



Catchment Services Strategy

Policy Document

Formerly known as the Planning and Byelaw Strategy

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MEMBER INTERNAL DRAINAGE BOARDS

Broads (2006) IDB, East Suffolk WMB, King's Lynn IDB, Norfolk Rivers IDB, Pevensey & Cuckmere WLMB, South Holland IDB, and Waveney, Lower Yare and Lothingland IDB

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Section 1: Introduction

This policy document has been compiled to confirm how the Board will achieve the following (including specific policy positions where appropriate):

- Process applications for Land Drainage Consent.
- Engage with Local Planning Authorities.
- Engage with Nationally Significant Infrastructure Projects.
- Investigate and react to non-compliance with the regulatory framework established by the Land Drainage Act 1991 (including Byelaws).
- Engage with enquiries relating to use or disposal of land owned by the Board.

In adopting this document, the Board confirms that WMA / Board officers are instructed to act on behalf of the Board in accordance with the information within this document.

Notes:

Throughout this document, reference to 'the Board(s)' means one or more of the Boards who have adopted this document, and/or officers working on behalf of the Board in accordance with the Board's Scheme of Delegation.

Although this is a public document, the intended audiences are the Boards who have adopted this document. The WMA website will disseminate the same information in a user friendly format for other audiences.

Section 2: Sustainable Development

Key aims of the Sustainable Development workstream:

- To regulate proposed third party works to ensure that developments and other third party works are carried out sustainably within the Boards' Drainage Districts and upland catchment areas.
- To ensure that new developments will not increase flood risk within the Internal Drainage District and that applicants are aware of the Board's regulatory controls and requirements.

2.1. Introduction

The Board will utilise powers available under the Land Drainage Act 1991 (including the Board's Byelaws) to regulate proposed third party works, to ensure that developments and other third party works are carried out sustainably within the Boards' Drainage District and upland catchment area.

The Board will also provide advice to Planning Authorities by commenting on planning applications within (or near to) each Board's District. The aim of this activity is to ensure that new developments will not increase flood risk within the Internal Drainage District and that applicants are aware of the Board's regulatory controls and requirements.

2.2. Engagement with Local Planning Authorities

The Board will engage with Local Planning Authorities and in doing so will seek to fulfil the following aims:

- Reduce flood risk to communities within its Internal Drainage District and highland catchment.
- Promote sustainable development in sustainable locations by supporting sound planning decisions that can be implemented by applicants and developers.
- Reduce the potential for conflict between the planning process and an Internal Drainage Board's (IDB's) regulatory process.
- Develop an understanding within other authorities and third parties of the flood risk and capacity issues within IDB areas so they can be considered through the planning process.
- Make a contribution towards the achievement of Sustainable Development, as per Section 27 of the Flood and Water Management Act 2010.

Although IDBs are not a statutory consultee in the planning process, the Board will aim to proactively review and comment on applications which may impact on flood risk and water management within the Board's Internal Drainage District (IDD). The Board will usually comment on the following applications:

		Householder Application	Minor Development	Major Development
Within IDD	Adjacent to arterial watercourse or works are proposed to alter a watercourse	Yes	Yes	Yes
	Not adjacent to arterial watercourse and no works proposed to any watercourse	No	Yes	Yes
Outside IDD	Within Watershed Catchment	No	No	Yes
	Outside Watershed Catchment	No	No	No

2.3. Engagement with National Infrastructure Projects

The Board will actively engage with all applications for a Development Consent Order within or near to its Internal Drainage District with the same aims outlined in section 2.2.

Furthermore, where an applicant is proposing to disapply relevant sections of the Land Drainage Act 1991 the Board will engage with the applicant to ensure a suitable protective provision is included within the draft Development Consent Order to ensure the Board's arterial drainage infrastructure is protected, and regulatory interests are maintained.

The Board will register as an interested party where a proposed project interacts with its Internal Drainage District, and will encourage the applicant to enter into early pre-application discussions which should ideally be captured by a Statement of Common Ground.

The Board will seek opportunities to recover the Board's costs in engaging with a proposed scheme.

