

Surrey County Council guidance notes for ordinary watercourse land drainage consent application

Introduction

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 the guidance, please contact us using the contact details at the end of this guidance document.

Under Section 23 of the Land Drainage Act 1991, you need our consent if you want to build a culvert or structure (such as a weir) that will affect the flow of water on any ordinary watercourse.

Before completing this form and submitting your application, you are strongly recommended to contact us for advice on your proposal. Please follow this guidance to help avoid delays in your application.

There is currently a £50 charge for each distinct structure or operation for applications made under the Land Drainage Act.

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1 Applicant Details

This is the name of the individual, organisation or company applying for consent. This should be given along with the name, addresses and telephone number of a person who can be contacted to discuss the proposal(s).

You must give us your full UK address. The address you give here will be the address we register your flood defence consent to and will be shown on any Ordinary Watercourse Consent we grant.

2 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). You need to give us your or the relevant person's full name, address and contact details.

If you complete this section, we will send all correspondence will be sent to the Agent. Leave blank if not applicable.

3 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 whoever owns the land.

4 Location of the proposed works

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

- The local authority area for the site
- The location of the site;
- The name of the watercourse; and
- The National Grid Reference (12 figures)
- A site location plan

5 Description and purpose of the proposed works

It is important that you accurately describe the proposals for the application being made. Please tell us the purpose of the works and the number of structures you need consent for. If you are unclear how to describe your proposal please seek our advice before submitting your application.

6 Plans and Sections

To consider your proposals we need to receive plans and drawings, drawn by a competent engineer or surveyor and showing Ordnance Datum Newlyn (the height above sea level).

You need to provide **three** copies of all relevant drawings. The drawings must be no larger than A0 size, and they need to include the following:

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.

Site Plan (general arrangement)

You must provide a plan of the site showing:

- The existing site, including any watercourse;
- Your proposals
- 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;

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 water levels.

Longitudinal sections

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.

Detailed drawings

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

- 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 watercourse. The plan must also show any land drains to be affected.)

7 Construction details

You 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) across a watercourse, or temporary diversions of water while work is carried out.

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

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. You will need to supply us with a copy of your programme of works.

We need to know who will be undertaking the works, please provide us the details of the contractor or person undertaking the works.

8 Supporting Evidence

We need to assess the adequacy of your proposed works in maintaining flow and capacity within the watercourse. In order for us to assess this, you will need to submit any hydraulic assessment undertaken including calculation sheets and any modeling undertaken.

9 Environment Agency Interests

Please tick the appropriate boxes. If you answer “yes” to any of the questions, you will probably need extra licenses 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.

10 Planning Approvals

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

11 Maintaining the Structure

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

12 Effects on the environment

We have a legal duty to protect and improve the environment, and must therefore take the likely significant environmental effects of the proposed works into account when determining your application. In certain circumstances the proposed works may require formal assessment of their effects on the environment – under the Environmental Impact Assessment (EIA) regime, under the provisions of the Conservation of Habitats & Species Regulations 2010 (SI 2010 No.490) (aka the Habitat Regulations), or under the Water Framework Directive. As such, you should consider the direct and indirect effects the work has on the sites and features of interest and species of particular value.

Specific information relating to the provision of environmental information, designated sites and protected habitats and species is listed in Appendix 1. This applies for both during the work, reducing any unwanted effects, as well as after the work, improving the environmental value of the site. This may include the creation of water features or planting new trees and shrubs.

We encourage you to contact us before submitting your application so that we can advise you on whether a detailed assessment will be required. This will avoid delays in processing your application.

13 Water Framework Directive (WFD) assessment

It is important that as part of the application process your proposals are assessed for compliance with the Water Framework Directive (WFD) objectives.

A proposal included in a consent application might cause a water body to deteriorate in status and/or prevent its ecological objectives from being met.

To achieve the goals of the WFD, we must ensure any new scheme or activity is assessed for WFD compliance. You must contact us to discuss this requirement and you may need to apply to the Environment Agency for compliance, before we can process your application for consent.

