



Yorkshire & Humber
Drainage Boards

**Land Drainage Consent
Guidance for Applicants**

Document Control		
Version	Approved	Next Review
3.02	11/08/2020	11/08/2021

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1. Interpretation

- 1.1. The Land Drainage Act 1991 applies to all ordinary watercourses in the internal drainage district of the Board.
- 1.2. Local Land Drainage Bylaws apply to ordinary watercourses that are vested in the Internal Drainage Board (“IDB”), meaning (“**Board Maintained Watercourses**”).
- 1.3. Local Land Drainage Bylaws may apply to ordinary watercourses that are under the control of the Board, meaning any watercourse within the Boards Internal Drainage District by virtue of Section 1(2) of the Land Drainage Act 1991 which grants the Board general supervision over all matters relating to the drainage of land within the district, and gives powers to perform other duties conferred or imposed on the IDB by the Act.

2. Introduction

- 2.1. For any proposal that constitutes a development (within the meaning of Section 55 of the Town and Country Planning Act or any proposal that introduces more than 249m² of new impermeable area, that drains into the Drainage District, the applicant should also refer to the Yorkshire and Humber Drainage Boards Document *“Technical Guidance for Developers & Standing Advice for Local Planning Authorities”*, which can be found on the Boards website. That document advises on a technical approach to new development and the information required to support a land drainage consent application for that type of proposal, along with supporting information the IDB would expect to see as part of a planning application submission.
- 2.2. In the simplest terms a land drainage consent is required if any proposal or action may be contrary to Local Land Drainage Bylaws or the Land Drainage Act 1991. If you can answer yes to any of the following questions it is likely a land drainage consent will be required:
 - ***“Do you plan to place any structure, fencing or planting within 9 metres of the top of the bank of a watercourse, the outside toe of a raised flood defence or the outside edge of a piped watercourse?”***
 - ***“Will your actions increase the flow or volume of water entering a watercourse either directly or indirectly by any means whatsoever, including water entering the internal drainage district from outside and water entering via any other watercourse or pipeline?”***
 - ***“Do you plan to introduce anything in, below, above, or next to a watercourse?”***
- 2.3. To obtain the Board’s written consent you are required to complete an application form and submit this to the relevant IDB for consideration. Application forms can be found online.
- 2.4. You can either print the form out and complete it by hand or save the document to your PC and complete it electronically.

2.5. Please make sure you fill in the application form correctly otherwise this may delay the processing of your application.

2.6. The drainage board's operational area is called the internal drainage district, please visit our website that shows this area, this shows a definitive map of the watercourses that the IDB maintain, however please be aware that Land Drainage Consents and Bylaws may refer to any watercourse within the district.

3. Section 1 – Applicant's Details

3.1. Under this section you should state the name of the individual, organisation or company applying for consent. The address and postcode of the applicant should be provided along with the name, telephone number and email address of a person who can be contacted to discuss the proposal. Please note the address you give in this section will be the address we register your consent to and will be shown on the consent we grant.

4. Section 2 – Agent's Details

4.1. In this section you need to specify if someone is submitting and managing the application on the applicant's behalf (for example, a consultant or land agent). If this is the case, we will need the name of the individual, the name of the organisation they work for as well as their address and contact details. If you complete this section, all correspondence will be sent to the Agent as well as to the applicant. Please leave this section blank if you are not using an agent.

5. Section 3 – Location of Proposal

5.1. In this section please provide as much detail as possible about the location of the works. This should include the following, if appropriate:

- Property, street, postcode or site name
- Parish/town
- The grid reference (in eastings and northings)
- An accompanying location plan or map illustrating the location of the proposed works

5.2. Please also state 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 need to obtain permission from whoever owns the land. This is particularly true where you are the riparian owner and you are proposing works to alter a watercourse. A riparian owner is a landowner who has responsibilities in relation to watercourses flowing through or adjacent to your property. Unless your deeds indicate otherwise, where a watercourse forms the boundary of your property you are presumed to own up to the centre line of the watercourse. The neighbouring landowner would be presumed to own the other half. As such when making an application for culverting or for

amendments to these shared watercourses you will need to ensure you have permission from the riparian owner.

6. Section 4 – Description of Proposed Works

6.1. For any proposal that constitutes a development (within the meaning of Section 55 of the Town and Country Planning Act or any proposal that introduces more than 249m² of new impermeable area within the Drainage District the applicant should also refer to the Yorkshire and Humber Drainage Boards Document “Technical Guidance for Developer & Standing Advice for Local Planning Authorities”. This guide advises on a technical approach to new development and the information required to support a land drainage consent application and the information the drainage board would expect to see as part of a planning application.

6.2. Otherwise in this section please provide the following details:

- A description of the proposed works including details of any structures proposed, any below ground works such as services as well as the purpose of the works.
- A detailed plan of your proposed works accompanying the application form (this should include pipe sizes, culvert lengths, manhole/access arrangements and headwall details as appropriate). Please reference any drawing numbers on the application form if possible.
- Confirmation of whether the works are permanent or temporary. If they are temporary, please state the proposed duration of the works.
- The application reference number of any planning permissions you may have or are applying for that relate to this proposal (whether outline, full, reserved matters, or discharge of condition).

