
- The materials to be used for any structures.
- The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse.
- Details of any tree, shrub, hedgerow, pond or wetland area which may be affected by the proposed work.
- Details of any planting or seeding within the channel or adjacent to the watercourse.
- **Bridges and Culverts** – Additional cross sections upstream and downstream of the proposed works and/or a longitudinal section along the centre line of the watercourse are required sufficient for the average channel bed gradient to be determined.
- **Dams and Weirs** – A plan showing the extent of the impoundment under normal and flood conditions is required in order to assess the possible impact on riparian owners.
- **Mineral Extraction/Land Filling** – Contour surveys of the existing site are required in addition to details of the proposed filled site. Details of interim levels including temporary stock pile works are required where such works are in flood plain areas.

- (d) **Sketches**

Legible sketches clearly illustrating the proposed works and adequately dimensioned will be acceptable.

- **Construction Details**

Separate consents are required for both the permanent works and any temporary works which do not form part of the permanent works. Please state whether the works are to be permanent or temporary and the anticipated construction start date. If works are to be temporary, state duration required.

- **Planning Approval**
- Some works may also require local authority planning approval in addition to consent from the Board. If you already have planning approval, please indicate the name of the planning authority, application reference number and date approval obtained.
- **Name of Person/Organisation Responsible for Maintaining the Structure on Completion**
- This will normally be the applicant. Please indicate in your covering letter if it is intended that responsibility is to pass to others. Please also indicate who is responsible for maintaining temporary works during the construction period.
- **Brief Details of Environmental Impact of Works etc.**
- The Board has a duty to conserve and enhance the natural environment, and must therefore consider the environmental implications of any proposal.
- **Declaration**
- Enclose the payment with your application, and sign and date the form.

4. **APPLICATION CHARGE**

The Board are authorised by Section 23(2) of the Land Drainage Act 1991 to charge an application fee in relation to the consents required. These fees are payable to recover our costs for examining the proposals and **the amount of the fee is £50 for each application for consent for each structure.** Value Added Tax is not applicable.

You should note that this charge is payable in respect of each structure. Some types of work are exempt from fees and you will be advised as to whether a fee is appropriate when you request an application form.

Please consult the office if you are in doubt about the fee applicable.

- (a) **Field Drains:** Where sub soil drainage is being installed for agricultural purposes incorporating a number of outfalls, it is recognised as unfair to charge on the basis of one charge per outfall. Such applications will generally be charged on the basis of one charge per system.
- (b) **Overhead Services:** Where an overhead service is being proposed which involves the crossing of a meandering watercourse such applications will generally be charged on the basis of a one charge per system.

5. **HOW TO OBTAIN CONSENT**

When you have fully completed your application form, please send it with the fee and supporting documents to the Board's office.

6. **DETERMINATION**

Upon receipt of an application the Board has two months in which to grant or refuse consent. Such consent shall not be unreasonably withheld.

The granting of consent should not be regarded by the applicant as in any way approving the design and soundness of the proposed structure other than in relation to its impact on flows and its effects in the watercourse and its floodplain. You should be aware that in accordance with the Board's conservation duties, consent may be refused if the works proposed might prove detrimental to the environment.

7. **RIGHT OF APPEAL**

If you believe that consent has been unreasonably withheld or conditions unreasonably imposed then you have a right to appeal.

8. OTHER CONSENTS

You may also require further consents from the Environment Agency under the Water Resources Act 1991 (eg for impounding, water abstraction etc.), under the Salmon and Freshwater Fisheries Act 1975 in respect of fish passes and/or under the Environmental Protection/Waste Regulation legislation. You may also require further consents from the District Council for culverting works under the Public Health Acts.

9. FAILURE TO APPLY FOR A CONSENT

If works are executed without first obtaining a formal written consent from us we have the power to serve a notice requiring you to abate the nuisance within a specific time. Should you fail to comply with the notice then we can take the matter to Court whereupon a fine not exceeding £2,000 may be imposed. Any further failure to comply may result in an additional fine not exceeding £40 per day for every day during which your default continues.

Under section 25 we may remove, alter or pull down any unauthorised work and recover from you the expenses incurred in the process.

10. FURTHER INFORMATION

If you are in any doubt about whether you need to apply for a consent, how to complete the application forms or any other aspect of your application please contact the Board's office.