



An independent public body delivering flood risk, water level and habitat management in Yorkshire and the Humber

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## Making and Application for Consent

**OUSE AND HUMBER DDRAINAGE BOARD  
APPLICATION FOR CONSENT FOR WORKS AFFECTING WATERCOURSES**

**NOTES**

**1. Introduction**

Section 23 of the Land Drainage Act 1991 states:-

‘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 consent in writing of the drainage board concerned’

Section 66 of the Land Drainage Act 1991 states:-

‘An internal drainage board.... May make such byelaws as they consider Necessary for securing the efficient working of the drainage system in their District or area’.

It is therefore essential that anyone who intends carrying out works in, under, Over or adjacent to a watercourse contacts the Board to find out if any Consents must be obtained from the Board before starting work.

**2. How to make an application for consent**

Please complete the attached form for each consent requested and supply The supporting documentation that is required.

**Please note that:**

The name of the individual, organization or company applying for consent should be given along with the name, address and telephone number of a person or an Agent, who can be contacted to discuss the proposals.

The name of the watercourse as shown on the Ordnance Survey map should be given if known, (many minor watercourses are unnamed). The location of the proposed works should indicate the nearest town/village and sufficient description to enable the site to be identified easily. The OS grid reference should include two prefix letters, (indicated in the corner of OS maps) followed by easting’s and northings e.g. SE 123456.

Separate consents are required for both the permanent works and for any temporary works which do not form part of the permanent works. Please state whether the works are to be permanent or temporary and the anticipated construction start date. If works are to be temporary state duration required.

Some works may also require local authority planning approval or consents from the Environment Agency under the terms of the Water Resources Act 1991, or the Salmon and Freshwater Fisheries Act 1975 in addition to consent from the Board.

The Board requires particular details for the proposed construction of Weirs. These include the materials of construction, width of crest, the height of crest above bed of watercourse, the average bed gradient of watercourse (if known) and the catchment area upstream of weir (if known).

The Board requires particular details for Culverts. These include the internal dimension(s), the length, the gradient, bed level of channel and invert level of culvert, the catchment area upstream of culvert (if known), materials of construction and headwall details.

The details submitted must indicate any temporary dam or cofferdam or any temporary culvert, channel diversion, etc., which is required to maintain flow in the watercourse during the construction period. (These may be the subject of separate consent applications).

The details submitted must indicate the profiles etc, of the final reinstatement of the bed and banks of the watercourse.

### **3. Application Charge.**

The Board is authorized by Section 23(2) of the Land Drainage Act 1991 to charge and application fee in relation to the consents required. These fees are payable to cover our costs for examining the proposals and the amount of the fee is £...50.... For each application for consent.

Cheques should be made payable to 'The Ouse and Humber Drainage Board'.

You should note that this charge is payable in respect of each proposal for each watercourse within the Boards District. Some types of work are exempt from fees and you will be advised as to whether a fee is appropriate when you request an application form.

Please request the information from the Chief Engineer, if you are in doubt about the fee applicable.

### **4. Determination.**

Upon receipt of an application the Board has two months in which to grant or refuse consent. Such consent shall not be unreasonably withheld.

The granting of consent should not be regarded by the applicant as in any way approving the design and soundness of the proposed structure other than in relation to its impact on flows and its effects on the watercourses and its floodplain. You should be aware that in accordance with the Board's conservation and environmental duties, consent may be refused if the proposed works may prove detrimental to the environment.

**5. Further Information**

If you are in any doubt whether you need to apply for consent, how to complete the application forms or any other aspect of your application please contact the Clerk at the address below.

**Please Note that:**

Under Section 23 (LDA91) if works are executed without first obtaining a formal written consent from the Board, they have the power to serve a notice under Section 24 (LDA) requiring the person undertaking the works to abate the nuisance within a specified time. Should that person fail to comply with the notice then the Board can take the matter to court. Whether or not court action is taken the Board may take steps to abate the nuisance and recover from the person the expenses so incurred.