

# Planning

## Middle Level Commissioners and Internal Drainage Boards

**The Whittlesey Consortia of IDB's use the Middle Level Commissioners as Consultants in the Planning process and below is a brief introduction of how it is implemented**

### Planning/Overview

The Commissioners and Associated Boards are a contributing authority to Planning processes across Cambridgeshire and Norfolk, where planning applications from both industry and the general public fall inside the catchment areas of those Boards.

Middle level are consulted on planning applications from the relevant local authorities across Cambridgeshire and Huntingdonshire. Often however, consent is also required from the Commissioners/Boards themselves, where watercourses, watercourse structures and the protection of maintenance access widths are/might be affected.

**Consent Comments:** As authorities consulted by planning authorities the Commissioners and Boards do not have powers to pass or reject any planning application that is sent to us for comments. The role is to ensure that the application, if passed, will not hinder nor affect access to maintained watercourses, as well as ensuring that the anticipated works will not have any detrimental effect on the flow capacity of the channel.

### Planning/Byelaws

The Middle Level Commissioners and the Internal Drainage Boards have powers granted to them by Section 66 of the Land Drainage Act 1991 to make and enforce Byelaws, which in general, provide regulations and a framework to protect all the watercourses which are under the direct jurisdiction of those Boards, and the access alongside those watercourses required for their maintenance. The Byelaws also apply to all structures in and in the banks of such watercourses and within the access strips protected under such byelaws. Such access strips measure 20 metres on both sides of such watercourses in the case of the Middle Level Commissioners or 9 metres in the case of all other Boards. In the case of embankments however, the measurement is taken from the landward toe of the embankment.

Whilst the proper enforcement of these Byelaws is crucially important in keeping the hydrological network functioning and reducing flood risk, the Boards recognise that both industry and the general public will at times, need to be granted consent for the betterment of the area or their property and that such applications can be permitted without prejudicing flood risk.

**Byelaw Consent:** You are able to apply for Byelaw consent directly to the Board.

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2. Alter a Board's watercourse by Culverting, Filling In or changing its Existing Course.(NB Consent is required from the Board under section 23 Land Drainage Act 1991 for culverting or filling in a watercourse even where it is not maintained by the Board).
3. Discharge Surface Water into a Board's watercourse (directly or indirectly).
4. Discharge Treated Water (Effluent) into a Board's watercourse (directly or indirectly).
5. Build, Excavate or Plant within the access strips adjacent to a Board's watercourse.
6. Erect any structure within a Board's watercourse.

### Statement on National Planning Policy Framework (NPPF)

The NPPF is a key part of the Government's reforms to simplify the planning system making it less complex, more accessible and facilitating "growth" by reducing the number of pages about planning policy including flood risk.

The Middle Level Commissioners and Internal Drainage Boards (IDBs) are local flood risk management authorities (RMA) whose areas are defended flood plain which requires detailed day to day management of water levels to reduce flood risk. This must clearly influence the consideration given to development proposals and their effects. Given, therefore, the importance and special circumstances of water level/flood risk management within The Fens, the Commissioners and Boards therefore consider that whatever may be appropriate for other areas of the UK the generic nature of the NPPF needs to be supplemented, in relation to the Fens, by the more detailed consideration of flood risk and the impacts of the risk of flooding in the area and to local communities previously set out in PPG and PPS25. The Commissioners and IDBs therefore consider that development proposals in this high flood risk area do need to take full account of the contents of PPG and PPS25.