

APPLICATION FOR BYELAW CONSENT FOR WORKS AFFECTING WATERCOURSES (S66)

EXPLANATORY NOTES

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 consent **before** starting the work.

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 the Board before you make your formal Application.

BYELAW

The following operations have been identified as relevant to the Consent procedure:-

- Discharge to watercourses
- Control structures e.g. sluices
- Diversion or stopping up of watercourses
- Obstructions within and / or adjacent to watercourses
- Erection of fences etc.
- Maintenance of buildings
- Dredging
- Storage of materials

The Board may add to or delete from the above list.

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:-

Section 1 - 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 proposal.

Section 2 - Agent's Details

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.**

Section 3 - Applicant's Interest in Land

Please state the Applicant's interest in the land i.e. Owner, Tenant, etc.

Section 4 - 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) along with Eastings and Northings

Section 5 - 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.

Section 6 - Construction Details

Separate consents are required for permanent works and for 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 please state the duration required.

Section 7 - Other Interests

Please tick appropriate box(es).

If you answer YES to any of these questions it is likely that you will require additional consents or approvals from the Board before commencing your works. You will be contacted and advised as soon as possible, if additional details are needed.

Section 8- Name of Person/Organisation Responsible for Maintaining the Structure on Completion

This will normally be the Applicant. Please indicate if responsibility is to pass to others.

Please also indicate who is responsible for maintaining temporary works during the construction period.

Should the future maintenance of the completed works not be invested in a Public Authority or Utility Company, the Board wish to receive copies of relevant legal Agreement(s) that would allow it to determine the responsible person(s) to contact in the event of problems arising.

Section 9 - Brief Details of Flood Risk Considerations Together With Any Proposals for Mitigation

The Board has a duty to prevent flooding both at the site and in the wider area, and must therefore consider the flood risk implications of any proposal.

Section 10 - Declaration

Sign and date the Form.

HOW TO OBTAIN CONSENT

When you have fully completed your Application Form, please send it with supporting documents to the Board's Office.

**YORK CONSORTIUM OF DRAINAGE BOARDS
DERWENT HOUSE
CROCKEY HILL
YORK
YO19 4SR**

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.

RIGHT OF APPEAL

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

FURTHER INFORMATION

If you are in any doubt about whether you need to apply for Consent, how to complete the Application Forms or any other aspect of your application, please contact the Board.

Internal Drainage Board Byelaws

Part V Section 66 (1) of the Land Drainage Act 1991 provides: Subject to the following provisions of this section and to any other enactment contained in this Act an Internal Drainage Board, Local Authority or County Council, may make such Byelaws as they consider necessary for securing the efficient working of the drainage system in their district or area.

Section 23 (LDA91) relates to an ordinary watercourse (other than main river).

Copies of the Byelaws can be obtained from the Drainage Board's Office.