

## Application Guidance for Ordinary Watercourse Land Drainage Consent

These guidance notes should be used to complete an application for Ordinary Watercourse Land Drainage Consent. You are advised not to carry out work on an ordinary watercourse without consulting Birmingham City Council. Carrying out works without prior consent or failing to rectify problems may be a criminal offence.

Before completing the application form, applicants should contact us for advice on your proposal using the contact details at the end of the application form.

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These notes provide a guide to completing an application for Ordinary Watercourse Land Drainage Consent. They address each section of the application form providing an overview of what is required to support and inform the application. It is important that you complete **ALL** of the relevant sections of the application form.

## 1. Ordinary Watercourse

The Birmingham City Council is the consenting authority for works on or within close proximity to ordinary watercourses. The Environment Agency is responsible for distributing permits, under the Environmental Permitting Regulations, for works affecting Main Rivers

Applicants are requested to check the Environment Agency's 'What's In Your Backyard' resource and selecting 'Main River Consultation', accessed at:

<http://apps.environment-agency.gov.uk/wiyby/>

The Main Rivers Consultation map can be accessed from here. If the watercourse is identified on this map then please contact the Environment Agency on **03708 506 506** or **enquiries@environment-agency.gov.uk**

**If the watercourse is not identified on the mapping then it is likely that it is an Ordinary Watercourse and applicants should proceed with the guidance notes.**

**NB: Any private ditch, pipe, culvert, sough, drain etc. not managed privately or by a water company is classed as an ordinary watercourse.**

## 2. Culvert Policy

Birmingham Lead Local Flood authority recognise that watercourses are important features of the landscape and should be maintained as continuous corridors to maximise their benefits to communities, biodiversity and flood risk management.

Existing watercourses should not be culverted.

Birmingham City Council will normally object to proposals to build over existing culverts because of health and safety considerations, increased maintenance costs and because it would preclude future opportunities to restore watercourses to open channels. We will promote the opening up and naturalisation of culverted watercourses where feasible.

### **Exceptions:**

Birmingham City Council recognise that there are situations where culverting may be unavoidable in practice, such as short lengths for access purposes or where highways cross watercourses. In these cases open span bridges or watercourse diversions must first be considered as alternatives to culverts.

Developers will be required to prove why culverting is both necessary and the only reasonable and practicable alternative. There will need to be an assessment that demonstrates that the proposal will not have a detrimental impact on flood risk, or habitats and species present.

Where in exceptional circumstances culverts may be permitted the length of any culvert should be restricted to the minimum necessary to meet the applicant's objective. The applicant will need to consider the potential impacts of climate change, development proposals within the wider catchment on the watercourse when calculating its size.

There will also need to be a detailed management strategy and consideration of the design of trash screens and any associated automation, and the provision of infrastructure to allow inspection of the asset.

Mitigation measures such as mammal ledges must be incorporated within the design and all works must be carried out using best working practice to minimise environmental impacts.

There will still be a requirement to provide an appropriate easement from the edge of the culvert of either 7 meters or 1.5 times the depth of the culvert (whichever is greater) to ensure that there is adequate space to undertake emergency works / replace the culvert in the event of asset failure.

Birmingham City Council will consider each application to culvert a watercourse on its own merits, but will only approve a culvert if there is no reasonably practicable alternative or if it is considered that the detrimental effects would be so minor that a more costly alternative could not be justified.

If you wish to culvert a section of open watercourse you will be required to provide additional technical supporting information, this will involve providing hydraulic calculations (design flows, tail water levels, barrel dimensions, headwater elevations etc.), extensive drawings and may involve a Water Framework Directive assessment.

### **3. Applicant details**

Please complete this section with the details of the individual, organisation or company applying for consent.

### **4. Agent details**

You can nominate someone other than the person named on any ordinary watercourse consent (for example, a consultant or agent) to act on your

behalf. Leave blank if not applicable. **If you complete this section, we will send all correspondence to this contact.**

## **5. 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 the landowner.

## **6. Description of the proposed works**

This part of the application form requests/seeks a clear, but brief description of the proposed works.

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

A full and detailed description of the works and the phases of construction should be included as part of the method statement.

## **7. Location of the 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, the nearest address or postcode in addition to the details below:

- The location of the site;
- The name of the watercourse; and
- The easting and northing of the site.

## **8. Supporting documentation**

You need to provide us with a copy of all relevant plans, drawings, calculations etc. These should ideally be submitted electronically (in pdf format) but can be in hard copy. The drawings must be no larger than A3 size.

