

# MIDDLE LEVEL COMMISSIONERS



## Standard Advice relating to Development Management and Flood Risk Issues

January 2017

### 1. General

The Middle Level Commissioners (MLC) are a statutory water level/flood risk management and navigation authority responsible for the maintenance of major watercourses within their catchment area. The high-level watercourse system receives pumped discharges of flows from low-level Internal Drainage Board systems within its area and gravity flows from those at a higher level.

In addition to their statutory role, the MLC provide an administration and engineering consultancy service to some independent local Internal Drainage Boards (IDBs) and District Drainage Commissioners (DDCs) within or in close proximity to the MLC area. This service includes dealing with Development Management matters and this advice document relates to the MLC area and the IDB and DDC areas that are covered by this service. Details of the extent of those areas can be obtained from the Middle Level Offices and are also available on the Middle Level website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk) under the relevant Board. Unless stated otherwise, the term 'Board' may refer to the MLC, an IDB or a DDC, as appropriate in the context it is used.

This advice is intended for guidance and not as a comprehensive summary of the flood risk management legislation or the MLC, IDB or DDC Byelaws. Copies of the Land Drainage Act 1991, the Flood and Water Management Act 2010 and the associated Byelaws, referred to below, are available for inspection at the offices of the relevant Clerk to the Board (refer below to Section 19 – Other Contacts), who will also deal with any general or legal questions, whilst all technical queries or concerns should be addressed to the Commissioners' Chief Engineer. Copies of the byelaws for those Boards administered from the Middle Level Offices are available on the website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk) under the relevant Board, or from the Middle Level Offices. For a list of those Boards see Section 19.

The granting of planning approval by the planning authority must NOT be taken to imply that the Board's requirements have been met or that the necessary land drainage consents have been or will be granted. Any consent required from the respective Board is IN ADDITION to any planning permission, or other permission, that may be required.

The Applicant or Developer must inform the relevant Board of all proposals for any work relating to these advice notes and of any additional special circumstances that may apply.

Within the terms of this document, 'Development' refers to any proposed change to land, either permanent or temporary, that:

- Affects, or is situated within, a watercourse whether open or culverted.
- Affects the existing groundwater system.
- Encroaches upon or affects access to existing maintenance access strips provided under the Byelaws.
- Increases surface water or groundwater discharges to the downstream systems.

The Boards provide advice and comment on development management and flood risk issues (and in the case of the Middle Level Commissioners, navigation) within their areas so far as these relate to their functions. The provision of this information will be charged on a recovery basis to cover our dedicated search time, printing costs, etc. The rate of charges can be found on our fees document on our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk) and, as regards pre- and post-application consultations, see Sections 3 and 4 below.

In order to improve submissions and reduce delays in obtaining approvals the employment of a suitably qualified agent with suitable knowledge of water level/flood risk management is encouraged, where the applicant does not possess such knowledge.

The Environment Agency (EA), for its Flood Map, and surface water susceptibility maps, the Lead Local Flood Authority (LLFA) for its Surface Water Management Plan (SWMP) and the Local Planning Authority, for its Strategic Flood Risk Assessment (SFRA), and not the Board are responsible for Hazard Mapping. Reference should be made to those documents in addition to any approach to the Board.

### 2. Area of Responsibility

#### a. Drainage Areas

The Boards are empowered to exercise control over Development that affects watercourse systems within their rateable areas, generally low-lying areas of land that derive benefit or avoid danger from drainage operations. Within the Boards' overall catchment, areas outside the rateable areas are known as 'highland' and such issues then are normally dealt with by the LLFA, EA and/or the relevant District, Borough or City Council as appropriate, although the Boards may have an interest where development would affect their maintained systems and do have powers to control discharges into their systems from such areas. (See Section 10 Discharge Consents).

## **b. Watercourses**

Major watercourses such as the River Great Ouse, River Nene (Peterborough/Wisbech), Bury Brook, and the Old and New Bedford Rivers are under the control of the EA and are designated 'Main Rivers'. Queries relating to them should be referred to the relevant EA area office. (Refer below to Section 19 – Other Contacts.)

All other watercourses, including ditches, culverts and other conduits or passages through which water may flow, are defined as 'Ordinary Watercourses'. Most watercourses are in 'riparian' ownership, i.e. the adjacent landowners own them and have rights and obligations over them. The deeds of a property adjacent to a watercourse may determine the riparian owner but are often 'silent'. In the absence of contrary evidence, the law presumes that land adjoining a watercourse includes the watercourse up to its mid point. Within a drainage district, the more important watercourses are often designated 'Boards Drains' and are maintained but not normally owned by a Board. The watercourses so designated can, however, change from time to time. The Board's Drains for those Boards administered from the Middle Level offices are shown on maps on our website [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk).

