



Planning and Byelaw Strategy

Approval date: 22/06/2026	Approved by: Board
Applies to: Development community	Linked Documents: Charging Policy
Frequency of review: 3 years	Next review date: June 2029

1. Introduction and Purpose

This Planning and Byelaw Strategy sets out how the North Kent Marshes Water Level Management Board (“the Board”) engages with the planning process and other activities that may affect water levels, drainage or flood risk within its Internal Drainage District (IDD).

It provides a clear, transparent framework for decision-making in the exercise of the Board’s statutory powers under the *Land Drainage Act 1991* and related legislation, including the *Flood and Water Management Act 2010* and the *Environmental Permitting (England and Wales) Regulations 2016*, where relevant.

The Strategy has been prepared to:

- Provide guidance on how the Board will review and respond to planning applications and land-use proposals that may affect drainage or flood risk within its District or wider catchment.
- Explain the Board’s regulatory role under the Land Drainage Act 1991 (Sections 23 and 66) and its Byelaws, including how applications for Byelaw consent will be assessed and determined.
- Support partnership working with other Risk Management Authorities (RMAs), developers, landowners, and statutory consultees by clearly setting out the Board’s expectations, information requirements, and technical standards.
- Promote a consistent, proportionate approach to development and land-drainage regulation that safeguards people, property and the environment.

This document is a non-statutory policy framework for use by Board Members, Officers, planning authorities, partner Risk Management Authorities, developers and land managers. It complements the Board’s Corporate Strategy, Policy Statement on Flood Risk Management, and Development Control Charges and Fees Policy, and aligns with national and local flood-risk strategies. It does not repeat the content of those documents but signposts relevant references where appropriate. All associated policies are available on the Board’s website.

How to use this Strategy

- Section 3 explains when and how the Board engages with the planning system.
 - Section 4 sets out the legal consenting process under the Land Drainage Act 1991 and the Board’s Byelaws.
 - Section 5 explains how different types of works are assessed and the Board’s typical expectations.
- Appendices A–D provide practical guidance on applications, validation and conditions.



2. Statutory Context and Scope

2.1 Internal Drainage Boards

Internal Drainage Boards (IDBs) are independent public bodies established under the *Land Drainage Act 1991* to manage water levels, reduce flood risk and support sustainable land use within areas of special drainage need.

IDB's exercise permissive powers, meaning they may undertake works where justified by risk, benefit and available resources. These works reduce flood risk to people, property and infrastructure while maintaining conditions that support agriculture, biodiversity and local communities.

IDBs also have a duty of general supervision over all watercourses in their Internal Drainage Districts. This includes regulating activities that could affect drainage or flood-risk management assets under Sections 23 and 66 of the *Land Drainage Act 1991* and the Board's Byelaws.

Through the planning system, the Board acts as a technical adviser to Local Planning Authorities to help ensure that new development is served by appropriate surface-water management and does not increase flood risk elsewhere. Although Internal Drainage Boards are not statutory consultees, the Board welcomes the opportunity to comment on applications that may affect water levels, drainage or flood risk within its Internal Drainage District.

In exercising their functions, Boards must have regard to wider environmental objectives under the *Natural Environment and Rural Communities Act 2006* and the *Environment Act 2021*. The North Kent Marshes Water Level Management Board (NKMWLMB) is committed to protecting and enhancing biodiversity, supporting designated conservation sites such as Sites of Special Scientific Interest (SSSIs) and Ramsar sites, and promoting the ecological and hydrological wellbeing of its District.

In this Strategy, references to flood risk relate to the Board's role in managing water levels and drainage infrastructure that influence flood risk outcomes, and do not replace the statutory flood-risk management responsibilities of the Environment Agency or Lead Local Flood Authorities.

2.2 The North Kent Marshes Water Level Management Board

The North Kent Marshes Water Level Management Board (NKMWLMB) was formed through the amalgamation of the former Lower Medway and North Kent Marshes IDBs.

