**APPLICATION FOR CONSENT TO ALTER A WATERCOURSE**

(for the construction or alteration of a bridge or culvert, the infilling of any drainage channel, or works reducing or altering the flow or capacity of any watercourse)

**MEMBER INTERNAL DRAINAGE BOARDS**

- Broads (2006) IDB, East Suffolk IDB, King’s Lynn IDB, Norfolk Rivers IDB, South Holland IDB

**Kettlewell House**
Austin Fields Industrial Estate
King’s Lynn
Norfolk
PE30 1PH

Tel -  (01553) 819600
email -  info@wlma.org.uk

**PLEASE READ THE NOTES OVERLEAF CAREFULLY BEFORE COMPLETING THIS FORM**

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<tbody>
<tr>
<td><strong>1</strong></td>
<td>NAME AND ADDRESS OF APPLICANT(S):</td>
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<td></td>
<td>POSTCODE:</td>
<td>TEL NO:</td>
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<td><strong>2</strong></td>
<td>NAME AND ADDRESS OF AGENT: (if applicable)</td>
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<td></td>
<td>POSTCODE:</td>
<td>TEL NO:</td>
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<td><strong>3</strong></td>
<td>LOCATION OF PROPOSAL:</td>
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<td></td>
<td>ORDNANCE GRID REF:</td>
<td>PLANNING APP. NO: (if applicable)</td>
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<td><strong>4</strong></td>
<td>DOES THE PROPOSAL AFFECT A BOARD-MAINTAINED WATERCOURSE? (tick one box below)</td>
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<td></td>
<td>YES</td>
<td>NO</td>
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<td></td>
<td>If yes or unknown, to whom should any required legal agreements be sent – APPLICANT(S) / AGENT *</td>
<td>* Delete as appropriate</td>
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<td><strong>5</strong></td>
<td>DESCRIPTION OF PROPOSALS:</td>
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<td><strong>6</strong></td>
<td>Is/Are the applicant(s) or agent (or if the applicant or agent is a company, is any partner or director thereof) a Member or employee of the Board, or related to someone who is? – YES / NO *</td>
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<td>Is/Are the applicant(s) the sole owner(s) of the entire section of drain covered by this application? – YES / NO *</td>
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<td>If no, the applicant(s) must ensure they obtain all necessary permissions from other landowners prior to undertaking any work</td>
<td>* Delete as appropriate</td>
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I confirm that the applicant(s) has/have read the terms and conditions shown overleaf, and accept(s) and agree(s) to comply with them. I enclose a copy of all requested plans and drawings, together with the required application fee. The applicant(s) understand(s) that if this application is approved by the Board there may be conditions imposed and fees due, which must all be complied with/paid in full prior to work commencing.

**SIGNED ……………………………………… (APPLICANT / AGENT) DATE ………………………………..**

**WHEN COMPLETED PLEASE RETURN THIS FORM WITH THE REQUIRED PLANS AND FEE TO THE ADDRESS SHOWN AT THE TOP OF THIS PAGE**
PLEASE REFER TO THE “DEVELOPMENT” SECTION ON THE BOARD’S WEBSITE AND VIEW THE “PLANNING AND BYELAW POLICY”, “GUIDANCE”, “CHARGING POLICY” AND THE BOARD’S BYELAWS BEFORE COMPLETING AND SUBMITTING YOUR APPLICATION. ALTERNATIVELY, PRINTED COPIES OF THESE DOCUMENTS ARE AVAILABLE ON REQUEST.

For guidance purposes, the definition of a watercourse, and Section 23(1) and (1A) of the Land Drainage Act 1991 (as amended), are as follows:

**Watercourse** - “Any artificial or natural channel for the conveyance of water, particularly drainage. It may be a canal, stream, drainage tunnel or culvert, ditch, flume or adit.”

**Section 23 (1)** No person shall -

(a) erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or

(b) erect any culvert in an ordinary watercourse, or

(c) alter any culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent in writing of the drainage board concerned.

