

What is an Internal Drainage Board and What does it Do?

You live, work or propose to develop land next to a watercourse that lies within an Internal Drainage District. This District is one of a number that exist in England and Wales where flood protection and land drainage are sensitive issues. These Districts are administered by Internal Drainage Boards (IDB), who are single purpose Local Authorities, dealing with the drainage of clean water only.

Each District has a defined area and the Board has powers to deal with matters that affect that area only. Maps of these areas are kept at the Board's offices and can be seen on web sites etc.

The Board has duties to *"exercise a general supervision over all matters relating to the drainage of land within its District"*. They have permissive powers to maintain watercourses within their District. They **do not** maintain every individual drain. They also have powers to construct new or improve existing works.

IDBs can have their own labour force who carry out maintenance and improvement works. These works can include the operation of pumping stations, flail mowing, removing silt and obstructions, repairing slips and looking after flood defence structures.

Conservation Issues

Liaison is maintained with various conservation bodies. The work completed by the Board is undertaken in an environmentally sensitive manner. They have a statutory duty, when considering their own works and consent applications etc, to take into account potential environmental effects.

The Upper Witham IDB is a signatory to the Lincolnshire Biodiversity Action Plan (BAP) and are in the process of producing their own BAP following the requirements of The Natural Environment and Rural Communities Act 2006. They therefore welcome opportunities to work in partnership to improve the environmental potential on watercourses in the Board's District.

Planning and Byelaws

Planning Authorities consult with the IDB in relation to drainage matters. It is a non-statutory consultee but has its own statutory powers, which may determine whether a development may proceed.

The IDB, in addition to the powers derived directly from the Land Drainage Act 1991, has Byelaws to assist in controlling activities adjacent to watercourse.

General Requirements for Land Adjacent to a Watercourse

- Under Section 23 of the Land Drainage Act 1991 any works affecting a watercourse require the prior consent of the Board. Works in this instance will include outfalls, culverting etc. An administration fee of £50.00 is payable for all Consents made under the Land Drainage Act.
- Under the Board's Byelaws any proposal to make a discharge to a watercourse requires prior Consent. This Consent is in addition to any other Consent required from the Environment Agency with respect to discharge quality. This Consent is required even if the discharge is via a Public Sewer or other existing sewer network.
- Under the Board's Byelaws an undeveloped strip of 6.00 metre width must be left clear of any obstructions including buildings, fencing, walls, trees etc. This area of land is required to enable the Board to gain access to the watercourse for maintenance and other purposes. Any proposals to landscape, develop or undertake construction works within the 6.00 metre area must have the Board's prior consent.

Under the Land Drainage Act it may also be used to deposit arisings from the watercourse. The Board undertakes its work under a paragraph 25 exemption within the Waste Management Regulations. Should any occupier wish the spoil to be removed then this will be their responsibility. A paragraph 7A exemption within the regulations may be required.

Application forms, and explanatory notes are available from the Board's offices at the address shown.

Failure to comply with any of the Board's requirements may result in the Board taking legal action to address the issue.

In addition the Board wishes to highlight the premise within PPS 25 where developers, where possible, reduce flood risk overall (paragraph 22) and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development (paragraph F6). This should be considered whether the surface water discharge arrangements from the site are to connect to a public or private sewer before outfalling into a watercourse or to outfall directly into a watercourse

General Requirements for Development Sites

In addition to the usual allowances for climate change etc the Board would wish the applicant to consider the following as being part of the preferred solution:

- In all cases the area of hardstanding/roof area should be increased by 10% to allow for Permitted development rights etc on the development before any flow regulation system etc is designed.

Brownfield Sites

- Where there is a new connection to a watercourse, or to a sewer that discharges to a watercourse, the maximum discharge that will be accepted from an "undeveloped" area that is shown to discharge to the watercourse is agricultural run-off rates.
- If the site has been lying vacant and/or demolished before the existing surface water discharge regime is determined then the maximum discharge that will be accepted from an area that is shown to discharge to the watercourse is agricultural run-off rates.
- A minimum 30% reduction to existing discharge rates up to a 1 in 100 year (0.01%) storm is expected to be achieved for those sites with an existing connection to a watercourse or a sewer that discharges to a watercourse.

Greenfield Sites

- Allowable rates for sites to discharge to watercourses, or a sewer that discharges to a watercourse, will be that existing rate from that area that can be proven to discharge to that watercourse.

General

Where there is to be a foul discharge to a watercourse (following agreement with the Environment Agency) the rates of discharge from this source must be included within the surface water discharge rates for the site as a whole and are not in addition to such rates.



Who Owns, and is Responsible for, the Watercourse?

The watercourse may belong to **you**. The Board does not generally own the watercourses, even those that they maintain. The powers derived from the Land Drainage Act 1991, being permissive, give us rights of access etc. **You** may be classed as the riparian owner. A **riparian owner** is someone who owns a waterside property or land. Where a watercourse is situated at or on a boundary between adjoining properties (or a property and the highway) the riparian owner can have responsibilities to the “far” bank!

Overall management structure:

- **Environment Agency** – manage the “Main River” channels.
- **Internal Drainage Boards** – maintain the watercourses over which permissive powers have been exercised but not “Main Rivers”.
- **The Local Council** – who can manage other watercourses generally outside the IDB District.
- **The Riparian Owner** – ultimately responsible for all watercourses.
- **Water Company** – responsible for the public sewer networks.
- **Householders etc** – responsible for all other piped sewer networks.



General Principles

New Outfalls must have approved headwalls to protect the banks from erosion, with no part protruding beyond the profile of the bank. Scour protection may be required to be placed.

Maintenance of open channels and culverts should be considered and suitable access arrangements left. The location of ALL open watercourses and culverts must be notified to all purchasers of the land/property.

Culverting/Infilling a watercourse is discouraged by the Board. In addition to flood storage reasons, an open channel provides habitat and has amenity value.

Hedges/Trees will be trimmed back where they overhang a

What should I Do or Not Do?

In many cases nothing is specifically required to be done by riparian owners, it is only if there is a proposal to develop or “do” work in or adjacent to a watercourse. With a little thought there is no problem to resolve. The Board’s Consent is required if you wish to build an extension, fence, shed, greenhouse, or place a “permanent” planter, steps, fishpond etc within the access strip or bank.

Developers should make early contact with the Board to determine the flood defence requirements so that the site is not compromised.

The planting up of watercourses with aquatic shrubs etc is discouraged without detailed consultation with the Board. They may be removed without compensation. Likewise disposing of grass cuttings and other “green” debris in the watercourse must not take place as it could cause flooding to occur.

What If I See a Problem?

If you have any questions about watercourses then please contact us at the address shown.

We will require the following:

Your Name
Contact Number
Watercourse Name
Description of Problem



In an Emergency

Local Authority (sandbags etc) – see telephone book
Water Company (sewer problems etc) – see telephone book
Environment Agency (General) - 0870 8506 506
(Floodline) - 0845 988 1188

Upper Witham Internal Drainage Board



Guidance Notes

For
Developers
And

Householders with Land next to a Ditch

J1 The Point

(T) 01522 697123
(F) 01522 697064

watercourse. The Board require access for plant and require this to be done to reduce the risk of flooding.

Weaver Road
Lincoln LN6 3QN

(E) uwidb@vodabb.co.uk
(W) www.uwidb.co.uk