

Fw: 131504 - RE: Omega Development St Helens Council - Watercourses
Jennifer Bolton
to:
Planning
13/10/2020 14:06
Hide Details
From: Jennifer Bolton/CEXEC/STHMBC
To: Planning@sthelens.gov.uk
2 Attachments



2020-NWS-001-LETTER.pdf 2020-NWS-001-Consent.pdf

Hi,

Could this latter email be uploaded. It relates to land drainage consent.

Thanks. Signatures need removing.

Jennifer Bolton
Senior Planning Officer
Development Control
St Helens Council
01744 676184

From: Matthew Catherall <MatthewCatherall@sthelens.gov.uk>

Sent: 08 October 2020 19:11

To: Mark Hayward <mark.hayward@fairhurst.co.uk>; David Townsend <david.townsend@fairhurst.co.uk>

Cc: Jennifer Bolton <jenniferbolton@sthelens.gov.uk>; Jim Andrew Dutton <jimdutton@sthelens.gov.uk>; Griffin, Sandy <Alexander.Griffin@wsp.com>

Subject: Re: 131504 - RE: Omega Development St Helens Council - Watercourses

Afternoon Mark / David

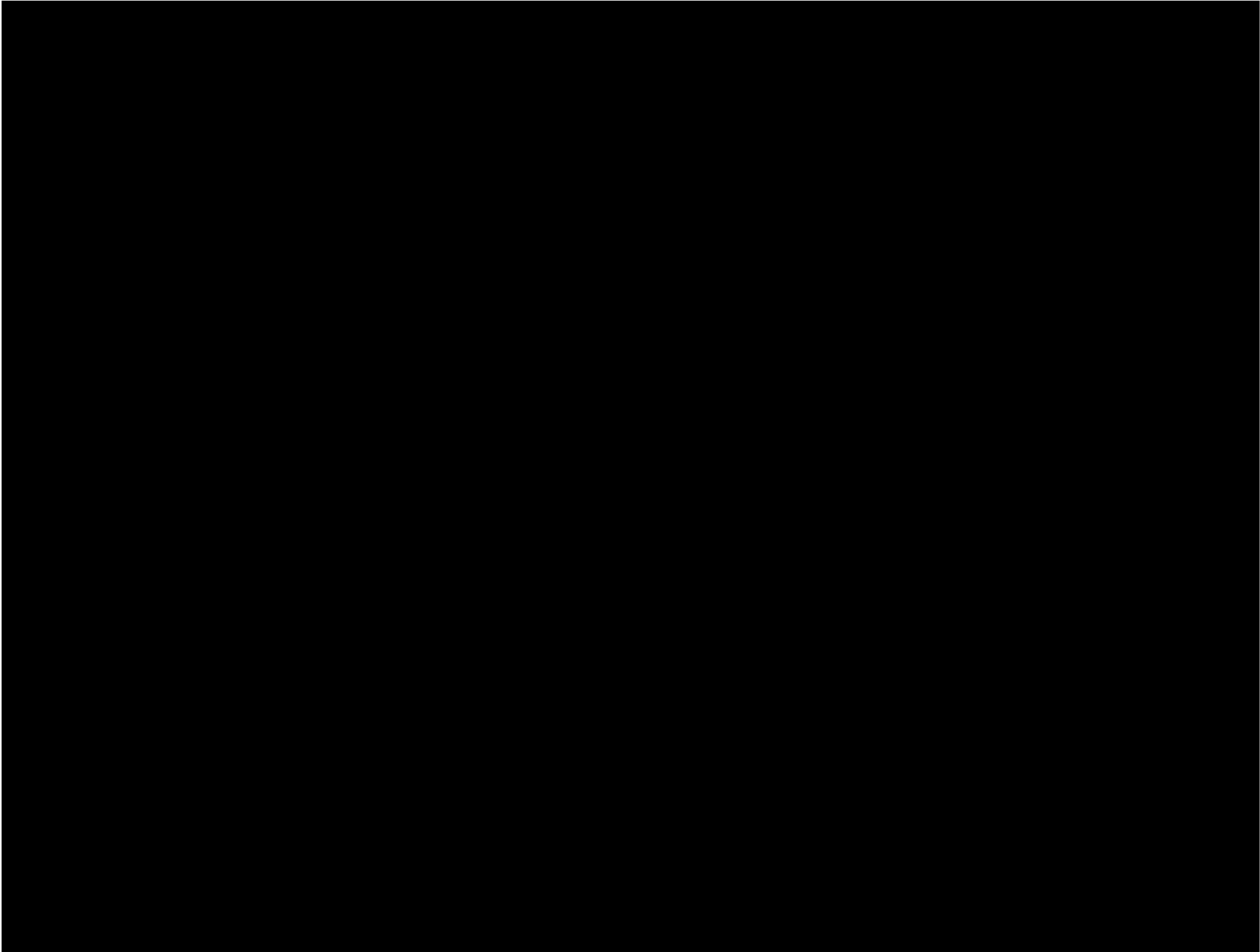
Thank you for your application for Ordinary Watercourse Land Drainage Consent, in which the final assessed application, was received by St Helens Council on the 20/07/2020. I confirm that your proposals for the works are acceptable to St Helens Council, as per the conditions within the attached consent.

