

Guidance Notes for Ordinary Watercourse Land Drainage Consent

Before completing the application form you are recommended to contact us for advice on your proposal. Please follow this guidance to help avoid delays in your application.

Introduction

Please read through the guidance notes and the application form carefully before you fill the form in.

Under the Land Drainage Act 1991, you need consent if you want to build a culvert or structure (such as a weir) to control the flow of water on any ordinary watercourse.

These guidance notes give you information to help you fill in an application for Ordinary Watercourse Land Drainage Consent.

A list of documents required for the application to be completed is presented in section 14.

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There is a charge of £50 for each structure or operation for applications made under the Land Drainage Act.

1. The Applicant

Please tick one box to indicate the type of applicant you are.

Then:

- If you are applying as a company, go straight to section 1.1;
- If you are applying as an individual, go straight to section 1.2;
- If you are applying as a group of individuals, go straight to section 1.3; or
- If you are applying as a group as a public body, go straight to section 1.4.

1.1 Applications from companies

Fill in this section if you would like to apply for Land Drainage Consent as a registered company. To apply as a company, you must be a registered company formally registered with Companies House. Any Land Drainage Consent you get will be in the company name registered with Companies House.

You will need to give us your company name, as registered with Companies House, your company registration number, and the full name of the company director, and their official position.

Once you have filled in all of this section, go to section 2.

1.2 Applications from individuals

Fill in this section if you would like to apply as an individual. Give us your full name. The name you give will be the name on any Land Drainage Consent we grant.

Once you have filled in all section 1.2, go to section 2.

1.3 Applications from group of individuals

Fill in this section if you would like to apply as a charity, group of individuals, club or partnership.

Tick the relevant circle to tell us whether you are a charity, group of individuals, club or partnership.

Give us the name of your group. The name you give will be the name on any Land Drainage Consent we grant. If you are a limited liability partnership, please give the full name.

Give us the full name, position, full address and contact details of your group's main representative.

Once you have filled in all parts of section 1.3, go to section 2.

1.4 Applications from public bodies

Fill in this section if you would like to apply as a public body such as a local authority or an NHS trust.

Please give us the full name of the public body. The name you give will be the name on any Land Drainage Consent we grant.

Please specify what type of public body you are.

Once you have filled in all parts of section 1.4, go to section 2.

2. Your Address

All applicants must fill in this section. You must give us your full UK address. The address you give here will be the address your Land Drainage Consent will be registered to and will be shown on any Land Drainage Consent we grant.

If you are applying as a company, fill in 2.1.

Give your office address registered with Companies House. If this address is outside the UK, give the address of your main UK office in section 2.2. We will not be able to process your application if you do not give us a UK address.

If you are applying as an individual, a group of individuals or a public body go straight to section 2.2 and give the address of your main office in the UK. We will not be able to process your application if you do not give us a UK address.

3. Contact Details

All applicants must fill in this section. You need to tell us who we should contact about your application for Land Drainage consent. You can nominate someone other than the person named on any Land Drainage consent (for example, a consultant or agent). You need to give us yours or the relevant person's full name, address and contact details.

4. 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 whoever owns the land.

5. Location of the Proposed Works

We need to be able to easily identify where the proposed works will be carried out. Please give details of:

- The location of the site;
- The name of the watercourse; and
- The National Grid Reference (if known, 12 figures).

6. Description and Purpose of the Proposed Works

It is important that you accurately summarise the proposals for the application being made. Please tell us the purpose of the works and the number of structures you need consent for.

Further details should be included as part of the 'method statement' required in section 14.

7. Plans and Sections

To consider your proposals we need to receive plans and drawings, drawn by a competent engineer or surveyor and showing Ordnance Datum Newlyn (the height above sea level).

You need to provide three copies of all relevant drawings. The drawings must be no larger than A0 size, and they need to include the following:

Location Plan

This must be at an appropriate scale (no larger than 1:25,000) and be based on an Ordnance Survey map. It must clearly show the general location of the site where the proposed work will be carried out and include general features and street names. It must also identify the watercourse or other bodies of water in the surrounding area.

Site Plan (general arrangement)

You must provide a plan of the site showing:

- The existing site, including any watercourse.
- Your proposals.
- The position of any structures which may influence local river hydraulics, including bridges, pipes and ducts, ways of crossing the watercourse, culverts and screens, embankments, walls, outfalls and so on.
- Existing fish passes or structures intended to allow fish to pass upstream and downstream.
- The plan should be drawn to an appropriate scale, which must be clearly stated.

