

Natural Flood Management

What consents and approvals do I need?



Consents and approvals for natural flood management (NFM)



This guide has been developed to help landowners understand which consents or permits have to be obtained prior to undertaking their natural flood management (NFM) projects. Some NFM measures can be undertaken with no consent, whereas others may require one of more of the following:

- Ordinary Watercourse Consent – Calderdale Council (CMBC)
- Flood Risk Activity Environmental Permit - Environment Agency (EA)
- Planning permission or written confirmation that planning permission is not required; consent would also be required to carry out works to trees that are protected by a Tree Preservation Order or located within a Conservation Area (CMBC)
- Ecological assessment approval - CMBC

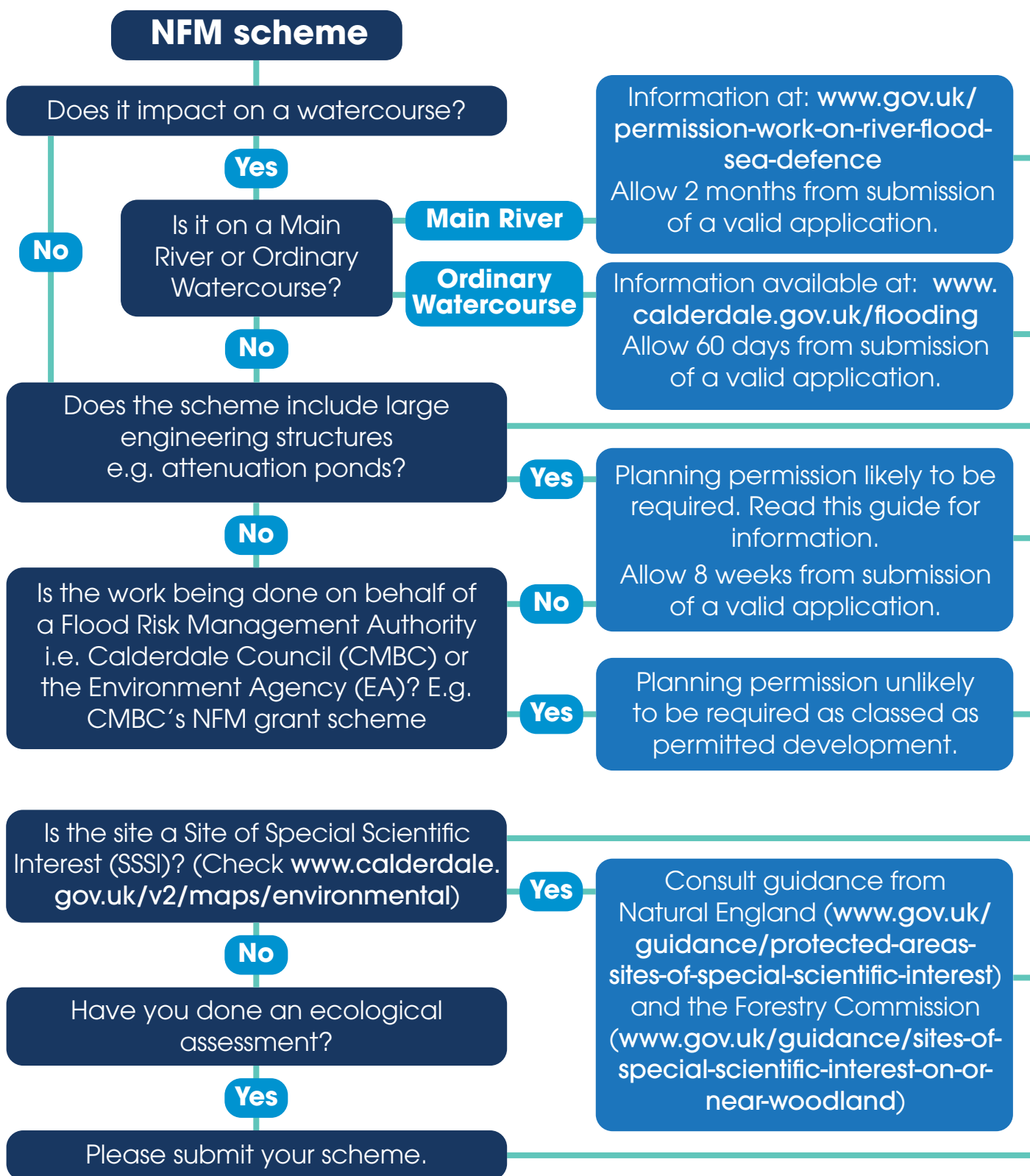
If your scheme involves tree felling you may require:

- Felling Licence - Forestry Commission
- Environmental Impact Assessment - CBMC

If the project is within a protected site (Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC)) you will need to consult guidance from Natural England and the Forestry Commission. You can check if your site falls within a SSSI on the Calderdale Council website: www.calderdale.gov.uk/v2/maps/environmental.