The MLC own several large watercourses in their area that are man made and were specifically excavated in the past to drain the Fens. These watercourses include:

- Middle Level Main Drain
- The Sixteen Foot River
- Bevills Leam
- The Forty Foot River
- The Twenty Foot River
- Old Pophams Eau
- New Pophams Eau

Full details are available from the Middle Level Offices.

## **c. Landowner's Responsibility**

The prime responsibility for safeguarding land and other property against natural hazards, such as flooding, remains with the landowner. The landowner is also responsible for managing the drainage of his land in such a way as to prevent adverse impacts on neighbouring land.

## **3. Pre-Application Discussions**

The Boards promote pre-application discussion so that water level/flood risk management issues can be dealt with at the earliest possible stage. Such discussions would be able to highlight potential areas where the consent of the Boards would be required and enable preliminary consideration to be given to the likely response to an application for such consent or for any planning permission on which the MLC/Board may comment before the planning application is submitted. It would also therefore mean that an applicant would have the opportunity to prepare an application so that it met the requirements of the Boards, before a formal planning application was submitted. The early consideration and resolution of water level/flood risk management issues will also mean that the Board's position on consent applications will be made known at an early stage and that fewer conditions relating to such issues would need to be imposed on planning permissions and that, where such conditions are imposed, they can be more quickly discharged. This will lead to a substantial saving of time and costs for Applicants.

The costs of such pre-application discussions will be a cost to the Applicant but as part of our wish to encourage such discussions, the Boards/Commissioners are prepared to offer a discounted rate for our involvement in them. The rate is set for each financial year and will be given in our fees document available on our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk).

It should be borne in mind by Applicants that, where the Boards are requested to advise on the discharge of a condition imposed on a planning permission (other than purely formally following satisfactorily concluded pre-application discussions) no discount will be offered and Applicants will be charged at the full rate for any such work. It should also be borne in mind that the Boards do not have any obligation to comment at all on the discharge of a planning condition.

## **4. Post-Application Discussions**

The Boards are of course willing to undertake post-application discussions with an applicant to resolve any outstanding issues. It must be borne in mind however that the application will already have been considered and comments made and it may then be more difficult to adjust the application to incorporate such comments. A planning permission which does not meet the Boards' concerns and may not be deliverable because byelaw consent is refused by the Boards may then result. From the point of view of providing comments to local planning authorities to meet their own targets and ensuring that the Boards' own requirements are met, pre-application discussions are therefore encouraged and preferred.

## 5. Flood Risk Assessments

In line with current relevant water level/flood risk management documentation the Boards may require Flood Risk Assessments (FRAs) from developers to be submitted to them for technical review (in addition to the requirement of local planning authorities to also require such Assessments in the case of any application for planning permission) for all new Developments that meet the criteria described in the guidance document, or meet any of the following criteria:

- Being either within or adjacent to a Board's Drain and/or other flood defence structure
- Being within the channel of any other Ordinary Watercourse
- Where a direct discharge of surface water or treated effluent is proposed
- For any Development affecting more than one watercourse and having possible strategic implications
- In an area of known actual flood risk
- Being within the maintenance access strips provided under the Byelaws
- Any other application that, in the opinion of the Middle Level Commissioners' Chief Engineer, has material water level/flood risk implications.

Relevant documentation includes the following:

- Our Standard Advice document and other relevant information on our website
- The relevant Council's SFRA
- Fenland District Council's Level 2 Wisbech SFRA (for developments within Wisbech)
- The relevant Council's Water Cycle Study
- Relevant Surface Water Management Plans
- Other relevant Council documents SPD/DPDs etc
- Relevant Council Policies
- Local flood risk strategies

The purpose of a FRA is to:

- Raise the awareness of all the parties involved in the Development of flood protection issues
- Determine whether the proposed Development is likely to affect flood risk
- Seek to ensure that the additional risks will be successfully managed so that the site can be developed and occupied safely
- Determine the impact of the Development on the flood defence infrastructure.

It is in the developers' business interests to provide a FRA when required as it may:

- Affect the ability to develop the land
- Affect the value of the land
- Affect the cost of developing the land
- Assist in obtaining property insurance
- Assist property buyers to obtain mortgages.

The Boards will normally adopt the same attitude as the Planning Inspectorate which, for a planning application at High Street, Saxmundham (Appeal references APP/J/3530/E/01/1065081 & APP/J/3530/A/01/1064350), concluded that planning permission should be withheld on the grounds that 'in the absence of a proper (Flood) Risk Assessment, there can be no certainty that flooding would not occur'.

