

# Guidance Notes for Ordinary Watercourse Land Drainage Consent Application

## Guidance OWC1

April 2019 (v6)

### Introduction

**These guidance notes give you information to help you fill in your application for Ordinary Watercourse Land Drainage Consent.**

Please read through these guidance notes and the application form carefully before you fill the form in. If you are not sure about anything in these guidance notes, contact us using the details at the bottom of this form.

Before completing the form it is recommended that you contact us for advice on your proposal. Under the [Land Drainage Act 1991](#), you need consent if you want to build a culvert or any structure (such as a weir) to control the flow of water on any ordinary watercourse.

**There is an application fee of £50 for each obstruction (or structure) made under the Land Drainage Act.** Please see the [Ordinary Watercourse Guidance Charging Schedule](#) for further details.

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## **I About you, the applicant**

All applicants must fill in this section. You need to tell us who we should contact about your application for Land Drainage consent. You can nominate someone other than the person named on any Land Drainage consent (for example, a consultant or agent). You need to give us your - or the relevant person's - full name, address and contact details.

You must give us your full UK address. The address you give here will be the address your Land Drainage Consent will be registered to and will be shown on any Land Drainage Consent we grant

### **1.2 Applications from individuals**

Fill in this section if you would like to apply as an individual.

Give us your full name. The name you give will be the name on any Land Drainage Consent we grant.

### **1.3 Applications from groups of individuals**

Fill in this section if you would like to apply as a charity, group of individuals, club or partnership. Please state the name of your group. The name you give will be the name on any Land Drainage Consent we grant.

If you are a limited liability partnership, please give the full name.

Please also state the full name, position, full address and contact details of your group's main representative.

### **1.4 Applications from public bodies**

Please give us the full name of the public body. The name you give will be the name on any Land Drainage Consent we grant. Please specify what type of public body you are.

## **2. Applications from agents / companies**

Fill in this section if you would like to apply for Land Drainage Consent as a registered company. To apply as a company, you must be a registered company formally registered with Companies House.

You will need to give us your company name, as registered with Companies House, your company registration number, and the full name of the company director, and their official position. Any Land Drainage Consent you receive will be in the company name registered with Companies House.

## **3. Site address details**

We need to be able to easily identify where the proposed works will be carried out.

Please give full details of the:

- location of the site;
- name of the river or watercourse (if known); and
- National Grid Reference (12 figures), if available.

#### **4 Description and purpose of the proposed works**

It is important that you accurately describe the proposals for the application being made. Please describe the works required and the number of structures (e.g. headwall, pipe, access chamber, etc.) or changes (e.g. realignment, infill, reprofiling).

You should also clearly state the justification (purpose) for the works and what alternative solution you have considered before deciding on the proposed works. E.g. could you use a clear span bridge instead of a culvert or could the watercourse be realigned rather than culverted?

You may need separate consents for the permanent works and any temporary works that do not form part of the permanent works. Temporary works could include, for example, cofferdams (watertight enclosures) within/across a watercourse, or temporary dams/diversions of surface water while work is carried out.

#### **5 Land ownership**

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 whoever owns the land.

#### **6 Planning approvals**

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

#### **7 Environment Agency interests**

If you answer “yes” to any of the questions, you may need extra licenses, permit or consents from the Environment Agency before you start work.

You should make sure that you have enough time to get all approvals you need before you start work. If you don't, this could delay the work.

#### **8 Effects on the environment**

We have a legal duty to protect and improve the environment, so we must consider the environmental effects of your proposal. You may need to carry out an environmental appraisal to assess the effects of your work. It is recommended that you contact us before you send us your application so that we can give you advice on this. If you do not, your application could be delayed.

The environmental appraisal should identify all likely effects on the environment. You should consider the direct and indirect effects the work has on sites and features of interest and species of particular value.

Include any specific measures you plan to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out.

Set out any opportunities for you to improve the environmental value of the site. This

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.

If as part of a planning permission we have asked for an environmental appraisal, you must send it to us with all the other supporting documents we need.

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 Land Drainage Consent does not have a direct or indirect negative effect on any site specified in the regulations, including:

- Sites of Special Scientific Interest (SSSIs)
- Designated Special Areas of Conservation (SACs);
- Special Protection Areas (SPAs);
- Listed RAMSAR sites; and
- Scheduled Ancient Monuments (SAMs)

Under the Habitats Regulations, we must consult Natural England or Countryside Council for Wales. You may want to contact these organisations yourself to get their views on your proposal.

## **9 Maintaining the structure**

We need to know:

- how the structures will be maintained
- how often the maintenance will be carried out
- who will be responsible for maintenance both during construction and after the work has finished. Consent cannot be issued unless we have these details.

A maintenance statement can be included on the application form for very simple structures, but a separate schedule should be included where multiple structures are proposed.

## **10 Anticipated Start date**

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. We have a statutory 2-month timeframe to determine any Ordinary Watercourse Consent application.

