

# Ordinary Watercourse Land Drainage Consent Application Guidance



SURREY  
COUNTY COUNCIL



# Introduction

The Land Drainage Act 1991, s.23 (“the 1991 Act”) provides that as the relevant authority, Surrey County Council (“SCC”) consent is required to build a culvert or structure (for example, a weir) which may affect the flow of water in any ordinary watercourse in Surrey: a river, stream, brook, ditch, drain, culvert, pipe and any other passage through which water may flow which is not designated as Main River, and it does not have to be recorded on a map to be an ordinary watercourse - and is commonly not.

Land Drainage consent for such works is obtained from SCC through submission of an Ordinary Watercourse Consent (“OWC”) application.

This guidance has been prepared to help applicants avoid delays caused by incomplete or incorrectly completed OWC applications. If you are unsure about anything contained in this document, please contact us at [suds@surreycc.gov.uk](mailto:suds@surreycc.gov.uk)

The Land Drainage Act 1991 states that a consent application is subject to a £50 fee for each structure or operation proposed.

## Main River Check

The waterbody affected by the proposed works must NOT be classified as a Main River. If during our investigations it is determined that it is, application fees are non-refundable.

If the waterbody is a Main River, the Environment Agency should be consulted.

Use ArcGIS to help determine the waterbody classification: [ArcGIS Web Application](#)

## Environmental Permit Check

Check if the proposed works require an Environmental Permit: Flood risk activities: environmental permits

## Location of the proposed works

For accurate identification of the proposed works location, provide details of:-

- a. the Local Planning Authority (“LPA”) area (e.g. Guildford Borough Council)
- b. the name of the affected watercourse (if ascertainable)
- c. the address including postcode (or nearest postcode)
- d. the six-digit Easting (X) co-ordinates (UK Grid Reference finder: [Grid Reference Finder](#))
- e. the six-digit Northing (Y) co-ordinates (UK Grid Reference finder: [Grid Reference Finder](#))

## Description and Purpose of the proposed works, including additional location information where applicable

Accurately describe the works you are seeking consent for and include justification for why these works are necessary. Include any site-specific surrounding context information.

## **Number of Structures and/or Temporary works**

Please refer to the accompanying 'Structures Requiring Consent' document. Payment is required for each individual structure and/or any temporary works within the cross-sectional area of the ordinary watercourse.

## **Details of Permanent and/or Temporary works**

Separate consents must be sought for permanent works and any temporary works that do not form part of the permanent works, therefore each of these two types of proposed works must be detailed in their respective section.

Permanent works could include, for example, outfall, pipes, headwalls, culvert pipes, permanent diversions and access chambers.

Temporary works could include, for example, cofferdams (watertight enclosures) across a watercourse or temporary diversions of water while the works are carried out.

## **Name of the person(s) responsible for maintaining the structure during and post construction**

This information is required so that we can make contact during and after the works if required.

## **Provide details of the impacts the proposed works will have on the Environment and state any action taken to mitigate these impacts**

Consideration should be given to the potential environmental impacts of the works. This could include but is not limited to; loss of habitat, increased flow velocity and volume, increased risk of sedimentation, contamination risks during works etc.

In some instances where works may have a significant impact this information could be provided as an environmental or ecological statement. Smaller scale works a method statement or similar could be produced to satisfy this requirement.

## Are the proposed works within a Site of Special Scientific Interest (SSSI) or similar restricted area (within 2km)?

A SSSI is a conservation designation designed to protect areas of land or water that are considered particularly valuable due to their wildlife, geology or landform features, and often encompass habitats such as grasslands, parkland, woodland, and some are home to ancient woodland and trees. Land within a SSSI must be managed effectively and appropriately to conserve its special features and work towards achieving or maintaining a favourable condition. This includes the sensitive management of woodland, scrub, water levels and animal grazing.

There are restrictions as to what can be done on SSSI land, and if the proposed works are within 2km of a SSSI or similar restricted area, we may consult Natural England if we consider the works may affect the SSSI up or downstream.

The Surrey Interactive map can help determine the designation for your proposed works location.

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

## Location Plan

Provide a plan of the site showing: -

- a. the existing site including any watercourse; and
- b. the proposed works; and
- c. 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, etc.

The plan must be drawn to a clearly stated and appropriate scale.

