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Introduction

Before completing this form you are recommended to contact us for advice on your proposal. Please read through these guidance notes and the application form carefully before you fill the form in.

These guidance notes give you information to help you complete your application for Ordinary Watercourse Consent. If you fill in your application form correctly first time, we can process it quicker.

Under the Land Drainage Act 1991, consent must be sought for the construction of any mill, dam, weir, or similar obstruction to flow. Within Staffordshire, the County Council is now responsible for the regulation of these activities where they affect ordinary watercourses (see below for definition of ordinary watercourse). The only exception to this is where the works are located within the area administered by the Sow & Penk Internal Drainage Board. More information on the IDB area can be obtained from their website which you can access via the following link:

<http://www.shiregroup-idbs.gov.uk/>

We generally oppose culverts and in-channel structures because of their environmental impacts. We have adopted the *Environment Agency Policy Regarding Culverts* and copies of the publication can be obtained from the local Environment Agency office.

Contact us as soon as possible to discuss your plans. We will want to see full details of the work you propose at least two months before you intend to start. Early liaising with us helps everyone and avoids delays and wasted effort. Once preliminary details have been agreed, we will ask you to fill in an application and submit using our online order form.

We will not approve works that we believe would harm the environment or would increase flood risk, even if the works appear to be sound from an engineering or structural point of view. As noted above, we discourage the culverting of watercourses and we also promote 'soft engineering' methods to control erosion. For example, we prefer using natural materials such as woven willow spilling or natural planting to limit erosion rather than steel sheet piles, unless conditions at the location require that piles are used.

If consent is refused and you think it has been withheld unreasonably, you may appeal. Appeals are heard by an agreed independent arbitrator and we will give you more information about the procedure if we decide to withhold consent. **You must not carry out work without consent.** If you do, the consequences can be expensive. We can reclaim from you the cost of whatever action we decide is necessary to remove or alter your work. We can also require you to put things right. Carrying out works without prior consent or failing to rectify problems may be a criminal offence.

Our consent only covers the impact of the structure on flood risk and the environment; we do not confirm that a proposed structure is of sound design. We do not check whether your plan complies with other legislation, such as health and safety. Our consent does not allow you to carry out works on land or watercourses that you do not own. You must have the landowner's permission as well as ours.

There is a charge of £50 for each structure or operation for applications made under the Land Drainage Act 1991.

If you are unsure about anything in these guidance notes, phone our customer helpline on 0300 111 8000 and we will arrange for one of our officers to contact you regarding your specific query.

Note that depending upon the nature of your works, separate approvals may also be required from the Environment Agency (see Section 8 of these Guidance notes).

Where the County Council proposes to undertake Consentable works on an ordinary watercourse within its regulatory area it must consult with the Environment Agency as part of the Consent approval process.

Where works include excavation of the highway, a permit to dig is required. Details can be found on the Staffordshire County Council website link: [Permit to Dig](#).

Nature conservation

Sometimes you will need permission from the relevant conservation body, as well as from us. You may, for example, intend to carry out works or change the flow characteristics of a watercourse that is within or near a site protected by law (e.g. a site of special scientific interest or habitat site), or you may wish to trap, release, kill, or manage a species or habitat associated with the river or wetlands.

If you are planning this type of activity or work, you must contact Natural England (formally English Nature). Their website is www.naturalengland.org.uk

If you're unsure which organisation you should be talking to, please ask us for advice.

Definition of Ordinary watercourse

An ordinary watercourse is every river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river. The local authority or IDB where relevant, has powers for ordinary watercourses that are similar to those we can use on main rivers.

1 Applicant details

This is the name of the individual, organisation or company applying for consent. This should be given along with the name, addresses and telephone number of a person who can be contacted to discuss the proposal(s).

You must give us your full UK address. The address you give here will be the address we register your flood defence consent to and will be shown on any Ordinary Watercourse Consent we grant.

2 Agent details

You can nominate someone other than the person named on any ordinary watercourse consent (for example, a consultant or agent) to act on your behalf. You need to give us your or the relevant person's full name, address and contact details.

If you complete this section, all correspondence will be sent to the Agent. Leave blank if not applicable.

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 whoever owns the land.

4 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 (12 figures)
- A site location Plan, Ordnance Survey maps or engineering drawings to a scale of 1:1250 or larger are recommended.
- District / Borough Council administrative area where site is located

5 Description and purpose 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.

6 Plans and sections

To consider your proposals we need to receive plans and drawings that should ideally be undertaken by a competent engineer or surveyor and showing AOD (height above sea level).