2.4. Land Drainage Consents

IDBs have permissive powers to regulate (consent and enforce) third party activities effecting watercourses within their district. The Land Drainage Act 1991 and the Board's Byelaws require applicant's to obtain the Board's prior written consent prior to undertaking certain types of activities within a Boards Drainage District. If the Board grant consent for proposed works, this is known as a 'Land Drainage Consent'.

Applications for Land Drainage Consent will be considered in accordance with the policies outlined within this document. Guidance on how to apply for Land Drainage Consent is available on the relevant Board's webpage. Applications will not be deemed valid unless they are accompanied by the correct application fee. In accordance the Board's Scheme of Delegation, some applications may only be determined by the Board (rather than by officers).

The IDB consenting process is independent of the need for planning permission and the granting of planning permission does not necessarily imply that consent will be granted by the Board. Likewise, obtaining Land Drainage Consent does not imply that proposed works will comply with the requirements of any other interested parties or regulators.

The main types of activity which require Land Drainage consent are listed in the following pages alongside the applicable policies.

2.5. Environmental Considerations

Internal Drainage Boards (IDBs) have obligations under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) to further the general biodiversity objective. The Board therefore must and will consider the conservation and enhancement of biodiversity when determining applications for Land Drainage Consent and must and will ensure that consent is not provided when environmental harm cannot be mitigated

Although it is the applicant's ultimate responsibility to determine the presence of a protected species or impact on designated sites (and for proposing mitigations and enhancements), the Board will screen applications for these impacts and may:

- Request that surveys are undertaken prior to considering consent (especially where the IDB suspects the works could impact upon a protected species).
- Request evidence that works will not impact upon protected species or a designated site, or cause a significant impact upon the environment.

Where proposed works may result in an impact on a designated site the Board will undertake a Habitat Regulations Assessment and/or a Countryside and Rights of Way Act 2000 (CRoW Act) assessment and may consult Natural England prior to granting consent.

2.6. Conditions of Consent

The Board may issue Land Drainage Consent subject to conditions as per byelaw 25 of each Board's Byelaws. Conditions may cover technical requirements, legal requirements, environmental matters and the need for financial payments. All conditions specified as part of any consent must be met in their entirety before the Board's formal consent will be deemed valid.

Approval of certain consents may be given subject to the applicant entering into a legal agreement such as a Deed of Indemnity. A Deed of Indemnity is an agreement between two or more parties, the purpose of which is to specify the actions and consequences which will result should a particular event or events occur. Deeds of Indemnity are subject to an administration fee (see the Boards Development Control Charges and Fees document) along with the fee charged by Land Registry for lodging the document with them (see Land Registry website). Where a Deed is more complex than usual then the administration fee will be increased to reflect the additional costs to the Board.

Conditions of consent may include the requirement to make financial contributions to the Board as per the Boards Development Control Charges and Fees Policy Document.

2.7. Right of Appeal

Where an applicant believes that consent has been unreasonably withheld by the Board then under the Land Drainage Act 1991 the applicant will have a right of appeal to an independent arbitrator. Ahead of any formal appeal to an arbitrator, the Board will afford the applicant a right of reply to the Board. This should take the form of a written statement setting out why the application should be considered favourably. The matter will then be taken to the next Board meeting where it will be re-considered.

2.8. Other Bodies requiring the Board's Consent

As per Byelaw 26* of the Board's Byelaws, nothing in the Byelaws shall restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers of a number of organisations (listed within Byelaw 26*). Where an organisation listed by Byelaw 26* requires the Board's Consent the Board will liaise and negotiate with that organisation to ensure the Board's requirements are not in Breach of Byelaw 26**.

** Byelaw 27 for Waveney, Lower Yare and Lothingland IDB and Hundred of Wisbech IDB*

2.9. Specific Policy Statements

This section details the policies that the Board will apply when seeking to regulate activities. These policy statements guide how applications made to the Boards will be determined.

Discharging Treated Foul Water (Treated Effluent)

The discharge of treated foul water (via an appropriate treatment plant) requires consent in accordance with Byelaw 3. The Board will determine applications received seeking to discharge treated foul water in accordance with the policy below.