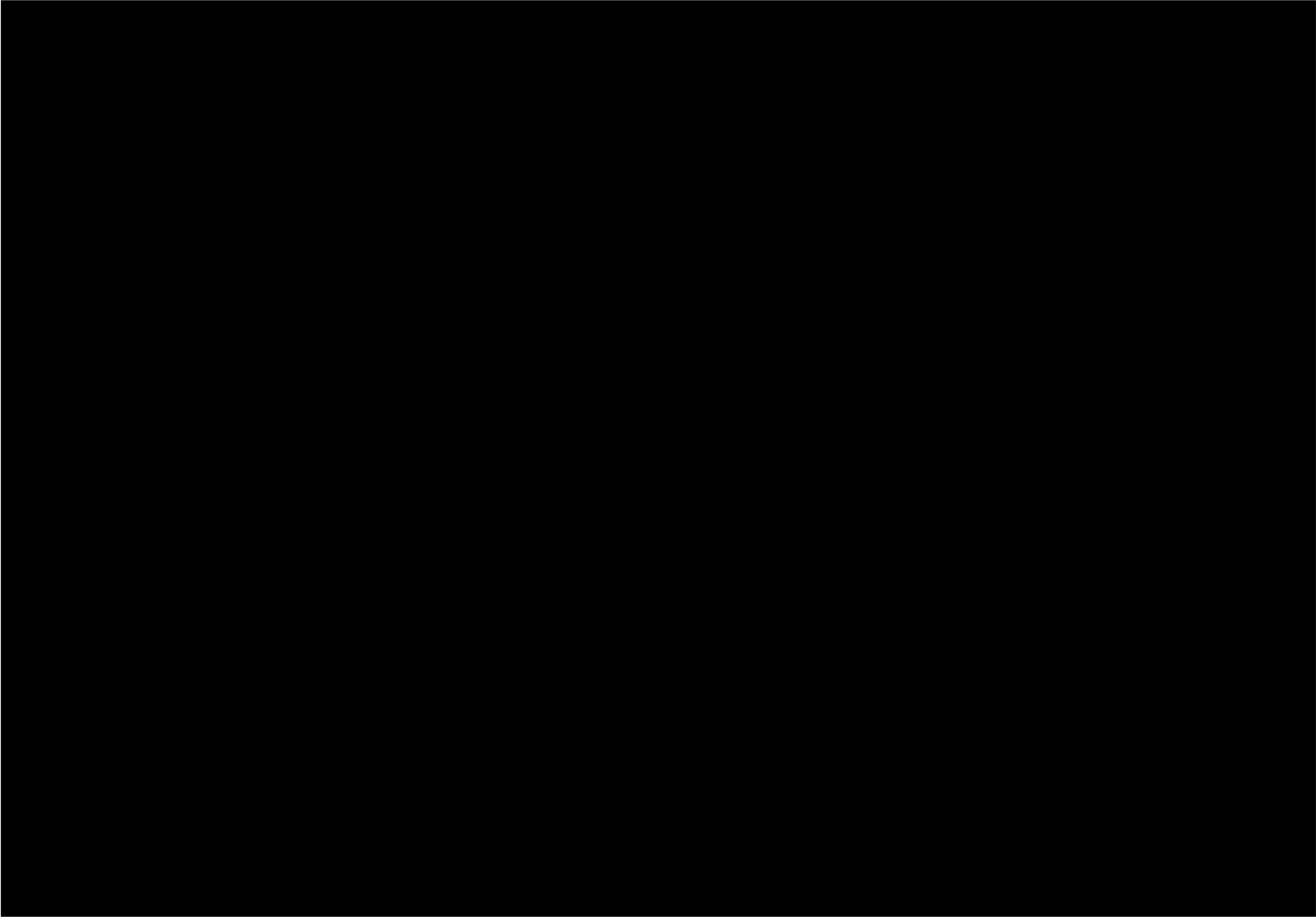
I enclose consent number 2020-NWS-001 issued under Section 23 of the Land Drainage Act 1991. Please notify this authority no less than seven days before commencement and upon completion of the works, via the contact details above, quoting the above consent number for reference.