The Board manages water levels and land drainage across a network of tidal and fluvial watercourses spanning the North Kent Marshes, from Gravesend to Seasalter, including tidal and upper tidal reaches of the River Medway around Larkfield, Snodland and Cuxton.



Planning and Byelaw Strategy

Through the operation, maintenance and regulation of drainage infrastructure, the Board plays an important role in reducing the likelihood and consequences of flooding within its Internal Drainage District and in supporting wider flood resilience.

This work underpins flood resilience, agriculture, biodiversity and the sustainability of nationally important wetlands, many within designated conservation sites.

The Board operates independently but collaborates closely with other Risk Management Authorities (RMAs), including the Environment Agency, Lead Local Flood Authorities, and local planning authorities, as well as landowners, conservation bodies and regional partnerships.

2.3 Further Information

The North Kent Marshes Water Level Management Board is an independent Internal Drainage Board governed by the *Land Drainage Act 1991* and the *Flood and Water Management Act 2010*. Details of its constitution, governance and statutory functions are available on the Board's website.

3. Planning and Development Engagement

3.1 Introduction

The Board engages proactively with the planning system to ensure that development proposals fully consider local flood risk, surface-water management and land-drainage requirements.

Through this process, the Board supports sustainable growth and the protection of communities by ensuring that development does not increase flood risk within or beyond its Internal Drainage District (IDD).

The Board provides technical advice to Local Planning Authorities (LPAs), developers and consultants to help integrate good water-management principles into the design of new developments, consistent with the *National Planning Policy Framework (NPPF)*, *Flood and Water Management Act 2010* and *Land Drainage Act 1991*.

In addition to engaging with individual planning applications, the Board will, where appropriate, engage with strategic planning processes that may affect flood risk, land drainage or water-level management within its Internal Drainage District. This may include input to Local Plans, Strategic Flood Risk Assessments, Water Cycle Studies, and other strategic infrastructure or growth-related documents.

This engagement is intended to ensure that drainage constraints, flood-risk considerations and long-term water-management requirements are understood at an early stage and reflected proportionately in planning policy and growth strategies.



3.2 Role in the Planning Process

Early engagement allows the Board to:

- Reduce flood risk to people, property and infrastructure within and downstream of its District.
- Promote sustainable drainage and water-level management that reflect local land-drainage conditions.
- Ensure development aligns with the Board's Byelaws and does not compromise maintenance access or watercourse capacity.
- Provide clear, consistent technical advice to applicants and LPAs, avoiding conflict between planning permission and regulatory requirements.
- Foster partnership working with LPAs, the Lead Local Flood Authority (LLFA), the Environment Agency and other Risk Management Authorities (RMAs).

3.3 When and how the Board engages with the planning process

The Board is not a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, it plays an important advisory role to Local Planning Authorities (LPAs) on matters affecting land drainage and local flood risk. The Board therefore engages with the planning process both reactively — when formally consulted by LPAs — and proactively by reviewing weekly planning lists and identifying proposals that may affect its network or wider catchment.

The Board should be consulted, or may comment on applications, where development may influence land drainage, flood risk or watercourse management. This includes cases where:

- The site lies within 9 metres of a Board-adopted watercourse or structure.
- Works are proposed to alter, divert or culvert any ordinary watercourse.
- Development may change existing ground levels or surface-water flow routes.
- Proposals may result in additional discharge to a Board-maintained watercourse or the wider IDD.
- The site experiences poor drainage or standing-water issues.

The Board may also provide advice on proposals outside its District where works are likely to affect water levels or increase flows entering the IDD from upstream catchments.

3.4 Standing Advice

The Board issues the following standing advice to assist LPAs, developers and consultants in understanding its regulatory requirements and expectations for development affecting land-drainage systems within the District. This guidance supports early dialogue and helps applicants address drainage constraints from the outset.

Standing Advice – General guidance on regulatory powers

This standing advice applies where proposed development lies within, or may affect, the North Kent Marshes Water Level Management Board's Internal Drainage District (IDD).

