

MIDDLE LEVEL COMMISSIONERS



Standing Advice on Development Management

The rateable area of the Middle Level Commissioners and associated Drainage Boards (IDBs) for whom we provide a planning consultancy service is, on the whole, within or served by systems which are within Flood Zones 2 or 3 as shown on the Environment Agency's Flood Map. Areas within Flood Zone 1 are 'dry islands', but these are surrounded by areas at a higher risk of flooding i.e. areas falling within Flood Zones 3 and 2. In certain cases development within 'dry islands' can present particular hazards to public safety and risks such as discharge channels "backing up" and overland flows can be created or worsened. The area of the Commissioners and Boards is classified as 'defended floodplain'. This means that most of the fens area is at or below sea level and is dependent on the artificial flood defences constructed and maintained by the Middle Level Commissioners and/or other Internal Drainage Boards (IDBs) and the Environment Agency to evacuate excess surface water and generally protect it from flooding. The Agency have produced maps of the vulnerable, low lying areas where the likelihood of flooding is greater than 1% a year (fluvial inland flows) or 0.5% a year (tidal) which are designated as 'flood plain'. 'Defended floodplain' in simple terms means those parts designated areas that are so defended.

In considering the flood risk to or potentially caused by developments, account should also be taken of the Surface Water Management Plans produced by Lead Local Flood Authorities. These plans will often highlight flooding issues arising other than from watercourses.

This leads to many considerations and comments being identical in the majority of cases for the various developments proposed. The Commissioners and Boards have noted the move by the Environment Agency towards the provision of standard 'standing' advice to local planning authorities, with the Agency's resources being concentrated on providing bespoke planning advice in cases where this is properly required. Given the need to make the best use of the limited resources available, the Commissioners and IDBs decided that from January 2007 they would follow the Agency's lead and move away from their previous practice of commenting specifically on each application. They will therefore now only comment on individual applications falling within paragraph B below. For all other applications our comments will be restricted to the Standing Advice set out in paragraph A.

The Standing Advice has been produced to enable those involved in development management within our respective catchments to make decisions on relatively low risk planning applications and associated Flood Risk Assessments without directly consulting us for an individual response. Our Standing Advice to local planning authorities in relation to all planning applications other than those falling into paragraph B below, is as follows:

A) This area is a 'defended floodplain'. This means that most of the fens area is at or below sea level and is dependent on the artificial flood defences constructed and maintained by the Middle Level Commissioners and/or other IDBs and the Environment Agency to evacuate excess surface water and generally protect it from flooding. The Agency have produced maps of the vulnerable, low lying areas where the likelihood of flooding is greater than 1% a year (fluvial inland flows) or 0.5% a year (tidal) which are designated as 'flood plain'. 'Defended floodplain' in simple terms means those parts of the designated areas that are so defended. Areas of floodplain that are defended are passive until such time as a flood greater than that for which the defences were designed occurs.

In particular the attention of developers should be drawn to, and the local planning authority should consider the implications of, the following:

- The issue of ground raising/re-shaping. This can often lead to the blocking of drainage 'pathways'. Therefore the Council should ensure that any potential flood risks created as a result of these proposals are properly dealt with before planning approval is given. This could, for example, involve the safeguarding of surface flow paths. The absence of a watercourse does not mean that other locally important drainage pathways are also absent.
- The need for the developer to provide and for the local authority to approve Flood Risk Assessments appropriate to the development in accordance with relevant and current water level/flood risk management guidance.
- The avoidance of inappropriate development and minimising run-off from new development onto adjacent and other downstream properties and into watercourse systems.
- The imposition/discharge of associated planning conditions.

- Ensuring that the site is provided with a proper water level management system that both protects the site and does not detrimentally affect any adjacent property or the natural or built environment.
- Ensuring that appropriate maintenance access strips alongside private watercourses to enable such watercourses to be maintained, are provided.

B) Higher risk developments meeting our criteria, as detailed below, will however continue to be individually considered. Many of these will also require consent from the Commissioners/Boards, in addition to planning approval.

- Development either within or adjacent to a Commissioners'/Board's watercourse, and/or water level/flood risk management structure/asset.
- Development within the channel of any other Ordinary Watercourse.
- Development where a direct discharge of surface water or treated effluent is proposed.
- Any development affecting more than one watercourse and having possible strategic implications.
- Development in an area of known actual flood risk.
- Development within the maintenance access strips provided under the byelaws. The statutory protected width is 20 metres for the Middle Level Commissioners and 9 metres for all other Boards.
- Any other application that, in the opinion of the Middle Level Commissioners' Chief Engineer, has material water level/flood risk management implications.

Your attention is also drawn to the Commissioners'/Board's byelaws, further details of which are contained in our 'Standard Advice' a copy of which, together with associated supporting documentation, can be viewed on our website at www.middlelevel.gov.uk or from the Middle Level office. The requirements of the Land Drainage Act must be complied with and any necessary consent sought in writing before work commences on site.

Copies of the District plans for the Commissioners and associated Boards administered by the Commissioners can also be downloaded from our website www.middlelevel.gov.uk.