(1A) Consent under this section may be given subject to reasonable conditions.

**NOTES**

Please read the following terms and conditions carefully before submitting your application. Failure to complete your application in accordance with these terms and conditions may mean it cannot be considered by the Board.

1) This application is to be accompanied by a plan showing the location of the proposed works and a cross-section of the watercourse showing the planned bridge/pipe and method of infilling (if applicable). In the case of alterations to an existing culvert or bridge, cross-sections both pre and post-works must be provided. A fee of £50.00 must also be paid before the application will be considered. **Please make cheques payable to “Water Management Alliance”**.

2) Should the proposals need to be discussed at a Board meeting, you will be advised of the date of that meeting as soon as possible after receipt of your application.

3) Written consent must be granted by the Board prior to any work being carried out. It cannot be guaranteed that any specification shown in section 5 of this form will be satisfactory, and amendments to that specification may be stipulated by the Board as part of any approval granted. The approved specification and all conditions stipulated by the Board must be complied with in full either before work commences, or as part of the works, as applicable.

4) Any consent granted by the Board will be subject to the proposed works being completed within a period of three years from the date of the Board’s decision. Consents cannot be sold, inherited or otherwise passed on within this time period without prior written agreement from the Board.

5) Acceptance of this application by the Board is not an endorsement for works carried out on, or affecting, a third-party’s land/property. It is the responsibility of the applicant(s) to obtain all necessary landowner permissions for the works.

6) The granting of consent by the Board cannot be taken to mean that the proposed works comply with the requirements of any other interested parties, which may include the Local Planning Authority or the Highways Department, and consultation with all such organisations should therefore be undertaken to establish their requirements.

7) If the proposals also include works which are within 9 metres of a Board-maintained watercourse, or which involve the discharge of surface water or treated foul water to ANY watercourse, separate written consent may be required from the Board for these aspects of the plans.

8) Notice must be given to the Board before the start of works.

**FAILURE TO COMPLY WITH ANY OF THE BOARD’S BYELAWS, OR WITH ANY CONDITIONS SPECIFIED AS PART OF A CONSENT, MAY LEAD TO ACTION BEING TAKEN BY THE BOARD. SUCH ACTION MAY INCLUDE LEGAL PROCEEDINGS AND/OR WORKS TO REMEDY THE EFFECT OF THE CONTRAVENTION, AS WELL AS THE RECOVERY OF COSTS ASSOCIATED WITH SUCH WORKS FROM THE OFFENDING PARTY.**

If you believe that consent has been unreasonably withheld by the Board, or one or more conditions unreasonably imposed, you have a right to appeal. The Land Drainage Act 1991 and the “Planning and Byelaw Policy” (as well as the Board’s Byelaws, if applicable) give further details about this.
APPLICATION GUIDANCE NOTES

Before making an application to any of the Water Management Alliance IDBs, it is important that you have read and understood these notes, the relevant Board’s Byelaws and the Land Drainage Act 1991 (as amended), and that you are familiar with the Board’s Planning & Byelaw Policy.

These guidance notes summarise situations where consent is/is not likely to be granted by the Board for relaxations of its Byelaws and/or the Land Drainage Act 1991 for proposals to alter a watercourse, but the Planning & Byelaw Policy gives more detail about various types of development, and the conditions likely to be stipulated as part of any approval.

The application form requires completion of the following sections:

1. **Name and address of applicant(s)** – The person, people or company wishing to carry out the development.
2. **Name and address of agent** – An architect, consultant or other person acting on behalf of the applicant(s).
3. **Location of proposal** – The site where the proposed works would be undertaken.
4. **Does the proposal affect a Board-maintained watercourse?** – Includes a follow-up question about legal agreements.
5. **Description of proposals** – Outline of the intended works, including their location(s).
6. **General questions** including about ownership of the watercourse.