Policy: Discharge of Treated Foul Water

The Board will only approve an application to discharge treated foul water where the watercourse can be evidenced as being connected to the wider watercourse network.

Applications may be refused if the Board's Officers consider that the proposals may increase flood risk, cause environment harm which cannot be mitigated, negatively impact the efficiency of local drainage or if the receiving watercourse will not be capable of accepting the planned additional flows.

Where the discharge is to an open watercourse, the discharge pipe should be installed through a pre-cast concrete outfall unit dug in flush with the drain batter. Suitable erosion protection should be installed below the headwall down to the toe of the watercourse and also dug in flush with the drain batter.

Where the discharge is to a piped watercourse, the discharge pipe should be connected into an existing inspection chamber, or a new inspection chamber should be constructed to the Board's specification to accommodate the outfall.

If consent is granted by the Board, this may be conditional.

The Board's consent does not replace the applicant's obligation to seek an Environment Permit from the Environment Agency for the treatment plant and outfall or meet the general binding rules published by DEFRA.

Scheme of Delegation: The Board's Scheme of Delegation / Scheme of Reserved Matters state that applications can be determined by officers under delegation if they meet the requirements of the above policy, unless the applicant is associated with a Board Member.

Discharging Surface (Rain) Water

The discharge of surface water from an impermeable area requires consent in accordance with Byelaw 3. The Board will determine applications received seeking to discharge surface water in accordance with the policy below.

Applications for consent to discharge surface water run-off into any watercourse within the Board's Internal Drainage District will be considered against the capacity of the receiving watercourse to accept the proposed surface water flows (rate and volume). To assist in determining the application, the Board may require the applicant to undertake hydraulic modelling work.

Policy: Discharge of Surface Water

The Board will only approve an application to discharge surface water where the watercourse can be evidenced as being connected to the wider watercourse network.

For systems serving impermeable areas greater than 0.25ha the proposed discharge rate should be no higher than 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Exceptions may be allowable when it is evidenced that to achieve this rate would require a static flow control device (vortex flow control or fixed orifice plate) with an orifice smaller than 50mm* in diameter (or 100mm where debris control is not possible). Systems with a static flow control devices with an orifice smaller than 100mm in diameter should be designed to prevent debris entering the flow control device.

Applications may be refused if the Board's Officers consider that the proposals may increase flood risk, cause environmental harm which cannot be mitigated, negatively impact the efficiency of local drainage or if the receiving watercourse will not be capable of accepting the planned additional flows.

If consent is granted by the Board, this may be conditional, including the payment of a Surface Water Development Contribution as outlined by the Board's Development Control Charges and Fees Policy.

Notably it is the Board's preference that systems are adopted by statutory authorities / bodies whenever possible.

**75mm for the Pevensey and Cuckmere WLMB*

The requirement for consent to discharge surface water may be waived in writing at the officer's discretion where the impermeable area is less than 50m² and is an extension of an existing impermeable area with a satisfactory surface water outfall.

Scheme of Delegation: The Board's Scheme of Delegation / Schedule of Reserved Matters state that applications can be determined by officers under delegation if they meet the requirements of the above policy, unless the applicant is associated with a Board Member or the impermeable area is greater than 5ha.

Altering a Watercourse

The alteration of an ordinary watercourse requires consent in accordance Section 23 of the Land Drainage Act 1991, and Byelaws 4, 6 and 15. The Board will determine applications received seeking to alter a watercourse in accordance with the policy below.

Section 23 of the Land Drainage Act prohibits the installation or alteration of a culvert, the installation of a mill, dam, weir or similar obstruction to flow without the prior consent of the Board. Byelaw 4 further restricts the reconstruction, reduction, repair and removal of these structures, as well as the operation or alteration of bridges, headwalls and water control structures.

Furthermore, Byelaw 6 restricts the stopping up or diversion or alteration of flow / water level of a watercourse and Byelaw 15 restricts the dredging or raising of any material from the bed or bank of an arterial watercourse.

As part of any application to alter a watercourse the applicant has the responsibility to prove that the proposed works would not increase flood risk or negatively impact the efficiency of local drainage.

Policy: Watercourse Alterations

The Board will only approve an application to culvert or infill a watercourse if;

- There is no reasonably practicable alternative (including health and safety considerations).
- The proposal is for a replacement culvert or bridge.
- Any culverting is for the sole purpose of providing access (and the total length is the minimum required for the access).
- The proposal forms part of a drainage, agricultural or environmental improvement scheme.

Applications for the installation or alteration of mills, dams, weirs, flow controls, headwalls, bridges and other structures regulated by Section 23 of the Land Drainage Act 1991, and Byelaws 4/6/15 will be considered on a case by case basis.

Applications may be refused if the Board's Officers consider that the proposals will increase flood risk or negatively impact the efficiency of local drainage, cause environmental harm that cannot be mitigated or negatively impact the ability of the Board to carry out its operations.

Scheme of Delegation: The Board's Scheme of Delegation / Schedule of Reserved Matters state that applications can be determined by officers under delegation if they meet the requirements of the above policy, unless the applicant is associated with a Board Member or a permanent alteration over 18 metres in length is proposed to an arterial watercourse.

Undertaking Works near Arterial Drainage Infrastructure

Consent is required for all works within 9* metres of the edge of arterial drainage and flood risk management infrastructure (arterial watercourses and water management structures such as pumping stations) in accordance with Byelaw 10**. The Board will determine applications received seeking to undertake works near arterial drainage infrastructure in accordance with the policy below.

Maps on the Board's webpages clearly show which watercourses are designated as arterial watercourses. The 9* metre distance is measured from the edge of the drain (whether open or piped). In the case of an embanked drain this is 9* metres from the landward toe of the embankment.

Policy: Works within 9* metres of Arterial Drainage Infrastructure

The Board will only approve applications for consent for works (including replacement works) within 9* metres of arterial drainage infrastructure (as required by Byelaw 10**) if the Board's officers consider that the proposed works will not increase flood risk, negatively impact on the ability of the Board to carry out its operations (including but not limited to the Board's usual way of working, current access arrangements, available resources and the risks posed to Board employees, now or in the future) or increase the liabilities of the Board. Permanent Structures (any building which is not demountable, including any extension to a previous structure) are unlikely to be approved within 9* metres of the brink of any arterial drainage infrastructure.

Although all cases will be considered on a case by case basis, the following table represents common works and their likely acceptable distance. This table is for guidance only.

Works	Likely Acceptable Distance	
	Open Watercourse	Culverted Watercourse
Permanent Structures	9m* from brink	9m* from outside edge
Trees	9m* from brink	9m* from outside edge
Ground Surfacing	7m from brink	1m from outside edge
Demountable Fencing	7m from brink	1m from outside edge
Demountable Structures	7m from brink	3m from outside edge
Hedging	7m from brink	3m from outside edge

**7 metres within the Waveney, Lower Yare and Lothingland IDD*

*** Byelaws 10 and 17 for Waveney, Lower Yare and Lothingland IDB and Hundred of Wisbech IDB*

Scheme of Delegation: The Board's Scheme of Delegation / Schedule of Reserved Matters state that applications can be determined by officers under delegation if they meet the requirements of the above policy, unless the applicant is associated with a Board Member or the application is for a permanent structures (any building which is not demountable, including any extension to a previous structure).

Section 3: Compliance

Key aims of the Compliance workstream:

- To investigate and regulate unconsented third party works, to ensure they do not cause or increase flood risk within the Boards' Drainage Districts and upland catchment areas.
- To promote efficient private watercourse networks by ensuring landowners are aware, and act upon, their responsibilities relating to watercourse maintenance.

3.1. Introduction

The Board will work to ensure the watercourse networks operate efficiently to ensure that flood risk is not increased by third party works / actions. This is primarily achieved by:

- Enforcing compliance with the Board's regulatory requirements (including Byelaws) including compliance with any conditions of Land Drainage Consents.
- Utilising each Board's powers under the Land Drainage Act 1991 (including the Board's Byelaws) to ensure landowners are aware, and act upon, their responsibilities relating to watercourse maintenance. As the majority of the watercourse network is in private or riparian ownership the role of the IDB as a regulator is key in ensuring positive action is undertaken by third parties. The Board will initially seek to work with private owners to seek their cooperation in undertaking any required works or actions within a reasonable timescale. Where an amicable resolution is no longer likely to be achieved formal enforcement powers are available to the Board as set out within the Board's Byelaws and Sections 21, 24 and 25 of the Land Drainage Act 1991.

3.2. Stage 1 Enforcement

Stage 1 is intended to be a pre-cursor to any formal enforcement action and should initiate open correspondence with the relevant landowner, person and/or Risk Management Authority. The aims of stage 1 are as follows:

- Inform landowners of their responsibilities under the Land Drainage Act 1991 and the Board's Byelaws, while separating contraventions into two categories:
 1. Contraventions which are negatively impacting Flood Risk or the Board's Operations. These contraventions include works which would have required determination by the Board (if an application had been received prior to the works being undertaken).
 2. Contraventions which are not impacting flood risk or the Board's Operations. These contraventions include works which would have been

granted consent by officers using their delegated authority (if an application had been received prior to the works being undertaken).

- To seek the removal of contraventions which are impacting flood risk or the Board's Operations without the need for formal enforcement action.
- To seek the regularisation or removal of contraventions which are not impacting flood risk or the Board's Operations.

To achieve the aims of Stage 1 the Board's Officers may write a letter to the relevant landowner, person and/or Risk Management Authority responsible for the contravention. This will include an explanation of the contravention, its impact and the remedy required in accordance with the Land Drainage Act 1991 and the Board's Byelaws and the timeframe for the work to be undertaken (usually 21 days from the date of the letter).

If a positive response to the IDB letter has not been received within the timescale specified, and on inspection no work has been satisfactorily undertaken, the case may proceed to 'Stage 2'. In deciding whether or not to carry out further investigation the Board will consider whether it is in the public interest to do so having regard to the actual and potential impacts of the contravention, the costs of carrying out the works and the likelihood of obtaining sufficient evidence to support enforcement action.

3.3. Stage 2 Enforcement

Where further action is pursued by the Board, Stage 2 is intended to enable officers to draw on formal powers of enforcement, to ensure that a contravention of the Land Drainage Act 1991 (including Byelaws) is removed where this contravention is negatively impacting Flood Risk or the Board's Operations. The aims of stage 2 are as follows:

- Serve a formal Notice under the relevant section of the Land Drainage Act 1991 or the Board's Byelaws. The notice will include the nature of the work to be carried out, the period within which it is to be carried out and any relevant right of appeal.
- To remove contraventions of the Land Drainage Act 1991 on behalf of the landowner where they have failed to meet the requirement of the aforementioned Notice and reclaim the Board's costs.

A Notice under the Land Drainage Act 1991 or the Boards byelaws is a legal document formally requiring specific work to be carried out within a set timescale. In the event of the works not being undertaken, the IDB may carry out the work itself and recover from the person responsible the expenses reasonably incurred in doing so which will include recovering the costs of pursuing the case.

As far as possible, officers will continue to seek to resolve the situation by means of negotiation with the person responsible.

Policy: Enforcement

Where responsibility for maintenance of ordinary watercourses rests with a land owner, the Board will take appropriate steps to secure their co-operation to ensure maintenance takes place. Where necessary the Board will draw on powers of enforcement to secure this maintenance or the removal of any unauthorised works or obstruction.

The Board will take a risk-based and proportionate approach to exercising their regulatory powers under the Land Drainage Act 1991 and byelaws, taking into account the location and nature of any contravention, nuisance or flooding caused by;

- the failure to repair or maintain watercourses, bridges or drainage works
- works undertaken without the Board's prior written consent in contravention of the Board's regulatory requirements (Land Drainage Act 1991 and Byelaws)
- impediments to the proper flow of water

This approach will take into account whether the contraventions have or are likely to increase flood risk and what the consequences of any increase in risk may be.

Where works are un-consented the relevant IDB would require the landowner or responsible person to prove that the un-consented works do not cause a nuisance or increase flood risk. Where the landowner or responsible person provides insufficient evidence to the contrary, there will be a presumption that the un-consented works would cause a nuisance or increase flood risk.