Applicants should consult the Board's website for mapping of adopted watercourses and District boundary. The Board's Byelaws, adopted under the *Land Drainage Act 1991*, set out the framework controlling works within and adjacent to watercourses.

To avoid conflict between planning approval and the statutory consenting process, applicants should note:

- Byelaw jurisdiction: If a site lies within the Board's IDD, the Byelaws apply.
- Ordinary watercourse consent – Consent is required under Section 23 of the *Land Drainage Act 1991* for works that obstruct, alter or culvert an ordinary watercourse.
- Outside the IDD, consent must be sought from the relevant Lead Local Flood Authority.
- Surface-water discharge: Discharge into a Board-maintained watercourse normally requires consent under Byelaw 3. Consent may be subject to a *Surface-Water Development Contribution Fee*, calculated in accordance with the Board's Charging Policy.
- Treated foul-water discharge: Discharge of treated foul effluent into a Board-maintained watercourse, including from package treatment plants, septic-tank replacement systems or private treatment works, may require consent under Byelaw 3. Applicants should demonstrate that the receiving watercourse can accommodate the discharge without adverse drainage, environmental or maintenance impacts.
- Works near watercourses: Any works within 9 metres of a Board-adopted watercourse or structure require consent under Byelaw 10 to safeguard maintenance access.
- Infiltration drainage: Infiltration proposals must be supported by appropriate ground investigation in line with CIRIA C753 (*The SuDS Manual*) and BRE365 to confirm feasibility and sustainability.
- Sustainable Drainage Systems (SuDS): The Board may consider long-term adoption of SuDS features forming part of its network, subject to technical approval, commuted sums and landowner agreement. Early discussion with the Board is essential.



Planning and Byelaw Strategy

Planning permission does not remove the need to obtain the Board's formal consent under the *Land Drainage Act 1991* and the Board's Byelaws. Applicants are strongly advised to obtain the necessary consents prior to commencement of development.

Applicants and Local Planning Authorities should note that failure to obtain the necessary land drainage consents under the Land Drainage Act 1991 and the Board's Byelaws may render a planning permission incapable of lawful implementation.

Early engagement with the Board is therefore strongly encouraged to ensure that regulatory requirements are understood and addressed alongside the planning process.

This standing advice complements, but does not replace, the statutory consultation responsibilities of the Environment Agency or the Lead Local Flood Authority, nor the Board's formal consenting processes.

3.5 Further Information

Internal Drainage Boards are recognised in the *National Planning Policy Framework* and *Planning Practice Guidance* as Risk Management Authorities whose advice should inform planning decisions where development may affect surface-water drainage or ordinary watercourses.

Further information, including the Board's Development Control Charges and Fees Policy, Enforcement Policy, and mapping of adopted watercourses, is available on the Board's website.

4. Regulation and Consent Process

4.1 Overview

Under section 1(2)(a) of the *Land Drainage Act 1991*, each Internal Drainage Board (IDB) has a duty of general supervision over land drainage within its Internal Drainage District (IDD).

The Board exercises these powers to ensure that activities within its District do not increase flood risk, obstruct flow, or compromise maintenance and environmental standards.

The Board's regulatory powers arise primarily from:

- Sections 23 and 66 of the Land Drainage Act 1991.
- Its own Land Drainage Byelaws; and
- The Flood and Water Management Act 2010 and Environment Act 2021, which together place duties on all Risk Management Authorities to act consistently with national and local flood-risk and biodiversity objectives.

4.2 Regulatory Principles

The Board will regulate proportionately, using available legislative powers to:

- Control works that could increase flood risk or obstruct flow.
- Ensure riparian owners fulfil their maintenance duties.
- Safeguard access for inspection and maintenance.
- Promote sustainable drainage and environmental enhancement.
- Ensure that proposed works and drainage designs take account of current guidance on climate change allowances and the anticipated lifetime of the development, where this is relevant to flood risk or water-level management.

