

## **GUIDANCE NOTES FOR LAND DRAINAGE CONSENT APPLICATION**

This document is designed to aid the applicant in putting together their Land Drainage Consent Application. The applicant should obtain all relevant information before submitting their application and should be reminded that the 60 day consultation period will not start until the Board is satisfied the full suite of information has been provided and payment has been made. If the applicant has any further queries regarding their application after reading this document, the Board would be happy to provide further advice.

The Board does not grant retrospective works. Any works that are not consented prior to construction or built not in accordance with the permitted Land Drainage Consent are unlawful and that person shall be guilty of an offence and liable under the Land Drainage Act 1991, Sections 24 and 66.

### **1. APPLICANT DETAILS**

The applicant is the person who is paying for the work to be done and will be responsible for the maintenance of the new structure. Please complete this section with the name of the individual, organisation or company applying for consent. The address and postcode of the applicant should be provided along with the name, telephone number and email address of a person who can be contacted to discuss the proposal.

Please note:

- The address you give in this section will be the address we register your consent to and will be shown on the consent we grant.
- We will issue the consent to the applicant
- The applicant will have overall responsibility for the works during the construction and for the maintenance. We will hold the applicant responsible for constructing the works according to the consented document and fixing any issue arising later.
- It is the responsibility of the applicant to ensure all permissions and agreements are in place with the landowner(s) before submitting Land Drainage Consent.

### **2. LANDOWNER DETAILS**

Please complete this section with the details of the landowner, if this is not the applicant.

Please note unless your deeds indicate otherwise, where the watercourse that is the subject of this application forms the boundary of your property, you may be the joint riparian owner together with the landowner on the other side. In the case of joint riparian ownership, each party is presumed to own up to the centre line of the watercourse and therefore is responsible up to this point.

It is the responsibility of the applicant to ensure all permissions and agreements are in place with the landowner(s) before submitting Land Drainage Consent.

### **3. AGENT DETAILS**

In this section you need to specify if someone is submitting and managing the application on the applicant's behalf e.g. a land agent or consultant. If this is the case, we will need the name of the individual, the name of the organisation they work for as well as their address and contact details. Please leave blank if not applicable. **If you complete this section, we will send all correspondence to this contact.**

## 4. LOCATION OF PROPOSED WORKS

We need to be able to easily identify where the proposed works will be carried out. The easiest way to find a location is for the applicant to provide details of the nearest address or postcode or a description in addition to the details below:

- the name of the watercourse; and
- the easting and northing which can be obtained from <https://gridreferencefinder.com/>
- the what3words which can be obtained from [www.what3words.com](http://www.what3words.com)

An accompanying location plan indicating the location of the proposed works is also required, see Section 11.1 for details of what this should include.

## 5. DESCRIPTION OF PROPOSED WORKS

This part of the application form requires a clear, but brief description of the proposed works, to include all permanent and temporary works within 9m of a watercourse.

- Please tell us the purpose of the works and the number of structures you need consent for, preferably in a bulleted list.
- It is important that you accurately describe the proposals in your application.

A full and detailed description of the works and the phases of construction should be included as part of the method statement (required in Section 11.6).

### 5.1 Alterations to a watercourse (complete if applicable)

You need to complete this section if you are proposing works within the channel of the watercourse such as infilling, culverting, bank repairs. In line with the Board's policy, the Board does not encourage excessive culverting or infilling of a watercourse and will only approve an application where there is no reasonably practicable alternative or if the detrimental effects of culverting or infilling would be insufficient to justify a substantially more costly alternative.

### 5.2 Works within 9m of a watercourse (complete if applicable)

You need to complete this section if you are proposing works within 9 metres of any watercourse within the Board's district such as building work, land raising, and running services along or under a watercourse. A cross-section of the watercourse in relation to the proposed works should be submitted as a drawing. The Board will also assess the ability to retain maintenance access to the watercourse. A plan describing how the watercourse will be maintained should be submitted with this application. Where necessary, a maintenance manual should be provided in Section 11.9.

