

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

CHARGES FOR CONSENT APPLICATIONS UNDER THE LAND DRAINAGE ACT

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To approve the introduction of charges for applications to alter a watercourse where the council is the drainage authority.

2. BACKGROUND INFORMATION

- 2.1 Amendments to the Land Drainage Act 1991 (LDA) came into place on 6 April 2012. Powers were transferred to the council from the Environment Agency. These powers include for the consenting of works on watercourses.
- 2.2 We can now charge a fee for applications to culvert or amend a watercourse where the council is the drainage authority. Where drainage board districts exist in North Lincolnshire, duties and responsibilities remain with the Internal Drainage Boards (IDBs).
- 2.3 We have a responsibility to ensure that any application for consent is not detrimental or could result in an increased flood risk.
- 2.4 The LDA states that the drainage authority may require a payment for applications. A charge is set at £50 for each application unless amended by the Minister.
- 2.5 We have put in place arrangements with the IDBs to support the council in determining applications. IDBs will charge their time on a cost recovery basis.
- 2.6 IDBs in North Lincolnshire charge the set fee where an application is within their district area in accordance with their policies.

3. OPTIONS FOR CONSIDERATION

- 3.1 The Cabinet Member has the following options to consider in taking this forward.
- 3.1.1 **Option 1** – To make no charge.
- 3.1.2 **Option 2** – To make a charge of £50 for each application.

4. ANALYSIS OF OPTIONS

4.1 We propose that the fee charge as set out in the Land Drainage Act 1991, as amended, is applied for all applications to the council.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

Fees are set by the Act or other sum as specified by order of the Minister. Charging a fee will generate income to the council. This will help to cover the costs of dealing with applications.

5.2 Staffing

There are no significant staffing implications arising from this report

5.3 Property

None.

5.4 IT

None.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

6.1.1 We are required to undertake duties under the Land Drainage Act 1991 as a drainage authority.

6.2 Other

6.2.1 There are no other implications for consideration.

7. OUTCOMES OF CONSULTATION

7.1 The council's corporate charging policy has been taken into account.

8. RECOMMENDATIONS

8.1 That the Cabinet Member approves the introduction of the set fee for applications for consent to alter a watercourse where the council is the drainage authority.

8.2 That the charge is added to the schedule of charges for the financial year 2012/13 and subsequent years.

DIRECTOR OF PLACES

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Date: 21 September 2012

Background Papers used in the preparation of this report:

- Land Drainage Act 1991
- Flood and Water Management Act 2010