The Planning Inspectorate's more recent decision for the site on land north of 33 Gaul Road fronting Oxbow Crescent, March (Appeal Reference APP/D0515/A/08/2063443), which stated that in the absence of a FRA the proposal would unacceptably increase the risks associated with flooding, should also be noted.

Guidance on the specific requirements of a Flood Risk Assessment is provided in the following documents:

- a) Pages 8-12 of the Technical Guidance to the National Planning Policy Framework, electronic copies of which are available from <https://www.gov.uk/government/publications/national-planning-policy-framework-technical-guidance>.
- b) Chapter 3 of the PPS25 Practice Guide, electronic copies of which are available from <https://www.gov.uk/government/publications/development-and-flood-risk-practice-guide-planning-policy-statement-25>. Physical copies are available from the Communities and Local Government Publications, Cambertown House, Goldthorpe Industrial Estate, Rotherham S63 9BL. Tel: 0300 123 1124, fax: 0300 123 1125, email: [product@communities.gsi.gov.uk](mailto:product@communities.gsi.gov.uk).
- c) Relevant aspects of the Pitt Report - Learning lessons from the 2007 floods, which amongst other items requires all sources of flooding to be considered, electronic copies of which are available from [http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/\\_/media/assets/www.cabinetoffice.gov.uk/flooding\\_review/pitt\\_review\\_full%20pdf.pdf](http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/_/media/assets/www.cabinetoffice.gov.uk/flooding_review/pitt_review_full%20pdf.pdf).
- d) Chapter 9 Site Specific FRA Guidance and Appendix B: FRA Requirement Check-list of Fenland District Council's Level 1 District Wide SFRA – July 2011, electronic copies of which are available from <http://www.fenland.gov.uk/CHttpHandler.ashx?id=3771&amp;p=0>.

- e) Section 5 of this document. Developers (and all applicants for planning permission) are advised to contact the relevant Board, at the earliest possible stage, to establish whether special requirements may be imposed. In those instances where a Board considers that a FRA would be required, it is likely to OPPOSE any submitted planning application NOT including a FRA on the Saxmundham grounds.

When preparing a FRA, it is generally accepted that the Fens are geographically located within a 'defended floodplain', as defined in Appendix 1 of 'Policy and Practice for the Protection of Floodplains', published by the EA. In general, large earthen embankments prevent the main rivers overflowing across the low-lying areas. By definition, a defended floodplain is considered to be passive until such time as a flood greater than that for which the defences were designed occurs. The likelihood of flooding due to overtopping or failure of a flood protection structure is considered to be small but, where appropriate, the FRA should examine the effects of such an event. It must be remembered that the risk of flooding in the Fens is not only from the local river network, but also from other adjacent drainage systems, i.e. smaller watercourses, pipelines, culverts, sewers, groundwater and overland flow. These systems will usually be outside the Boards' control.

In addition to fulfilling the general requirements of a FRA, the Boards may require adequate evidence including test results to prove that a viable scheme for appropriate water level/flood risk management that meets current design standards exists, or that it could be constructed and maintained for the lifetime of the development. Such test results may, in particular, be required to show the efficacy of soakaways (see Section 9 below).

## **6. Maintenance Access Strips**

### **a. Boards' Drains**

Boards' Drains are strategically important to the flood defence interests of the districts and Boards carry out maintenance operations upon them. They are specifically shown on plans of the Board's District. In order to ensure that access for maintenance is retained alongside Boards' Drains, they are protected by the Boards' Byelaws made under Section 66 of the Land Drainage Act 1991. Without the prior, written consent of the Board, no Development, i.e. buildings, hedges, fences, trees, hardstandings, septic tanks, land raising or other structures, may be placed on the banks of a Board's drain or within the **specified distance\*** (see below) of the brink (channel top) of the watercourse, or if embanked, the landward toe (bottom of bank slope) of its embankment. The area thus restricted is termed the specific Board's 'maintenance access strip', and any proposals to develop within the strip will be prohibited unless and until the Board's consent has been granted (see also Section 8 – Byelaw Consent). In appropriate cases, reference should be made to advice 'General Guidance Notes on Development In or Close to a Board Maintained Watercourse' available from our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk).

\* The **specified distance** is:

- 20 metres for Middle Level Commissioners' watercourses.
- 9 metres for all other IDBs and DDCs administered by the Middle Level Commissioners.

### **b. Private Open Watercourses**

These private channels will need to be maintained by those responsible for them, usually the landowner or the riparian owners, but in cases of 'Award Drains', if any, the local District/Borough Council. In general, therefore, any on-site open watercourse NOT under the jurisdiction of a Board, and thus not subject to its Byelaws, should be provided with maintenance access strips at least 5.0 metres wide on each side. These strips must be kept clear of any Development or structures, as described above in Section 6.a, to enable those responsible for the maintenance of these watercourses to gain the necessary access for such works.

