



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. These guidance notes apply to all Boards unless specifically varied by the Board in writing.

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

The Board's maintenance strip is a distance on either side of the channel or from a landward toe of the embankment, if an embankment exists. This is 20 metres in the case of Middle Level Commissioners and 9 metres in the case of other Boards.

Development within, over, or under a Board-maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent. A fee of £50 is required when submitting an Application for consent to carry out works in or around watercourses. The application form can be found on the consent page of our website. 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 (or where applicable private) systems.

Please refer to 'Byelaw Consent Advice (Consent for works in and around watercourses)' while filling in the Consent form, both of which are available on our website.

Please note that you may require further consents from the Environment Agency under the Water Resources Act 1991, (eg for impounding, water abstraction etc.), under the Salmon and Freshwater Fisheries Act 1975 in respect of fish passes and/or under the Town and Country Planning Acts and it is for the applicant to check this and ensure all necessary legal requirements are met before proceeding.

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, flood 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 raised kerbs. It must be suitable for the movement of the heavy construction machinery often used in connection with watercourses.
- Any forces exerted upon the watercourse banks by the development will be minimised.
- All 'structures' within the protected strip that are consented by the Board are 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 are 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 will 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. See the Flood Risk Assessment section of our Standard Advice document on our website for further guidance.
- 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 access 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 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, which are often used in the process of 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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