DERBYSHIRE County Council

Guidance Notes: LAND DRAINAGE CONSENT APPLICATIONS

These guidance notes should be used to complete an application for Ordinary Watercourse Land Drainage Consent. You are advised not to carry out work on an ordinary watercourse without consulting the Lead Local Flood Authority (LLFA). Carrying out works without prior consent or failing to rectify problems may be a criminal offence.
Before completing the application form applicants should contact us for advice on your proposal using the contact details at the end of the application form.

CONTENTS

These notes provide a guide to completing an application for Ordinary Watercourse Land Drainage Consent. They address each section of the application form providing an overview of what is required to support and inform the application. It is important that you complete **ALL** of the relevant sections of the application form.

1.1 Ordinary Watercourse

The County Council is the consenting authority for works on or within close proximity to ordinary watercourses. The Environment Agency is responsible for distributing permits, under the Environmental Permitting Regulations, for works affecting Main Rivers

Applicants are requested to check the Environment Agency's Main River Maps accessed at:

https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386

If the watercourse is identified on this map then please contact the Environment Agency on **03708 506 506** or **enquiries@environment-agency.gov.uk**

If the watercourse is not identified then it is likely that it is an Ordinary Watercourse.

NB: Any private ditch, pipe, culvert, sough, drain etc. not managed privately or by a water company is classed as an ordinary watercourse.

Under Section 23 of the Land Drainage Act (1991) the erection or alteration of any mill dam, culvert, weir or other like obstruction to the flow of an ordinary watercourse requires consent. Under normal circumstances the LLFA have a legal time period of eight weeks to reach a decision for consentable works; irrespective of whether they are temporary or permanent.

1.2 Emergency Consent

If the works you are carrying out are an emergency please contact the Flood Risk Management team.

1.3 Culvert Policy

The County Council, like the Environment Agency, is generally opposed to culverting of a watercourse due to the adverse ecological, flood risk, human safety and aesthetic impacts as well as other effects which may ensue. The County Council has a responsibility to support the Environment Agency in achieving the objectives of the Water Framework Directive and promote the de-culverting of watercourses across Derbyshire.

The LLFA will consider each application to culvert a watercourse on its own merits, but will only approve a culvert if there is no reasonably practicable alternative or if it is considered that the detrimental effects would be so minor that a more costly alternative could not be justified.

If you wish to culvert a section of open watercourse you will be required to provide additional technical supporting information, this will involve providing hydraulic calculations (design flows, tail water levels, barrel dimensions, headwater elevations etc), extensive drawings and may involve a Water Framework Directive assessment.

More information can be found in our Culvert Policy available online:

www.derbyshire.gov.uk/environment/flooding/strategy

2 Completing the Ordinary Watercourse Consent Form

2.1 Applicant details

Please complete this section with the details of the individual, organisation or company applying for consent.

2.2 Agent details

You can nominate someone other than the applicant to act on your behalf e.g an agent or consultant. Leave blank if not applicable. **If you complete this section, we will send all correspondence to this contact.**

2.3 Your interest in the land

We need to know what interest you have in the land where the works will be carried out (for example, whether you are the landowner or tenant). If any work will be carried out on land that you do not own, you will need permission from the landowner.

2.4 Description of the proposed works

This part of the application form requires a clear, but brief description of the proposed works.

- It is important that you accurately describe the proposals in your application.
- Please tell us the purpose of the works and the number of structures you need consent for, preferably in a bulleted list.

A full and detailed description of the works and the phases of construction should be included as part of the method statement (required in Section 7).