- c. The Planning Inspectorate decided in the case of Appeal Ref: APP/V2635/A/08 2073910 re 1 Wanton Lane, Terrington St Clement that, where a planning application would restrict access to a watercourse maintained by an IDB and therefore could adversely affect the ability of the IDB to maintain that channel and thereby lead to an increase in flood risk, this is a Planning Matter for the local authority as well as a regulatory matter for the IDB.

The areas under the jurisdiction of the authorities administered from this office are all defended flood plains and therefore dependent upon the continued activities of those authorities to manage flood risk. We will therefore continue to object to any planning application which would lead to inappropriate restrictions on our ability to manage our watercourses as well as refusing consent applications under our legislation or byelaws for any such development.

## **7. Piping & Filling of Open Watercourses**

The Boards' prior written consent is required for proposals to pipe, culvert, fill, bridge, or pass any pipe or cable over any watercourse within the Boards' rateable areas. Consent is also required to pass any pipe or cable under a Boards' drain. In order to protect the natural environment, and to retain available hydraulic and water storage capacities, the piping or culverting of any watercourse, except as may be necessary to create a means of access across the drain, would generally be prohibited. This stance on water storage within the IDB catchments is also recommended and actively supported by the EA.

Should a Board's consent to culvert or pipe a watercourse be granted, maintenance access strips, as described above, will be required unless the Board consents to specific reductions. (See also Section 8 – Byelaw Consent).

The consent of the relevant District or Borough Council will also be required for culverting operations under the Public Health Act 1936.

On watercourses OUTSIDE the Boards' rateable areas, piping or culverting works require the approval and consent of the (Local Lead Flood Authority) LLFA (and the relevant District or Borough Council). In some particular locations, where watercourses flow along the edge of, but adjacent to a Board's rateable area, they will be deemed to be OUTSIDE the Board's area and the LLFA must be contacted, unless other arrangements, published on our website [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk), have been entered into with the LLFA.

For work on privately owned open watercourses, the permission of the riparian owner(s) will also be required. For works on roadside watercourses, the permission of the relevant Highway Authority may also be required. The Board's consent does not give the right of access to land unless it is owned by the Board and specifically grants access.

For a nominal charge, the Commissioners will provide standard/typical detail drawings and specification for culverting /piping works.

## 8. Byelaw Consent

### a. **General**

In order to comply with the Boards' Byelaws made in accordance with Section 66 of the Land Drainage Act 1991, any works, whether temporary or permanent, proposed within a Board's drain, on the bank top, or within the maintenance access strips provided under the Byelaws, require the prior written consent of the Board. The Board will accept no responsibility for any damage to structures within the access strips caused during the undertaking of their statutory functions. Application forms and advice concerning byelaw consent are available from the relevant Clerk to the Board or from the website (refer to Section 19 – Other Contacts).

There are generally two types of application for consent.

- Works within the channel  
This includes the construction of culverts (refer to Section 5 above), dams, or other structures that may affect the flows within the channel, etc, where byelaw conditions may be imposed. The Boards charge a statutory fee of £50.00, as provided for under the Land Drainage Act 1991, for such applications.
- Works within the maintenance access strip (also referred to as the byelaw strip)  
This applies to the erection of any structures on the banks (e.g. buildings, fences, trees, access roads, other structures, hoardings, hard-standings, etc.) within the relevant Byelaw strip. The relevant Board may charge a fee, or enter into an agreement with the applicant, where Development adjacent to Board's drains prevents the normal disposal method of spreading dredgings from the drains to the adjacent fields during maintenance operations.

It is necessary that the Boards' requirements concerning Developments made adjacent to water level flood risk management structures, and/or conditions of any consent issued to the applicant, are passed on to future landowners by means of a suitable covenant in the transfer deeds.

### b. **Outfalls into Boards' Drains**

Any outfall into a Board's watercourse requires prior written consent (as detailed above) and, in the case of an open watercourse, must be constructed using a suitable outfall unit which is installed flush with or is recessed below the drain profile so as not to be damaged when the Board undertakes maintenance operations, e.g. using a tractor-mounted flail, etc. The drain profile adjacent to the outfall must be adequately protected against erosion. For a nominal charge, the Commissioners will provide standard/typical detail drawings and a specification for outfall headwalls, flap valves, etc.

The future maintenance of outfalls will rest with the owners. Outfalls into Boards' or privately owned pipelines will require an approved manhole at the junction. The MLC will however not normally permit outfalls through their embankments and Applicants are advised to consider alternative options before seeking the views of the Commissioners on such an outfall. The same principles apply to embanked Board's watercourses, where alternative options should be considered before any application for an outfall is made.