4.3 Requirement for Consent

Under the Land Drainage Act 1991 and the Board's Byelaws, prior written consent must be obtained from the Board for specified works and activities carried out within the Board's Internal Drainage District and within or adjacent to the Byelaw margin of a watercourse or drainage asset within its District, including both temporary and permanent works.

For the purposes of the Act, "written consent" includes electronic forms of submission and confirmation, provided they are received and recorded through the Board's approved channels. Applications must be made using the prescribed form and accompanied by all relevant drawings, supporting information and the correct fee.

All applications for consent under the Land Drainage Act 1991 and the Board's Byelaws are determined under delegated authority by the Clerk & Engineer, or authorised officers acting on their behalf, in accordance with the Board's Scheme of Delegation.

This approach ensures that decisions are made by suitably qualified professionals in a timely, consistent and proportionate manner. A summary of all determinations is reported to the Board at the next available meeting for transparency and inclusion in the public record.

Applications made under Section 23 of the Land Drainage Act 1991 will normally be determined within two months of receipt of a valid application. An application will not be treated as valid until all required information, drawings and fees have been received by the Board. Applications made solely under the Board's Byelaws are not subject to a statutory determination period but will be processed as promptly as reasonably practicable.

4.4 Conditions of Consent

Consents may be granted subject to conditions under Section 25 of the Land Drainage Act 1991 to ensure that approved works are safe, lawful and environmentally acceptable. Conditions may relate to the timing, method and extent of the works and to any mitigation required.

In addition, a consent may be made subject to the completion of legal agreements or the payment of financial contributions, where required in accordance with the Board's adopted policies.



Planning and Byelaw Strategy

Typical requirements may include:

Advance notice to the Board before works commence. Restrictions on the timing, method or extent of works. Environmental mitigation or compensation measures. Payment of Surface-Water Development Contributions (SWDC), Treated Foul Water Development Contributions (TFWDC), and/or Commuted Maintenance Fees, where applicable and in accordance with the Board's adopted Charging Policy.

4.4.1 Environmental Conditions

The Board, as an Operating Authority under Section 28G of the *Wildlife and Countryside Act 1981* and in line with the *Environment Act 2021*, will further biodiversity and ensure that works affecting SSSIs, protected species or eel passage are subject to appropriate mitigation or compensation, in consultation with Natural England and the Environment Agency.

4.4.2 Financial Conditions

Consents may require:

- Surface-Water Development Contributions to offset increased flows; and/or,
- Treated Foul Water Development Contributions (TFWDC) where treated foul discharges are proposed to Board-maintained watercourses; and/or
- Commuted Maintenance Fees for adopted infrastructure.
- Details are set out in the Development Control Charges and Fees Policy.

4.5 Appeals and Review

Applicants who believe that consent has been unreasonably withheld may appeal to an independent arbitrator under the *Land Drainage Act 1991*.

Before any formal appeal, the Board's policy is to offer an internal review by the Clerk & Engineer (or their nominee), who will re-examine the technical basis of the decision and consult the Chairman if appropriate. A record of the outcome will be reported to the next Board meeting.

(See also the Board's Enforcement Policy for procedures on non-compliance and revocation of consent.)

4.6 Duration of Consent

Consents lapse automatically if works are not completed within three years of approval unless stated otherwise. Consents are non-transferable and a new application is required if ownership changes before implementation.

4.7 Relationship to Planning Permission

The IDB consenting process is independent of the planning system. Planning permission does not confer or imply consent under the *Land Drainage Act 1991* or the Board's Byelaws, and vice

Planning and Byelaw Strategy

versa. Applicants must ensure consistency between all permissions and notify the Board of any discrepancies.

4.8 Enforcement of Byelaws and Consents

The Board monitors compliance with its Land Drainage Byelaws and consent conditions through routine inspections and reports from partner authorities or the public.

