

## What is an Internal Drainage Board and What does it do?

Drainage Boards are public bodies covering generally low lying areas that require intensive management to maintain functional drainage, and protect against flooding. Within its Drainage District, rates are levied from landowners and local councils to provide services. The Board comprises elected local people who are ratepayers plus members nominated by councils. These Internal Drainage Boards (IDBs) are 3 of about 120 in England. They are concerned with the drainage of clean water only.

Each District has a defined area, and the Boards have powers to deal with matters that affect the drainage and flood risk of that area. Maps of these areas are kept at the Boards' offices and can be seen on the Boards' websites.

Each 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 drain. They also have powers to construct new, or improve existing works.

IDBs have their own labour force who carry out maintenance and improvement works. These works include the operation of pumping stations, flail mowing, removing silt and obstructions, repairing bank slips and looking after flood defence structures, as well as providing an emergency service in periods of high water and floods.

## Who Owns, and is Responsible for a Watercourse?

Boards do not generally own the watercourses, even those that they maintain. The powers derived from the Land Drainage Act 1991, being permissive, give IDBs rights of access to carry out works. **You** may be classed as a **riparian owner**, which is someone who owns a waterside property or land adjacent to a watercourse.

If you have an 'ordinary watercourse' along the frontage of your property, it is generally your responsibility to maintain it so that water flows freely through it. This should be sufficient so that drainage for others upstream of you is not impaired. Although this ditch may not appear in your deeds, the rule is 'hedge takes dyke', so a watercourse beyond a hedge is usually your responsibility.

If your watercourse is not adequately maintained, or another person is adversely affected by its condition, you may be in breach of Section 23 of the Land Drainage Act 1991. If a complaint is made to the IDB, a notice may be served under Section 24 of the Act to 'abate the nuisance'. Initially, an informal approach is adopted, and a polite request is made. This is usually sufficient for householders to respond, many people being unaware of their responsibilities.

## Planning and Byelaws

Local Planning Authorities consult with IDBs in relation to drainage matters. IDBs are non-statutory consultees but have their own statutory powers, which may determine whether a development proceeds.

IDBs, in addition to the powers derived directly from the Land Drainage Act, have Byelaws to assist in controlling activities adjacent to a watercourse (eg. protecting an access strip for maintenance).

## 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 an IDB. Works in this instance will include drainage outfalls, culverts and any other works that could affect the flow or ecology of the watercourse. This consent is in addition to any other required such as from the Environment Agency with respect to discharge quality.

Under each Board's Byelaws an undeveloped strip of 6 metres (Upper Witham) or 9 metres (Witham First & Third) width must be left clear on Board maintained drains of any obstructions such as buildings, fences, walls and trees. 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 this area must have the Board's prior consent.

This strip may also be used to deposit arisings from the watercourse. The Board undertakes its work under exemptions within the Waste Management Regulations. Should any occupier wish the spoil to be removed then this will be their responsibility. A different exemption within the regulations may be required.

Application forms, and explanatory notes are available from the 3 Boards' offices at Witham House. All applications for Consent from the Board now require a £50 application fee, that fee being nationally determined. Failure to comply with any of the Board's requirements may result in the Board taking legal action to address the issue, having tried but failed through informal negotiations.

**In addition, the Boards wish to highlight the premise within Planning Policy 25 where developers, where possible, reduce flood risk overall 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. 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 outfall directly into a watercourse.**

## General Requirements for Development Sites

In addition to the usual allowances for climate change, the applicant should consider the following as being part of the preferred solution: In all cases, it is necessary to allow for an increase in hard standing of 10%. This figure allows for potential future development. This should be taken into account when any flow regulation system is designed.

## **Brownfield Sites**

Where there is a new connection to a watercourse (either directly, or via a sewer that discharges to a watercourse), the maximum discharge that will be accepted from an "undeveloped" area is equivalent to agricultural run-off rates. Similarly, this is the accepted discharge if the site has been lying vacant and/or is demolished before the existing surface water discharge regime is determined.

A minimum 30% reduction to existing discharge rates, up to a 1 in 100 year storm, is expected for sites with an existing connection to a watercourse (either directly or via a sewer).

## **Greenfield Sites**

Allowable site discharge rates into watercourses (either directly or via a sewer), will be the current existing rate from that area proven to discharge to the 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.

## Conservation Issues

The work completed by the Boards is undertaken in an environmentally sensitive manner. IDBs have a statutory duty, when considering their own works and consent applications, to consider potential environmental impact.

The three IDBs are signatories to the Greater Lincolnshire Nature Partnership (GLNP) and have produced their own BAPs (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 of watercourses.

## Lead Local Flood Authority

In April 2012, Lincolnshire County Council (LCC) became the Lead Local Flood Authority for Lincolnshire. It is responsible for consent and enforcement issues related to 'ordinary watercourses' which are defined as any watercourse which is not the responsibility of an IDB or the Environment Agency. LCC have delegated this to IDBs within their rainfall catchments (termed extended catchments). To see which extended catchment you fall into, please see the website for each IDB.

### Overall management structure:

- **Lincolnshire County Council** – Lead Local Flood Authority
- **Environment Agency** – manage the "Main River" channels.
- **Internal Drainage Boards** – maintain the watercourses over which permissive powers have been exercised but not "Main Rivers".
- **7 District Councils** – who can manage other watercourses generally outside the IDB Districts.
- **The Riparian Owner** – responsible for all watercourses not managed by an agency.
- **Water Company** – responsible for the public 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 watercourse. The Board require access for plant and require this to be done to reduce the risk of flooding.

## What should I Do or Not Do?

In many cases, other than keeping the watercourse in a satisfactory condition, 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 that action might need to be taken. 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.

### 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**

Please contact your local District Council to determine its policy on sandbags.

**Anglian Water** (sewer and water service & emergency) 08457 145 145

**Environment Agency**  
(General) 0870 8506 506  
(Floodline) 0845 988 1188

**Lincolnshire County Council**  
(Lead Local Flood Authority) 01522 782070

# Witham Internal Drainage Boards' guidance notes for developers and householders with land next to a watercourse



Witham House,  
Meadow Lane,  
North Hykeham,  
Lincoln,  
LN6 9QU

(T) 01522 697123  
(F) 01522 697064

[www.witham-1st-idb.gov.uk](http://www.witham-1st-idb.gov.uk)  
[enquiries@witham3idb.gov.uk](mailto:enquiries@witham3idb.gov.uk)



Witham First  
District  
Internal Drainage Board

[www.witham3idb.gov.uk](http://www.witham3idb.gov.uk)  
[enquiries@witham3idb.gov.uk](mailto:enquiries@witham3idb.gov.uk)



Witham Third  
District  
Internal Drainage Board

[www.upperwitham-idb.gov.uk](http://www.upperwitham-idb.gov.uk)  
[enquiries@witham3idb.gov.uk](mailto:enquiries@witham3idb.gov.uk)



**Upper Witham**  
Internal Drainage Board