

## 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; backfill and introduce water to a watercourse**

1. The Land Drainage Act 1991 Section 23 and the relevant Boards' 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 permanent and temporary works.
2. An application form should be completed as soon as possible 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. Please note the Statutory Consent fee of £50 applies to each separate structure.
3. If you have any difficulties completing the form, please do not hesitate to contact the Boards' Engineer.
4. 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.
5. 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.
6. For all proposals, the relevant Board also requires appropriate environmental information to ensure that the proposals are compliant with legislation and government policy. This includes the Environment Act 2021 which stipulates the Board's duty as a Public Body to conserve and enhance biodiversity. 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.).
  - Details of habitats, particularly Priority habitats included within Section 41 of the Natural Environment and Rural Communities Act 2005 (NERC Act).
  - Presence of, and potential for, species protected by legislation including the Wildlife and Countryside Act 1981 (& as amended) and the Conservation of Habitats and Species Regulations 2017 (& as amended).
  - Presence of Priority species included within Section 41 of the NERC Act.
  - Proposals to ensure compliance with the legislation and good practice on protected and priority species including minimizing disturbance to the species and their habitats.
  - Proposals for the replacement of lost habitat and protection of that remaining.
  - Where required for the grant of planning permission, all sections of the Biodiversity Net Gain metric calculations should be included, otherwise a losses / gains table for habitats should be submitted.

Please note:

- a) 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 9 of this note).

- b) Consents for works to implement BNG calculations will not necessarily be issued if the Board has not been consulted and the works agreed prior to their inclusion within the information submitted for grant of planning permission.
7. On receipt of your completed application form the proposed works will be considered by the Boards' engineering section. If it is considered 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 Board will determine your application for Consent, in writing, within 2 months from the date of receipt of your completed and accepted application.
  9. The Board reserves at all times the right to refuse any application and the fee will not be refunded. Reasons for refusal can be obtained from the Board's Engineering section.
  10. 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.
  11. It should be noted that consent under Section 23 of the Land Drainage Act 1991 does not give you any rights to 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 may require written evidence that you have obtained all other consents, permissions and approvals that may be necessary.
  12. 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.)
  13. Work must not be commenced until formal consent has been received from the Board.

## ENVIRONMENTAL CONSIDERATIONS FOR LAND DRAINAGE CONSENTS

Under the Environment Act 2021, when exercising its functions (including consenting), the Board is required to have regard to conserving and enhancing biodiversity. Works which require its consent under the Land Drainage Act 1991 (as amended) therefore need to show a positive environmental outcome.

A number of species of animals and plants are protected under the Wildlife and Countryside Act 1981 (& as amended), the Protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2017 (& as amended). Water voles, otters, badgers, great crested newts and bats are all known to inhabit watercourses and their immediate surrounds and have varying degrees of protection. Other species may also be present in the area. Proposals may require licences to be obtained from Natural England before works can commence and any consent granted will be conditional on these licences. Further, some species and habitats are listed in Section 41 of the Natural Environment and Rural Communities Act 2005 as Priority species and habitats. The applicant is required to demonstrate that the proposed works are not likely to adversely affect protected and Priority species and/or habitats and that efforts have been made to achieve positive gain. 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 with an indirect effect. Where the applicant is undertaking such works, then consent will be required from Natural England.

GUIDANCE DOCUMENT – The relevant Board’s byelaws can be obtained from the Boards’ offices or via the Boards’ website via [www.idbs.org.uk](http://www.idbs.org.uk)

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