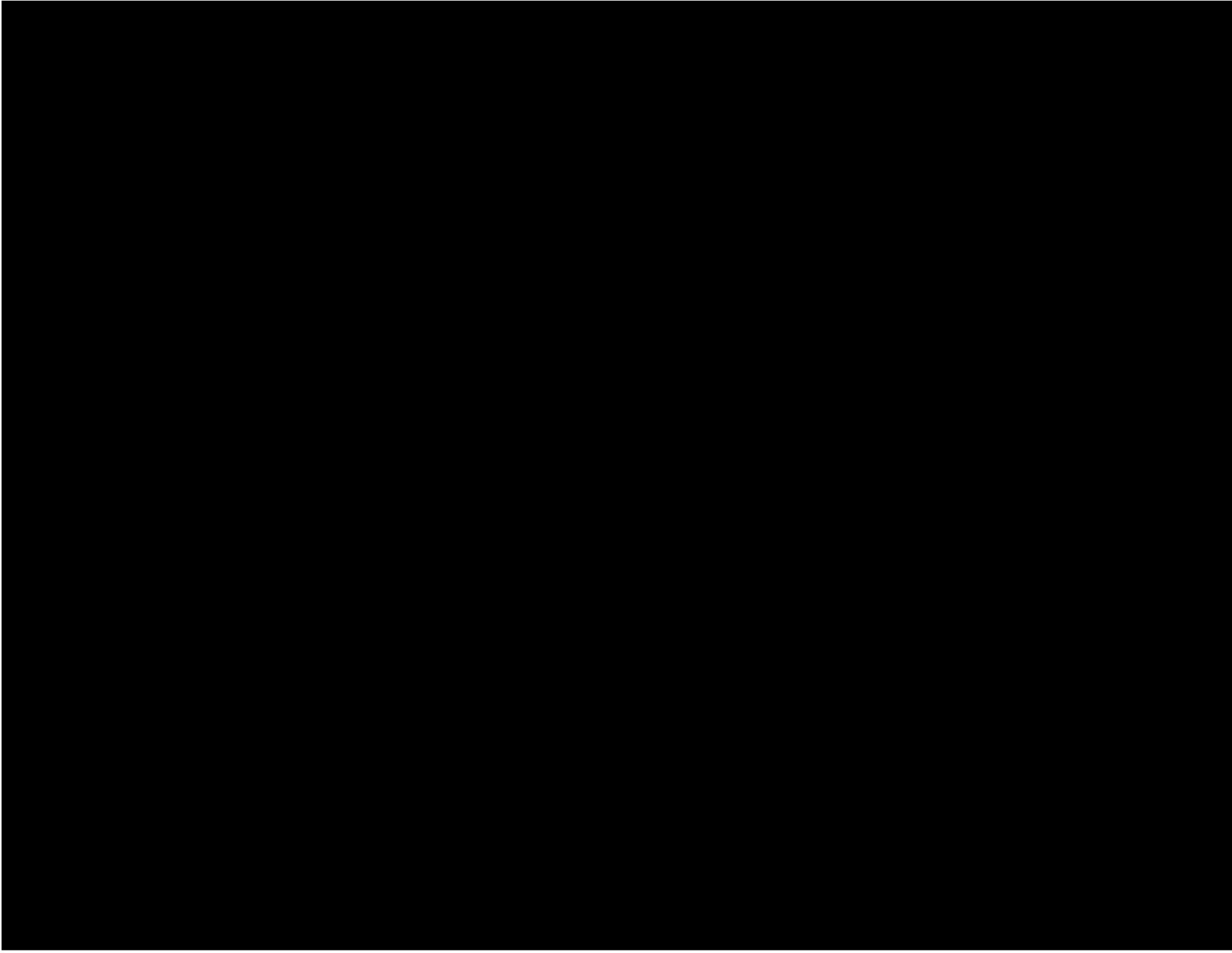
I was hoping to get this sent to yourselves on Monday, however I had to swap duties to flood risk recovery after the weekends and this week's weather patterns.

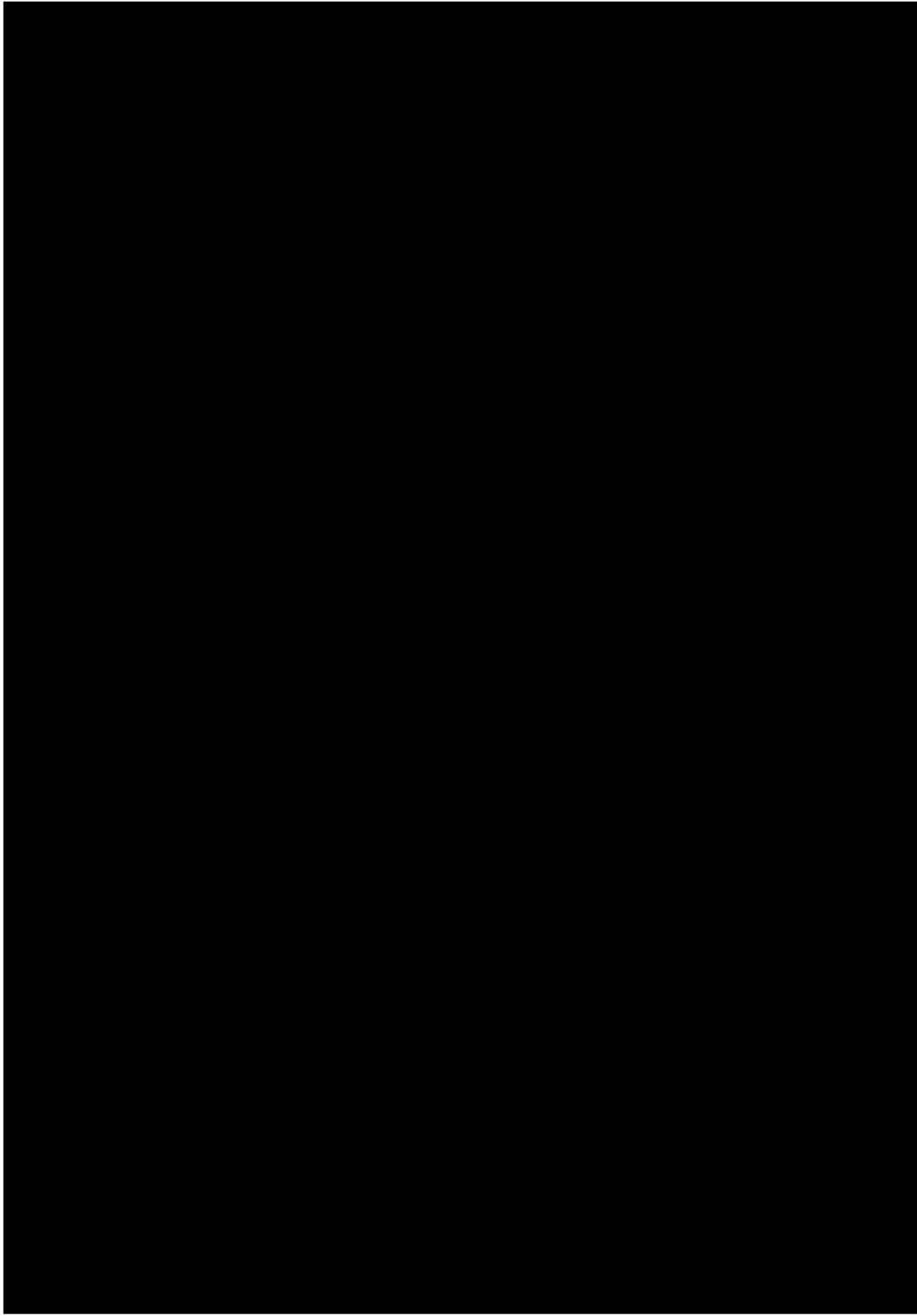
Regards

Matthew Catherall











ST HELENS
BOROUGH COUNCIL

Mark Hayward (Technical Manager)
Fairhurst
Cornwall Buildings
45-51 Newhall Street
Birmingham
B3 3QR

Engineering Service
4th Floor, Wesley House,
Corporation St
St Helens
WA10 1HF

08 October 2020

Contact Matthew Catherall:
Tel: 01744 676789
matthewcatherall@sthelens.gov.uk
Our ref: 2020-NWS-001
Your ref:

Dear Applicant

Re: Ordinary Watercourse Diversion Land Drainage Consent

Thank you for your application for Ordinary Watercourse Land Drainage Consent, in which the final assessed application, was received by St Helens Council on the 20/07/2020. I confirm that your proposals for the works are acceptable to St Helens Council, as per the conditions within the attached consent.

I enclose consent number 2020-NWS-001 issued under Section 23 of the Land Drainage Act 1991. Please notify this authority no less than seven days before commencement and upon completion of the works, via the contact details above, quoting the above consent number for reference.

Yours faithfully

[Redacted Signature]

Matthew Catherall

Principle Engineer (Flood Risk)
Lead Local Flood Authority (LLFA)
St Helens Council



ST HELENS
BOROUGH COUNCIL

St Helens Council Ordinary Watercourse Land Drainage Consent

Land Drainage Act 1991

Name:

Project Architect – T J Morris Limited
Company Registration Number: 01505036

Development Applicant Address:

T J Morris Limited
Portal Way
Axis Business Park
Gillmoss
Liverpool
L110JA

Consent Applicant Address:

Mark Hayward (Technical Manager)
Fairhurst
Cornwall Buildings
45-51 Newhall Street
Birmingham
B3 3QR

Consent applying to:

The diversion of a small watercourse to the edge of the field. Additionally, a new storm water outfall from the adjacent development will be constructed within the newly diverted watercourse.

Previous Consent:

N/A

Consent Number:

2020-NWS-001

Effective from:

2nd October 2020

Introduction

This Note does not form part of the Certificate of Authorisation.

St. Helens Council Land Drainage Consents are required by virtue of the Land Drainage Act 1991. The following activities on an Ordinary (non-main) Watercourse require Local Authority Consent:

Under Section 23 of the Land Drainage Act 1991

- The erection or alteration of any mill dam, weir or other like obstruction to the flow of any watercourse
- The erection or alteration of any culvert that would be likely to affect the flow of any watercourse

Under Sections 17 and 20(2) of the Land Drainage Act 1991

- Any drainage works carried out by a local authority against flooding in connection with any watercourse

Under Section 61F Land Drainage Act 1991 (Inserted by Schedule 22 Environment Act 1995)

- The operation of any drainage works, under the control of any Internal Drainage Board or local authority, so as to manage the level of water in a watercourse for the purposes of facilitating spray irrigation.

