

Guidance Notes for Ordinary Watercourse Land Drainage Consent Application

Introduction:

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 fill in your application for Ordinary Watercourse Land Drainage Consent.

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 (such as a weir) to control the flow of water on any ordinary watercourse.

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

1. About you, the Applicant

Please indicate the type of applicant you are:

- if you are applying as a company
- if you are applying as an individual
- if you are applying as a group of individuals
- if you are applying as a public body

go straight to section 1.1
go straight to section 1.2
go straight to section 1.3
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 section 1.2, go to section 2.

1.3 Applications from groups of individuals

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

Who we can contact about your application. 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 your 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 (12 figures)

6. Description and purpose of the proposed works.

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

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 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 following:

- 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; and Existing fish passes or structures intended to allow fish to pass upstream and downstream;
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The plan should be drawn to an appropriate scale, which must be clearly stated.

Cross Sections

Where works encroach into any watercourse, then 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

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 land drains to be affected.)

8. Construction Details

You need separate consents 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. For any temporary work, we need to know how you are proposing to carry out the work.

So you need to send us a “method statement” that includes details of the specific measures you plan to take to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out.

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.

9. 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.

10. Planning Approvals

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

13. Fees

Wigan Council as the Local Lead Flood Authority are authorised by section 23(2) of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010) to charge an application fee in relation to the consents required. These fees are payable to contribute to our costs for examining the proposals and the amount of the fee is £50 per structure. Value Added Tax is not applicable. Cheques should be made payable to "Wigan Council".

You should note that this charge is payable in respect of each structure and the application form should be completed as appropriate.

Please contact Wigan Council if you are in doubt about the fee applicable.

14. Checklist

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 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.

15. Next steps

Please return the form 'Wigan Council Application for Ordinary Watercourse Land Drainage Consent' and any supporting documents to the Wigan Council. If you need help filling in this form, contact the person who sent it to you or contact us as shown below.

General enquiries: 01942 489290

Email: Drainage@wigan.gov.uk

Website: www.wigan.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).

Additional Notes