## 9. Methods of Surface Water Disposal

### a. **Disposal of Surface Water Arising from Development Sites**

#### Unregulated Direct Discharges to Watercourses

The prior written consent of the Board is required to increase the rate or volume of surface water discharge made directly to a Board's system, or that reaches the Board's system via another watercourse or surface water sewer, or any other means. (See also Section 10 - Discharge Consents). Increased flows that are not regulated to mimic the pre-development situation are termed 'unregulated' discharges. For each site, Boards will apply a single 'contribution' charge on the developer for an increased flow, based upon the increase in the impermeable area. The charge must be paid to the relevant Board before consent for the increased flow will be issued by the Board. However, there may be instances where unregulated flows cannot be accepted and, hence, the Board may require flow attenuation.

As mentioned above discharge directly to the high-level MLC drainage system is generally **not** permitted unless there is no alternative outfall point.

#### Discharges via Regulation Devices

Discharges from structures fitted with outlet flow control devices, i.e. flow attenuation ponds, tank sewers, etc, and that are regulated to the equivalent greenfield surface water run-off from the existing site prior to Development, i.e. fully attenuated flows do not require discharge consent. All discharges greater than those arising from the previous land use require the consent of the Board. Contribution charges are calculated on a pro-rata basis for increased flows that are only partially attenuated. Any flow regulation device must be installed and if not maintained by a statutory body there must be clear and enforceable maintenance arrangements so that it functions effectively at all times for the lifetime of the development.

#### Infiltration Devices (Soakaways)

The majority of small Developments discharge to soakaways or similar infiltration devices, which are deemed to discharge to groundwater at a natural rate equivalent to that from the undeveloped site. Properly designed soakaways, which meet recognised current guidance, do not require discharge consent, nor are they subject to a contribution charge on the developer. Any infiltration device must be installed and maintained so that it functions effectively at all times.

The approval of infiltration devices or soakaways is the responsibility of the Building Control Department of the District, Borough or City Council (complying with NHBC technical designs for NHBC sites and the Building Regulations), and not the Boards.

The standards required by the NHBC may be sought from its Customer Services Department, NHBC House, Davy Avenue, Knowhill, Milton Keynes MK5 8FP. (Tel: 0844 633 1000) and (website [www.nhbc.co.uk](http://www.nhbc.co.uk).)

However, Boards may require details and test results for this and other methods of surface water to demonstrate:

- Confirmation of the design/analysis method used (see below)
- That an infiltration device will work efficiently in the long term and be regularly maintained
- That it is normally empty and available to take surface water flows
- That it does not overflow with an unregulated discharge either directly or indirectly to the Boards' systems
- Details of ground conditions, borehole logs, and land levels
- Design calculations, in accordance with the appropriate standard
- Construction details of the proposed soakaways / infiltration devices
- Confirmation that groundwater and soil porosity conditions were taken into account when soakaway trials were carried out. A summer trial may give different results than one carried out in winter.

The Boards' preferred test/standard for soakaways is the Building Research Establishments (BRE) Digest 365, and for infiltration devices, CIRIA Report 156 Infiltration drainage – manual of good practice. Should an infiltration device fail to attenuate a flow to the pre-development greenfield rate, a contribution charge will apply as if it was a direct discharge. This will only be the case where the additional flow can be accommodated within the IDB system, otherwise the discharge will not be approved or consented. (See also Section 10 – Discharge Consents).

Care needs to be taken to ensure that, where extensions to existing properties are proposed, and where existing soakaway systems exist, that the soakaways have adequate capacity to deal with the increased impermeable area created. This aspect, if not dealt with adequately, could lead to localised flooding in the area. Therefore, the new extension should discharge to a new soakaway in accordance with the relevant standards.

#### Sustainable Drainage Systems (SuDS)

The use of such systems, which include, for example, balancing ponds, swales, porous car park and road surfaces, is promoted when appropriate. The preferred standard for the use of SuDS is CIRIA Report C697 The SuDS Manual.

Copies of BRE Digest 365 can be obtained from BRE, Bucknalls Lane, Garston, Watford, WD25 9XX (Tel: 01923 664000) (website [www.bre.co.uk/index.jsp](http://www.bre.co.uk/index.jsp)).

