Introduction

These guidance notes give you information to efficiently fill in the application’s form for Ordinary Watercourse Land Drainage Consent. Please read through these guidance notes and the application form carefully.

Before completing this form you are recommended to contact us for advice on your proposal. Under the Land Drainage Act 1991, you need consent if you want to build a culvert or structure which will alter the flow of water on any ordinary watercourse.

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

If you are not sure about anything in this form, contact us using the details at the bottom of this note.

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1 About the Applicant

The applicant can be a company, an individual, a group of individuals or a public body.

- If applying as a **company**, please tick the appropriate box and fill in the block **1.1 Application from a company**.
  
  o The Company must be formally registered with Companies House. Any Land Drainage Consent issued will be in the company’s name.
  
  o Please provide the Company’s name as registered with Companies House and the registration number.
  
  o Please provide the office address registered with Companies House. In case the address is outside the UK, please provide the address of the main UK. Hertfordshire County Council will not be able to process the application if a UK address is not provided.

- If applying as an **individual**, please tick the appropriate box and fill in the block **1.2 Application from an individual**.
  
  o Please provide the full name as this will be the name on the granted Land Drainage consent.
  
  o Please provide the main address in the UK. This will be the address that the Land Drainage Consent will be registered to and will be shown on any granted Land Drainage Consent. Hertfordshire County Council will not be able to process the application if a UK address is not provided.

- If applying as a **public body**, such as a local authority or an NHS trust, please tick the appropriate box and fill in the block **1.3 Application from public bodies**.
  
  o Please provide the full name of the public body and specify the type of public body, as this will be the name on the granted Land Drainage consent.
  
  o Please provide the main address in the UK. This will be the address that the Land Drainage Consent will be registered to and will be shown on any granted Land Drainage Consent. Hertfordshire County Council will not be able to process the application if a UK address is not provided.
• If applying as a **group of individuals** such as a charity, a club, group of individuals or partnership, please tick the appropriate box and fill in the block **1.4 Application from a group of individuals**.

  o Please provide the name of the group, or in case of a limited liability partnership, please provide the full name, as this will be the name on the granted Land Drainage consent.
  o Please provide the full name and position of the group’s main representative.
  o Please provide the main address in the UK and contact details of the group. This will be the address that the Land Drainage Consent will be registered to and will be shown on any granted Land Drainage Consent. Hertfordshire County Council will not be able to process the application if a UK address is not provided.

**2 Contact details**

All applicants must fill in this section in order to inform **who should be contacted about the application** for Land Drainage consent. Someone other than the person named on any Land Drainage consent (for example, a consultant or agent) can be nominated. Please provide the details of the relevant person.

**3 Interest in the Land**

The Hertfordshire County Council need to know what interest the applicant has 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 is not owned by the applicant, it will need to be provided a **written agreement/permission from whoever owns the land which should make part of the documents to be submitted with the application**.
4  Location of the proposed works

Please provide details to easily identify where the proposed works will be carried out. These should include:

- The location of the site (address and closest postcode);
- The name of the watercourse if known;
- The National Grid Reference (12 figures) and/or coordinates; and
- A plan showing the exact location of the works.

5  Description and purpose of the proposed works

It is important for the application being made that the proposals are accurately described. Please describe the purpose of the works and the number of structures that require consent.

We recommend that you contact us in order to confirm the number of structures/works that will require consent from us.

6  Plans and Sections

To consider the proposals please provide the necessary plans and drawings, drawn by a competent engineer or surveyor and showing Ordnance Datum Newlyn (the height above sea level). 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 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. The watercourse or other bodies of water in the surrounding area also must be identified.

- **Site plan (general arrangement)** - Please provide a plan of the site showing:
  - The existing site, including any watercourse;
  - The proposal works and their exact location;
  - 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.
• **Cross sections** - Where works encroach into any watercourse, 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** - 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:
  
  o Existing and proposed levels;
  o The materials to be used for any structures;
  o The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse;
  o Details of any tree, shrub, hedgerow, pond or wetland area that may be affected by the proposed works;
  o Details of any planting or seeding;
  o Dams and weirs. (It is required a plan showing the extent of the water impounded (held back) under normal and flood conditions so that it can be assessed the possible effect on land next to the river. The plan must also show any land drains to be affected.)

All maps, plans and cross-sections should be drawn to an appropriate scale, which must be clearly stated.

7 **Construction details**

**Separate consents** are required for the 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.

Please state when the works are proposed to be carried out and how long it will take.

When planning the works make sure that you have allowed enough time for us to consider your application.
8  **Environment Agency and Natural England 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 or Natural England before you start work.

The applicant has to make sure that has enough time to get all needed approvals before starting any works. If don’t, this could delay the work.

9  **Planning Approvals**

Please provide details of any existing planning permissions or planning application related to the Land Drainage Consent request.

10  **Maintaining the Structure**

The Hertfordshire County Council needs to know **who will be responsible for maintenance** of the structures both during construction work and after the work has finished.

11  **Effects on the Environment**

The Hertfordshire County Council has a legal duty to protect and improve the environment, so we must consider the environmental effects of any proposal. It may be necessary that the applicant need to carry out an environmental appraisal to assess the effects of the proposed works. Please contact us before you sending your application so that we can give advice on this matter. If you don’t, your application could be delayed.

The environmental appraisal should identify all likely effects on the environment. It should be considered the direct and indirect effects the work has on sites and features of interest and species of particular value. Please include any specific measures planned to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out. Set out any opportunities 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 was required, in must be send to us with all the other supporting documents.
If the proposed site falls within, is next to or is linked to a nature conservation site, please contact us as soon as possible to discuss your proposals before sending the application.

Under the European Habitats Regulations, it has to be ensured 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. The applicant may want to contact these organisations itself to get their views on your proposal.

To assist with the Water Framework Directive impact the Hertfordshire County Council has provided guidance which can be found in the webpage Hertfordshire Framework Directive Guidance:


12 Applicable Fee

Please contact us before you send us this application to discuss the appropriate fee.

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

Cheques should be made payable to Hertfordshire County Council. Further information on Fees and Charges applied by SuDS and Watercourses team please refer to the Charges and fees document available online.
13 Checklist

Please read through the list and tick the relevant items included in your application so that we know what you are sending.

For any permanent and temporary work, a method statement must be submitted in order to know how it is proposed to carry out the work. The method statement should include details of the specific measures that are planned to take to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out must be submitted.

14 Declaration

By signing this section you the applicant is declaring that, as far as he knows, the information provided, including maps and any supporting documents, is true. The Hertfordshire County council will not accept any application that is not signed.

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

The Data Protection Act 1998

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

Next steps

Under the law the Hertfordshire County Council, as the regulatory body for ordinary watercourses, has 8 weeks counting from the day of the payment of the fee to make a formal decision. All necessary documents and any additional requested information should be submitted in a maximum period of 5 weeks after the starting date so that the HCC can conveniently analyse the application. Any delays to provide the information may lead refusal or recommendation for withdrawal of the application.

Please return this form together with any applicable fee and supporting documents to the Hertfordshire County Council either electronically or in hard copy to: