



**EYE ON  
CALDERDALE**

**Ordinary Watercourse  
Land Drainage Consent**

**Application Form Guidance Notes**

**2023**



**Calderdale**  
Council



**Environment  
Agency**



**WOODLAND  
TRUST**



## SECTION 23 LAND DRAINAGE ACT 1991

Before completing the application form you are advised to contact us for advice on your application and to find out if you need to contact organisations.  
Please follow this guidance to help avoid unnecessary delays in your application.

Please read through the guidance notes and the application form carefully. If you have any questions please contact us on the following details:

Tel: 01422 288002

Email: [highwaysandengineering@calderdale.gov.uk](mailto:highwaysandengineering@calderdale.gov.uk)

Post: Ordinary Watercourse Consent  
Flood Risk Management  
Calderdale Council  
Ainley's Depot  
Huddersfield Road  
Elland  
HX5 9JR

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## 1. INTRODUCTION

Under the Flood and Water Management Act (2010) (FWMA 2010) the responsibility for authorising consent to works and carrying out enforcement action in relation to ordinary watercourses has transferred from the Environment Agency to Calderdale Council (the Lead Local Flood Authority). If the watercourse is classed as a main river you need to apply for a Flood Defense Consent from the Environment Agency. Please contact us to confirm if your proposed works require consent from Calderdale Council.

## 2. LAND DRAINAGE LEGISLATION

Section 23 of the Land Drainage Act 1991 as amended by the FWMA 2010 states:

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 a culvert in an ordinary watercourse, or
- c. alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent in writing of the drainage board concerned.
- 1A Consent under this section may be given subject to reasonable conditions.
- 1B An internal drainage board or lead local flood authority must consult the Environment Agency before carrying out work within subsection (1)(a), (b) or (c) if the board or authority is “the drainage board concerned” for the purposes of this section.
- 1C The drainage board concerned must have regard to any guidance issued by the Environment Agency about the exercise of the board’s functions under this section.

## 3. ORDINARY WATERCOURSE CONSENT GUIDANCE

Under the Land drainage Act 1991, certain temporary or permanent works on ordinary watercourses require the consent of the Council. Even if you have planning permission or other consents you will still require consent from the Council for certain work to ordinary watercourses. Works to ordinary watercourses that require consent are those likely to cause an obstruction to flow, restrict storage or those than involve erecting a culvert. Changes to obstructions (dams, weirs, culverts or other like obstructions) already in place will also need consent from the Council.

When considering if the works in question require consent, it is useful to consider if the works would affect the flow of the watercourse when it is full to the top of the bank. If the works will affect the flow of the watercourse when it is full to the top of the bank then such works will need consent from the Council.

Example of permanent works/structures include the construction of bridges, culverts, weirs, dams, alteration of a culvert or any other objects which will interfere with or change the flow of water in a watercourse. Example of temporary works/structures include placement of sand bags or cofferdams used to create a dry working area, or any objects or materials that will be removed at a later date that interfere with or change the flow of water in a watercourse.

#### 4. APPLYING FOR ORDINARY WATERCOURSE CONSENT

Please ensure the correct fee and sufficient additional information, including all necessary supporting documents, is submitted with your application. Please ensure the application form is fully completed in order to avoid any unnecessary delays. We cannot process your application until we have received the correct fee and all necessary supporting documents.

When determining an application for works to an ordinary watercourse the Council will consider a number of factors including but not limited to:-

- Necessity of the structures/works proposed.
- Prove that the proposed works will not have a detrimental effect on flood risk, surrounding habitat and environment or to fauna and flora species present.
- Adequate mitigation measures are proposed where risk to the above cannot be avoided.
- Consideration of health and safety risks and the proposal of adequate measures to manage such risks.
- Clear detail on who is responsible for future maintenance.
- Where the applicant is proposing a culvert, prove that reasonable and practicable alternative methods have been considered and cannot be utilised.

Consent will be refused if the works are poorly designed, result in an unmanageable increase in flood risk or if they pose an unacceptable risk to nature conservation or the environment. Incomplete applications will also be refused.

Consents may have conditions applied to them, for example to carry out works at a certain time of year in order to reduce flood risk and potential ecological damage; or advice applicant to obtain additional permits or permissions from other bodies. The applicant is responsible for obtaining the necessary permits or permissions prior to works commencing.

#### 5. FEES

The application fee is £50.00 per structure/operation or temporary works event. For example, if the proposal is for two separate culverts then the application would be £100.00 (£50.00 x 2 structures). Please contact us for further information.

Upon the receipt and validation of your application a request will be sent requesting the correct fee.

A cheque can be enclosed with your application if you have discussed the required fee for your proposals prior to applying for consent.

Please note your application form cannot be processed until the correct payment has been received.

#### 6. APPLICATION PROCESSING TIME

Once a fully completed application form including all relevant documents and the correct fee has been submitted, the Council will have up to 2 months to issue a written confirmation detailing whether consent has been granted or refused.

#### 7. PERIOD OF VALIDATION OF ORDINARY WATERCOURSE CONSENT

Any consent given is typically valid for a period of up to three years or less and will be stated on any consent document sent.

#### 8. GUIDANCE ON COMPLETING THE APPLICATION FORM

Please complete the application form in block capitals and black ink.

### QUESTION 1 APPLICANT DETAILS

#### Applying as an Individual

Applicants that are categorised as individuals include the following:-

- Sole trader
- Private individual (e.g. landowners, residents or tenants whom are not applying as a company or any other kind of organisation).

Ordinary Watercourse Land Drainage Consent cannot be issued in the name of a sole trader business but is issued in the name of the sole trader applicant. Please state your full name, the name you give will be the name on any Ordinary Watercourse Consent we grant. You must give us your full UK main address. The address you give here will be the address your Ordinary Watercourse Land Drainage Consent will be registered to and will be shown on any Consent we grant.

#### Applying as a Group

Applicants that are categorised as groups include the following:-

- Group of individuals
- Club
- Partnership
- Voluntary organisation

Any Ordinary Watercourse Consent granted will be in the name of the group.

The address section and other contact details (as applicable) must be completed with details of the principal place of business. The address you give here will be the address your Ordinary Watercourse Consent will be registered to and will be shown on any Ordinary Watercourse Consent we grant.

#### Applying as a Registered Organisation

Applicants that are categorised as registered organisations include the following:-

- Limited company, including; private company limited by shares or guarantee, private unlimited company with or without share capital, public limited company and Community Interest Companies.
- Limited partnership
- Limited liability partnership
- Registered Charity

Applications from organisations that are categorised as registered charities are those that are registered with the Charity Commission. If you are applying as a charity but are not registered with the Charity Commission, then please apply as a voluntary organisation. Any Ordinary Watercourse Consent granted will be in the name of the registered organisation.

The address section and other contact details (as applicable) must be completed with details of the registered organisation's office address registered with Companies House or the Charity Commission. Limited partnerships must complete the address section and other relevant contact details with details of the principal place of business. The address given here will be the address your Ordinary Watercourse Consent will be registered to shown on any Land Drainage Consent granted. The individual (agent or responsible person within organisation) should state their contact details in question 2.

### Applying as a Public Body

Any Land Drainage Consent granted will be in the name of the public body. Please state the type of public body that you are applying as.

## QUESTION 2 CONTACT DETAILS

Please provide details of person we can contact in respect of this application. Fill in your contact details if you are acting on behalf of an applicant. In Section 1, fill in the details of the applicant or organisation that you will be representing.

## QUESTION 3 LOCATION OF PROPOSED WORKS

We need to be able to identify where the proposed works will be carried out. Please give details of:-

- The location
- The name of the watercourse
- Grid Reference

If the post code is not known please give a description of the location stating as much detail as possible.

## QUESTION 4 INTEREST IN 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 then you will need to obtain permission from whoever owns the land.

Please give details of the landowner if the applicant is not the landowner. Please give as much detail as possible.

## QUESTION 5 PRE APPLICATION ADVICE

The Council can offer pre-application discussions before a formal application is submitted in order to guide applicants through the process. This can minimise delays later in processing your application.

Pre-application discussions can also help you identify areas of concern about your proposed works so that

you can give consideration to amending your proposals before the application is submitted. The advice and guidance given to you at the pre-application stage is given in good faith. However, it does not guarantee or supply a definitive undertaking as to whether your proposal is likely to be acceptable.

## QUESTION 6 PLANNING PERMISSION

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

## QUESTION 7 DESCRIPTION OF PROPOSED WORKS

It is important that you accurately describe the proposed works for the application being made. Please describe the purpose of the works and details of any alternative solutions considered. When describing the proposed works, please state whether or not any works are being carried out within the watercourse.