CIRIA Report C697 can be obtained from CIRIA, Classic House, 174-180 Old Street, London, EC1V 9BP (Tel: 020 7549 3300) (website [www.ciria.org.uk](http://www.ciria.org.uk))

The provision and responsibility for the maintenance of SuDS will, when the relevant provisions of the Flood and Water Management Act 2010 are implemented, be a matter for the relevant Lead Local Flood Authority in their capacity as the SuDS Approval Body (SAB). Save where only a single property is served by a SuDS facility, it is intended that the SAB will then adopt and thereafter maintain the facility and the 2010 Act sets out the governing principles for this, although much of the detail and the financing provisions remain to be clarified. Until those provisions are implemented, it is the responsibility of the developer to ensure that suitable facilities are put in place and that robust maintenance arrangements, to the approval of the relevant flood risk management authority, exist. All SuDS facilities, whether adopted by the SAB or not, will require

appropriate maintenance and an appropriate maintenance programme to be established to ensure that they continue to function as intended for the lifetime of the development.

#### Foul/Combined Sewers

Disposal of surface water into the adopted foul/combined systems is not felt to be sustainable, and, if undertaken, will increase the risk of raw sewage flooding due to the lack of capacity with Anglian Water Services Ltd (AWSL) combined sewer system and may compromise future development within the area served by the respective WWTW.

#### Rainwater Collection/Re-cycling

The Boards promote the use of rainwater collection and grey water re-cycling, particularly if drought conditions become more regular and if the impact of climate change becomes a reality, but consider that such systems should be in addition to but not replace or form any part of a surface disposal system.

Whilst it is accepted that during normal rainfall events the water re-cycling facility is likely to prove adequate during the winter months there may be insufficient volume to store a design event, there are also concerns about the effects on the local systems if the facility is inoperative or during periods when the property is empty. In addition it is also understood that the majority of tanks require a means of disposal when the units are being cleaned.

The respective surface water systems should be designed for the worst case 1% AEP (1 in 100 year) storm, and must consider a range of durations to determine the maximum volume required. Allowances for the impact of climate change and siltation should be included within the calculations.

#### **b. Disposal of Treated Effluent Arising from Developments**

Any proposal to use septic tanks (unless they discharge to soakaways), or package sewage treatment plants, require a discharge consent from the relevant Board in respect of any increase in flow or volume to the Board's system. Such proposals are also subject to the approval and consent of the District, Borough or City Council and the EA in respect of water quality and pollution control. Queries relating to them should be referred to the relevant EA area office. (See also Section 19 - Other Contacts.)

### **10. Discharge Consents**

#### **a. General**

Within its catchment area, a Board's prior written consent is required for the discharge of any unregulated surface water discharge or treated effluent into any watercourse, whether it be owned and/or regulated privately or maintained by another Authority or by the Board, and whether or not such discharge be direct to a watercourse in the Board's district or conveyed via any private or public sewers or pipelines to that watercourse. Full details must be submitted to the Board with an application for discharge consent and the Board's written consent must be received before discharge is made. Where the discharge to the Board's drainage system is via a watercourse, sewer or pipeline which is owned and maintained by a third party, the applicant must also obtain the consent of that party where required.

Developers (applicants) are advised to contact the Board at the earliest possible stage concerning the requirements of this section to ensure that consent can be given and to establish any conditions that may be imposed. In certain cases it may be necessary for the applicant to carry out special works, e.g. downstream improvements or flow regulation works, to cater for increased rates of discharge that will result from the Development.

Surface water drainage details submitted to the Board with any application for discharge consent must include adequate information to demonstrate that the Development will not detrimentally affect the surrounding land drainage system, or show that the developer will undertake improvement works to prevent such an effect.

The following may be required in order to determine whether a discharge consent application can be approved.

- Plan(s) clearly showing in a distinctive colour the increased impermeable area.
- Details of the receiving systems including any mitigation works, if required, ie channel deepening, channel reprofiling, enlarged culverts etc.
- Engineering details of access culverts, manholes, outfall structures, method statements etc, if required.
- Associated engineering calculations.
- Copies of correspondence concerning future liability, maintenance schedules etc from relevant authorities.
- An Environmental Assessment, if not included with the byelaw application.
- A Flood Risk Assessment if not included in the byelaw application.

#### **b. Discharge Contribution**

Charges in respect of 'discharge consent' are payable to the Board in addition to any charges that may be payable to the sewerage undertaker under the Water Industry Act 1991 for either the provision of the sewerage infrastructure or for connection to such infrastructure, or to a third party, where the party's consent is required. Where a discharge contribution is due from but is not paid for by a developer (applicant), the Board may take any action including demolition, which it believes appropriate to the circumstances. Entries

may also be made on the register of local land charges held by the local authority recording the illegality of the discharge.

In general, contribution charges associated with discharge consent due to Development are one-off payments to the Boards for dealing with increased rates of direct discharge. The contribution charge is based on the impermeable area of the site, or the actual cost of the works required to deal with the resulting additional rates of run-off, whichever is the greater. There is a minimum charge that is periodically reviewed. Details of the current charges can be found in our fees document on our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk) or by contacting the Middle Level Offices.