Where breaches or un-consented works are identified, the Board will take proportionate action in accordance with its adopted Enforcement Policy, which sets out procedures for investigation, notices, works in default, and cost recovery.

The Enforcement Policy is available on the Board's website.

4.9 Records and Data Protection

Consent records, deeds and correspondence are retained in line with the Board's Records Retention Schedule. Personal data are processed under the *Data Protection Act 2018* and the *UK GDPR*. Summaries of determinations and standard conditions may be published under the *Freedom of Information Act 2000* to support transparency.

5. Consent Assessment Framework and Principles

This section sets out the assessment framework and principles that the Board applies when regulating works and activities within its Internal Drainage District (IDD).

The Board's Land Drainage Byelaws, made under Section 66 of the Land Drainage Act 1991, establish legal controls over works in, over, under, or near watercourses and drainage infrastructure. These Byelaws protect the capacity, stability, and safety of the drainage network and enable the Board to issue or refuse consents for activities that may affect flood risk or water levels.

The following policies explain how applications for consent are assessed and determined, and the circumstances where additional agreements, mitigation, or financial contributions may be required.

They should be read alongside Section 4 (Regulation and Consents Process), the Development Control Charges and Fees Policy, and the Enforcement Policy.

A copy of the Board's Land Drainage Byelaws is available on the Board's website and forms part of this regulatory framework.



5.1 Discharge of Treated Foul Water (Byelaw 3)

Assessment approach

Applications to install or replace treatment plants or outfalls discharging treated foul water into a watercourse within the Internal Drainage District will be assessed having regard to the protection of the drainage system, maintenance access, and the avoidance of increased flood risk or environmental harm.

Design expectations

The following design expectations will normally apply unless otherwise agreed by the Board:

- Outfalls to open channels should use a precast or pre-formed headwall positioned flush with the drain batter.
- Suitable erosion protection should extend to the channel toe.
- Discharge to a piped section should connect to an inspection chamber constructed to the Board's specification.
- All works other than the final outfall pipe should be set back at least 8 m from the top of the bank of a Board-adopted drain.

Potential consent requirements

Consents may be subject to conditions or requirements including:

- Improvement of the receiving watercourse at the applicant's expense where necessary.
- Payment of a Commuted Maintenance Fee where new permanent structures are installed in a Board-adopted drain.
- Payment of a Treated Foul Water Development Contribution (TFWDC), where applicable in accordance with the Board's adopted Charging Policy.

5.2 Discharge of Surface Water Run-Off (Byelaw 3)

Assessment approach

Applications to discharge surface-water run-off to a watercourse within the Internal Drainage District will be assessed having regard to the capacity and condition of the receiving system and the need to avoid increased flood risk, adverse drainage impacts, or operational constraints.

Assessment considerations and typical requirements

In determining applications, the Board may require information, works or agreements to demonstrate that the proposed discharge can be accommodated safely and sustainably.



Planning and Byelaw Strategy

This may include, but is not limited to:

- Hydraulic modelling or capacity assessment, at the applicant's expense, where necessary to understand impacts.
- Improvement works to the receiving system prior to connection, where existing capacity or condition is inadequate.
- Payment of a Commuted Maintenance Fee where new permanent structures are installed within a Board-adopted drain.
- Payment of a Surface-Water Development Contribution where the proposed discharge increases the rate or volume of inflow.

Design expectations and long-term management

Surface-water drainage proposals should reflect good practice and long-term sustainability. In particular:

- Sustainable Drainage Systems (SuDS) should be designed in accordance with CIRIA C753 The SuDS Manual and BRE365, where infiltration is proposed.
- For systems serving multiple properties, long-term maintenance responsibility should normally rest with a statutory undertaker, water company or an appropriate management company.
- The Board may, in appropriate circumstances, consider the future adoption of SuDS features that form part of its drainage network, subject to technical approval, commuted sums and landowner agreement. The Board may develop a separate SuDS Adoption Policy to formalise these arrangements.