14 Fees

The fee for Land Drainage Consent is currently set at £50 for each structure. Please contact us before you submit your application, so that we can determine the appropriate fee for your proposal. The fee should be sent with the application. Cheques should be made payable to 'Surrey County Council'. An application will not be processed until the correct fee has been received.

15 Checklist

Tick the relevant documents in this section so that we know what you are sending.

The Data Protection Act 1998

This section sets out our rights and responsibilities under the Data Protection Act 1998.

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 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 director must sign the declaration.

Next steps

Please return the completed application form with supporting documents and correct fee to Surrey County Council, Strategic Network Resilience Team, Meroo Depot, Meroo Lane, Guildford GU4 7BQ

If you need help filling in this form, please contact us as shown below

[E-mail: flooding.enquiries@surreycc.gov.uk](mailto:flooding.enquiries@surreycc.gov.uk)

Telephone: 0345 6009009

Determining applications for land drainage consents is a new responsibility for the county council. We are keen to understand how we can improve the information we provide for applicants. Please let us know if you have any suggestions for improvements to the guidance notes.

Appendix 1 – Environmental Information Environmental Impact Assessment (EIA)

Certain types of development that require planning consent (listed in Schedule 1 and Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (Statutory Instrument 2011 No. 1824), require EIA before any planning application can be determined. In determining whether EIA is required consideration is given to the potential effects of the scheme on air quality, on climate, on soils, on water, on plants, animals and biodiversity, on heritage assets, on material assets, on landscape, and on human health.

Under specific circumstances, schemes concerned with the drainage of land fall within categories of development covered by the EIA regime:

1. Projects falling within the scope of paragraph 1(b) (and paragraph 13 – changes and extensions) of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 – that is water management projects for agriculture, including irrigation and land drainage projects. Such projects require planning permission.
2. Projects falling within the scope of paragraph 10(h) (and paragraph 13 – changes and extensions) of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 – that is inland-waterway construction not included in Schedule 1, canalisation and flood-relief works. Such projects require planning permission.
3. Projects being undertaken as permitted development by drainage bodies (i.e. Internal Drainage Boards, the Environment Agency, Lead Local Flood Authorities) under Parts 14 and 15 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 are subject to EIA in line with the requirements of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (SI 1999 No.1783) (as amended).
4. Project being undertaken by local highway authorities under Part 13 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 are subject to EIA in line with the requirements of Article 3 of the Order as amended by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (and preceding versions).

Under circumstances 3 and 4 above a determination that a project is 'EIA development' revokes permitted development rights and triggers the need for a planning application.

Please consult us if you are unsure whether your proposal requires an EIA to be submitted.

If your scheme will be carried out within the context of a planning permission for a wider development please provide a copy of the EIA screening opinion as prepared and adopted by the relevant Local Planning Authority (LPA).

Where the planning permission for the wider development that the proposed drainage works form part of, was determined to be EIA development by the LPA, please provide a copy of the Environmental Statement that accompanied the planning application.

Conservation of Habitats & Species Regulations 2010

The Conservation of Habitats & Species Regulations 2010 (SI 2010 No.490) provide protection for features that are designated as being of European importance for their nature conservation interest, specifically:

- Special Areas of Conservation (SACs) – designated under the Habitats Directive (92/43/EEC)
- Special Protection Areas (SPAs) – designated under the Wild Birds Directive (2009/147/EC and previous versions)

- European Protected Species – listed in Schedule 2 (European Protected Species of Animals) and Schedule 5 (European Protected Species of Plants) of the Conservation of Habitats & Species Regulations 2010

In the UK, as a matter of policy, the level of protection afforded to SACs and SPAs by the Habitat Regulations is also extended to sites designated under the Ramsar Convention on Wetlands of International Importance (known as Ramsar Sites).

