

## Standing advice for developments

### Introduction:

Any development within the Internal Drainage Board's District and catchment is subject to a consent from the appropriate Drainage Board under the Land Drainage Act 1991 and associated byelaws made under section 66. Land Drainage Consent application forms are to be used and they can be found on our website at:

<http://somersetdrainageboards.gov.uk/development-control-byelaws/land-drainage-consents/>

This consent is for the introduction of additional flow or volume, either directly or indirectly.

### Byelaw no. 3

*No person shall as a result of development, within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ('the 1990 Act'), whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them, for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the District without the previous consent of the Board.*

This means that discharge flow rates and volumes are subject to approval from the Board.

Discharge without consent is illegal.

Please refer to case law: *The Manchester Ship Canal Company Ltd and another (Respondents) v United Utilities Water Plc (Appellant)* - [2014] UKSC 40

This guidance explains what would be acceptable to the Internal Drainage Board (IDB) and the justification for the requirements.

### Key Requirements:

The Boards key requirements are given in the following table and further information on each one is provided in the subsequent sections.

|   |                      |             |
|---|----------------------|-------------|
| 1. Land drainage consent is required for works within 9m of any watercourse.            |                      |             |
| 2. A clear buffer strip is required to all watercourses.                                | Viewed Rhyne         | 9m required |
|   | Ordinary Watercourse | 6m required |
| 3. Surface water drainage design must follow the discharge hierarchy.                   |                      |             |
| 4. Outfalls should have a suitable headwall and be above the summer water level.        |                      |             |
| 5. A site specific management and maintenance plan for the drainage scheme is required. |                      |             |

Each Board is a statutory public body with responsibilities for flood protection, land drainage and the environment.  
All are members of the Association of Drainage Authorities.

### 1. Land Drainage Consent:

Consents are required for both temporary and permanent works in, or adjacent to, any watercourse (except a main river). This includes any of the below:

Mill, dam, weir, culvert or other obstruction to the flow, infilling or stopping up of a watercourse, building, structure, road, footpath, track, tree, shrub willow or similar growth, any pipe or wire crossing a watercourse, any excavation of a watercourse bank or bed, any outfall into a watercourse, fence, post, pylon, jetty, wharf, pier, quay, bridge, loading stage, piling, groyne, revetment, any engine or mechanical contrivance.

Consent is required for anything listed above in or within 9m of a watercourse.

### 2. Buffer Strips:

Existing watercourses should be protected with a suitable buffer. Typically the buffer should be 9m both sides of a watercourse that is maintained by the Board on a regular basis (ie. a viewed rhyne) and 6m for all other watercourses. Any variation from this should be discussed with the IDB.

#### **Buffer strips alongside watercourses are valuable for the following reasons**

- Buffer strips can reduce run-off into watercourses and therefore reduce flooding.
- They are essential in allowing access for the maintenance and inspection of watercourses, and for dealing with pollution incidents.
- They provide space for natural fluvial processes such as channel shape and planform adjustment which help restore and maintain the natural dynamic balance of river systems and associated habitats.
- Vegetation stabilises banks and reduces soil erosion.
- They provide a habitat for plants and animals and can form part of a habitat network.
- They provide opportunities for access.
- They can help to improve water quality by filtering run-off before it enters the watercourse.
- They provide opportunities to undertake restoration or improvements of watercourses in the future.
- They improve the visual landscape of the area.

### 3. Run-off rates and volumes:

The discharge hierarchy must be followed, which is:

- Firstly re-use as much water as possible (rainwater harvesting/greywater recycling).
- Then drain to an adequate soakaway or other infiltration system if possible.
- If full infiltration is not possible, use a hybrid solution of infiltration and discharging to a surface water body.
- If a hybrid system is not possible then discharge to a surface water body (e.g. lake, pond, river, rhyne or ditch).
- If you cannot discharge to a surface water body, then discharge to a surface water sewer, highway drain, or other drainage system
- Only drain to a combined sewer when there is demonstrably no other option.

#### **4. Outlet levels:**

Any surface water outlet and any treated effluent outlet should be above the summer water level (often referred to as the summer penned level) and a suitable headwall should be used.

#### **5. Maintenance of surface water drainage features:**

Adequate space and suitable facilities should be provided to ensure that the features can be maintained for the lifetime of the development. This must be demonstrated with a suitable site specific management and maintenance plan that details what maintenance is required, how and when it will be undertaken and who will do it.