Refusal of consent

Applications may be refused where, in the opinion of the Board's officers, the receiving system cannot safely accommodate the proposed discharge, or where the information provided is insufficient to allow the impacts of the proposal to be properly assessed.

5.3 Works affecting watercourses and structures, including culverting (Section 23 Land Drainage Act 1991 and Byelaw 4).

Assessment approach

Applications for works affecting watercourses or drainage structures, including alterations, structures and culverting, will be assessed having regard to the need to protect the efficiency, integrity and safety of the drainage system, maintain access for inspection and maintenance, and avoid increased flood risk or environmental harm.

Applicants will be required to demonstrate that proposed works:

- Do not increase flood risk or reduce drainage efficiency.
- Provide appropriate mitigation for hydraulic and ecological impacts.
- Are technically and environmentally justified.

Design expectations

In assessing proposals, the Board will have particular regard to environmental impacts and its statutory biodiversity duties.

- The Board maintains a presumption against culverting due to the adverse effects on hydraulic conveyance, ecological connectivity, biodiversity and eel passage. Further detail is set out in the Board's Culverting Policy, which should be read alongside this Strategy.
- Where culverting is demonstrated to be unavoidable, designs should incorporate appropriate provision for eel passage and wildlife movement in accordance with the Eels (England and Wales) Regulations 2009.
- Works should align with the Board's Biodiversity Action Plan and its duty under the Environment Act 2021 to further biodiversity.

Typical consent requirements

Consents may be subject to conditions or requirements necessary to ensure the works are acceptable and appropriately controlled. These may include:

- Specification of design standards or construction details.
- Requirement for surveys, environmental supervision or method statements.
- Payment of a Commuted Maintenance Fee where new permanent structures are installed within a Board-adopted watercourse.

Applications may be refused where, in the opinion of the Board's officers, the proposed works would increase flood risk, cause unacceptable environmental harm, or obstruct inspection or maintenance access.

De-culverting

The Board will actively promote the removal or opening up of culverted sections where this is practicable and would deliver environmental or operational benefits.

Extended culverting

Proposals involving extended culverting (normally exceeding 18 metres in length) will be subject to particular scrutiny and must be supported by a clear justification of need, a hydraulic assessment, and an appropriate environmental appraisal.

Such proposals will be considered on a case-by-case basis by the Clerk & Engineer and reported to the Board for information.



Planning and Byelaw Strategy

5.4 Works Near Board Adopted Watercourses and Flood Infrastructure (Byelaws 10 and 17).

Assessment approach

Works proposed within, or adjacent to, the Board's adopted watercourses or flood-risk management infrastructure will be assessed having regard to the need to protect maintenance access, structural integrity and operational safety, and to avoid increased flood risk or environmental harm.

Consent is required for works carried out within the extent of the Board's Byelaw controls, including the standard 9-metre maintenance margin.

Assessment criteria

In considering applications that seek a relaxation of the 9-metre margin, the Board will assess whether the proposal:

- Maintains safe and effective access for inspection and maintenance;
- Preserves the structural integrity of banks, channels and assets;
- Does not increase flood risk or operational liability; and
- Can be reinstated or removed at the applicant's cost if required.

Relaxation will only be considered where these criteria are met.

Design expectations

The following design expectations will normally apply unless otherwise agreed by the Board:

- Permanent buildings and fixed structures should be located a minimum of 9 metres from the top of bank or edge of the asset.
- Temporary or demountable works may be considered on a case-by-case basis.
- Tree or hedge planting within the 9-metre margin is generally discouraged due to impacts on access and bank stability.
- Temporary site works within the 9-metre margin require separate consent and will normally be subject to reinstatement requirements.

Environmental and operational considerations

The 9-metre margin serves both operational and environmental functions and will be protected accordingly.

- The margin provides an essential corridor for inspection, maintenance and emergency access.
- It also functions as an ecological buffer, supporting riparian habitat and biodiversity.
- Loss or disturbance of riparian vegetation should be avoided or, where unavoidable, appropriately mitigated.