### 5.3 Discharge of surface water into the Board's district (complete if applicable)

You need to complete this section if you are proposing to discharge surface run-off into any watercourse within the Board's district or that directs flow to a Board Maintained watercourse via any route. Please state whether the proposed discharge will make use of an existing outfall or if you will be constructing a new discharge point.

If you are using an existing outfall please state how you will be connecting to it (i.e. at which manhole you will be making your connection – also make sure this is identifiable on the plan you have submitted).

For both existing and proposed outfalls make sure you specify the diameter of the outfall pipe and its location along the watercourse.

As stated on the application form, if you are using multiple outfalls you should provide the outfall size and location of each outfall.

Please provide a summary of the proposed maximum discharge rate, and impermeable areas, references to the documentation containing the full surface water drainage calculations should be provided in Section 11.7.

#### 5.4 Discharge of treated foul water within the Board's district (complete if applicable)

You will need to complete this section of the application form if you are proposing to discharge treated foul water into a watercourse within the Board's District, whether it is a board-maintained watercourse or not. Please ensure you state whether the proposed discharge will make use of an existing outfall or if you will be constructing a new discharge point.

If you are using an existing outfall please state how you will be connecting to it (i.e. at which manhole you will be making your connection – also make sure this is identifiable on the plan you have submitted).

For both existing and proposed outfalls make sure you specify the diameter of the outfall pipe and its location along the watercourse.

Please clearly state the proposed maximum daily rate of discharge from the system. This can usually be found on the manufacturer's data sheet associated with the treatment plant you are installing and/or using.

If installing a septic tank or small sewage treatment plant, it is the applicant's responsibility to ensure the installation complies with all general binding rules for small sewage discharge.

#### 6. TYPE OF CONSENT

It is recommended you apply for both the permanent and temporary works within one application.

Temporary works can include, for example, scaffolding, cofferdams (watertight enclosures) across a watercourse, sandbag structures to create dry working areas, straw bales within the watercourse or temporary diversions of water while construction or maintenance work relating to permanent consent is carried out.

Please provide your proposed start date for the works and the expected duration of the works.

If the proposed work is along a Viewed Rhyne, a plan showing how access to the rhyne for maintenance by the Board and their contractors will be retained throughout the period of construction. No storage of material should occur within 9M from the top of the bank of the rhyne, and the ground remain level and accessible for the Board's machinery.

Please note that the period of two months, specified in the Land Drainage Act 1991, for deciding the application will not begin to run until the Board is satisfied that it has all necessary information, so allow adequate time when submitting your application.

#### 7. PLANNING PERMISSION

Please provide details of any planning permissions you may have or are applying for relating to this proposal. You should check with the Local Planning Authority (Somerset Council or North Somerset Council), whether you require planning consent for the works you are proposing.

#### 8. MAINTENANCE

We need to know who will be responsible for maintenance both during construction work and after the work has finished. If still unconfirmed, the Board will continue to use the applicant as their point of contact until further details are provided.

#### 9. ENVIRONMENT AGENCY INTERESTS

Please tick the appropriate boxes. If you answer, yes, to any of the questions, you may need extra licenses or consents from the Environment Agency before you start work. You should make sure that you have enough time to acquire the approvals you need before you start work.

## 10. ENVIRONMENTAL IMPACTS

The Board is required to consider the environmental implications of all works in the district which require its consent under the Land Drainage Act 1991 (as amended). The applicant is required to demonstrate the environmental impact of the proposals is negligible or can be mitigated against.

We must consider the environmental effects of your proposal to ensure that there are no negative impacts on the wider environment. Under the European Habitats Regulations, Natural England must be consulted to ensure that any proposed works do 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, etc.

A number of species of animals and plants are protected under the Wildlife and Countryside Act 1981 (as amended). Water voles, otters, badgers and bats are known to inhabit watercourses and have varying degrees of protection under legislation. Other species may also be present in the area. The applicant is required to demonstrate that the proposed works are not likely to adversely impact on protected species and/or protected habitats.

### 10.1 How to check the locations of protected sites

You can use [Magic map](#) to identify the locations of most of these sites.