## Location Plan:

| Example Map   | Explanation   |
|---|---|
|  | <p>This Location plan is at an appropriate scale, clearly shows the general location of the site, includes general features, road names and identifies the watercourse or other bodies of water in the surrounding area.</p>                           |
|  | <p>An outline of the site boundary alone is not useful if there are no identifiable road names or features identified. Although the location of the watercourse is given and the specific location of the works, this location could be anywhere.</p>  |

## Drawings:

Drawings should simply show the existing and proposed features, they can be annotated to provide extra detail such as materials, flow levels, dimensions and any additional details relevant to the works.

The plan should be drawn to an appropriate scale, which must be clearly stated. The minimum drawings we require are listed below:

- Existing arrangement.
- Proposed arrangement.
- Temporary works.

We welcome any additional drawings which you feel are relevant to the temporary and/or permanent works.

**Please note: All drawings must include a unique reference number.**

### Existing arrangement:

You must provide a plan of the site showing:

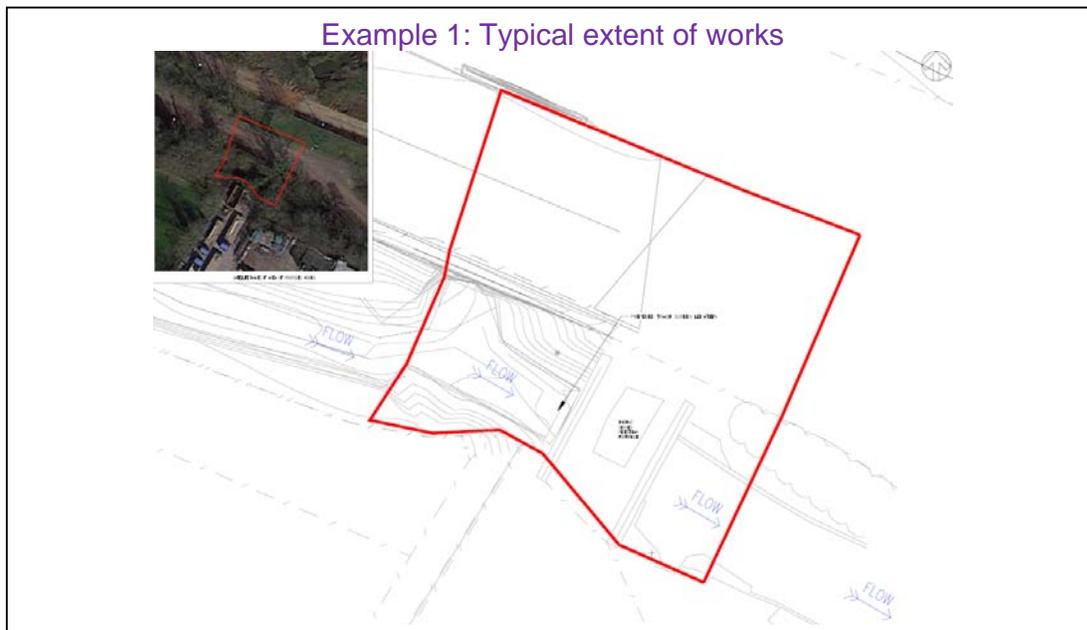
- The existing site, including any watercourses.
- Ideally both plan and cross sectional views.

- The position of any existing structures which may influence the local river environment, such as dams, weirs, bridges, ways of crossing the watercourse, embankments, outfalls etc.

### Proposed arrangement:

You must provide a plan of the site showing the general arrangement of the proposed site after the works have taken place, to include:

- Direction of flow.
- All permanent structures within the watercourse (temporary structures should be submitted separately).
- Ideally plan and cross sectional views.
- The location of any proposed service pipes or cables which may affect the future maintenance of the watercourse.
- Any dams, weirs or other obstructions. 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 watercourse.