**c. Dry Weather Flow Discharges**

Consent is also required for any other water which enters a Board's drainage system, e.g. treated effluent and stormwater discharges from sewage treatment works, groundwater from gravel workings, etc, based upon the dry weather flows (DWF).

Treated effluent

This is charged as a one-off payment based on the DWF volume of effluent directly entering a Board's system, or the actual cost of the works immediately required to deal with the additional discharge, whichever is the greater.

Groundwater

Charges are also made for dealing with groundwater discharges created, for example, by dewatering operations. The charges associated with such a Development are based upon the cost involved in dealing with the additional water discharged to the Boards' systems. An abstraction licence obtained from the Environment Agency is also required.

**11. Environmental**

The Boards have nature conservation duties under the Land Drainage Act 1991, the Wildlife and Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006 and are competent authorities under the Conservation (Natural Habitats etc) Regulations 1995. Therefore, any works affecting our systems, requiring our consent, or that affect any on-site open watercourses will, in general, require an Environmental Statement and Risk Impact Assessment of sufficient detail and drawings by a person competent to identify any adverse impacts on the existing habitats and species together with any proposed mitigation, timing of works etc. Such an Assessment must also include an assessment of how the proposed works will ensure compliance with the Water Framework Directive.

**12. Moorings/Landing Stages**

Special provisions are applied to the Development of moorings on Middle Level watercourses and the prior written consent of the Commissioners is required. The majority of the Commissioners' watercourses are owned by the Commissioners and, on these channels, fees are payable to the Commissioners as landowners for any moorings in addition to any statutory consents required from them.

For a nominal charge, the Commissioners will provide standard/typical detail drawings and a specification for moorings.

Reference should be made to the Commissioners' Policy Statement on Moorings which is available on our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk).

**13. Marinas**

Special provisions are applied to the development of marinas within the Middle Level and the prior written consent of the Middle Level Commissioners is required. Reference should be made to the advice notes 'Marinas – Standard Specification and Requirements' available on our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk).

**14. Ground Raising/Re-shaping**

Any works to raise or otherwise alter ground levels could detrimentally affect the local land drainage/flood defence systems, increase flood risk either to the Development site or to adjoining property, and affect the Boards' access for maintenance. Ground raising carried out without proper regard to its effect can lead to the blocking of drainage pathways and the flooding/waterlogging of the development and / or adjoining properties / land. The effect of ground raising should, therefore, be a factor considered by the relevant Planning Authority when the Flood Risk Assessment for the Development is prepared and reviewed since, unless it has an impact on a watercourse under the control of a Board, this will be a matter for the Planning Authority to regulate.

The developer should be required by the Planning Authority to specifically identify and properly address the effects of any such proposals in his Flood Risk Assessment. In particular, he should provide plans showing ground levels pre- and post-development and to properly satisfy the Planning Authority that no detrimental effects will arise from carrying out such ground raising or re-shaping works.



## **15. Water Resources/Irrigation Reservoirs**

The EA is responsible for the control of water resources. Irrigation reservoir proposals that might affect a Board's drainage system also require the Board's prior written consent under the Land Drainage Byelaws. The quality of any discharged water must comply with the requirements of the EA. The rate of discharge from reservoir overflow pipes should not exceed the previously-existing agricultural rate of run-off. Abstraction from Boards' watercourses for the purpose of filling the reservoir will not be allowed in the months of April to September inclusive.

All raised reservoirs capable of holding 25,000 cubic metres or more are subject to the provisions of the Reservoirs Act 1975, although this limit may be reduced to 10,000 cubic metres when the relevant provisions of the Flood and Water Management Act are brought in. Reservoirs smaller than this should be designed, constructed and supervised by competent and suitably qualified and approved contractors/persons experienced in the type of work involved.

The possible adverse effect on a Board's system following a potential failure of a reservoir must be considered.

## **16. Existing Underdrain Systems**

If field underdrain systems are severed or disturbed by development operations, pockets of poor drainage or flooding of the site could result. The developments should, therefore, incorporate measures to deal with this possibility. In the event of such disturbance, the developer will be required to carry out and pay for appropriate remedial action.

## **17. Water Quality and Pollution Control**

The EA is responsible for water quality and pollution control. Where the nature of the business to be carried out on a development site (including any vehicle parking areas) could involve the discharge of unacceptable effluent to a surface water system any surface water drains that discharge to adjoining watercourses must flow to approved interceptors, and NOT directly discharge to a Board's system. Queries relating to what may be required must be referred to the relevant EA area office. (Refer below to Section 19 - Other Contacts.)

## **18. Enforcement**

Failure to meet the Boards' requirements under their Byelaws and the relevant legislation entitles the Board to enter the site to take any necessary enforcement or remedial action at the offenders expense. In addition, a penalty of up to £5000 and, in certain cases, a daily penalty can be incurred.