Section 23 of the Land Drainage Act 1991 (as amended) prohibits any obstruction or culvert being placed in a watercourse, or an existing culvert being altered in a manner that would affect the flow of a watercourse, without the prior consent of the relevant drainage board. However, the Environment Agency’s “Policy Regarding Culverts” advocates retaining open drains wherever possible, due to their higher flood storage capacity and the potential loss of wildlife habitat if they are piped, and this stance is also taken by the Water Management Alliance Boards. Therefore consent will only be granted for proposals which will not unduly increase local flood risk or adversely affect the standard of drainage; which will not have an unfavourable impact on the local environment or wildlife; and provided the intended length of culverting/bridging is minimised.

**Applications to bridge or culvert a privately-maintained watercourse**

Applications will only be granted if the plans are satisfactory or would be if certain amendments are made, and any approvals issued will be subject to various conditions. If the Board considers that altering the watercourse is not appropriate for any reason, the application will be refused.

**Applications to bridge or culvert a Board-maintained watercourse**

Although this is not a guarantee that approval will be granted, these applications will normally be consented (subject to conditions) provided at least one of the following criteria is met:

i. The proposal is for a replacement culvert or bridge, or

ii. The piping/bridge is for the sole access to a field, property, building plot or an estate development, and the total length of piping or width of the bridge is the minimum required for the access, or

iii. The total length of drain to be piped/bridged is 12 metres or less.

In all other cases, the granting of consent will only ever be considered where an overriding need for the piping can be demonstrated e.g. for Health & Safety reasons, or where the piping would be of benefit to the Board.
Any bridge or culvert in a Board-maintained drain will always have to be constructed to a specification previously approved, or stipulated, by the Board. The Board expects culverts to be used in preference to bridges, and therefore new bridges will only be permitted where specific technical or operational reasons dictate that they would be the better option. The cost of installation must be met in full by the applicant unless there is a benefit to the Board, in which case the Board's Chief Executive may agree to make a contribution towards the works. A Commuted Maintenance fee is also likely to be payable to the Board (see later section).

**Applications to construct a weir or install any other flow control structure**

Applications will be considered on a case-by-case basis, but are only likely to be consented if the proposals will not have an adverse effect on any other landowners or properties. A Commuted Maintenance fee is also likely to be payable to the Board where the weir of flow control structure is in a Board-maintained watercourse (see later section).

**Committed Maintenance fees for new culverts, bridges or weirs**

A Commuted Maintenance fee is a one-off charge payable where the Board will become responsible for the future maintenance costs associated with a new structure (in this case likely to be a culvert, bridge or weir). In the case of a culvert or bridge, the Board will not be responsible for the wearing surface, but will maintain the rest of the structure.

The Commuted Maintenance fee is paid in addition to the cost of construction of the structure, although if the future maintenance of the culvert, bridge or weir will rest with another authority e.g. the local Highways Department, then no such fee is payable to the Board. If the affected drain is owned by the Board, then a one-off Wayleave payment will also be due to the Board to reflect the fact that the works are within an area of land it owns.

The Commuted Maintenance fee due where a watercourse is not owned by the Board is 130% of the cost of materials, as priced by the Board’s Officers, and where the drain is owned by the Board it is 230% of the cost of materials, again as calculated by the Board’s Officers. If the culvert, bridge or weir is being adopted by another authority, but is being constructed on land owned by the Board, then the Wayleave fee will be 100% of the cost of materials (as priced by the Board’s Officers).

The relevant Commuted Maintenance/Wayleave fee will be stipulated as part of any approval issued and a period of between 1 month and 3 months will be given for the applicant to accept that figure, depending on the likelihood of increases in materials’ costs. At the time of acceptance, the first 50% of the fee becomes due. Beyond this period, the Board’s Officers will determine whether the quoted fee is still applicable, or whether it should be revised in light of any changes to the cost of materials. The second 50% of the fee is then payable when construction of the culvert, bridge or weir is completed to the satisfaction of the Board’s Officers.