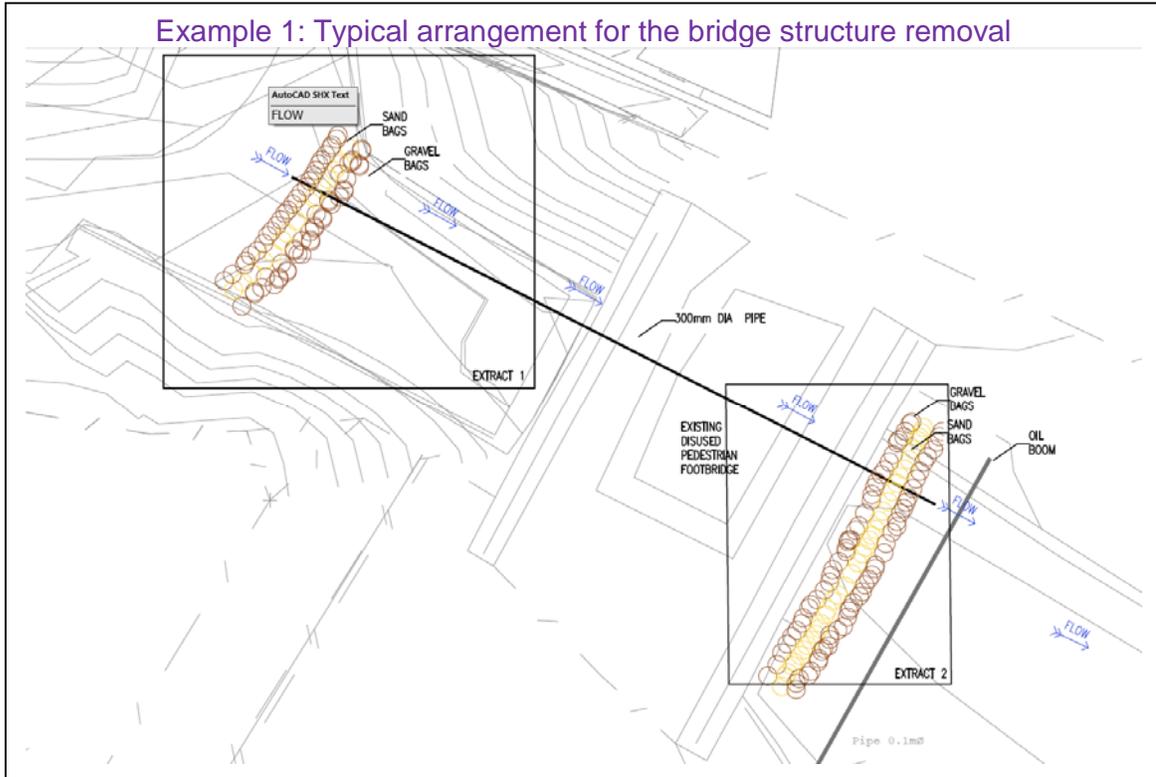
### Temporary structures drawing:

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:

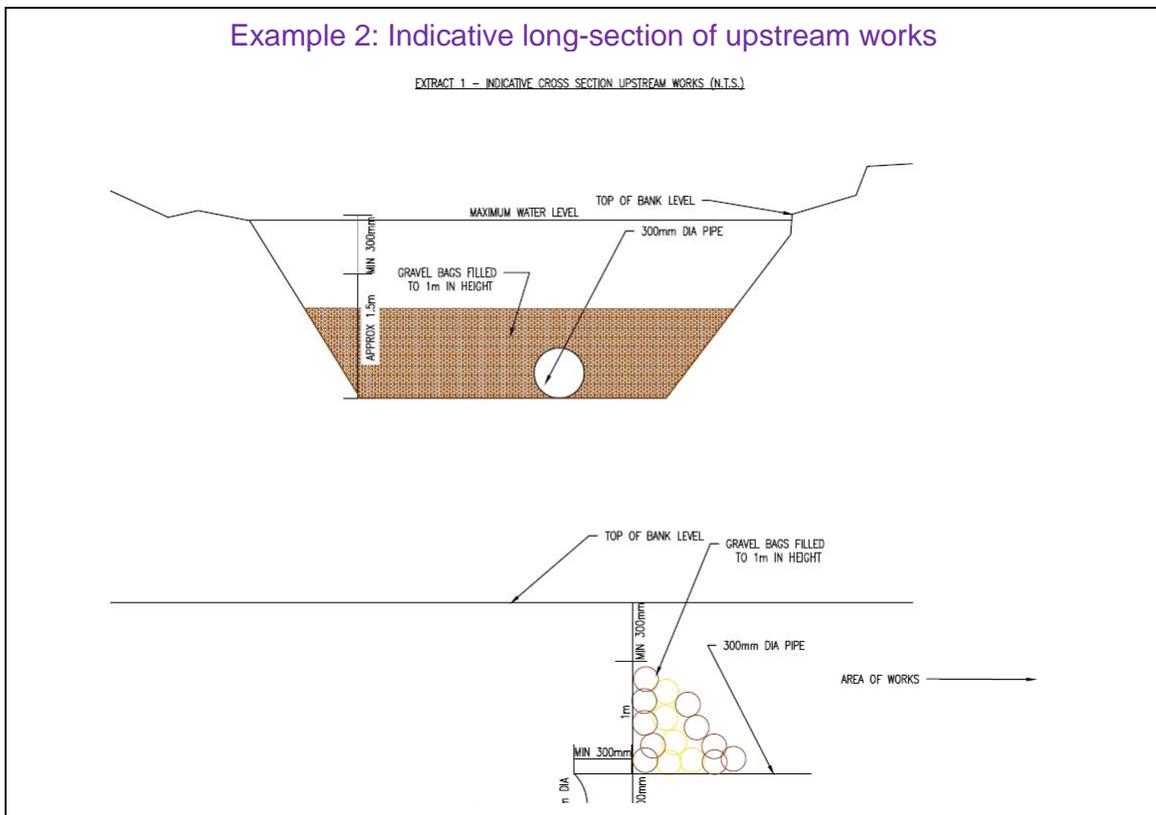
- Direction of flow.
- All temporary structures and their location in the watercourse.
- Ideally plan and cross sectional views of the structures.