European & International nature conservation sites

Within Surrey there are four SPAs, three SACs and two Ramsar Sites (some of which coincide with each other). All the SPAs, SACs and Ramsar Sites have also been designated as sites of national importance (Sites of Special Scientific Interest – SSSIs) under domestic nature conservation legislation.

Where a proposed drainage scheme involves a watercourse that is:

1. located within a European or International site;
2. located in close proximity to a European or International site (i.e. within 500 metres); or
3. upstream of, and linked to, watercourses that flow through a European or International site,

a screening report will have to be prepared to ascertain whether a full Appropriate Assessment (as required under regulation 61 of the Habitat Regulations 2010) needs to be undertaken before the consent for the drainage scheme is determined. Dependent on the findings and conclusions of the screening, a full Appropriate Assessment may have to be undertaken before your application for consent can be determined. A full Appropriate Assessment will only be required where the proposed scheme poses a risk to the ecological integrity of the European or International site.

If your scheme will be carried out within the context of a planning permission for a wider development please provide a copy of the Habitat Regulations screening report, or full Appropriate Assessment, for that application as prepared by the relevant Local Planning Authority (LPA).

The SPAs, SAC and Ramsar Sites in Surrey are listed below, further details can be obtained from the [Nature on the Map website](#).

Mole Gap to Reigate Escarpment SAC

Constituent SSSI(s): Mole Gap to Reigate Escarpment SSSI

Designated for: Primary reasons: Box scrub *Buxus sempervirens* on rock slopes; Semi-natural dry grasslands & scrubland facies on calcareous substrates; Important orchid sites; Yew *Taxus baccata* woods. Other qualifying features include: European dry heaths; beech forests, populations of Bechstein's bat; &, populations of Great crested newts.

Location: Within Surrey, in Mole Valley DC, & Reigate & Banstead BC.

South West London Waterbodies SPA & Ramsar Site

Constituent SSSI(s): (1)Kempton Park Reservoirs SSSI; (2)Knight & Bessborough Reservoirs SSSI; (3)Staines Moor SSSI; (4)Thorpe Park No. 1 Gravel Pit SSSI; (5)Wraysbury & Hythe End Gravel Pits SSSI; (6)Wraysbury No. 1 Gravel Pit SSSI; (7)Wraysbury Reservoir SSSI.

Designated for: Over-wintering populations of gadwall (*Anas strepera*) & Northern shoveler (*Anas clypeata*).

Location: Within Surrey, in Elmbridge BC, Runnymede BC, & Spelthorne BC; within Berkshire, in the Royal Borough of Windsor & Maidenhead; & within Greater London, in Hounslow BC.

Thames Basin Heath SPA

Constituent SSSI(s): (1)Ash to Brookwood Heaths SSSI; (2)Bourley & Long Valley SSSI; (3)Bramshill SSSI; (4)Broadmoor to Bagshot Woods & Heaths SSSI; (5)Castle Bottom to Yateley & Hawley Commons SSSI; (6)Chobham Common SSSI; (7)Colony Bog & Bagshot Heath SSSI; (8)Eelmoor Marsh SSSI; (9)Hazeley Heath SSSI; (10)Horsell Common SSSI; (11)Ockham & Wisley Commons SSSI; (12)Sandhurst to Owlsmoor Bogs & Heaths SSSI; (13)Whitmoor Common SSSI.

Designated for: Breeding populations of the Dartford warbler (*Sylvia undata*), Nightjar (*Caprimulgus europaeus*) & Woodlark (*Lullula arborea*)

Location: Within Surrey, in Elmbridge BC, Guildford BC, Surrey Heath BC, Waverley BC & Woking BC; within Hampshire, in Hart DC, & Rushmoor BC; & within Berkshire in Bracknell Forest BC, & the Royal Borough of Windsor & Maidenhead.

Thursley, Ash, Pirbright & Chobham SAC

Constituent SSSI(s): (1)Ash to Brookwood Heaths SSSI; (2)Chobham Common SSSI; (3)Colony Bog & Bagshot Heath SSSI; (4)Thursley, Hankley & Frensham Commons SSSI.

