



middle level
commissioners

Proudly managing water levels in the Fens since 1862

Standing Advice Ref MLC002b:

Protection of IDB 9m Byelaw strip through the consenting process

Issued: April 2026 (Version 1)

Key messages

- A. The impacts of growth and climate change on our system and operations are becoming a reality. We will only consent works within the 9m byelaw strip if there is a compelling exception case which includes benefits to the Board.
- B. The Land Drainage Act 1991 allows Boards to exercise a general supervision over all matters relating to the drainage of land within their district and to make byelaws to regulate works in, under, over or adjacent to watercourses under their control and gives them powers to make byelaws.
- C. The current byelaws commenced in 2021, replacing the previous byelaws of 1987.
- D. This advice should be read in conjunction with the relevant Board's Byelaws 2021 and with our other standing advice notes and general guidance.
- E. Particular reference should be made to clause 10 of the 2021 byelaws – No Obstructions within 9 Metres of the Edge of the Watercourse.
- F. It is acknowledged that there are historic constraints and encroachment into the 9m byelaw strip.
- G. The 9m byelaw is in place to:
 - a. maintain access for large plant needed for dredging/desilting, bank repair, vegetation management, and maintaining pumping stations,
 - b. prevent destabilisation of the drain banks or other assets,
 - c. ensure that the conveyance of water is not restricted,
 - d. protect the natural environment, and
 - e. provide a buffer for future asset improvements.
- H. New development is progressing at pace in the catchment and is putting pressure on the 9m byelaw strip. This limits our ability to carry out appropriate maintenance and improvements in the future, potentially increasing flood risk, increasing operational costs and damaging the environment.
- I. Prior consent from the relevant Board is required for any proposed work within 9m of any Board's drain.
- J. Boards also have a duty under the Environment Act 2021 to conserve and enhance the environment through the consenting process.
- K. The consenting process is independent of the planning process; any consent granted by any Board is in addition to any planning permission or other permissions that may be required.
- L. We aim to provide a standard initial response to any planning application for any development adjacent to, within, or impacting on, any Board's drain.

- M. Developers and Local Planning Authorities (LPAs) ought to consider opportunities to improve system capacity and enhance access for maintenance.**
- N. The opportunity to properly integrate water management systems in partnership with LPAs and developers should be actively explored within local plans, strategic flood risk assessments, development masterplans and local flood risk management strategies and in consultation with our engineers.**
- O. Outfalls to the Board's drains also require consent, must be constructed in accordance with our standard requirements for outfalls and will only be consented in exceptional cases.**

This advice is primarily for:

- **Internal Drainage Boards administered by the Middle Level Commissioners**
- **Local Planning Authorities (LPAs): Fenland District Council, Huntingdonshire District Council, King's Lynn & West Norfolk Borough Council, Peterborough City Council**
- **Lead Local Flood Authorities (LLFAs): Peterborough City Council, Cambridgeshire County Council, Norfolk County Council**
- **Developers**
- **Infrastructure providers**
- **Landowners/occupiers/residents/tenants/riparian owners**
- **Internal Drainage Boards within the Middle Level catchment area**

Compliance & Enforcement

Unconsented works within the 9m byelaw strip will be addressed under our Compliance & Enforcement policy.

Geographical coverage

Any IDB district plus areas where there is the potential through development to transfer water into a district. Further details can be provided on request.

Nicola Oldfield
Chief Engineer, [Middle Level Commissioners](https://www.middlelevel.gov.uk)
chiefofficers@middlelevel.gov.uk
20 April 2026