1. Search for the discharge site location.
2. In the table of contents, open 'Designations', then 'Land-Based Designations', then 'Statutory'. Select 'Sites of Special Scientific Interest (England)', 'Special Protection Areas (England)', 'Special Areas of Conservation (England)', 'Ramsar Sites (England)' and 'Local Nature Reserves (England)'.
3. To measure the distance from the discharge site to any protected sites, select the 'Measure' tool from the menu then use the 'Distance' option.
4. To find out if a site is a biological SSSI or if a local nature reserve is aquatic, select the 'Identify' tool from the menu, then select the protected site on the map. Open the site detail link to read the description.

## 11. SUPPORTING DOCUMENTS

You need to provide us with a copy of all relevant plans, drawings, and calculations etc. that describe the proposals. Drawings should be to scale and/or with measurements clearly shown. These should ideally be submitted electronically in pdf format. The requirements for each document are set out in the following sections.

### 11.1 Location Plan– all applications

A plan which clearly identifies the location of the proposed works is required. It is recommended the site is clearly marked showing any other nearby land within the applicant's ownership. The plan must be at an appropriate scale. 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, existing structures and other bodies of water in the surrounding area.

### 11.2 Proposed Site Plan – all applications

This plan should show the site and clearly identify any new works or structures that are proposed within any watercourse.

Any works over, under or within 9 metres of the watercourse or culvert must be clearly marked.

All items must be clearly identified with all relevant heights, lengths, widths and diameters clearly marked as required.

For structures or planting close to watercourses it is important that the distance between the top edge of the watercourse bank, or outside edge of the culvert, is clearly indicated.

In some instances, the board may also require an existing site plan showing the existing features of the site if not already clearly demonstrated in the location plan.

### 11.3 Watercourse Cross Section Drawings – all applications

Where works encroach into any watercourse, cross sections both upstream and downstream of the proposed works should be provided. Cross sections should be drawn as if looking downstream on the watercourse and should include details of existing and proposed features and water levels.

Where structures (buildings/fences etc.) are proposed alongside watercourses, the distance of separation between bank top and the edge of the structure should be clearly shown. Where a structure involves foundations and/or pilings into the ground, this should also be included in the cross-section with measurements of depth clearly shown.

### 11.4 Watercourse Long Section Drawings – for in channel works

Longitudinal sections, extending both upstream and downstream of the proposed works, and taken along the centre line of the watercourse, are required. These must show the existing and proposed features, including water levels (summer and winter), bed levels and structures. Bed levels should be measured to the bottom of the hard bed of the channel, and not to the top of the silt layer.

### 11.5 Temporary Works drawing – if applicable

If temporary works are proposed we require a separate drawing to show how the temporary works affecting the watercourse will be carried out. This drawing should include:

- Direction of flow.
- All temporary structures and their location in the watercourse.
- Ideally plan, cross sectional and long sectional views of the structures.
- The over-pumping arrangement (if applicable).
- Details of any tree, shrub, hedgerow, pond or wetland area that may be affected by the proposed works.
- Phasing of the temporary works if they are likely to change during the construction period.
- IDB access and maintenance route if work is along a Viewed Rhyne.

### 11.6 Method of Work – all applications

A Method of Work details how works will be undertaken during the construction phase to prevent harm to the surrounding water environment. The details a Method of Works contains will vary from scheme to scheme, and from site to site. There is often a confusion that a Method of Works needs to be a multi-page document detailing risk assessments and health and safety procedures. This is not the case.

Often a Method of Work can be a simple set of bullet points detailing how the works will be carried out. In some instances, we may require more detail. However, we do not require extensive health and safety information. The Method of Work should refer to relevant pollution prevention guidelines and detail how the surrounding water environment will be protected during the works.

The Method of Works should be site specific and not generic. The statement should include the construction sequence and how it is planned to undertake the works causing minimum disruption to the wider water environment.

Things to think about when writing your Method of Works:

- How construction will take place start to finish?
- How will sediment be controlled at each stage?
- How will pollution of the watercourse be prevented at each stage?
- Do you have a contingency plan if heavy rainfall is expected?
- How will environmental hazards be controlled? E.g. fuel spills

- Have you consulted your contractor, ecologist or other partners to ensure the method statement is achievable?

