

Guidance on
PIPING OR FILLING IN WATERCOURSES
(or other works in or near a watercourse)

Introduction

Surface water drainage in the Fens is carried out through a network of watercourses both publicly and privately maintained. Any interference with a watercourse (such as piping) may lead to a reduction in flow and an increased risk of flooding.

The principal authorities involved in ensuring that the existing system of drainage is maintained are:

The Internal Drainage Boards (IDBs)

The Environment Agency

The District Councils

The Environment Agency looks after main rivers; IDBs look after large drains and a network of medium sized watercourses. The majority of small watercourses are maintained privately by the adjacent landowner.

IDBs exercise a general supervision over all matters relating to drainage within their district.

Consent for works

In any watercourse, public or private, consent is required before any works, such as piping or filling in, can be carried out.

Consent is given under the Land Drainage Act 1991 and the Public Health Act 1936 and may be obtained by applying to the appropriate authorities, (IDB address is given below). Normally this will be the IDB and District Council, the applicant will be directed to the correct authority.

Consent will not be given without good reason. Authorities will not only take into account the implications to water flow but also environmental detriment. If consent is given it will normally be subject to meeting various conditions and specifications.

Consent does not override adjacent landowners' rights nor legally protected wildlife habitats.

Consent may not be unreasonably withheld. There is an arbitration procedure should the applicant wish to appeal against a refusal or what they believe to be unreasonable conditions.

Works close to a publicly maintained watercourse

Both the Environment Agency and Internal Drainage Boards have byelaws which govern activities adjacent to their watercourses. The authorities need access alongside their watercourses in order to maintain them. The relevant byelaw is summarised as follows:

No obstruction to be placed within 9 metres of the edge of an authority's watercourse.

An obstruction is any building, fence, tree, shrub, etc. In certain circumstances consent may be given to reduce this distance e.g. where a watercourse is piped. Contact the IDB or Environment Agency to discuss proposals and to obtain an application form.

Planning Permission

The granting of planning permission does not give consent to undertake works on or near watercourses within the development site. Separate consent is required and the above procedures should be followed if the IDB has not already contacted you.

Failure to obtain consent

If works are carried out without consent then a fine may be imposed and the works removed.

All costs are recoverable from the person responsible.



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