

Director of Environment & Infrastructure:  
Mark Kemp



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Date 27 November 2020

**RE: 6/2020/0311/MAJ – Nyn Park, Well Road, Northaw, Potters Bar, EN6 4BS**

Dear David,

Thank you for your consultation in relation to the above planning application for the engineering works comprising ground works and shaping of land to create a golf course (used only in conjunction with the Nyn Park Estate dwelling house) and erection of an associated single storey maintenance building at Nyn Park, Well Road, Northaw, Potters Bar, EN6 4BS.

We understand that some of the works covered by this planning application, specifically those related to the ordinary watercourses located on site, have already been completed and therefore will be treated as part-retrospective.

We have reviewed the information submitted in support of the application and can advise the LPA that as LLFA we object to this application. As mentioned above, we are aware that a number of works to ordinary watercourses located on the site have been included and descriptions have been provided within Appendix G of the submitted Flood Risk Assessment (carried out by Amazi Consulting Ltd, ref: AMA809 Rev 0, dated: October 2020). We understand these include new culverted/piped sections of watercourse, new outfalls into the watercourse, infilling and the installation of 2 weir-type structures.

The Land Drainage Act 1991 gives Hertfordshire County Council as Lead Local Flood Authority powers in relation to ordinary watercourses. As a Lead Local Flood Authority, Hertfordshire County Council is the regulatory body for works on ordinary watercourses in the county. The ordinary watercourse regulation controls certain activities and works that may obstruct the flow of the watercourse and therefore disrupt its ability to drain areas or transfer water.

As LLFA, our Local Flood Risk Management Strategy was reviewed and ratified by the council in February 2019, this lists all our policies regarding flood risk management in

Hertfordshire. Specifically, relevant for this site, the LFRMS2 states the LLFAs policies in relation to ordinary watercourses.

Any works proposed to be carried out that may affect the flow within an ordinary watercourse require the prior written consent from Hertfordshire County Council under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Enforcement against structures in watercourses constructed in contravention of, or without consent under Section 23 mentioned above, can be led by Hertfordshire County Council under Section 24 of the Land Drainage Act 1991.

Hertfordshire County Council holds the powers to require works regarding the maintenance of the flow in the channel of an ordinary watercourse under Section 25 of the Land Drainage Act 1991.

The proposed works which have been carried out by the applicant do not have land drainage consent. Consent cannot be applied for retrospectively.

The landowner should be aware that as land drainage consent cannot be applied for retrospectively, the presence of the structure could lead to an enforcement process.

Please note, this assessment has been made based on the information submitted at planning and we will be visiting the site when we are able to.

In summary, we do not recommend any planning application be approved until issues surrounding works completed on the ordinary watercourses have been resolved. In addition, we will reserve the right to comment on the proposed drainage plan subsequent to the ordinary watercourse investigation having been completed.

For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#>

### **Informative to the LPA**

Please note, if the LPA decides to grant planning permission, we wish to be notified for our records, should there be any subsequent surface water flooding that we may be required to investigate.

Please note that any works permanent and or temporary proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Hertfordshire County Council under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Yours sincerely,

Rosie Brown  
Flood & Water Project Officer  
Hertfordshire County Council