Planning and Byelaw Strategy

- Decisions will align with the Board's Biodiversity Action Plan and Water Level Control Structures Policy.

5.5 Byelaw 27 – Exemptions

Certain public bodies, including the Environment Agency, Local Authorities and statutory undertakers, are exempt from the requirement to obtain formal consent under Byelaw 27 where works are carried out within their statutory powers and do not interfere with or make use of the Board's assets.

The existence of an exemption does not remove the need for coordination. Where exempt works are proposed within the Internal Drainage District, the Board expects the relevant body to notify and register those works with the Board in advance to ensure appropriate coordination and to avoid conflict with inspection, maintenance or operational activities.

5.6 Cross-references and Relationship to Other Policies

This Strategy should be read alongside the Board's other adopted policies and documents, which together form its wider governance, regulatory and asset-management framework. In particular:

- Section 4 – General conditions of consent, legal agreements and financial contributions.
- Enforcement Policy – Non-compliance, investigation, enforcement action and offences.
- Biodiversity Action Plan – Environmental assessment, mitigation and enhancement requirements.
- Water Level Control Structures Policy – Operation, inspection and safety of adopted assets.
- Watercourse Maintenance Policy – Routine maintenance and prioritisation of adopted watercourses.
- Adoption and Abandonment Policy – Principles and decision-making for the adoption or relinquishment of assets.
- Culverting Policy – The Board's detailed policy position, assessment principles and technical expectations relating to culverting and de-culverting proposals.

The Board's regulatory functions under the Land Drainage Act 1991 and its Byelaws operate alongside, but are distinct from, its operational responsibilities for maintaining adopted watercourses and flood-risk management assets. Granting consent under the Land Drainage Act 1991 or the Board's Byelaws does not imply that a watercourse or structure will be adopted, maintained or prioritised by the Board.

Where proposals may affect adopted channels or assets, the relevant maintenance and adoption policies should therefore be read alongside this Strategy.



Planning and Byelaw Strategy

Version Control

Version	Date Approved	Summary of Changes
1.0	22/06/2026	Initial policy approved



Planning and Byelaw Strategy

Appendix A - Validation checklist for consent applications

Item	Requirement	Notes
1	Completed application form	Current version available on the Board's website.
2	Correct application fee	As set out in the <i>Development Control Charges & Fees Policy</i> .
3	Site location plan	Minimum scale 1:1250 or 1:2500 showing red line boundary, watercourses, access, and north arrow.
4	Detailed drawings	Plans & sections of proposed works at appropriate scale, with key dimensions and materials.
5	Method statement	Description of construction methods, timing, environmental precautions, and de-watering arrangements.
6	Hydraulic / capacity information	Required where works could alter flow or volume; may include modelling or capacity check.
7	Environmental information	Screening for designated sites, protected species, or eel passage where relevant.
8	Landowner authority	Proof of ownership or written consent from the riparian owner(s).
9	Supporting photographs	Showing existing site and watercourse condition.



Appendix B - Drawing and design standards

Applicants must ensure drawings and designs conform to recognised technical guidance.

The Board refers to the following standards (latest editions):

- CIRIA C753 – *The SuDS Manual*.
- EA / DEFRA – *Works in Ordinary Watercourses: Guidance Notes*.
- BRE Digest 365 – *Soakaway Design*.
- Eels (England and Wales) Regulations 2009 – requirements for eel passage.
- Construction (Design and Management) Regulations 2015 – Health & Safety compliance.

Drawings must be:

- to scale (metric), dimensioned, and clearly labelled;
- show cross-sections through the watercourse and structure;
- indicate invert and top-of-bank levels relative to Ordnance Datum (if known);
- show proximity to boundaries and existing services.



