



# South Tyneside Council

## **APPLICATION FOR CONSENT FOR WORKS AFFECTING WATERCOURSES AND/OR FLOOD DEFENCES**

### **GUIDANCE NOTES**

#### **INTRODUCTION**

As a Lead Local Flood Authority, South Tyneside Council have responsibility for local flood risk management within the borough. On 6<sup>th</sup> April 2012, the next phase of the Flood and Water Management Act 2010 (paragraphs 32 and 33 of Schedule 2) came in to effect. The responsibility for issuing consents affecting watercourses and/or flood defences under Section 23 of the Land Drainage Act 1991, on ordinary watercourses, were transferred from the Environment Agency to South Tyneside Council.

In order to carry out this duty, it is essential that works that have the potential to obstruct or impede the flow of a watercourse or affect existing flood defences are properly monitored and consented before they are undertaken. This ensures that any work carried out on the watercourse will not pose a danger to life or property by increasing flood risk or cause harm to the surrounding environment.

In order for South Tyneside Council to make an accurate assessment of your proposals, you must fully complete the application form and include any relevant drawings, maps, photographs and calculations.

Please read this guidance carefully before completing the application form. If you are unsure about anything please contact us at [environmentalh@southtyneside.gov.uk](mailto:environmentalh@southtyneside.gov.uk) or 0191 427 1717.

**The following notes should assist you in the completion of the application form and submission of supporting documents.**

#### **DETAILS OF APPLICANT**

Please provide the full name of the individual, organisation or company applying for consent, along with the address and telephone number of the individual who can be contacted to discuss the proposal. If consent is granted, this name will appear on the consent documentation issued.

#### **AGENTS DETAILS**

Please fill in contact details if you are acting on behalf of an applicant. In the 'Details of Applicant' section, fill in the details of the applicant or organisation you will be representing.

## **SITE DETAILS**

### *Location of works*

In order to help identify where proposed works will be carried out, please provide details of the site location. The location should provide the address of the site, indicate the nearest town/village or be a suitable description to enable the site to be easily identified.

### *Full national grid reference*

The Ordnance Survey grid reference should include two prefix letters which are indicated in the corner of OS maps, followed by eastings and northings e.g. NZ 654 321

### *Site and Location plans*

You must enclose a clear location plan with the site marked in red. This should be based on an OS map if possible and should show the geographic location of the site. It must also identify the watercourse or other bodies of water in the surrounding area. A site plan should also be submitted. It should be drawn to scale which must be clearly stated. It must include

- The existing site, including any watercourse(s)
- Your proposals
- The position of any structures which may influence local river hydraulics
- Existing fish passes or structures intended to allow fish to pass upstream or downstream

## **DESCRIPTION OF THE PROPOSAL**

### *What is your interest in the land?*

Please state the applicants interest in the land i.e. owner, contractor, tenant etc.

### *Please provide a brief description of the proposed works?*

It is important that you accurately describe the proposal(s) for the application being made as this is what you are seeking consent for. Any variations can void the application and consent may not be granted.

### *Are any works being carried out within the watercourse?*

Please state whether or not any works are being carried out within the watercourse

### *Method statement*

You must also 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
- Pollution protection

### *Drawings*

We require clear, scale drawings showing all new structures, repairs/modifications to existing structures, and any temporary arrangements such as scaffolding and sandbags. You need to provide three copies of all relevant drawings.

Providing the following will help assist with your application:

- Plan(s) showing details of existing and proposed features
- Cross section(s) of proposed works or structures drawn looking downstream on the watercourse where appropriate
- Longitudinal sections taken along the centre line of the watercourse. They must show existing and proposed features including water levels, bed levels and structures both upstream and downstream of proposed works
- Calculations to demonstrate the hydraulic capacity of any channel works, culverting or bridge works.
- Land surface contours, where appropriate
- The materials to be used for any structures
- Details of any habitats and species that may be affected by the proposal
- The location of any proposed service pipes or cables
- Details of any planting or seeding within the river channel or adjacent to the watercourse within the flood plain
- Bridges and Culverts – Additional cross sections upstream and downstream of the proposed works or a longitudinal section along the centre line of the watercourse and required sufficient for the average channel bed gradient to be determined.
- Dams and weirs – a plan showing the extent of the impoundment under normal and flood conditions is required in order to assess the possible effect on land next to the river.
- Any drains affected.

