



**middle level
commissioners**

Middle Level Commissioners

and Associated / Administered Internal Drainage Boards

Guidance Notes on Development in or Around Watercourses

References to 'the Board' refer to the Middle Level Commissioners and the Internal Drainage Boards listed on our website.

A 'Board-maintained watercourse' is a watercourse that is maintained by the particular Board, as shown on each Board's district plan at www.middlelevel.gov.uk.

The Board's maintenance strip (or byelaw strip) is a distance on either side of the channel or from the landward toe of the embankment if an embankment exists. This is 20 metres in the case of Middle Level Commissioners and 9 metres for other IDBs. **The Board's standing advice is that they will only consent works within their maintenance strip if there is a compelling exception case which includes benefit to the Board.**

Development within, over, or under a Board-maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent. The fee applicable is £50 per structure for works within the watercourse (Section 23 of the Land Drainage Act 1991) or £100 per structure for works within the byelaw strip. It is a criminal offence to undertake works without the necessary consent, and the Board can take appropriate action, at your expense, to put right any works carried out without consent.

This document only gives general guidance on the likely acceptability of an application, and each case is formally considered on its merits and the likely effect on the Board's systems.

Please refer to 'Byelaw Consent Advice' while filling in the application form, both of which are available on our website.

No development will be considered for consent approval unless satisfactory information is provided. This must confirm that:

- No part of the proposed development, other than approved in channel works, will be constructed below the design flood level of the watercourse, and nothing that will obstruct flow will be placed in the watercourse. This is to reduce the likelihood of flood damage due to high water levels within the watercourse.
- Any landing stages will be constructed at an approved and appropriate level above the normal water level.
- No part of the proposed development will be located closer to the water's edge than any existing development. This will ensure that normal water flow within the watercourse is not affected, and that current maintenance access is retained.
- The footprint of the proposed development is no greater than any existing development, unless the Board has confirmed that an increase is acceptable.

- No trees or other landscaping will be planted, if the mature canopy might interfere with the access strip, restrict access to maintenance machinery or reduce the stability of the banks of the watercourse.
- No works will be undertaken that will reduce, damage or endanger the stability of the watercourse, bank, embankment, or other similar structure either during or after the works.
- If applicable, the developments foundations will extend below the hard bed of the channel. They will be designed and installed to accommodate any ground movement which might arise from any future works to the watercourse, including maintenance operations, dredging improvements or any other works required by the Board. The Board will not be liable for any damage that arises as a result of inadequate provision in this matter.
- Any bank top surfacing within the maintenance strip, if allowed, will be flush with the existing ground level, with no potential obstructions such as raised manholes or kerbs. It must be suitable for the movement of the heavy machinery often used by the Board.
- Any forces exerted upon the watercourse banks by the development will be minimised.
- Any 'structures' within the byelaw strip that are consented by the Board must be designed to withstand all loads that could be made by the Board's machinery. They must be removable, if necessary, to maintain suitable access for the Board's operations.
- All culverts and pipelines within a watercourse will be designed for the expected peak flow within that watercourse and for the likely loading upon them. The final hydraulic and structural designs must meet the Board's approval.
- The flow regime and storage capacity of the watercourse must not be negatively affected by the development.
- The applicant has fully considered the relevant items of current water level/flood risk management, and where required, prepared a Flood Risk Assessment for submission to the Board.
- In addition, the following should be noted by applicants:
 1. The Board will accept no responsibility for damage to surfacing or to structures within the maintenance strip during the undertaking of their statutory functions.
 2. Generally, all outfalls must be recessed slightly into the channel profile to avoid damage during routine maintenance operations. However, some Boards require outfalls to be flush with the adjacent channel profile.
 3. The areas maintained by the Boards administered from this office, listed on our website, are all defended flood plains and therefore dependent upon the continued activities of the Boards to manage flood risk. We will therefore continue to refuse consent applications under our legislation or byelaws for any development which would lead to inappropriate restrictions on our ability to manage our watercourses.
 4. Private watercourses (other than those maintained by an Authority) also need to be maintained. While not covered under the Board's byelaws, it is recommended that a minimum access width of 5 metres is left for maintenance purposes.
 5. Excavations within, over or under a Board's maintenance strip also require the Board's consent. These excavations, e.g. for laying cables, pipes and sewers, will be considered in the same way as any other development. However, it should be noted that excavations will not normally be permitted in or through watercourse embankments, unless they are required for properly constructed and consented outfalls.

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