Cross Sections

Where works encroach into any watercourse, you should provide cross sectional drawings of both upstream and downstream of the proposed works.

Cross sections should be drawn as if looking downstream on the watercourse and should include details of existing and proposed features and water levels.

Longitudinal Sections

Longitudinal sections taken along the centre line of the watercourse are needed. These must show the existing and proposed features including water levels, bed levels and structures. They should extend both upstream and downstream of the proposed work.

Detailed Drawings

These are to show details of the existing and proposed features such as the following:

- 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 that may be affected by the proposed works.
- Details of any planting or seeding.
- Dams and weirs. (We need 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 river. The plan must also show any affected land drains.)

8. Construction Details

You need separate consents for permanent works and any temporary works that do not form part of the permanent works. Temporary works could include, for example, cofferdams (watertight enclosures) across a watercourse, or temporary diversions of water while work is carried out.

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

For any works we need detailed information as to how you are proposing to carry out the work and therefore you need to complete a detailed 'method statement' including specific measures you plan to take to keep disruption to a minimum and reduce any unwanted effects while the work is undertaken. This should also detail materials and machinery to be used and also access and egress to the site. Please include a method statement in addition to other supporting documents required for the application (checklist in section 14).

9. Environment Agency Interests

Please tick the appropriate circles. If you answer "yes" to any of the questions, you will probably need extra licenses or consents from the Environment Agency before you start work.

You should make sure that you have enough time to get all approvals you need before you start work. If you don't, this could delay the work.

10. Planning Approvals

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

11. Maintaining the Structure

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

12. Effects on the Environment

We have a legal duty to protect and improve the environment, so we must consider the environmental effects of your proposal. You may need to carry out an environmental appraisal to assess the effects of your work. Failure to mitigate all the likely effects may result in your application being delayed or refused.

You should contact us before you send us your application so that we can give you advice on this. If you don't, your application could be delayed.

The environmental appraisal should identify all likely effects on the environment. You should consider the direct and indirect effects the work has on sites and features of interest and species of particular value. Include any specific measures you plan to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out. Set out any opportunities for you to improve the environmental value of the site. This may include creating water features, planting trees and shrubs that would normally grow at the site, providing bird nesting boxes or creating sustainable places for wildlife to live.

If, as part of a planning permission, an environmental appraisal has been required, you must send it to us with all the other supporting documents we need.

If your site falls within, is next to or is linked to a nature conservation site, contact us as soon as possible to discuss your proposals before you send us your application. Under the European Habitats Regulations, we must make sure that Land Drainage Consent does not have a direct or indirect negative effect on any site specified in the Regulations, including:

- Sites of Special Scientific Interest (SSSIs);
- Designated Special Areas of Conservation (SACs);
- Special Protection Areas (SPAs);
- Listed RAMSAR sites; and
- Scheduled Ancient Monuments (SAMs).

Under the Habitats Regulations, we must consult Natural England. You may want to contact these organisations yourself to get their views on your proposal.

You should also take into account the requirements of the Water Framework Directive (WFD) for your application identifying the ecological/chemical status/potential of waterbodies in the vicinity of the works. No deterioration to the current status/potential of the waterbody is permitted and improvements may be able to be delivered in tandem with the works that you are proposing. If a WFD Assessment is required you must send it to us with all the other supporting documents we need.

13. Fees

The fee for Land Drainage Consent, per consentable structure is £50 (i.e. if you are requesting consent for installing two culverts or two manholes the charge is 2 x £50 = £100). Please contact us before you send the application to check the fee required is correct.

14. Checklist of Required Documents

Tick the relevant documents in this section so that we know what you are sending.

Guidance for completion of the method statement can be requested from the flood team on the details below.

15. The Data Protection Act 1998

Nothing to complete. This section sets out our rights and responsibilities under the Data Protection Act 1998.

16. 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 any application that is not signed:

- If you are applying as a company which has trustees, all trustees must sign the declaration.
- If you are applying as a limited company, a company secretary or a director must sign the declaration.

Next steps

Please return your completed 'Application for Ordinary Watercourse Land Drainage Consent' and any supporting documents to:

Derbyshire County Council
Flood Risk Management Team
Environmental Services Department
County Hall
Matlock
Derbyshire
DE4 3AG

Or flood.team@derbyshire.gov.uk

If you need help filling in this form, contact the person who sent it to you or contact us as shown below.

Telephone: 01629 538563

Email: flood.team@derbyshire.gov.uk

Website: www.derbyshire.gov.uk

Please tell us if you have any communication needs such as needing information in a different language or alternative format (for example, in large print, in Braille or on CD).