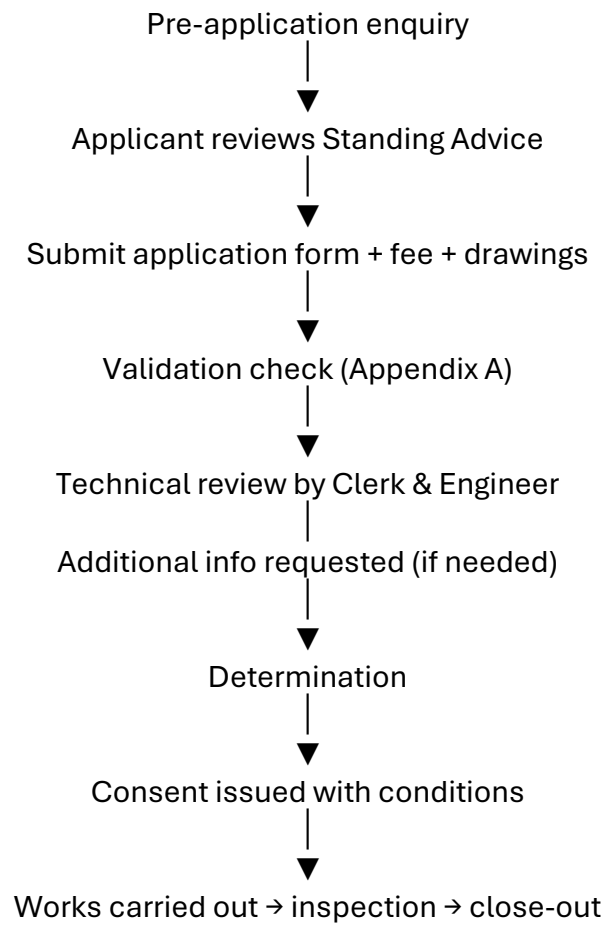
Appendix C - Model Consent Conditions

Consents may include one or more of the following standard conditions:

1. Notification prior to works – The applicant shall give the Board not less than 7 days' notice before works commence.
2. Environmental protection – Works shall avoid harm to protected species and habitats; timing to be agreed with the Board.
3. Access and reinstatement – Access to the watercourse must be maintained and the site reinstated to the Board's satisfaction.
4. Construction information – 'As-built' drawings shall be provided within 28 days of completion.
5. Payment of charges – Any Surface-Water Development Contribution (SWDC), Treated Foul Water Development Contribution (TFWDC), or Commuted Maintenance Fee shall be invoiced upon issue of the Land Drainage Consent and shall normally be payable within one month of the invoice date, unless otherwise agreed in writing by the Board
6. Lapse of consent – Works must commence within 3 years of the consent date or the consent will lapse automatically.

Planning and Byelaw Strategy

Appendix D - Consent Process Flow Chart





Planning and Byelaw Strategy

Appendix E - Glossary of Terms

Term	Definition
Adopted watercourse	A watercourse for which the Board has accepted maintenance responsibility under its permissive powers.
Byelaws	Local rules made by the Board under s.66 of the Land Drainage Act 1991 controlling works that may affect watercourses.
Consent	Formal written approval granted by the Board under the Land Drainage Act 1991 or its Byelaws.
Culvert	A covered channel or pipe that conveys a watercourse underground.
Commutated Maintenance Fee (CMF)	One-off payment covering future maintenance of a new or altered structure adopted by the Board.
Surface-Water Development Contribution (SWDC)	Contribution from a developer to offset increased surface-water discharge into the Board's system.
Riparian owner	Landowner whose land abuts or contains a watercourse and who has duties to maintain it.
Ordinary watercourse	Any watercourse not designated as a Main River.
Main River	A watercourse shown on the Environment Agency's Main River Map and regulated by the EA.
Risk Management Authority (RMA)	Organisations with statutory flood or coastal risk-management powers (EA, LLFA, IDBs, etc.).
Treated Foul Water Drainage Contribution (TFWDC)	Contribution from a developer to offset the discharge of treated effluent from a treatment plant or wastewater treatment works.