## Method Statement

Provide a detailed written step-by-step explanation of the proposed works and how they will be carried out. Include a contingency plan for unexpected high-water levels which could impact the carrying out of the proposed works, including details of required temporary works as well as pollution controls (silts, oils, etc).

# Other Files

For more complex proposed works, additional information may aid our assessment of the application. This information is not limited to but could include: -

## **Detailed drawings of each structure**

- the materials to be used for the structures; and
- the location of any proposed service pipes or cables which may affect the future maintenance of the watercourse; and
- details of any tree, shrub, hedgerow, pond or wetland area that may be affected; and
- Dams and weirs. Plans showing the extent of the water impounded (held back) under normal and flood conditions so that the possible effect on land next to the watercourse can be assessed; and
- details of any planting or seeding.

## **Cross-sections of the watercourse upstream, downstream and on structure location**

Where works encroach into any watercourse, provide cross-sections both upstream and downstream of the proposed works. Cross-sections should include details of existing and proposed features and water levels.

## **Long sections of watercourse from upstream to downstream**

Longitudinal sections taken along the centre line of the watercourse may be required to show the existing and proposed features including water levels, bed levels and structures. They should extend both upstream and downstream of the proposed work.

## **Hydraulic calculations**

To demonstrate consideration of any changes to the velocity and capacity of the watercourse.

## **Maintenance Plan for the proposed structure**

If a new structure is being proposed, confirmation and details of the maintenance requirements for the lifetime of the structure are always required.

## **Environmental/ecological reports**

If there are significant environmental impacts that result from the proposed works any supporting documentation should be submitted alongside the application. This could include but is not limited to ecological surveys, environmental impacts assessments etc.

## **Additional Supporting Information**

If any work will be carried out on land that you do not own, permission from the landowner must be sought.

# Appendix 1

## 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 an EIA before any planning application can be determined. In determining whether an EIA is required consideration is given to the potential effects of the scheme on air quality, climate, soils, water, plants, animals and biodiversity, heritage assets, material assets, landscape and human health.

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

1. Projects falling within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, Schedule 2(2)(1)(b): water management projects for agriculture, including irrigation and land drainage projects along with those falling within the scope of Schedule 2(13a), require planning permission.
2. Projects falling within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, Schedule 2(10)(h): inland-waterway construction not included in Schedule 1, canalisation and flood-relief works along with those falling within the scope of Schedule 2(13a), 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 an EIA in line with the requirements of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (SI 1999 No.1783) (as amended).
4. Projects 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 an EIA in line with the requirements of Article 3 of the 1995 Order as amended by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (and preceding versions).

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

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

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

## **Conservation of Habitats and Species Regulations 2017 (as amended)**

These Regulations are UK domestic law transposing the land and marine aspects of the Habitats Directive which provide protection for features that are designated as being of European importance, for their nature conservation interest.

Within Surrey there are four Special Protection Areas (“SPAs”), three Special Areas of Conservation (“SACs”) and two Ramsar Sites (wetlands of international importance designated under the Ramsar Convention), some of which coincide with each other.

All Surrey SPAs, SACs and Ramsar Sites are designated SSSI under domestic nature conservation legislation due to their national importance.

The SPAs, SAC and Ramsar Sites in Surrey can be found on Nature on the Map.

## **UK and European Protected Species**

### **Animals**

Under UK and European legislation, a range of animals receive protection from harm, disturbance and damage to their habitats. The Conservation of Habitats and Species Regulations 2017, Schedule 2 provides these protected animals with a natural range across Great Britain and the Habitats Directive, Annex IV(a) provides those animal species of cross European interest in need strict protection.

Both the UK and European legislation make it 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 for a protected animal. The undertaking of works that could adversely affect a protected species is subject to licensing, which is administered by Natural England and further details, application forms and guidance can be found here: [Wildlife licences: when you need to apply](#)

### **Plants**

Similarly, under UK and European legislation a range of plants receive protection. The Conservation of Habitats and Species Regulations 2017, Schedule 5 provides nine species of protected plants which have a natural range across Great Britain and the Habitats Directive, Annex IV(b) provides plant species of cross European interest in need strict protection.

Both the UK and European legislation make it an offence to deliberately pick, collect, cut, uproot or destroy a protected wild plant species. The undertaking of works that could adversely affect a protected species of plant is subject to licensing, which is administered by Natural England and further details, application forms and guidance can be found here: [Wildlife licences: when you need to apply](#)