## **19. Other Contacts/Clerks to the Boards**

### **a. The Clerk to the following drainage boards is:**

**Mr D Thomas, Middle Level Offices, 85 Whittlesey Road, MARCH, Cambs, PE15 0AH, Tel: 01354 653232; Fax: 01354 659619; E-mail: [enquiries@middlelevel.gov.uk](mailto:enquiries@middlelevel.gov.uk); website: [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk):**

- Benwick Internal Drainage Board
- Bluntisham Internal Drainage Board
- Churchfield & Plawfield Internal Drainage Board
- Conington & Holme Internal Drainage Board
- Curf and Wimblington Combined Internal Drainage Board
- Euximoor Internal Drainage Board
- Haddenham Level Drainage Commissioners
- Hundred of Wisbech Internal Drainage Board
- Hundred Foot Washes Internal Drainage Board
- Manea & Welney District Drainage Commissioners
- March East Internal Drainage Board
- March Third District Drainage Commissioners
- March Fifth District Drainage Commissioners
- March Sixth District Drainage Commissioners
- March West & White Fen Internal Drainage Board
- Needham & Laddus Internal Drainage Board
- Nightlayers Internal Drainage Board
- Nordelph Internal Drainage Board
- Over & Willingham Internal Drainage Board
- Ramsey First (Hollow) Internal Drainage Board
- Ramsey Fourth (Middlemoor) Internal Drainage Board
- Ramsey, Upwood & Great Raveley Internal Drainage Board
- Ransonmoor District Drainage Commissioners
- Sawtry Internal Drainage Board
- Sutton & Mepal Internal Drainage Board
- Swavesey Internal Drainage Board
- Upwell Internal Drainage Board
- Waldersey Internal Drainage Board
- Warboys, Somersham & Pidley Internal Drainage Board

**b. The Clerk to the following drainage board is:**

**Mr J A R Chrisp, 101 High Street, RAMSEY, Huntingdon, Cambs. PE17 1DA, Tel: 01487-812325;  
E-mail: [jarc@serjeantandson.co.uk](mailto:jarc@serjeantandson.co.uk)**

- Ramsey Internal Drainage Board

**c. The Clerk to the following drainage boards is:**

**Mr R I Wright, 28 Thornham Way, Eastrea, WHITTLESEY, Cambs. PE7 2AS, Tel: 01733-351223;  
E-mail: [russellianwright@hotmail.co.uk](mailto:russellianwright@hotmail.co.uk):**

- Holmewood and District Internal Drainage Board
- Whittlesey & District Internal Drainage Board
- Woodwalton District Drainage Commissioners

**d. The Clerk to the following drainage board is:**

**Mrs M A Wright, 28 Thornham Way, Eastrea, WHITTLESEY, Cambs. PE7 2AS, Tel: 01733-351223**

- Feldale Internal Drainage Board

**The Environment Agency**

The Environment Agency can be contacted at its local offices or on the Environment Agency website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). The Agency's main contact centre number is 08708 506506.

**20. Other Specific Middle Level Information**

Other general development control related information can be downloaded from our website at [www.middlelevel.gov.uk](http://www.middlelevel.gov.uk) and includes:

- Acceptability of Surface Water and Sewage Effluent Discharges
- Application for Consent for Works In and Around Watercourses (Byelaw Consent)
- Application for Consent to Discharge Surface Water and/or Treated Effluent (Discharge Consent)
- Application for use of Soakaways for Surface Water Disposal
- Charging Policy for dealing with Planning and Consent Applications
- Code of Practice for Byelaws
- Common Queries
- Development Control and Consenting "Surgery"
- Development which restricts Spoil Disposal
- Disposal of Increased Rates and/or Volume of Discharge Arising from Development
- Explanatory Notes re Application for Consent for Works In and Around Watercourses (Byelaw Consent)
- Fees
- General Guidance Notes on Development in or close to a Board maintained watercourse
- Guidelines for the adoption and abandonment of watercourses
- Land Drainage Maintenance & Consents Rights and Responsibilities
- Marinas – Standard Specification and Requirements
- Mooring Policy
- Piped Discharges into the Middle Level River System
- Policy on Local Land Charges
- Post-application Discussion Request form
- Pre-application Discussion Request form
- Pre & Post Application Enquiries
- Pre & Post Application Requirements
- Property Within a Floodplain
- Provision of Flood Risk Information
- Provision of Responses to Floodplain, Insurance & Mortgage Related Queries
- Soakaway Certification and Checking Service
- Standing Advice
- Treated Effluent Discharges from Anglian Water Services (AWS) Waste Water Treatment Works (WWTW)