Note

Consent under the above legislation is required irrespective of whether the works are permanent or temporary.

Contraventions

In relation to Ordinary Watercourses, the Council can under Section 24 of the Land Drainage Act 1991 serve a legal notice requiring the person to abate the nuisance within a specified time. Failure to abide by such a notice can result in the St. Helens Council carrying out the necessary remedial work and seeking to recover costs.

Land Drainage Act 1991

Land Drainage Consent
Control of works affecting watercourses and/or flood defences
Consent number 2020-NWS-001

To: Mark Hayward (Technical Manager Fairhurst)

St. Helens Council, in exercise of its powers under Section 23 of the Land Drainage Act 1991 and subject to the conditions attached, hereby grants its consent in relation to the works or operations described in this Consent.

Watercourse: Ordinary Watercourse (Site of works not within 8 meters of Main River)

Location: Adjacent to the south side of the M62, approximately 1.7km west of Junction 8

Map reference: 355327, 390914

The diversion of a small watercourse to the edge of the field. Additionally, a new storm water outfall from the adjacent development will be constructed within the newly diverted watercourse.

As detailed on plans and sections for application **P/2020/0061/HYBR:**
(available online at <http://publicaccess.sthelens.gov.uk/online-applications/>)

Extra Supplied Drawings:

App 1 - 131504-2110-B_Watercourse diversion works GA

App 2 - 131504-2111_Watercourse diversion long section

App 3 - 131504-2223-B_Drainage details sheet 4 of 4

App 4 - 136897-2100_B-Proposed Drainage Layout (1)

App 5 - 55685_01 3D Model (Exten

App 6 – Superseded file - 131504-2110-A_Watercourse diversion works GA

St. Helens Council does not accept any responsibility for the design and construction of the works referred here to and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

This Consent shall come into effect on

Date 2nd October 2020

Signed on behalf of the St. Helens Council:



Name: Matthew Catherall

Job Title: Principle Flood Risk Engineer (Lead Local Flood Authority)

Date:

02/ 09 / 2020

Conditions

This consent is granted with the following conditions:

General

1. All reasonable care should be taken to ensure that the watercourse is kept free of foreign matter and floating debris during the construction period and on completion.
2. Works should be carried out in such a way as to ensure minimum obstruction to flows in the watercourse at all times.
3. On completion of the works all debris and surplus material shall be removed from the banks of the watercourse. The bed and banks of the watercourse, which have been disturbed by the works, shall be reinstated to the satisfaction of the Area Flood Risk Manager.

Timing

1. At least 7 working days' prior written notice of commencement of the works and written notification of completion must be given to the LLFA. Please email flood@sthelens.gov.uk stating your consent reference.

Site Specific

1. Even though the LLFA (Lead Local Flood Authority) approve the consent, this is not a permission to undertake works on land that may not be owned by the applicant.
2. Design and construction of the outfall must be in accordance with the approved planning application.
3. The consent is for the diversion of the non-culverted watercourse, if the culvert where to be culverted in any way without permission of the LLFA, then this consent will be removed from the applicant/developer.
4. The LLFA in approving of this consent, make notice that the section of the watercourse that is not being diverted in the plan "136897-2100_B-Proposed Drainage Layout (1)" will remain in perpetuity and shall not be subject to further diversion or culverting except for the construction of drainage outfalls in the outline part of application P/2020/0061/HYBR.
5. Please inform St Helens Council Planning Case Officer of the approval and supply to planning case officer a copy of this consent and associated documents.

Other Information - *This Note does not form part of the Consent.*

This Consent does not free you from the need to obtain other licences, consents, approvals (including bye-law consents) or permissions (including planning permission) which may be required in law or in order to comply with any duties or responsibilities for conservation or protection of the environment.

In addition you should ensure that you obtain the consent of any owners or occupiers of land if necessary.

This Consent does not confer any rights of entry or rights over property. You should ensure that the works are carried out in a proper manner so as not to adversely affect the watercourse. Work should be completed as quickly as possible once started.

The responsibility to ascertain the location of any services, which may be affected by the proposed works, lies solely with the Applicant/Agent.