6.3. When completing this section, you should confirm (by ticking the appropriate boxes) whether your proposed works include any of the following statements:

- Discharge of treated foul water directly within the Board’s district (Bylaw 3)
- Discharge of surface water directly within the Board’s district (Bylaw 3)
- Works within 9 metres of the Board’s maintained watercourse or other drainage or flood risk management infrastructure (Bylaw 10)
- Alterations to any watercourse (including infilling, culverting or amending) (Section 23, Land Drainage Act 1991)
- Works that introduce a new impermeable area of more than 249m² that will drain into the internal drainage district (Bylaw 3)

6.4. Once you have confirmed the works that apply please complete the “Total Application Fee” box by summing the relevant amounts that are applicable.

6.5. The next sections of the form only apply where you have ticked one, some or all of the boxes in Section 4.

7. Section 5 – Discharge of treated foul water within the Board’s District

7.1. You will need to complete this section of the application form if you are proposing to discharge treated foul water into a watercourse within the Board’s District, whether it is a board-maintained watercourse or not. Please ensure you state whether the proposed discharge will make use of an existing outfall or if you will be constructing a new discharge point.

7.2. If you are using an existing outfall please state how you will be connecting to it (i.e. at which manhole you will be making your connection – also make sure this is identifiable on the plan you have submitted).

7.3. For both existing and proposed outfalls make sure you specify the diameter of the outfall pipe and its location along the watercourse.

7.4. Please clearly state the proposed maximum daily rate of discharge from the system. This can usually be found on the manufacturer’s data sheet associated with the treatment plant you are installing and/or using.

8. Section 6 – Discharge of surface water into Board’s District

8.1. You need to complete this section if you are proposing to discharge surface run-off into a any watercourse that directs flow to a Board Maintained watercourse via any route. Please state whether the proposed discharge will make use of an existing outfall or if you will be constructing a new discharge point.

8.2. If you are using an existing outfall please state how you will be connecting to it (i.e. at which manhole you will be making your connection – also make sure this is identifiable on the plan you have submitted).

8.3. For both existing and proposed outfalls make sure you specify the diameter of the outfall pipe and its location along the watercourse.

8.4. As stated on the application form, if you are using multiple outfalls you should provide the outfall size and location of each outfall.

8.5. If the proposed works introduce an impermeable area greater than 249m² please refer to section 9.

9. Section 7 - Works within 9 metres of a watercourse or other apparatus

9.1. You need to complete this section in if you are proposing works within 9 metres of a board-maintained watercourse within the board’s district or other drainage or flood risk management infrastructure maintained by the Board. You should already have determined if this is the case by assessing the location of your proposed works against the Board’s maps as

set out in 5.3 of this document and you should have described accurately the works you propose within Section 4 of the application form.

- 9.2. In Section 7 of the application form you need to state which watercourse will be affected by the works by stating the watercourse name/reference (as specified on the map). Remember that outfall structures and below ground works are included as requiring consent to relax byelaw 10.

10. Section 8 – Works to alter a watercourse (including infilling, culverting, or amending)

- 10.1. However, if you are altering the watercourse you should confirm the length (in metres) that is proposed to be altered and a full description should be provided in Section 4 (and accompanied by a plan).

11. Section 9 – Works that introduce an impermeable area of 249m²

- 11.1. Please refer to the Yorkshire and Humber Drainage Boards Document “Technical Guidance for Developers & Standing Advice for Local Planning Authorities”. Please follow the technical advice contained with this document and provide the suggested supporting information.
- 11.2. This supporting information should be submitted along with any planning application and appended to the Land Drainage Consent Application.

12. Section 10 – Declaration

- 12.1. All applicants need to fill in this section to complete their application. In this section we are seeking confirmation:
- As to whether the applicant(s) or agent (or if the applicant or agent is a company, any partner or director thereof) is a Member or employee of the Board or related to someone who is. The purpose of this question is to determine if a conflict of interest exists which may require the application to be determined at a Board meeting as opposed to by officers under delegated authority.
 - That the applicant has read the Board’s guidance and policies and that their application complies with them.
 - That the application is supported by all relevant plans, drawings and application fees.
 - That the applicant understands that if the application is granted consent there may be conditions imposed and/or fees due, which must all be complied with/paid in full prior to work commencing.
 - That the applicant believes, as far as they know, that the information given in their application, including any supporting documentation, is true. By section 66(6) of the Land Drainage Act 1991 every person who acts in contravention of local land drainage bylaws is liable on summary conviction.

13. Section 11 - Data Protection Disclaimer

13.1. This section sets out how the information you have included in your application may be processed and handled by us in line with the Data Protection Act 2018.

14. Sections 12 and 13: Submitting your application

14.1. To submit your application, you can either send it electronically to development@yorkshirehumberdrainage.gov.uk or by post to 91 Bridgegate, Howden, East Yorkshire, DN14 7JJ.

14.2. In submitting your application, you must ensure it is accompanied by the correct application fee otherwise the application is not valid.

14.3. Payment details are set out at Paragraph 11 of the Application Form.

15. Determination

15.1. The Board will aim to determine your application for Consent, in writing, within 2 months from the date your application is deemed valid. This determination period may be longer if your application must be determined by the Board at a Board Meeting (as opposed to by the Board's staff under delegation, in line with the Board's policies) depending on the date of the next meeting.

15.2. The Board cannot unreasonably withhold consent and cannot provide any assurance that consent will be granted until such a time as the application has been determined.

15.3. Conditions of consent approval

15.4. Consent may be issued subject to conditions. Conditions can cover technical requirements, legal requirements and environmental matters. All conditions specified as part of any consent must be met before the Board's consent is deemed valid.

15.5. Upon receiving a request to discharge conditions of consent we will endeavour to respond, or determine the condition, within 10 working days depending on complexity of the condition.