2.5 Location of the proposed works

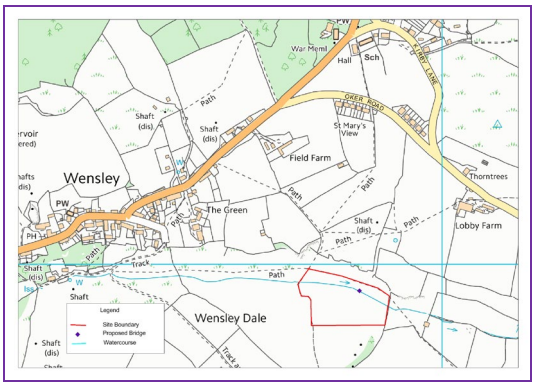
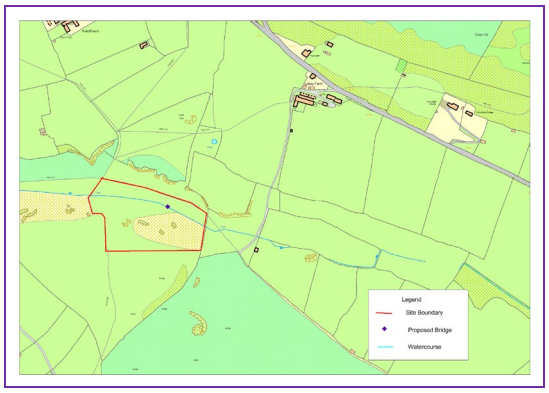
We need to be able to easily identify where the proposed works will be carried out. The easiest way to find a location is for the applicant to provide details, the nearest address or postcode in addition to the details below:

- The location of the site;
- The name of the watercourse; and
- The easting and northing of the site.

2.6 Supporting documentation

You need to provide us with a copy of all relevant plans, drawings, and calculations etc. that describe the proposals. These should ideally be submitted electronically (in pdf format) but can be in hard copy. The drawings must be no larger than A3 size.

Location Plan:

Example Map	Explanation
	This Location plan is at an appropriate scale, clearly shows the general location of the site, includes general features, road names and identifies the watercourse or other bodies of water in the surrounding area.
	An outline of the site boundary alone is not useful if there are no identifiable road names or features identified.

Drawings:

Drawings should simply show the existing and proposed features, they can be annotated to provide extra detail such as materials, flow levels, dimensions and any additional details relevant to the works.

The plan should be drawn to an appropriate scale, which must be clearly stated. The minimum drawings required are listed below:

- Existing arrangement.
- Proposed arrangement.
- Temporary works.

We welcome any additional drawings which you feel are relevant to the temporary and/or permanent works.

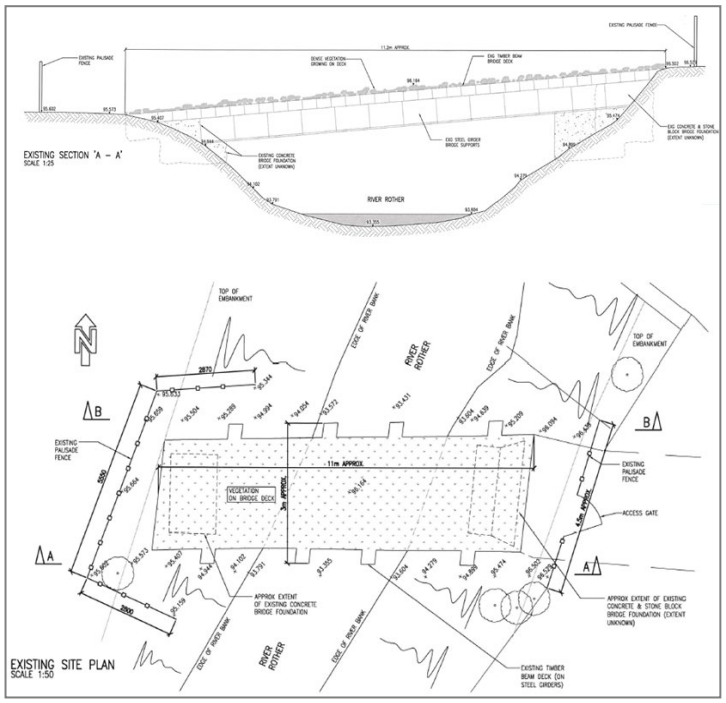
Please note: All drawings must include a unique reference number.

Existing arrangement:

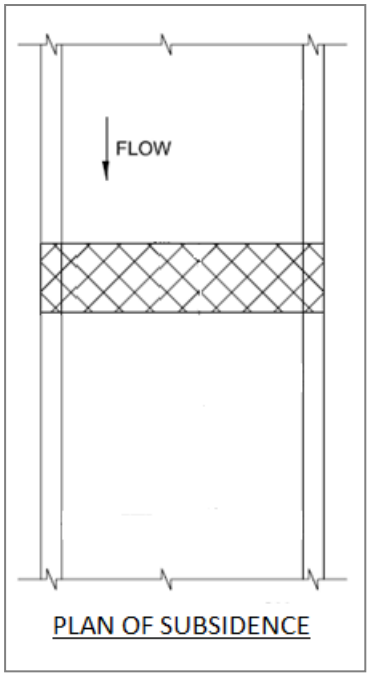
You must provide a plan of the site showing:

- The existing site, including any watercourses.
- Ideally both plan and cross sectional views.
- The position of any existing structures which may influence the local river environment, such as dams, weirs, bridges, ways of crossing the watercourse, embankments, outfalls etc.