## QUESTION 8 CONSTRUCTION DETAILS

Please state the number of structures and/or operations proposed. You need separate consents for the permanent works and any temporary works. If you are applying for both at the same time you need to only complete one form. Temporary works could include for example cofferdams (watertight enclosures) across a watercourse or temporary diversions of water while work is being carried out.

Please detail the temporary works and state how long any temporary works will be in position. It is important that you confirm the duration of all temporary works, where possible giving separate timescales for different activities, i.e. scaffolding, over-pumping.

Please provide an anticipated construction start date. When you are planning the work you need to make sure that you have allowed enough time for the Council to consider your application (up to 2 months).

## QUESTION 9 ENVIRONMENT AGENCY INTERESTS

Please tick as appropriate. If you answer yes to any of the questions, you may require extra licences or consents from the Environment Agency prior to any works beginning.

Please ensure that you have left enough time to get all the approvals you require before starting any work. Contact us or the Environment Agency if you have any questions on how you should proceed in obtaining necessary extra licences or consents.

## QUESTION 10

### NATURAL ENGLAND INTERESTS

Please tick as appropriate. If you answer yes to any of the questions, you may require extra licences or consents from Natural England prior to any works beginning.

Please ensure that you have left enough time to get all the approvals you require before starting any work. Contact us or Natural England if you have any questions on how you should proceed in obtaining necessary extra licences or consents.

## QUESTION 11

### ENGLISH HERITAGE INTERESTS

Please tick the appropriate box. If you answer yes to the question, you may require extra licences or consents from English Heritage prior to any work beginning.

Please ensure that you have left enough time to get all the approvals you require before starting any work. Contact us or English Heritage (Yorkshire Office) if you have any questions on how you should proceed in obtaining necessary extra licences or consents.

## QUESTION 12

### OTHER INTERESTS

Please tick as appropriate.

## QUESTION 13

### ENVIROMENTAL IMPACT

The Council have a legal duty to protect and improve the environment so we must consider the environmental effects of your proposal. Works must be undertaken fully in accordance with PPG5, the pollution prevention guidelines on works or maintenance in or near water. No deterioration to the current status of the water body is permitted as part of the requirements of the Water Framework Directive.

Please include in this section any specific measures you have planned in order to keep disruption to a minimum, reduce any unwanted effects during work and improve the environmental value of the site. You should consider both the direct and indirect effects of the works on the site and any areas of particular interest or species. Opportunities for you to improve the environmental value of the site 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.

You may need to carry out other assessments to assess the impacts of the proposed works. Please contact us for further information.

If as part of a planning permission the Council has requested an Environmental Impact Assessment or a Water Framework Directive Assessment, you must send it to us with all the other supporting documents.

Under National and European Regulations, the Council must make sure that the granting of ordinary watercourse consent does not have a direct or indirect negative effect on a specific site or protected species as detailed in the regulations. These include:

- Sites of Special Scientific Interest (SSSIs)
- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)
- Ramsar sites
- Schedules Ancient Monuments (SAMs)
- Wild Birds
- Badgers
- European Protected Species

If the site of proposed works falls within, is next to or is linked to a conservation site/area then please contact us. Under the Habitats Regulations we must consult with Natural England or English Heritage in the case of ancient monuments.

You may wish to contact these organisations yourself to get their views on your proposals.

## QUESTION 14

### FLOOD CONSIDERATIONS

Works should be arranged to ensure there is no increase in flood risk to third parties. The applicant must take all reasonable precautions during the undertaking of the works so as not to obstruct, impede or interfere with the flow of water in, into or out of the watercourse and not to damage the banks or bed or any drainage works without the approval of the Council in writing. The Council may choose to permit minimal obstruction to flows during construction but these temporary restrictions must not increase flood risk to others and they must be capable of being overtopped in higher flows.

Please detail specific mitigation measures for any flood risk.

## QUESTION 15

### MAINTAINING THE STRUCTURE(S) DURING CONSTRUCTION

We need to know who will be responsible (individual or organisation) for maintenance during construction works. This will usually be the applicant. It is vital you provide a 24 hour emergency contact number.

## QUESTION 16

### CONTINUED MAINTAINANCE OF STRUCTURE(S)

Please state who will be responsible for the continued maintenance of the structures post construction. This will usually be the applicant. It is vital you provide a 24 hour emergency contact number.