The Calderdale Council NFM project officer is available to support your application. You can contact them at NFM@Calderdale.gov.uk

NFM Schemes – Guidance on Watercourse Consent and Planning for NFM Schemes



Works that impact on watercourses



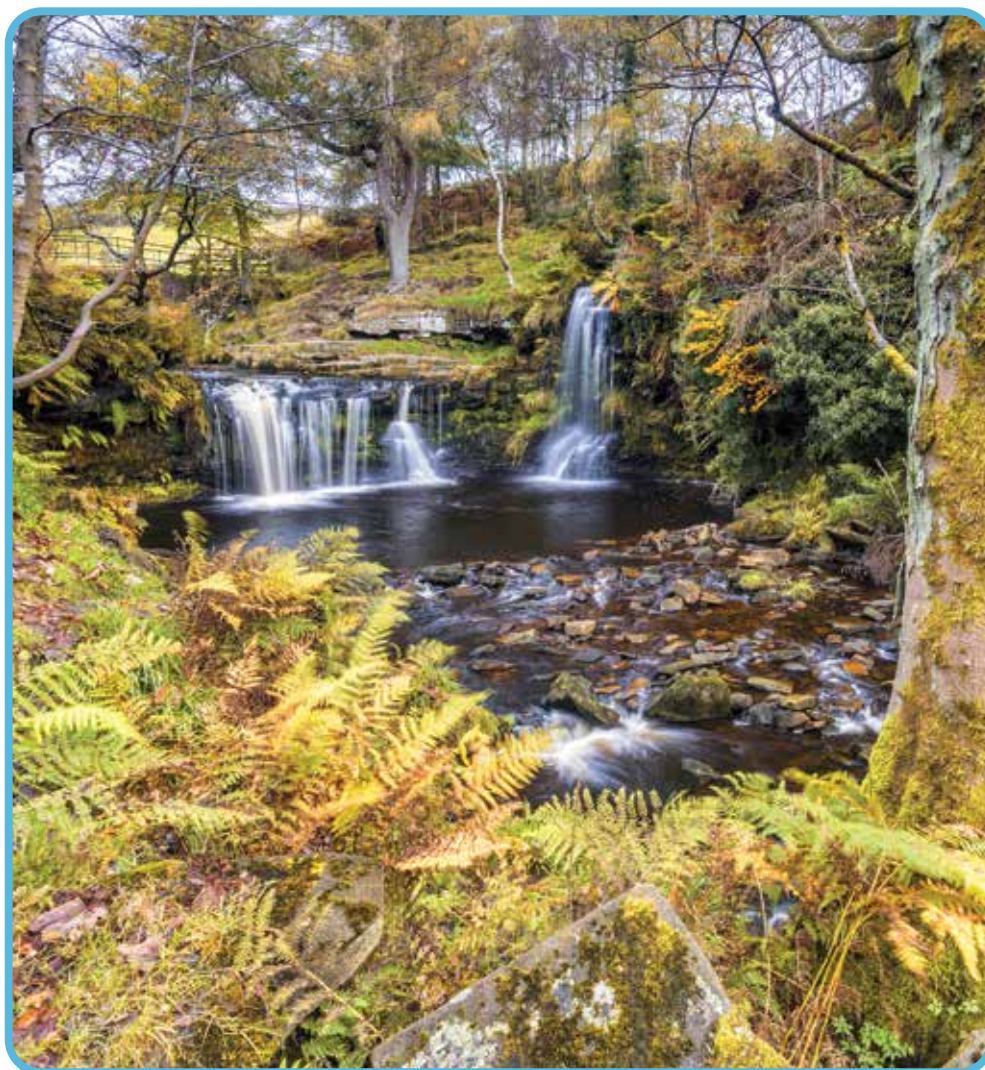
When do I need a Flood Risk Activity Environmental Permit?

If your proposed project or elements of it are planned to take place on or near a designated main river, you may require a Flood Risk Activity Environmental Permit (Environment Agency).

A map of main rivers can be found here: www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions

Guidance on activities that require a permit, the types of permits and how to apply can be found here: www.gov.uk/guidance/flood-risk-activities-environmental-permits

Further advice on the Flood Risk Activity Environmental Permitting process can be obtained by emailing the local team on floodriskpermityorkshire@environment-agency.gov.uk



When do I need Ordinary Watercourse Consent (OWC)?

OWC is required when works are to be carried out that impact on any watercourse not classed as a main river. A watercourse is defined as any drain, ditch, stream etc. through which water flows. Water doesn't have to flow through it all the time for it to be classed as a watercourse. For further information see: www.calderdale.gov.uk/flooding

What type of NFM work is likely to require Ordinary Watercourse Consent?

