

MIDDLE LEVEL COMMISSIONERS

General Guidance Notes on Development In or Close To a Board Maintained Watercourse



April 2013

(References to 'the Board' below refer to those Authorities listed at the end of these notes. The notes will apply in all cases unless specifically varied by the Board in writing). In addition the following notes constitute general guidance on the likely acceptability of an application only, and each case is formally considered on its merits and the likely effect on the Board's or where applicable private systems.

References to a Board-maintained watercourse are to those watercourses that are maintained by the particular Board from time to time and are shown on that Board's district plan at www.middlelevel.gov.uk under the relevant Board. A fee of £50 is required when submitting an application for consent.

References to a Board-maintained access strip are to a distance on either side of the channel or from a landward toe of the embankment, if an embankment exists, of 20 metres in the case of Middle Level Commissioners and 9 metres in the case of most other Authorities.

Development within, over, or under a Board-maintained watercourse, or within the Board's maintenance access strip, requires the Board's prior written byelaw consent. Failure to obtain the Board's consent is a criminal offence and enables the Board to undertake remedial action at the expense of the person in default.

No such development will be considered for consent approval unless satisfactory information is provided which confirms that:

- a) No part of the proposed development, other than approved in channel works, will be constructed below the design flood level in the watercourse, and no obstructions to flow will be placed within the watercourse, in order to reduce the likelihood of flood damage due to high water levels within the watercourse.
- b) All landing stages will be constructed at an approved and appropriate level above the normal water level.
- c) No part of the proposed development will be located closer to the water's edge than any existing development in order to ensure that normal water flow within the watercourse is not impeded and that current maintenance access is retained.
- d) The footprint of the proposed development is no greater than any existing development unless the Board has confirmed its acceptance to an increase.
- e) No trees or other landscaping will be planted such that the mature canopy encroaches or is allowed to encroach within the access strip to restrict maintenance access or detrimentally affect the stability of the banks of the watercourse.
- f) No works will be undertaken that will lower, damage or endanger the stability of the watercourse, bank, flood embankment, or other similar structure both during or after the works.
- g) The development foundations will (where applicable) extend below the hard bed of the channel and are designed and installed to accommodate any ground movement which might arise from any future works to the watercourse, whether maintenance operations, dredging improvements or any other works required by the Board, and that the Board will be absolved and indemnified in respect of any damage that arises as a result of inadequate provision in this respect.
- h) Any bank top surfacing within the maintenance strip, if permitted, will be flush with the existing ground level, with no raised manholes, or other potential obstructions, e.g. raised kerbs, and must be suitable for the passage of heavy construction machinery as commonly used in works in connection with watercourses.
- i) All forces imposed or exerted upon the watercourse banks will be minimised.
- j) All 'structures' within the byelaw strip that are consented by the Board are designed to withstand all loads that could be imposed by the Board's machinery and must be removable, so far as is necessary, to maintain suitable access for the Board's operations.

- k) All culverts and pipelines within a watercourse are designed for the expected peak flow within that watercourse and for the likely loading upon them. The final hydraulic and structural designs shall meet the Board's approval.
- l) The flow regime and storage capacity of the watercourse will not be adversely affected by the development.
- m) The applicant has considered in full the relevant items of current water level/flood risk management and where required prepared a Flood Risk Assessment, for submission to the Board. See item 4 of our Standard Advice document for further guidance.
- n) In addition the following should be noted by applicants:
- a. The Boards will accept no responsibility for damage to surfacing or to structures within the maintenance access strip during the undertaking of their statutory functions.
 - b. 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 internal drainage board, (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.
 - c. It should be noted whilst, generally, all outfalls must be recessed slightly into the channel profile to avoid damage during routine maintenance operations, some Boards require outfalls to be flush with the adjacent channel profile.
 - d. The areas under the jurisdiction of the authorities administered from this office, listed below, 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.
- It should however not be forgotten that private watercourses (other than those maintained by an Authority) also need to be maintained. While not subject to the byelaws, it is recommended that a minimum access width of 5 metres is left for maintenance purposes.
- e. 'Development' which requires the consent of the relevant Board also includes excavations within over or under a Board's maintenance access strip. Such excavations, which are often to facilitate the laying of cables, pipes and sewers, will be considered on the above principles. However it should particularly be noted that such excavations will not normally be permitted in or through watercourse embankments save those required for properly constructed and consented outfalls.

List of Authorities

- Middle Level Commissioners
- Benwick Internal Drainage Board
- Bluntisham Internal Drainage Board
- Churchfield & Plawfield Internal Drainage Board
- Conington & Holme Internal Drainage Board
- Curf & Wimblington Combined Internal Drainage Board
- Euximoor Internal Drainage Board
- Haddenham Level Drainage Commissioners
- Hundred Foot Washes Internal Drainage Board
- Hundred of Wisbech Internal Drainage Board
- Manea & Welney District Drainage Commissioners
- March East Internal Drainage Board
- March Fifth District Drainage Commissioners
- March Sixth District Drainage Commissioners
- March Third 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

October 2016