Example 1: Removal of an old bridge



Example 2: Channel repairs after subsidence

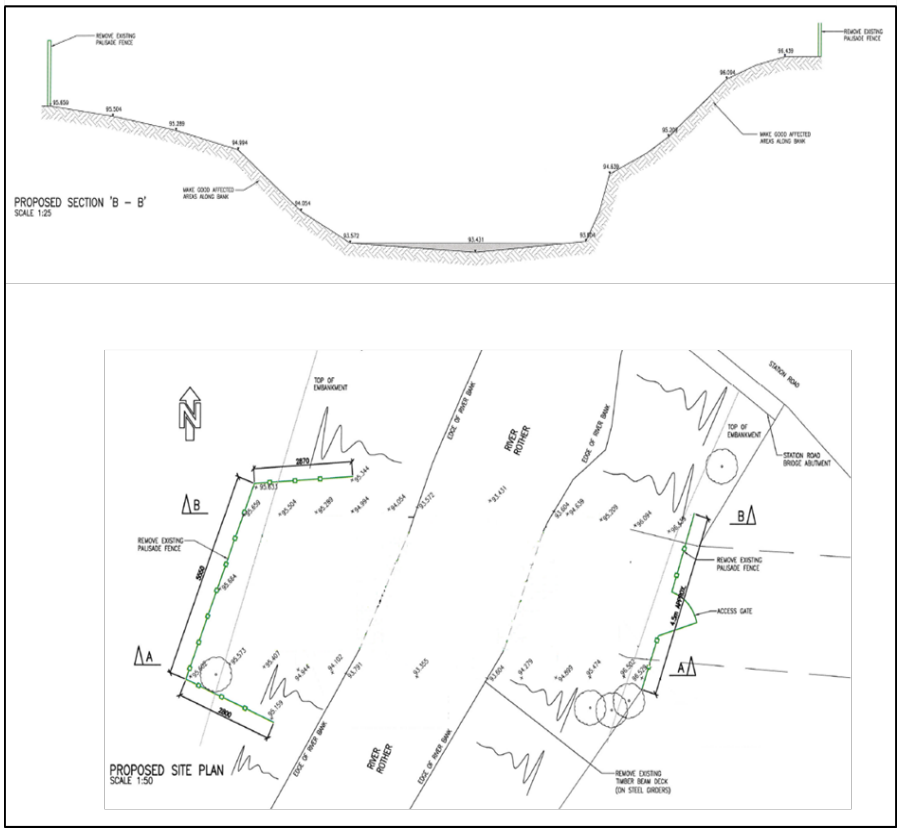


Proposed arrangement:

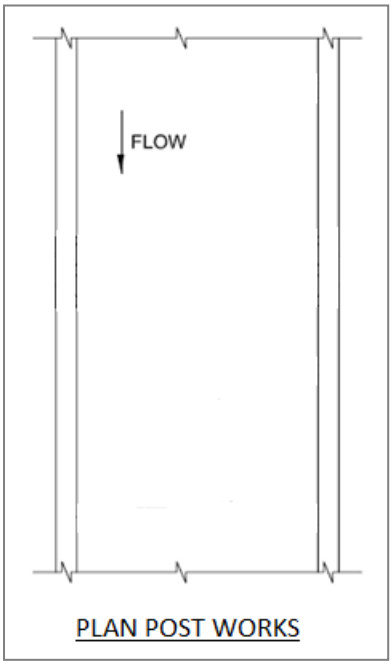
You must provide a plan of the site showing the general arrangement of the proposed site after the works have taken place, to include:

- Direction of flow.
- All permanent structures within the watercourse (temporary structures should be submitted separately).
- Ideally plan and cross sectional views.
- The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse.
- In the case of dams, weirs or other obstructions, a plan showing the extent of the water impounded (held back) under normal and flood conditions so that we can assess the possible effect on land next to the watercourse.