## QUESTION 17

### PLANS, SECTIONS AND OTHER DOCUMENTS

To consider your proposals we need to receive plans and drawings, drawn by a relevant engineer or surveyor. All plans must be to a metric scale and any figured dimensions given in metres and a scale bar should be included. Each plan should show the direction of North. Plans or drawings should be no larger than A0 in size.

The following should be included with your application:-

#### Site 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. When you submit a location plan, it is recommended that this is at a scale of 1:1250 or 1:2500. The application site must be edged clearly with a red line on the location plan. A blue line must be drawn on the plan around any other land owned by the applicant, close to or adjoining the application site.

#### Plan Location of Structures

You must provide a plan of the site showing:-

- The existing site, including any watercourses.
- Your proposals.
- Land surface contours as appropriate.
- The position of any structures which may influence local river hydraulics, including bridges, culverts and screens, embankments, walls, outfalls etc and 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.

#### Cross Section of Watercourse

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.

#### Longitudinal Section of Watercourse

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.

#### Construction Detailed Drawings

These are to show details of the existing and proposed features such as the following:-

- Cross section of proposed structures.
- 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.

For dams and weirs a plan is needed 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 show any land drains to be affected.

#### Method Statement

You must enclose a separate method statement detailing:-

- How the works are to be carried out.
- Materials and machinery to be used.
- Access and egress to the site.
- When the works are expected to begin and how long construction will take.
- A programme of works.
- Any temporary works.
- How flood risk will be managed during construction (including specific mitigation measures).
- Pollution protection arising from the construction of the works.
- How issues associated with flora and fauna will be managed.

If over pumping is used a suitable screen or strainer should be used to prevent fish and other material being drawn in. Over pumping should be undertaken only in a manner that minimises bed disturbance, avoids movement of silt and minimises scour. Wet concrete must not be released into the watercourse. Material used for backfilling must be inert and not contain any material that could potentially leach out into the watercourse.

When you are planning the work you need to make sure that you have allowed enough time for us to consider your application. The method statement needs to be approved in writing by the Council before work can commence.

#### Other Associated Documents

You might also need to provide the following with your application:

- Calculations to demonstrate the hydraulic capacity of any channel works, culverting or bridge works.
- Details of any habitats and species that may be affected by the proposal
- Details of any planting or seeding within the river channel or adjacent to the watercourse within the flood plain.
- Other associated calculations.
- Relevant photographs.

Please attach a Water Framework Directive Assessment or Environmental Impact Assessment if one has been requested by the Council. Please note if Land Drainage Consent is granted then the applicant is required to provide as built drawings of the work to the Council within a specified time period.

## QUESTION 18

### AUTHORITY EMPLOYEE OR MEMBER

Please complete as appropriate.

## QUESTION 19

### FEES

The fee for Land Drainage or Ordinary Watercourse Consent is £50.00 per structure/operation or temporary works event. The fee is payable in respect of each separate structure, channel, pond or other element forming the project. Fees are not refundable in the event an application is refused. An application cannot be processed until the correct fee has been received.

## QUESTION 20

### CHECKLIST

Please read through and provide all necessary documents.

## QUESTION 21

### DATA PROTECTION STATEMENT

This section sets out our rights and responsibilities under the Data Protection Act 1998. Please read through the statement.

## QUESTION 22

### ADDITIONAL INFORMATION

Please detail any other information you have in support of your application.

## QUESTION 23

### DECLARATION

By signing this section, you are declaring that, as far as you know, the information you have provided, including all supporting documents are true. We will not accept any application that is not signed.

- If you are applying as an individual the applicant must sign the declaration.
- If you are applying as a public body, an authorised individual must sign the declaration.
- If you are applying as an organisation 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.
- If you are applying as a limited partnership, limited liability partnership, other type of partnership, group of individuals, club or a voluntary organisation which does not have trustees, a designated member must sign the declaration.

Please note that the Council does not accept any responsibility for the design and construction of the works that are the subject of this Consent and any liability for any loss or damage which may arise out of their design, construction, maintenance or use. The applicant must ensure that current CDM Regulations are complied with.

## 8. NEXT STEP

Please return your completed application form and all supporting documents to:

Ordinary Watercourse Consent  
Flood Risk Management  
Calderdale Council  
Ainley's Depot  
Huddersfield Road  
Elland  
HX5 9JR

Alternatively you can email your completed application form and all supporting documents to:  
[highwaysandengineering@calderdale.gov.uk](mailto:highwaysandengineering@calderdale.gov.uk)

