



Guidance Notes for Ordinary Watercourse Land Drainage Consent Application Land Drainage Act 1991

Responsibility for Flood Defence/Land Drainage Consents for ordinary watercourses now rests with Kent County Council. The Environment Agency retains responsibility for consents relating to main rivers and Internal Drainage Boards retain responsibility for consents within their administrative boundaries.

It is essential that anyone who intends carrying out works **in, over, under or near a watercourse or flood defence** contacts the relevant authority to obtain any necessary consents **before** starting the work. This is to ensure that any works do not endanger life or property by increasing the risk of flooding or cause harm to the water environment.

To apply for consent for works affecting an ordinary watercourse you must complete an Application for Ordinary Watercourse Land Drainage Consent form and send this to Kent County Council along with all items on the checklist in Section 16 of the form.

It is essential the application is completed accurately and for any accompanying information submitted to be clear. If any information is missing, determination of your application could be delayed.

Please contact us to discuss your proposal and confirm the correct fee for the application.

General enquiries: 03000 41 41 41 Email: flood@kent.gov.uk

Application Form details

1. Applicant Details

Please complete and include email address.

If you are applying as a group or organisation the details here should be that of the group or organisation. The name you give in response to Question 1 will be the name on any Land Drainage Consent we grant.

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 state your company name, as registered with Companies House, your company registration number, and the full name of the company director, and their official position.

2. Agent Details

Please complete if you are submitting this application on behalf of the applicant.

3. Applicant's Interest in the land

Please state if the applicant is the land owner, tenant, or other. If other, please supply details. 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 Proposed Works

The name of the watercourse as shown on the Ordnance Survey map should be given, as should the National Grid Reference (12 figures as an X:;Y:) of the works. The location plan should be clear and show the site where the works are to take place.

5. Description & Purpose of Proposed works

It is important to accurately describe the proposal(s). If multiple works are being applied for, please supply an additional sheet showing the X: , Y: locations of each structure together with the proposed works at this location.

6. Plans & 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).

If submitting electronically, please provide plans and section in an Adobe pdf format and attach them to the same email as your application. If your files in total are larger than 30MB you can send us an email and we will provide an alternative solution. If you are submitting by paper, you will need to provide one (1) copy of all relevant drawings, please only use a paper application where there is really no alternative. The drawings must be no larger than A0 size and they will need to include the following:

a) 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.

b) 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.

c) 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.

d) 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.

e) 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 affected land drains.)

Where appropriate, and when required by the County, applications for Land Drainage Consent shall include hydrological and hydraulic calculations consistent with the Environment Agency's 'Interim procedure for rainfall runoff management for developments'. Any proposals for new channel works, culverting or bridge works would be required to be supported by calculations demonstrating the hydraulic capacity of pre and post channel configurations.

7. Construction Details

Separate consents are required for the permanent works and for any temporary works not forming part of the permanent works. Temporary works could include, for example cofferdams (water tight enclosures) across a watercourse, or temporary diversions of water while work is carried out.

If you are applying for both permanent and temporary works at the same time you need only complete one form, but state here. We still require two processing fees.

It is vital you confirm the duration of the temporary works, where possible giving separate timescales for different activities, i.e. scaffolding, overpumping.

Please include a method statement in addition to other supporting documents required for the application. This should detail how the works are to be carried out, materials and machinery to be used and access and egress to the site. The statement should include details of specific measures to keep disruption to a minimum and reduce any unwanted effects while the work is being undertaken. A template for this can be provided on request.

8. Other Interests

If you have answered yes to any of these questions, please contact the Environment Agency on 03708 506 506 / Minicom (for the hard of hearing) 03702 422 549 or enquiries@environment-agency.co.uk

The issue of a Land Drainage Consent by Kent County Council does not absolve a person proposing to execute works from the need to obtain such other licences, consents or permissions which may be required by law.

If the consent or approval of a third party is required before the applicant is able to carry out any of the works proposed, documentary evidence of this consent or approval must be submitted with the application.

9. Planning Approval

Please provide details of any planning permissions you have or are applying for that relates to your proposed works.

10. Drainage Approval

Please provide details of drainage approval(s) you may have or are applying for that relates to this proposal.

11. Conditions from LPA regarding surface water and/or drainage

If you have outstanding conditions relating to surface water and/or drainage that have not been discharged we are unable to process your application. You may still fill in the form and submit an application pack for advice or in preparation, your application will be put on hold until the conditions have been discharged and we can release the consent.

PLEASE NOTE: Culverting for access purposes can be processed prior to the release of conditions from the LPA.

12. Emergency contact details for contractors carrying out works

Please provide 24 hour contact details.

13. Details of person or organisation responsible for maintaining the structure(s) on completion

Please provide details of who will be responsible for maintenance after the work is complete. Kent County Council is not usually a riparian owner; if you believe that highways will maintain the structure after completion please provide written confirmation from the appropriate department. The Flood & Water Management Team do not carry out maintenance, nor do we adopt watercourses, any application submitted with the FWM team listed as the organisation responsible for maintaining the structure will not be processed.

14. Brief details of environmental impact of works together with any proposals for compensatory enhancement

You will need to carry out an environmental appraisal of your proposed work, and in any case should consider all likely impacts and effects on the environment, to include effects on plants, habitats and any protected species such as otters, water voles, bats, great crested newts, crayfish, etc. Also give consideration to any possible pollution and its prevention. The watercourse should be directly referenced within the report.

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/Land Drainage consent does not have a direct or indirect impact on any site specified in this and other legislation, including but not limited to:

- Sites of Special Scientific Interest (SSSI);
- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Listed RAMSAR sites; and,
- Scheduled Ancient Monuments (SAMs).

If the location of your proposed work is in such an area, Kent County Council are required to inform Natural England who may contact you and impose requirements in order to protect the

environment. If you have already contacted Natural England please supply a copy of any licence they have issued.

15. Fee

The current Land Drainage Consent fee is **£50** for each structure or operation for applications made under the Land Drainage Act. The County Council reserves the right to amend this fee at any time pursuant to legislation. Payment will be requested once your application pack has been reviewed by our team and a reference number will be provided. You will be sent an invoice, which details how to pay (including by BACS).

16. Data Protection Act

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

17. CHECKLIST

Tick the relevant documents in this section so that we know what you are sending. The following documents are non-optional and we are unable to process your application without them:

- Fully completed and signed application
- Location Plan
- Method Statement
- Environmental / Ecological Reports
- Scale drawing showing permanent new structure

18. Declaration

By signing this section you are declaring that, to the best of your knowledge, the information you have provided is correct. We will not accept any application that is not signed; however, if this form is submitted electronically, filling in your name constitutes a signature.

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.

Next Steps

Please return the "Application for Ordinary Watercourse Land Drainage Consent" form and fee with any supporting documents to: **Land Drainage Consents, Planning & Environment, Kent County Council, County Hall, Maidstone, Kent, ME14 1XX** or email to flood@kent.gov.uk

If you need help filling in this form, please contact 03000 415842 or flood@kent.gov.uk