Designated for: Northern Atlantic wet heaths with *Erica tetralix*; European dry heaths; & depressions on peat substrates of the *Rhynchosporion*.

Location: Within Surrey, in Guildford BC, Surrey Heath BC, Waverley BC, & Woking BC; within Hampshire, in East Hampshire DC; & within Berkshire, in the Royal Borough of Windsor & Maidenhead.

Thursley, Hankley & Frensham Commons SPA

Constituent SSSI(s): Thursley, Hankley & Frensham Commons SSSI.

Designated for: Breeding populations of the Dartford warbler (*Sylvia undata*), Nightjar (*Caprimulgus europaeus*) & Woodlark (*Lullula arborea*)

Location: Within Surrey, in Waverley BC; &, within Hampshire, in East Hampshire DC.

Thursley & Ockley Bog Ramsar Site

Constituent SSSI(s): Thursley, Hankley & Frensham Commons SSSI

Designated for: Primary reasons: Community of rare wetland invertebrate species including notable numbers of breeding dragonflies; nationally important breeding populations of European nightjar (*Caprimulgus europaeus*) & woodlark (*Lullula arborea*). Other noteworthy flora & fauna include: Brown beaksedge (*Rhynchospora fusca*), ling heather (*Calluna vulgaris*), cross-leaved heath (*Erica tetralix*), marsh club-moss (*Lycopodiella inundata*), bog-mosses *Sphagnum* spp.; & populations of the sand lizard (*Lacerta agilis*), the common lizard (*Lacerta vivipara*), the slow worm (*Anguis fragilis*), the grass snake (*Natrix natrix*), the smooth snake (*Coronella austriaca*), &, the adder/viper (*Vipera berus*).

Location: Within Surrey, in Waverley BC; &, within Hampshire, in East Hampshire DC.

Wealden Heaths Phase II SPA

Constituent SSSI(s): (1)Devil's Punch Bowl SSSI; (2)Bramshott & Ludshott Commons SSSI; (3)Broxhead & Kingsley Commons SSSI; (4)Woolmer Forest SSSI.

Designated for: Breeding populations of the Dartford warbler (*Sylvia undata*), Nightjar (*Caprimulgus europaeus*) & Woodlark (*Lullula arborea*)

Location: Within Surrey, in Waverley BC; within Hampshire, in East Hampshire DC; &. Within West Sussex, in Chichester DC.

Windsor Forest & Great Park SAC

Constituent SSSI(s): Windsor Forest & Great Park SSSI

Designated for: Old acidophilous oak woodlands with *Quercus robur*; &, populations of the Violet Click Beetle (*Limoniscus violaceus*).

Location: Within Surrey, in Runnymede BC; & within Berkshire, in Bracknell Forest BC, & in the Royal Borough of Windsor & Maidenhead.

European Protected Species

Animals

Under UK and European legislation¹ a range of plants and animals receive protection from harm, disturbance and damage to their habitats. Schedule 2 of the Conservation of Habitats & Species Regulations 2010 lists the species of animals that have a natural range that includes any area in Great Britain and are listed in Annex IV(a) of the Habitats Directive.

Under the Habitats Directive and the Habitats Regulations it is an offence to deliberately capture, injure or kill a protected animal or to deliberately take or destroy their eggs, and it is also an offence to damage or destroy a breeding or resting place of such an animal. The undertaking of works that could adversely affect a protected species of animal is subject to licensing, which is administered by Natural England – further details, application forms and guidance can be found on the [Natural England website](#).

The species of animal protected in the UK are listed below, and the ones in bold type are known to occur in Surrey.