### **PRE-APPLICATION ADVICE**

Please indicate whether South Tyneside Council have already provided you with advice prior to your application and the date when this advice was given.

### **SITE VISIT DETAILS**

Please provide details of whom South Tyneside Council can contact should they wish to make an appointment to visit the site.

### **CONSTRUCTION DETAILS**

*Are the works temporary, permanent or both?*

Please tell us whether the works are temporary, permanent or both.

A separate consent is required if both temporary and permanent works are being carried out.

Temporary works could include diversions of water whilst work is being carried out. Please also state how long any temporary works will be in position.

Please also provide an anticipated construction start date if consent is granted.

## **ENVIRONMENT AGENCY INTERESTS**

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

Please ensure that you have left enough time to get all the approvals you require before starting any work. If you do not, it could delay the project.

## **PLANNING**

Please inform us whether the works form part of project which requires planning permission. Please provide the application number for the planning application, a brief description of the scheme and the approval date.

## **NAME OF PERSON OR ORGANISATION RESPONSIBLE FOR MAINTAINING THE STRUCTURE DURING AND AFTER COMPLETION**

We need to know who will be responsible (individual or organisation) for maintenance both during construction work and after the work has been completed. This will usually be the applicant. Please indicate if the responsibility is to be passed to others.

## **ENVIRONMENTAL EFFECTS**

South Tyneside Council have a legal duty to protect and improve the environment so we must consider the environmental effects of your proposal.

Please include in this section any specific measures you have planned in order to keep disruption to a minimum and reduce any unwanted effects during work and any opportunities for you to improve the environmental value of the site.

You may need to carry out an environmental appraisal or Water Framework Directive Assessment to assess the impacts of the proposed works. You are advised to contact us prior to submitting this consent form so we can advise accordingly.

The Water Framework Directive Assessment will assess the impacts of the proposed works on the watercourse, in relation to its ecological and chemical status. No deterioration to the current status of the water body is permitted and improvements may be able to be delivered in conjunction with your proposed works.

An Environmental Appraisal will identify all likely significant effects of the proposed works on the environment. You should consider both the direct and indirect effects of the work on the site and any areas of particular interest or species.

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

- Sites of Special Scientific Interest (SSSIs)
- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)
- Ramsar sites

- Schedules Ancient Monuments (SAMs)

If the site of proposed works falls within, is next to or is linked to nature conservation site, please contact us.

### **CHECKLIST**

Please ensure that you have included everything in the list for your application. Any missing information or incomplete form will be returned and delay your application.

### **DECLARATION**

By signing this section, you are declaring that, as far as you know, the information you have provided, including the map and supporting documents are true. Please note that any unsigned applications will not be accepted.

### **ADDITIONAL NOTES**

If there is any other information you have in support of your application or you wish to raise a query, please detail this within this section.

### **Send the application form and supporting documents to:**

**Environmental Protection, Level 3  
South Tyneside Council  
Town Hall and Civic Offices  
Westoe Road  
South Shields  
Tyne and Wear  
NE33 2RL**

If you have any queries, please contact us at [environmentalh@southtyneside.gov.uk](mailto:environmentalh@southtyneside.gov.uk)  
or 0191 427 1717

### **DETERMINATION**

Once we have received your application, we have two months in which to approve or refuse your consent. Please note that consent may be refused if the proposed works may prove detrimental to the environment.

If you believe that your consent has been unreasonably withheld or conditions unreasonably imposed then you have the right to appeal.

## **LEGAL PROVISIONS**

For your information, the legal provisions are as follows:

### **SECTION 23 CONSENTS**

*Section 23 of the Land Drainage Act 1991 provides:-*

*“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 any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow*

*Without the consent in writing of the drainage board concerned”*

### **FAILURE TO APPLY FOR A CONSENT**

*Under Section 23 if works are executed without first obtaining a formal written consent from us we have the power to serve a notice under Section 24 requiring you to abate the nuisance within a specified time. Should you fail to comply with the notice then we can take the matter to Court. Whether or not you are taken to Court, we may take steps ourselves to abate the nuisance and recover from you the expenses so incurred.*

*Under Section 109 we may remove, alter or pull down any unauthorised work and recover from you the expenses incurred in the process*