- Installing leaky dams, doing works in a watercourse, or diverting the line of a watercourse into an attenuation storage area will all require Ordinary Watercourse Consent.
- Managing overland flows by increasing flood water storage capacity in a natural bowl will not require OWC as there is no direct impact on an existing watercourse. However, if you plan to divert collected rainwater into an existing watercourse, this will require OWC.
- Tree planting and woodland management will not require OWC.

If you're unsure whether your scheme requires OWC, you can contact the CMBC NFM Project Officer for guidance and further information.

The Calderdale Council NFM project officer is available to support your application. You can contact them at NFM@Calderdale.gov.uk

How do I apply for Ordinary Watercourse Consent?



Information on OWC together with the application form and guidance on completing this can be found at: www.calderdale.gov.uk/flooding

For support contact the CMBC NFM Project Officer.

There is no application fee for OWC for NFM measures as natural flood management is supported by the Council as part of an integrated catchment approach to flood risk management.

What design guidance is available?

Please see Appendix 1 for a list of useful links.

Do I need professional assistance to prepare suitable designs?

NFM features that require structural or hydraulic calculations and drawings will need to be undertaken by an appropriate professional person or company. Such features include runoff attenuation features and attenuation ponds.

How long does the process take?

Applications are first validated to ensure all relevant information is provided. This usually takes five working days but can be up to 15 days in busy periods. Once validated, the statutory time period for responding to OWC applications is 60 calendar days. If there is a need for an earlier decision, for example due to seasonal working, this will be taken into account. These timelines should be incorporated into project programmes.

Where can I seek advice?

Please contact the CMBC NFM Project Officer for advice.





What type of NFM work is likely to require planning permission?

Natural flood management schemes involving civil engineering works such as the excavation of attenuation ponds are likely to require planning permission. Planning permission is not required to plant trees.

If you would like formal confirmation that planning permission is not required, you can apply for a Lawful Development Certificate through the Planning Portal for a fee.

NFM measures installed under the Council's NFM grant scheme may be classed as permitted development.

Advice should be sought from the CMBC NFM Project Officer before proceeding.

How do I apply for planning permission?

You can use the online planning portal to submit planning applications for your NFM scheme: 1app.planningportal.co.uk/Form/StartPlanningApplication. There is a fee for planning which depends on the scale of the works being undertaken; it is therefore important to include detailed scaled site plans as part of your application.

Do I need professional assistance to prepare suitable designs

NFM features that require structural or hydraulic calculations and drawings will need to be undertaken by an appropriate professional person or company. Such features include runoff attenuation features and attenuation ponds.

How long does the process take?

The statutory time for responding to planning applications is eight weeks. This timeline starts on receipt of all the required information. Applications are first validated to ensure all relevant information is provided. This usually takes five working days but can be up to 15 days in busy periods. This timeline should be incorporated into project programmes.



Where can I seek advice?

A duty planning officer is available on Mondays, Wednesdays and Fridays from 9.00am to 1.00pm on each day at Customer First, Horton Street, Halifax.

Please note: Appointments cannot be booked in advance.

Ecological assessments



Unless the land affected has Natural England designations such as SSSI, there is usually no statutory duty for you to undertake an ecological assessment before implementing NFM on your land. However, the nature of many NFM features means that there will often be an impact on wildlife habitats and species locally and it is therefore best practice to check your scheme with the CMBC NFM Project Officer before proceeding.



It is also worth noting that under the Wildlife and Countryside Act 1981 it is an offence to disturb nesting birds and damage or destroy nests. This may affect the timing of your NFM works or restrict the sorts of works which can be undertaken.

All NFM projects funded under the NFM grant scheme are screened by the Council's Conservation Officer before approval. As a result, a scheme may be refused or have grant conditions relating to ecological considerations.



The Calderdale Council NFM project officer is available to support your application. You can contact them at NFM@Calderdale.gov.uk

Appendix 1: design guidance



Guidance on design principles and further information on different types of natural flood management intervention are available in the following documents:

- Natural Flood Management Measures: A Practical Guide for Farmers in Calderdale:
www.eyeoncalderdale.com/natural-flood-management
- Guidance on leaky woody structures such as leaky dams:
www.catchmentbasedapproach.org/learn/natural-flood-management-programme-assessing-the-risk
www.yorkshiredalesrivertrust.com/wp-content/uploads/2018/01/Natural-Flood-Management-Techniques-Leaky-Dams.pdf
- General information on the benefits of different NFM techniques:
www.gov.uk/government/publications/working-with-natural-processes-to-reduce-flood-risk
- SuDS principles and information on runoff attenuation feature design:
www.ciria.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx
- The Calderdale NFM Grant Scheme Guidance Notes provide details on specifications for a number of NFM techniques. A copy of these guidance notes can be requested by emailing NFM@Calderdale.gov.uk