Example 1: The site following the removal of the bridge



Example 2: Channel following subsidence repairs

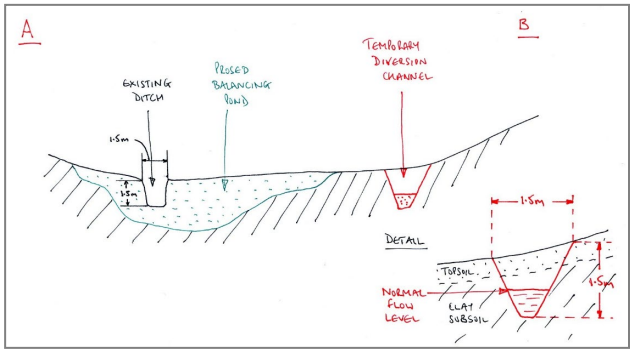


Temporary structures drawing:

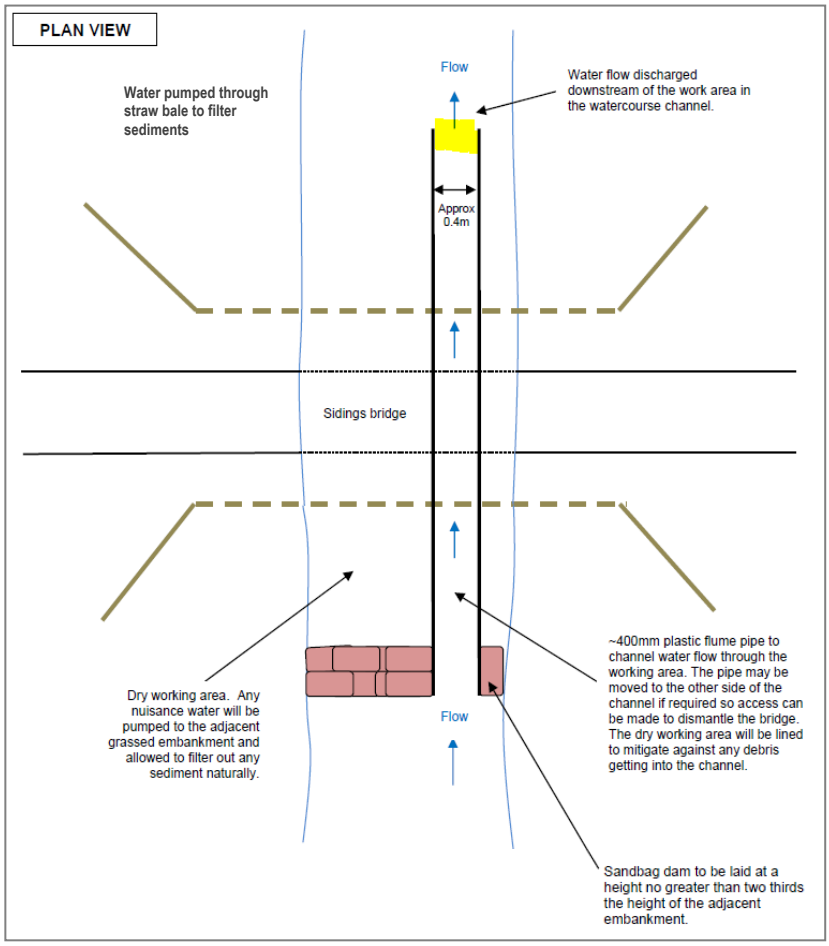
If temporary works are proposed we require a separate drawing to show how the temporary works affecting the watercourse will be carried out. This drawing should include:

- Direction of flow.
- All temporary structures and their location in the watercourse.
- Ideally plan and cross sectional views of the structures.
- The over-pumping arrangement (if applicable).
- Details of any tree, shrub, hedgerow, pond or wetland area that may be affected by the proposed works.
- Phasing of the temporary works if they are likely to change during the construction period.