Warning signs should be positioned locally to inform Anglers and Plant Operators of overhead power lines.

Any future remedial work necessary, as a result of the Applicant's proposals, shall be undertaken at the Applicant's expense and carried out to the Council's satisfaction.

The above information must be brought to the attention of your contractor.

If you believe that conditions have been unreasonably imposed then you have a right of appeal.

Additional

Pollution Prevention

The Works referred to in this Consent shall be carried out in accordance with the Environment Agency's Pollution Prevention Guidelines (PPG). A copy of PPG 1 and PPG 5 can be downloaded from the Environment Agency web site at <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

The Environmental Protection Act 1990 imposes a Duty of Care on waste producers, which requires you to take all reasonable steps to keep waste safe. If you give waste to someone else, you must be sure they are authorised to take it and can transport, re-cycle, or dispose of it legally. When you give waste to someone else, details of the transfer of waste should be described on a document called a Duty of Care Transfer Note.

If the waste contains one or more properties that are hazardous to health or the environment, the waste will be classed as 'Hazardous Waste' as defined in the Hazardous Waste Regulations 2005. These Regulations place specific requirements on the producer and carrier of such waste. Further information can be found on the Agency's website (www.environment-agency.gov.uk) or by contacting the National Customer Contact Centre on 03708 506506.

The activity of importing waste into the site for use as part of the construction process, for example hardcore, must be carried out under an environmental permit or registered by the Environment Agency as an exempt activity under the Environmental Permitting (England and Wales) Regulations 2010.

Flood Risk Management

The applicant must ensure that any structure is clear and free of rubbish, silt and debris at all times. The responsibility for maintenance of the work/structure rests entirely with the Applicant/Agent. It should be ensured that regular inspection of the structure is carried out and the appropriate maintenance work undertaken, when required. Any existing watercourses, drains, ditches and outfalls which are disturbed by the proposals shall be suitably intercepted and redirected, to ensure that the existing local drainage network is not adversely affected. On completion of the works, all spoil and unused materials shall be removed from the channel and flood plain.

Fisheries

You are strongly advised to inform the appropriate Angling Association/Interests of your proposals (where applicable), before commencing work, since the issue of a Flood Defence Consent by the Council will not protect you from any claim for nuisance or damage which may be attributed to your works. The free passage of fish is to be maintained at all times. Under the terms of the Salmon and Freshwater Fisheries Act 1975, it is an offence to cause or knowingly permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.

Vegetation

No bankside vegetation within 8m of the watercourse is to be removed unless strictly necessary. In such cases, trees/shrubs should be limbed or coppiced, and the root base to be left intact. As much scrub vegetation as possible should be retained as this provides valuable wildlife habitat. Trees should be protected from the works in accordance with British Standard 5837, "Trees in relation to construction", and contractors' working areas shall be clearly marked out and boundaries adhered to. Any bankside trees or vegetation damaged or removed during the works should be replaced with native species of local provenance appropriate to the local habitat.

Otters

Before starting work, any major tree root systems or areas of dense vegetation should be inspected for signs of otter use. Further advice is available from the Countryside Development Officer 01744 676191. Otters and their resting sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) regulations 1994.

Birds

All tree/shrub felling and scrub removal should take place outside the breeding bird period (March – August inclusive). Vegetation removal within this period will require a survey for nesting birds. Breeding birds are protected under the Wildlife and Countryside Act 1981.

Japanese knotweed & Invasive Species

The site may contain the invasive plant Japanese knotweed, causing the spread of which is an offence under the Wildlife and Countryside Act 1981 (as amended). Care should be taken to prevent its spread during any operations relating to this proposal. Any soil brought on to the site should be free of the seeds/roots/stem of Japanese knotweed. Failure to appropriately dispose of any material containing Japanese knotweed may lead to prosecution under Sections 33 and 34 of the Environmental Protection Act 1990 and Section 14 of the Wildlife & Countryside Act 1981 (as amended). Further advice is available from the Countryside Development Officer 01744 676191.

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