## **11 Supporting Documentation**

To consider your proposals we need to receive plans and drawings which clearly show the existing watercourse and proposed works. The ground levels need to be stated and the usual reference is height above sea level – commonly referred to as Above Ordnance Datum (or A.O.D.). These are best drawn by a competent engineer or surveyor, but as long as supplied drawings contain sufficient information for us to understand the proposed works in the context of the existing situation that should be adequate.

You may require temporary obstructions (dams, access structures, etc.) in order to allow you to carry out the permanent works. Temporary obstructions in the watercourse including dams, pipes etc. must also be shown in your proposals. Their location, construction method and approximate dimensions must be supplied. The outfall location of any over-pumping must clearly be indicated.

We expect culvert design to follow good practice and suggest you refer to [Ciria's Culvert Design and Operation Guide \(Report C689\)](#) and the supplementary technical note (Report 720). These reports also cover the design of trash/security screens.

**NOTE: If the proposed works are within the highway boundary, you will need to get in touch with HCC to apply for a road opening licence to carry out the proposed works. Please see the link below for licences and permits:** <https://www.hants.gov.uk/transport/licencesandpermits>

If you already know the name of a person within the Section 278 team, please supply this.

The supporting documentation (in addition to the application form) should include the following:

#### **Location plan(s)**

This must be at an appropriate scale (e.g. 1:50,000) 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 in relation to the nearest town or village.

A more detailed location plan at a suitable scale (e.g. 1:1000) that includes general features and street names (where possible) is advisable. It should identify the watercourse or other bodies of water in the surrounding area.

#### **Site plan (general arrangement)**

You must provide a plan of the site showing:

- The existing site layout, including all watercourses;
- 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; and
- Existing fish passes, or structures intended to allow fish to pass upstream and downstream;
- Details of all the proposed permanent (and/or temporary) work.

The plan should be drawn to an appropriate scale, which must be clearly stated.

#### **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 A.O.D. levels. It is essential that relative invert levels - a measurement of the lowest points of a ditch or pipe - are supplied.

### **Longitudinal sections**

Longitudinal sections (side views) 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.

### **Detailed drawings** (if not included on the above drawings)

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

- The structure itself (headwall/outfall, access chamber, screen, etc.)
- 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 land drains to be affected.

### **Photographs**

Please supply photographs of the watercourse in the location(s) where the proposed works are to take place.

### **Method Statement**

For all work, we need to know how you are proposing to carry out the work. So you need to send us a “method statement” that includes details of the construction and specific measures you plan to take to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out.

It is very important for us to understand how water flow will be managed during the works e.g. will temporary dams (and overpumping) be required – if so, at what point in the process will they be installed/removed, where will these temporary dams be located, how will they be constructed, etc.?

The Method Statement should clearly indicate:

- any preparatory/enabling works (e.g. installation of temporary dams/overpumping),
- the installation (and/or removal) process - step-by-step - to be taken in undertaking the proposed works,
- the completion or work with the removal of any temporary structures.

### **Maintenance Schedule**

We need to know:

- *how will the structure(s) will be maintained?* – can it be maintained easily by hand/simple equipment or is specialised equipment required?
- *when and how often they will be maintained?* – can this be yearly (which month?) or is a more frequent check advisable such as quarterly or after significant rainfall events?
- *who will be responsible for maintenance both during construction and after the work has finished?* – it is important that the landowner or management company understands their responsibility to keep any structure well maintained and clear of blockages.

**NOTE:** If the proposed work is to be offered for adoption by the Highway Authority, a maintenance schedule should still be submitted to cover the post construction period prior to adoption.

**NOTE: We would prefer all documents to be submitted electronically.**

## **12 Fee**

The minimum application fee for Land Drainage Consent, where charged, is £50.

A charging guide is available online to help you work out the application fee but it is advised that you contact us before you send us the application to ensure the correct number of chargeable obstructions (structures) and/or changes have been identified.

If the online payment option is not available, the application fee can be paid by cheque to 'Hampshire County Council' or we can invoice you if you complete the invoice payment form.

## **13 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 any application that is not signed.

- 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.

## **14 Next steps**

Please complete all required fields in the application form giving as much information as possible and either submit the form online or email form OWCI 'Application for Ordinary Watercourse Land Drainage Consent', with the supporting documents to this email address: [owc@hants.gov.uk](mailto:owc@hants.gov.uk)

If you wish to post an application, please write to the following address:

**Flood and Water Management (OWC application)**  
**Department for Economy, Transport and Environment**  
**Hampshire County Council**  
**Elizabeth II Court West - Floor 1**  
**The Castle**  
**Winchester SO23 8UD**

If you need help filling in this form, please contact us using the details below.

**General enquiries: 01962 846730**

**Email:** [owc@hants.gov.uk](mailto:owc@hants.gov.uk)

**Website:**

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse>

**Please tell us if you have any communication needs such as needing information in a different language or alternative format (for example, in large print, in Braille or on CD)**

## **15 The General Data Protection Regulation and Data Protection Act 2018**

This section sets out our rights and responsibilities under The General Data Protection Regulation and Data Protection Act 2018. Please read.