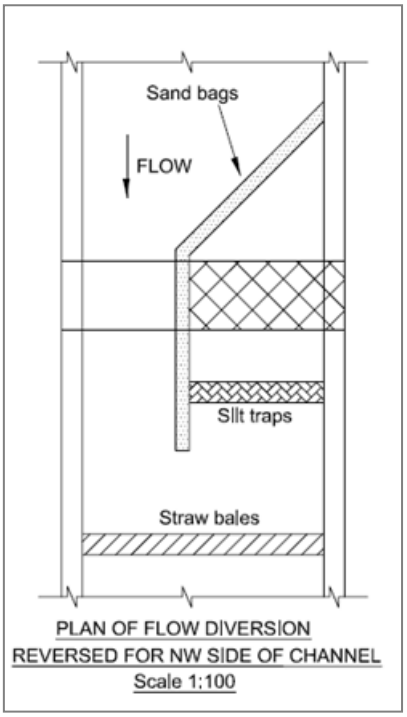
Example 1: Diversion channel for construction of an online pond.



Example 2: Typical pumping arrangement for the bridge structure removal



Example 3: Dry working area for the subsidence repair



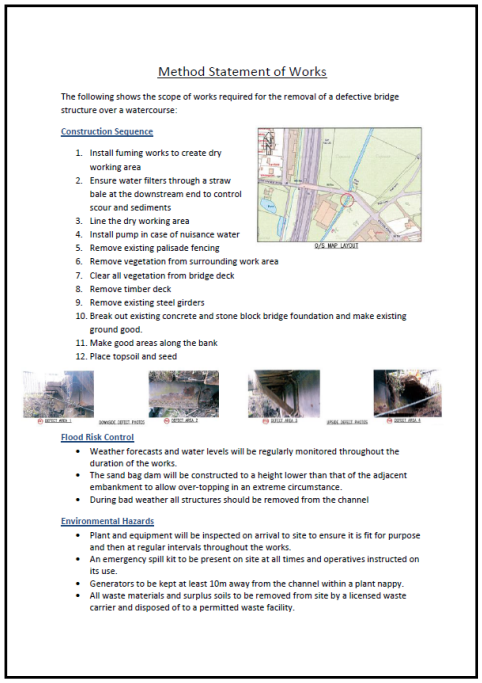
Method statement:

A Method Statement details how works will be undertaken during the construction phase to prevent harm to the surrounding water environment. The details a Method Statement contains will vary from scheme to scheme, and from site to site. There is often a confusion that a Method Statement needs to be a multi-page document detailing risk assessments and health and safety procedures. This is not the case.
Often a Method Statement can be a simple set of bullet points detailing how the works will be carried out. In some instances we may require more detail. However, we do not require extensive health and safety information. The Method Statement should refer to relevant pollution prevention guidelines and detail how the surrounding water environment will be protected during the works.

The Method Statement should be site specific and not generic. The statement should include the construction sequence and how it is planned to undertake the works causing minimum disruption to the wider water environment.

Things to think about when writing your method statement:

- How construction will take place start to finish?
- How will sediment be controlled at each stage?
- How will pollution of the watercourse be prevented at each stage?
- Do you have a contingency plan if heavy rainfall is expected?
- How will environmental hazards be controlled? E.g. fuel spills



Method Statement of Works

The following shows the scope of works required for the removal of a defective bridge structure over a watercourse:

Construction Sequence

1. Install fuming works to create dry working area
2. Ensure water filters through a straw bale at the downstream end to control scour and sediments
3. Line the dry working area
4. Install pump in case of nuisance water
5. Remove existing palisade fencing
6. Remove vegetation from surrounding work area
7. Clear all vegetation from bridge deck
8. Remove timber deck
9. Remove existing steel girders
10. Break out existing concrete and stone block bridge foundation and make existing ground good.
11. Make good areas along the bank
12. Place topsoil and seed

Flood Risk Control

- Weather forecasts and water levels will be regularly monitored throughout the duration of the works.
- The sand bag dam will be constructed to a height lower than that of the adjacent embankment to allow over-topping in an extreme circumstance.
- During bad weather all structures should be removed from the channel

Environmental Hazards

- Plant and equipment will be inspected on arrival to site to ensure it is fit for purpose and then at regular intervals throughout the works.
- An emergency spill kit to be present on site at all times and operatives instructed on its use.
- Generators to be kept at least 10m away from the channel within a plant nappy.
- All waste materials and surplus soils to be removed from site by a licensed waste carrier and disposed of to a permitted waste facility.

- Have you consulted your contractor, ecologist or other partners to ensure the method statement is achievable?