Mammals (Bats)	Barbastelle Bat (<i>Barbastella barbastellus</i>)	Leisler's Bat (<i>Nyctalus leisleri</i>)
	Bechstein's Bat (<i>Myotis bechsteinii</i>)	Natterer's Bat (<i>Myotis nattereri</i>)
	Brown Long-eared Bat (<i>Plecotus auritus</i>)	Noctule Bat (<i>Nyctalus noctula</i>)
	Common Pipistrelle (<i>Pipistrellus pipistrellus</i>)	Northern Bat (<i>Eptesicus nilssonii</i>) Parti-
	Daubenton's Bat (<i>Myotis daubentonii</i>)	Lesser Horseshoe Bat (<i>Rhinolophus hipposideros</i>)
	Greater Horseshoe Bat	Nathusius' Pipistrelle (<i>Pipistrellus nathusii</i>)
	Brandt's Bat (<i>Myotis brandtii</i>)	coloured Bat (<i>Vespertilio murinus</i>)
	(<i>Rhinolophus ferrumequinum</i>)	

¹ The Conservation of Habitats & Species Regulations 2010, which update and consolidate all the amendments to the Conservation (Natural Habitats & c.) Regulations 1994. Directive 92/43/EEC on the Conservation of Natural Habitats & of Wild Fauna & Flora.

	Greater Mouse-eared Bat (<i>Myotis myotis</i>)	Serotine Bat (<i>Eptesicus serotinus</i>)
	Grey Long-eared Bat (<i>Plecotus austriacus</i>)	Soprano Pipistrelle (<i>Pipistrellus pygmaeus</i>)
	Kuhl's Pipistrelle (<i>Pipistrellus kuhlii</i>)	Whiskered Bat (<i>Myotis mystacinus</i>)
Mammals	Common Otter (<i>Lutra lutra</i>) Dolphins, Porpoises & Whales (all species) (<i>Cetacea</i>)	Dormouse (<i>Muscardinus avellanarius</i>) Wild Cat (<i>Felis silvestris</i>) (all species)
Reptiles	Marine Turtles (<i>Caretta caretta</i> ; <i>Chelonia mydas</i> ; <i>Lepidochelys kempfi</i> ; <i>Eretmochelys imbricata</i> ; <i>Dermochelys coriacea</i>)	Sand Lizard (<i>Lacerta agilis</i>) Smooth Snake (<i>Coronella austriaca</i>)
Amphibians	Great Crested Newt (<i>Triturus cristatus</i>) Natterjack toad (<i>Epidalea (Bufo) calamita</i>)	Pool Frog (<i>Pelophylax (Rana) lessonae</i>)
Bony Fish	Sturgeon (<i>Acipenser sturio</i>)	
Invertebrates	Fisher's Estuarine Moth (<i>Gortyna borelii lunata</i>) Large Blue Butterfly (<i>Maculinea arion</i>)	Little Whirlpool Ram's-horn Snail (<i>Anisus vorticulus</i>)

Plants

Schedule 5 of the Habitats Regulations lists nine species of plants that have a natural range that includes the area of Great Britain and are listed in Annex IV(b) of the Habitats Directive.

Under the Habitats Directive and the Habitats Regulations it is an offence to deliberately pick, collect, cut, uproot or destroy a wild plant of a European Protected Species. The undertaking of works that could adversely affect a protected species of plant is subject to licensing, which is administered by Natural England – further details, application forms and guidance can be found on the [Natural England website](#).

Of the nine species of plant protected by the Habitats Directive and the Habitats Regulations in Great Britain only one, the Early Gentian, is found in Surrey.

Shore Dock (<i>Rumex rupestris</i>)	Slender Naiad (<i>Najas flexilis</i>)
Killarney Fern (<i>Trichomanes speciosum</i>)	Fen Orchid (<i>Liparis loeselii</i>)
Early Gentian (<i>Gentianella anglica</i>)	Floating Water Plantain (<i>Luronium natans</i>)
Lady's Slipper Orchid (<i>Cypripedium calceolus</i>)	Yellow Marsh Saxifrage (<i>Saxifraga hirculus</i>)
Creeping Marshwort (<i>Apium repens</i>)	