

## APPLICATION FOR CONSENT FOR WORKS AFFECTING WATERCOURSES (S23)

### EXPLANATORY NOTES

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#### 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. 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 the Board before you make your formal Application.

#### 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 their 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 the application is being made on the Application Form. State the purpose of the works and indicate in the box the number of structures for which consent is being sought.

#### **Section 6 - 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. 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 geographic location of the Site where the works are to be constructed.

**(b) Site Plan**

This should 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 the 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 river channel or adjacent to the watercourse within the floodplain.
- **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 are acceptable.

**Section 7 - 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 8 - 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 9 - 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.

### **Section 10- 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 11 - 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.

### **Section 12 - 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 13 - Declaration**

Enter the value of the cheque you are enclosing with your Application, and sign and date the Form.

## **APPLICATION FEE**

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 cover 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. Cheques should be made payable to the relevant Internal Drainage Board

**(Please consult with the Board if you are in doubt about which Board you are applying to)**

You should note that this charge is payable in respect of **each structure** and the box on the Application Form should be completed as appropriate. Some types of work are exempt from fees.

**(Please consult with the Board if you are in doubt about the fee applicable).**

## 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.

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

## DETERMINATION

Once the Board is in receipt of the application, the appropriate fee and any necessary supporting information, 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.

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## LEGAL PROVISIONS

For your information the legal provisions are as follows:

### **Land Drainage Act 1991 (LDA91)**

Section 23 of the Land Drainage Act 1991 provides:-

“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 that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow, without the consent in writing of the Drainage Board concerned".

### **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.

### **FAILURE TO APPLY FOR CONSENT**

Under Section 23 (LDA91) if works are executed without first obtaining a formal written consent from us we have the power to serve a Notice under Section 24 (LDA91) requiring you to abate the nuisance within a specified time. Should you fail to comply with the Notice then we can take the matter to Court.

Whether or not you are taken to Court, steps may be taken to abate the nuisance and recover from you the expenses so incurred.

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