

APPLICATION FOR CONSENT FOR WORKS AFFECTING WATERCOURSES AND/OR FLOOD DEFENCES

EXPLANATORY NOTES

1. INTRODUCTION

Responsibility for local flood risk management now rests with Shropshire Council as the Lead Local Flood Authority for Shropshire. In order to carry out this duty, it is essential that works which may obstruct or impede the flow of a watercourse or affect flood defences obtains are properly monitored and consented before they are undertaken. This is to ensure that works are not undertaken which may endanger life or property by increasing flood risk or cause harm to the water environment.

In order for us to make an accurate assessment of your proposals you must complete the application form and include drawings, maps and calculations. Further details of the information required are given in these notes. You may wish to discuss the information required with us before you make your formal application.

2. 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:

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.

Agents Details

Agents acting on behalf of an applicant should enter details.

Applicants Interest in Land

Please state the applicants interest in the land, i.e. owner, tenant etc.

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) followed by eastings and northings e.g.: SK 123 456.

Description of Proposed Works

It is important to accurately describe the proposal(s) for which the application is being made on the application form. If a drawing is included which has been prepared for some other purpose those items for which consent is being sought should be highlighted in colour.

Indicate in the box the number of structures for which consent is being sought.

Description and Numbers of Plans and Sections Submitted

One copy of all relevant drawings is required. To reduce waste these should be submitted, alongside the application form, to flood@shropshire.gov. uk:

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 proposed 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 determination of your application:-

- Plan(s) showing details of existing and proposed features.
- Cross section(s) of proposed works or structures 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.
- 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 flood plain.
- **Bridges and Culverts** - Additional cross sections upstream and downstream of the proposed works 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.

e) Photos

Showing the area in which work is to be carried out. These should be numbered and descriptions given of what is being shown. To reduce waste these should be submitted, alongside the application form, to flood@shropshire.gov.uk.

f) Method statement

For any temporary work, we need to know how you are proposing to carry out the work. You should send us a “method statement” that includes details of how you will minimise disruption and reduce any unwanted effects while the work is being carried out. Please refer to the Environment Agency’s Pollution Prevention Guidelines for further information.

- Construction Details**
Please state whether the works are to be permanent or temporary and the anticipated construction start date. If works are to be temporary state duration required.
- Environment Agency Interests**
Tick the boxes appropriately. Note that answering yes to these questions means that you must contact the Environment Agency to discuss these issues as additional consent(s) may be required.
- Planning Approval**
Some works may also require planning approval. If appropriate, please indicate the application number and date that approval was obtained.
- 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.
- Brief Details of Environmental Impact of Works etc.**
We have a duty to conserve and enhance the natural environment, and must therefore consider the environmental implications of any proposal. In doing so, we may contact other organisations as consultees.
- Declaration**
Confirm that you have included the relevant information, and will make the appropriate payment, then sign and date the form.

3. APPLICATION CHARGE

We are authorised by Section 23(2) of the Land Drainage Act 1991 to charge an application fee in relation to the consents required. The fee is payable to help cover our costs for examining the proposals. **The fee is £50 for each application for consent.** Value Added Tax (VAT) is not applicable. We currently accept payment by card. Payments should be made by calling 01743 255495. Please state that you wish to pay for an ordinary watercourse consent application and leave your contact details.

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.

Please consult the Flood and Water Management team if you are in doubt about the fee applicable.

4. HOW TO OBTAIN CONSENT

When you have fully completed your application form and supporting documents please send them via email to flood@shropshire.gov.uk. Alternatively, they can be sent by post to the address shown on page 5 of the application form.

5. DETERMINATION

Upon receipt of a valid application we have two months in which to grant or refuse consent. Such consent shall not be unreasonably withheld.

You should be aware that, in accordance with the Councils conservation duties, consent may be refused if the works proposed may prove detrimental to the environment. Under the terms of the Land Drainage Act 1991 we are also required to have due regard to fisheries.

The Councils consent is given solely on watercourse shape, flow, environmental and flood defence criteria. 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.

6. RIGHT OF APPEAL

If you believe that consent has been unreasonably withheld or conditions unreasonably imposed then you have a right to appeal.

7. OTHER CONSENTS

You may also require further consents from the Environment Agency under the Water Resources Act 1991 (e.g. for impounding, water abstraction etc.), under the Salmon and Freshwater Fisheries Act 1975 in respect of fish passes or under the Environmental Protection/Waste Regulation legislation.

8. 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 Flood and Water Management Team at Shropshire Council via email, flood@shropshire.gov.uk

LEGAL PROVISIONS

For your information the legal provisions are as follows:

Section 23 Consents

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".

FAILURE TO APPLY FOR A CONSENT

Under Section 23 if works are executed without first obtaining a formal written consent from us we have the power to serve a notice under Section 24 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, we may take steps ourselves to abate the nuisance and recover from you the expenses so incurred.

Under Section 109 we may remove, alter or pull down any unauthorised work and recover from you the expenses incurred in the process.