

INFORMATION FOR APPLICANTS

LAND DRAINAGE ACT 1991 CONSENTS

SECTION 23 & 66



Planning work in, on, under or near a watercourse within a Drainage District?

Planning on discharging water into a watercourse within a Drainage District?

If your answer is **YES** to any of the above questions then an Application for Works within the Drainage District will be required **in addition to Planning Permission**, and landowner agreements for works, access and easements.

Consent will be determined by the Internal Drainage Board (IDB) under Section 23 of the Land Drainage Act 1991 (as amended) [LDA] and the Drainage Byelaws created under Section 66 of the LDA.

Section 23 LDA prohibits obstructions etc. in watercourses and states *no person shall erect any mill dam, weir or other like obstruction [or] erect any culvert that would be likely to affect the flow of any watercourse ... without the consent in writing of the drainage board concerned.* The IDB will charge a non-refundable Application fee (£50 per application or as prescribed) for Section 23 LDA Consents.

Section 66 LDA provides the power to make byelaws which state that *no person shall ... introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water ... without the previous consent of the Board [and] no person ... shall erect any building or structure whether temporary or permanent, or plant any tree, shrub, willow ... without the previous consent of the Board,* amongst other byelaws specific to each IDB. The IDB will not charge Application fee for byelaw consents under Section 66 LDA.

The IDB **Consent Application Form** and **Byelaws** can be found on the Shire Group website <http://www.shiregroup-idbs.gov.uk/> under each specific IDB.

Please contact the office if you wish to discuss proposals with the Engineer after reviewing the information.

Applications for consent will be required for both **temporary** and **permanent** works and we have a statutory **2 month** determination period from the day on which the application is made or when the application fee (£50 per application or as prescribed) is discharged, whichever is later.

At least **seven days' notice** of the start of works will be required to the IDB as a condition of any consent.

Please note that conditions may be imposed with the consent and those **conditions must be discharged in writing** (with evidence where necessary) to the IDB **before the start of works.** Upon receiving a request to discharge conditions of consent we will endeavour to respond, or determine the condition, **within ten working days** depending on complexity of the condition.

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River Lugg IDB
Scunthorpe & Gainsborough WMB
Sow and Penk IDB
Swale & Ure DB

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The Shire Group of
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The IDB do not have powers to provide **retrospective consent**. However, if any obstruction to flow is identified as a nuisance within the Drainage District the IDB may serve a Notice under Section 24 LDA on the *person by whom the obstruction has been erected ... and in any other case, any person having power to remove the obstruction*.

Every person who acts in contravention of, or fails to comply with, any notice served under Section 24 LDA or Byelaws under Section 66 LDA shall be guilty of an offence and liable, on summary conviction to such fines as prescribed within Section 24(3) and Section 66(6) LDA

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

Please return completed applications forms to **Epsom House, Chase Park, Redhouse interchange, Doncaster, DN6 7FE** or email to consents@shiregroup.-idbs.gov.uk