### 11.7 Surface Water Drainage Calculations (Surface water discharge)

Where an applicant is seeking a Land Drainage Consent for an outfall into a watercourse, calculations of the discharge rate as well as for sizing of the associated attenuation should be provided.

The following should be provided:

- greenfield runoff rates
- previously developed runoff rates (where applicable)
- proposed discharge rates
- volume of attenuation required

The applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. Appropriate allowances for climate change and urban creep should be included in the calculations.

Due to the sensitivity of the Boards network the Board will only accept the impermeable area of the site to form part of the calculation for the run-off rates.

Proposed discharge rates should aim to match greenfield rates where reasonably practicable. Design flows from minor developments can be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control, green SuDS techniques or protected outlets it should be possible to manage or restrict flows from a site to 0.5l/s for individual buildings.

A technical note clearly showing a comparison of the discharge rates, the impermeable area of the site, and the subsequent sizing of attenuation will typically be supported by calculations from MicroDrainage or Causeway Flow but for smaller sites calculations such as those from the UKSUDS website are also permissible.

The discharge rate is likely to have been agreed at the planning stage of a development and therefore the applicant should include the reference to this planning application number in Section 7.

### 11.8 Drainage Network Plan (Surface water discharge)

Where an application concerns a surface water discharge point, a drainage network plan showing the concerned outfall in the context of the overall drainage strategy should be shown. This plan should include:

- Outfall location with invert level and discharge rate shown
- Pipe network plan with indication of direction of flow
- SuDS features such as attenuation, swales including their capacity, invert levels and maintenance access (where applicable)
- Exceedance flow routes
- Flow control measures

### 11.9 Maintenance Plan and/or Manual (if applicable)

Where an application is concerned with work within 9M of the rhyne, the Board will assess if the applicant and/or Board is able to retain an access route to the watercourse in order to be able to effectively maintain. This should be shown in a site plan and/or maintenance manual from a third party provider.

The Board also request a maintenance plan to be submitted for large developments implementing a new surface water drainage strategy.

### 11.10 Environmental Supporting Documents (if applicable)

See guidance notes 9 and 10 above for more information about what documents this could include.

### 11.11 Additional Documents

Please list any additional information that will benefit the Board's officers in reviewing this application. This could include additional section drawings of structures, photos, guidance documents, operation manuals.

## 12. 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.

All applicants need to fill in this section to complete their application. In this section we are seeking confirmation:

- As to whether the applicant(s) or agent (or if the applicant or agent is a company, any partner or director thereof) is a Member or employee of the Board or related to someone who is. The purpose of this question is to determine if a conflict of interest exists which may require the application to be determined at a Board meeting as opposed to by officers under delegated authority.
- That the applicant has read the Board's guidance and policies and that their application complies with them.
- That the application is supported by all relevant plans, drawings and application fees.
- That the applicant has obtained the necessary approval to do the works from the landowner, the Environment Agency, Natural England, (etc.) where appropriate.
- That the applicant understands that if the application is granted consent there may be conditions imposed and/or fees due, which must all be complied with/paid in full prior to work commencing.
- That the applicant believes, as far as they know, that the information given in their application, including any supporting documentation, is true. By section 66(6) of the Land Drainage Act 1991 every person who acts in contravention of local land drainage bylaws is liable on summary conviction.

## 13. PAYMENT METHOD

The current legislated fee for Land Drainage Consent is £50 per activity / structure / obstruction. Payment of the fee will be sought once your application has been received and validated by the Board. Please note that payment fees could be subjected to change in the future.

**Applicants are reminded that payments should not be sent until the Board has confirmed that the full suite of information required has been submitted and confirmed the applicable charge.**

## 14. APPLICATION SUBMISSION

To submit your application, you can either send it electronically to [LDC@somersetdb.co.uk](mailto:LDC@somersetdb.co.uk) or by post to Development Control, Somerset Drainage Boards Consortium, Bradbury House, 33-34 Market Street, Highbridge, Somerset, TA9 3BW.

Electronic format is preferred by the Board.

## 15. DATA PROTECTION DISCLAIMER

This section sets out how the information you have included in your application may be processed and handled by us in line with the Data Protection Act 2018.