- 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.

Example 1: Typical arrangement for the bridge structure removal



Example 2: Indicative long-section of upstream works



### **Method statement:**

A Method Statement details how works will be undertaken during the construction phase to prevent harm to the surrounding water environment. What details a Method Statement contains will vary from scheme to scheme, and from site to site. There is often a confusion that a Method Statement needs to be a multi-page document detailing risk assessments and health and safety procedures. This is not the case. Often a Method Statement 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 health and safety information. The Method Statement should refer to relevant pollution prevention guidelines to detail how the surrounding water environment will be protected during the works.

Your Method Statement should be site specific and should not be generic. The statement should include the construction sequence, of how it is planned to undertake the works causing minimum disruption to the wider water environment, reducing any unwanted effects while the permanent works or temporary phasing works are being carried out.

### **Things to think about when writing your method statement:**

- How will sediment be controlled?
- How will pollution of the watercourse be prevented?
- Do you have a contingency plan if heavy rainfall is expected?
- How will environmental hazards be controlled?
- Have you consulted your contractor, ecologist or other partners to ensure the method statement is workable?

### **Ecological report (if applicable)**

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) within close proximity to any works to be affected, it is the applicants responsibility to seek the advice of a competent ecologist prior to submitting an application and starting works on site.

If the location of the works is within close proximity to a Site of Special Scientific Interest (SSSI) we are required to consult Natural England as part of the consenting process.

We check the application alongside Council held data pertaining to ecological records. If an ecological record is within a close proximity to the proposed works the applicant will be required to carry out an ecological appraisal. If you have already carried out an ecological appraisal please submit this with the application.

## 9. Construction details

It is recommended to apply for both the permanent and temporary works within one application. However, in some instances, you may need separate consents for the permanent works and any temporary works that do not form part of the permanent works.

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 work is carried out etc.

For more information about what is classified as temporary works please contact the Flood Risk Management team.

**Finally, 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.**

## 10. Environment Agency and other relevant consultee 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.

## 11. Planning approvals

Please provide details of any planning permissions you may have or are applying for relating to this proposal.

## 12. Maintaining the structure (works subject to consent)

We need to know who will be responsible for maintenance both during construction work and after the work has finished.

## 13. Effects on the environment

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.

If your site falls within, is next to or is linked to a nature conservation site (as described above), please contact us as soon as possible to discuss your proposals before you submit your application.

As part of the application process your proposals are assessed for compliance with the Water Framework Directive objectives. No activities or works should deteriorate the status of any nearby watercourse as the main objective of the Water Framework Directive is to prevent deterioration in 'status' for all waterbodies.

You may wish to contact Natural England and/or the Environment Agency to seek further information.

#### **14. Fees**

The legislated fee for Land Drainage Consent is £50 per structure or obstruction. Payment of the fee will be sought once your application has been received and validated by the Flood Risk Management team.

#### **15. Checklists**

Please tick the relevant documents in this section so that we know what you are submitting.

#### **16. 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.

#### **17. What Happens Now**

After the application is received by The Birmingham City Council's Flood Risk Management team we log and check your application, to ensure all of the details we require to process your application have been included.

Once your application has been assigned to an officer, he/she will be in touch with their contact details and a unique reference number for your application. If there is anything missing from the application the officer will ask for further information to be submitted.

Upon the submission of a complete application the officer will confirm the appropriate fee. We will only confirm the correct fee on receipt of a complete application. You will then be required to submit payment. Once payment has been received, The Birmingham City Council has an 8 week period in which to grant or refuse consent. We try to process applications as swiftly as possible, however, this will depend on available resources, the level of demand we are experiencing for our service and the quality of the information provided.

The response will either be an “approval” with appropriate conditions or a ‘refusal’ with reasons to support the decision. Consents are valid for three years from the date of approval. In cases where consent has been granted the applicant is required by conditions to notify The Birmingham City Council no less than seven days before commencement and completion of the works. Photographs of the site (before and after) should be provided no later than seven days after completion of the works as conditioned within the Consent Certificate.

## **18. References**

This guidance is referred to Land Drainage ACT 1991 and City of Birmingham District Council Land Drainage Byelaws. In addition, any new developments are recommended to refer to ‘Birmingham Development Plan Planning for Sustainable Growth’ adopted January 2017.

### **Birmingham City Council**

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