You need to provide us with a copy of all relevant drawings. These should ideally be submitted electronically (in pdf format) but can be in hard copy. The drawings must be no larger than A0 size, and they need to include the following:

- **Location Plan**

This should be at an appropriate scale and be based on an Ordnance Survey map. It must clearly show the general location of the site and include general features. 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; Ordnance Survey maps or engineering drawings at a scale of 1:1250 or larger are recommended.

- **Cross sections**

Where works encroach into any watercourse, you should provide cross sections 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**

We need longitudinal sections taken along the centre line of the watercourse. 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 watercourse. The plan should also show any land drains to be affected.)
- Calculations to demonstrate the hydraulic capacity of any channel, culverting or bridge works.

7 Construction details

You may need separate consents for the permanent works and any temporary works that do not form part of the permanent works. In some cases it may be possible to apply for both the Permanent Works and Temporary within one application.

Temporary works could include, for example, scaffolding, cofferdams (watertight enclosures) across a watercourse or temporary diversions of water while work is carried out.

For any temporary work, we need to know how you are proposing to carry out the work. You need to send us a method statement that includes details you plan to take to minimum disruption and reduce any unwanted effects while the work is being carried out. Please refer to Pollution Prevention Guidelines as part of your work

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.

8 Environment Agency interests

Please tick the appropriate boxes.

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.

9 Planning approvals

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

10 Maintaining the structure

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

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

Your environmental appraisal should identify and consider 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 minimise any disruption and reduce any unwanted effects while the work is ongoing.

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 we have asked for an environmental appraisal, 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 Flood Defence Consent does 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; and
- scheduled ancient monuments (Sims)

Under the Habitats Regulations, we must consult Natural England or the Countryside Council for Wales (or CADW in the case of ancient monuments).

You may want to contact these organisations yourself to get their views on your proposal.

12 Water Framework Directive (WFD) assessment

It is important that as part of the application process your proposals are assessed for compliance with the Water Framework Directive (WFD) objectives.

A proposal included in a consent application might cause a water body to deteriorate in status and/or prevent its ecological objectives from being met.

To achieve the goals of the WFD, we must ensure any new scheme or activity is assessed for WFD compliance. It's essential that you contact your area teams to discuss any requirement to undertake a WFD assessment prior to submitting your application.

13 Fees and payment

The fee for Ordinary Watercourse Consent, where charged, is **£50 per structure** and will be charged regardless of whether consent is granted or withheld. This is paid through our online Developer Advice Form when the application is submitted (see 17. below).

14 Checklists

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

The Data Protection Act 1998

This section sets out our rights and responsibilities under the Data Protection Act 1998.

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.

- 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.

16 What Happens When I Apply

This section informs applicants of what to expect when an ordinary watercourse consent application is made to the County Council.

- We receive and register your application. We check all of the details supplied to make sure everything needed to process the application is included. You will receive an acknowledgement confirming the application reference number.
- Your application will be passed to a flood risk management officer. If there is any information missing we will not be able to start to process your application. We will notify you of what must be provided in order that your application can proceed.
- An inspection may be required to check the details provided, assess safety implications and determine whether special conditions will be required.
- Upon receipt of a validated application we have two months in which to grant or refuse consent.
- The response will either be approved with any necessary conditions or a refused with reasons to support the decision. All approved consents are valid for 3 years from the date of approval. If works are not carried out within this timescale then a new consent application will be required.

17 Next steps

Your completed application for Ordinary Watercourse Consent and any supporting documents should be submitted via our [Developer Advice online form](#).

If you cannot submit all of the supporting documents (8MB limit), the application form and location plan should be loaded first. Once the order has been processed you will receive an order reference number. Any further documents can be sent direct to us at flood.team@staffordshire.gov.uk, but please include the order reference number in the email subject heading so we can link the application with the documents.

Further electronic copies of all forms and information packs can be obtained from the following address:

<https://www.staffordshire.gov.uk/environment/Flood-Risk-Management/Applying-for-consent-for-watercourse-works.aspx>

Once an application has been received and payment confirmed, the applicant is provided with confirmation and at this point, advised who will handle the application to completion and a name and contact number is provided.

Finally, if you need help filling in this form, contact the person who sent it to you or contact our customer helpline on 0300 111 8000 and we will arrange for one of our officers to contact you regarding your specific query.