Ecological report (if applicable):

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) within close proximity to any works to be affected, it is the applicants responsibility to seek the advice of a competent ecologist prior to submitting an application and starting works on site.

If the location of the works is within close proximity to a Site of Special Scientific Interest (SSSI) we are required to consult Natural England as part of the consenting process.

We check the application alongside County Council held data pertaining to ecological records. If an ecological record is within a close proximity to the proposed work the applicant will be required to carry out an ecological appraisal. If you have already carried out an ecological appraisal please submit this with the application.

2.7 Type of consent - Permanent / Temporary.

Please submit a separate application for each structure, whether it be for permanent or temporary works.

Temporary works can include, for example, scaffolding, cofferdams (watertight enclosures) across a watercourse, sandbag structures to create dry working areas, straw bales within the watercourse or temporary diversions of water while construction or maintenance work relating to permanent consent is carried out.

For more information about what is classified as temporary works please contact the Flood Risk Management team or view our **Cross Sections for Consent Activity Guidance Notes.**

2.8 Construction dates

We need to know when you are proposing to carry out the work and how long you think it will take. When you are planning the work you need to make sure that you have allowed enough time for us to consider your application.

2.9 Environment Agency and other relevant consultee interests

Please tick the appropriate boxes. If you answer, yes, to any of the questions, you may need extra licenses or consents from the Environment Agency before you start work. You should make sure that you have enough time to acquire the approvals you need before you start work.

2.10 Planning approvals

Please provide details of any planning permissions you may have or are applying for relating to this proposal.

You should check with the Local Planning Authority, usually your Borough / District Council whether you require planning consent for the works you are proposing.

2.11 Maintaining the structure (works subject to consent)

We need to know who will be responsible for maintenance both during construction work and after the work has finished.

2.12 Effects on the environment

We must consider the environmental effects of your proposal to ensure that there are no negative impacts on the wider environment.

Under the European Habitats Regulations, Natural England must be consulted to ensure that any proposed works do not have a direct or indirect negative effect on any site specified in the regulations, including:

- Sites of Special Scientific Interest (SSSI's)
- designated Special Areas of Conservation (SACs);
- Special Protection Areas (SPA's);
- Listed RAMSAR sites, etc.

If your site falls within, is next to or is linked to a nature conservation site (as described above), please contact us as soon as possible to discuss your proposals before you submit your application.

As part of the application process your proposals are assessed for compliance with the Water Framework Directive objectives. No activities or works should deteriorate the status of any nearby watercourse as the main objective of the Water Framework Directive is to prevent deterioration in ‘status’ for all waterbodies.

You may wish to contact Natural England and/or the Environment Agency to seek further information.

2.13 Fees

The legislated fee for Land Drainage Consent is £50 per structure or obstruction. Payment of the fee will be sought once your application has been received and validated by the Flood Risk Management team.

There are several ways to make a payment, and further information with regards to this can be found in the application form.

2.14 Checklists

Please tick the relevant documents in this section so that we know what documents you are submitting.

2.15 Declaration

By signing this section you are declaring that, as far as you know, the information you have provided, including the map and any supporting documents, is true. We will not accept an unsigned application.

3.0 What Happens Now

After the application is received by the County Council's Flood Risk Management team your application is logged and checked to ensure all of the details we require to process your application have been included.

Once your application has been assigned to an officer, he/she will be in touch with their contact details and a unique reference number for your application. If there is anything missing from the application the officer will ask for further information to be submitted.

Upon the submission of a complete application the officer will confirm the appropriate fee. We will only confirm the correct fee on receipt of a complete application. You will then be required to submit payment. Once payment has been received, the County Council has an 8 week period in which to grant or refuse consent. We try to process applications as swiftly as possible, however, this will depend on available resources, the level of demand we are experiencing for our service and the quality of the information provided.

The response will either be an "approval" with appropriate conditions or a 'refusal' with reasons to support the decision. Consents are valid for three years from the date of approval. In cases where consent has been granted the applicant is required by conditions to notify the County Council no less than seven days before commencement and completion of the works. Photographs of the site (before and after) should be provided no later than seven days after completion of the works as conditioned within the Consent Certificate.

Derbyshire County Council
Flood Risk Management Team
County Hall, Matlock, Derbyshire, DE4 3AG
Call Derbyshire: (01629) 533190
Email: flood.team@derbyshire.gov.uk