

## THE BEDFORD GROUP OF DRAINAGE BOARDS

**Guidance notes and information to assist in the completion of the application form requesting consent to cross, culvert, bridge , modify, backfill and introduce water to a watercourse and all works that are within 9 metre of a watercourse or culverted watercourse.**

The Land Drainage Act 1991 Section 23 and 66 and the relevant Board's byelaw state that any person wishing to alter the flow in any watercourse or raise any obstruction to the flow of the watercourse must first obtain the consent of the drainage authority. Consent is applicable to ALL permanent and temporary works that are within 9 metres from the watercourse bank top (both sides). The relevant Board's byelaws can be found [here](#). Any works that are not consented prior to construction or built not in accordance with the permitted Land Drainage Consent are unlawful and that person shall be guilty of an offence and liable under the Land Drainage Act 1991, Sections 24 and 66.

1. Work cannot commence until after a consent has been issued. The submission of an application or a verbal conversation cannot be interpreted as consent is given. An application form must be completed and returned to the Boards' offices together with the Statutory Consent fee of £50 (for which invoices are not issued) and the General Development Contribution where applicable. **NB The Board is allowed 2 months to determine the application which should be taken into consideration when making an application.** Please note the Statutory Consent fee of £50 applies to each separate structure. A separate application and £50 consent fee is also required for temporary works to facilitate the construction of each permanent structure. The formal Land Drainage Consent comprises a number of mandatory conditions, which the applicant shall comply with.
2. If you have any difficulties completing the form, please do not hesitate to contact the Boards' Engineering team on 01234 767995 or [consent@idbs.org.uk](mailto:consent@idbs.org.uk)
3. Any proposed works must be designed to operate efficiently without causing an obstruction to flow and must be readily maintainable. The riparian/asset owner is responsible for the maintenance of the asset to ensure it continues to perform as designed, whilst the Board may exercise its powers to maintain under a legal agreement with appropriate contribution.

4. Plans to be submitted with the application form should show pre and post development details and include:
  - Longitudinal section drawing of watercourse to a recognised scale and datum indicating bank and bed levels downstream and upstream of the proposed site including all details of existing structures.
  - Cross section drawing to a recognised scale and datum including the dimensions of the watercourse at the proposed site.
  - 1:2500 site plan showing the exact location of the site.
  - Small scale map (ie, 1:10,000 or 1:50,000 showing the catchment area draining to the watercourse at the application site).
  - Construction details of pipes, backfilling, headwalls, manholes etc as applicable. Standard details are available from the Engineering Department on request.
  - Additional details as may be necessary that are relevant to an application. This may include any proposed works within 9 metres of a watercourse, such as planting or fencing or similar obstructions that could affect maintenance access.
5. Technical calculations and detailed designs appropriate to the consent application shall be provided with the application form. Drainage design calculations should be provided using MicroDrainage Design Software.
6. The relevant Board also requires an appropriate environmental appraisal to ensure that the proposals are compliant with legislation and government policy. The Board will expect evidence that you have considered and where appropriate provided the following information:
  - Details of any statutory protected sites, that may be affected by the proposals. (Eg: Sites of Special Scientific Interest (SSSIs); Special Areas of Conservation (SAC); Special Protection Areas (SPAs); County Wildlife sites; etc.)
  - Presence of and potential for species protected by legislation.
  - Proposals to ensure compliance with the legislation on protected species including minimizing disturbance to the species and their locale.
  - Loss of habitat, particularly habitats included in Biodiversity Action Plans.

- Proposals for the replacement of lost habitat.

The consent of Natural England will be required if the proposals affect statutory protected sites. This may affect the time the Board requires to determine the application (see section 8 of this note).

7. On receipt of your completed application form the proposed works will be reviewed by the Boards' engineering section. If it is determined that the proposed standard of construction does not meet the Board's specification or the size of culvert is inadequate, the application form will be returned along with a note of the required specification or culvert size.
8. The applicant of a consent is wholly responsible for the design and construction of the assets contained within the consent application. Whilst the Board undertakes a review of the applicant's proposals, this does not imply any technical approval to the details contained in the application.
9. Subject to receiving a valid application with all the required information and payment The Board will determine your application for Consent, in writing, within 2 months from the date of receipt of your completed and accepted as valid application.
10. The Board reserves, at all times, the right to refuse any application and the fee will not be refunded. A refusal letter and reasons for refusal will be issued from the Board's Engineering section.
11. No development shall take place within 9 metres of the bank top without the Boards prior consent. Including (but not limited to) any structure, planting, fencing or other landscaping.
12. Where consent has been granted the Board will require notice of the date on which work is due to commence. This will give the Board opportunity to inspect the work should it be deemed appropriate.
13. It should be noted that consent under Section 23 of the Land Drainage Act 1991 does not give you any rights to access or interfere with any property not owned by you. It is your responsibility to ensure that the watercourse you propose to carry out works on is wholly in your ownership or that you have the agreement of the owner or owners. The Board will require written evidence that you have obtained all other consents, permissions and approvals that may be necessary.
14. The Board's consent will not dispense with the need to obtain any other permission which may be required from any other persons or other statutory authorities. (Eg: planning permission, consent from Natural England, etc.)

15. Work must not be commenced until formal consent has been received from the Board. Any informal dialogue, correspondence, verbal or written, with an engineering officer does not constitute consent and should not be relied upon as approval of any works. If consent is not applied for, nor a consent issued by way of consent issued or deed of agreement then any structure could be removed at the expense of the applicant.

## **ENVIRONMENTAL CONSIDERATIONS FOR LAND DRAINAGE CONSENTS**

The Board is also required to consider the environmental implications of all works in the district which require its consent under the Land Drainage Act 1991 (as amended). The applicant is therefore required to demonstrate the environmental impact of the proposals is negligible and can be mitigated against.

A number of species of animals and plants are protected under UK legislation and Biodiversity Action Plans. Water voles, otters, badgers, great crested newts and bats are all known to inhabit watercourses and have varying degrees of protection. Other species may also be present in the area. The applicant is required to demonstrate that the proposed works are not likely to adversely impact on protected species and/or protected habitats. An opinion, by a suitably qualified individual, with mitigation proposals where appropriate will suffice in most cases. The design shall consider both implementation and future long-term maintenance.

Works which may affect sites of national or international wildlife importance require further measures to be taken. Such works may be remote from the site and the area of influence must be determined by the Board. The Board is required to obtain the assent of Natural England to such works which is independent of any consent/assent the applicant may be required to obtain. In such cases where assent is required, the period required by the Board to determine an application may need to be extended and the applicant will be informed at the earliest possible time after submission of the application. The Board will endeavour to determine the application as soon as possible but is dependent upon the responses from Natural England.

**GUIDANCE DOCUMENT** – The relevant Board's byelaws can be obtained from the Boards' offices or via the Boards' website [here](#).

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