The Board may close an enforcement case file and/or take no action where;

- there is a lack of physical evidence to corroborate the impact of a flood event;
- there is no actual or potential risk to properties or infrastructure;
- that the matter complained of is not the cause of the drainage problem;
- the matter is trivial in nature (de minimis)

Where no enforcement action is taken correspondence may inform and advise individuals of their riparian owner responsibilities and of the route for settling disputes with other riparian owners where appropriate including referral to the First-tier Tribunal (Property Chamber) Agricultural Land and Drainage where appropriate.

Where the Board are made aware of breaches to other legislation they will advise the appropriate authorities.

3.4. Additional Information:

In certain circumstances practicalities may not allow for works to be achievable within the usual timeframe specified in the letter. The Board will assess the circumstances of each enforcement case individually and determine whether any works need to be deferred or amended to take into account the impacts of any works on wildlife or habitat.

In some circumstances the Board may require further information on the contravention. As such officers may arrange to meet the land owner and/or complainant and undertake additional site visits to substantiate the Board's regulatory position. This process may also involve the Board consulting with other organisations including other Local Authorities, Highway Authorities, the Environment Agency and Natural England as appropriate and/or require or commission appropriate site surveys and inspections.

As stated in the enforcement policy the Board may take no action where there is not enough evidence to support enforcement or where there is no or minimal impact.

3.5. Fly Tipping / Waste

Waste in watercourses can result from an accumulation of general litter, or from fly tipping (the illegal dumping of waste). Waste can have The main detrimental effects of waste accumulation in watercourses are a reduction of flow in the watercourse and environmental damage.

The Board do not have enforcement powers with regard to fly tipping as these rest with the relevant Local Authority and the Environment Agency. As such, when notified of fly tipping in the IDD the Board would consider the incident as follows:

If the incident is causing a significant obstruction to flow or is presenting an imminent risk of flooding within the Internal District the Board's operatives will remove the waste as per the Board's statutory functions. For this purpose the Board have a waste transfer licence to allow them to move waste. Waste can be temporarily stored in the relevant Board's yard, where a waste exemption license is in place, before disposing of in an appropriate manner.

If the Board's operatives consider the fly tipping incident to be of a serious nature or to have already resulted in a severe consequence the Board will report it to the appropriate enforcement body, rather than attempting to deal with it itself, in case evidence is inadvertently lost, which could have been used to prosecute offenders.

In all other incidents the waste will be reported to the relevant Local Authority. In the case of a vehicle, the Police will also be informed as soon as possible. If the waste is causing a pollution incident then the Environment Agency will be informed at the earliest opportunity and the pollution contained.

3.6. Private Watercourse Maintenance

Generally watercourses within IDB Internal Drainage Districts ("IDDs"), unless vested in some other authority, are the responsibility of riparian or private owners to maintain, repair and improve as necessary to ensure effective drainage. A 'riparian owner' is a person who owns land or property adjacent to a watercourse. A private owner is a person who owns land or

property with a watercourse within their title. The definition of watercourse includes streams, ditches (whether dry or not), ponds, culverts, drains, pipes or any other passage through which water may flow.

Purchasers of property are often unaware of their inherited riparian or private duties. These are outlined in the Land and Property Act 1925 (Section 62), which states that “a conveyance of land shall be deemed to include and shall by virtue of this Act operate to convey with the land all buildings, hedges, ditches, fences, ways, waters, watercourses, liberties, easements, rights and advantages whatsoever appertaining or reputed to appertain to the land or any part thereof”.

The government has produced a number of web pages that explain riparian responsibilities and the need for maintenance of watercourses. These are available using the following link: <https://www.gov.uk/guidance/owning-a-watercourse>.

The Board will seek to educate residents and landowners based on the above information throughout both enforcement proceedings and ad hoc communications.

3.7. Arterial Watercourse Maintenance

Further information regarding the designation and maintenance of Arterial Watercourses is detailed within the WMA's Arterial Infrastructure Policy.

Section 4: Estates

Key aims of the Estates workstream:

- To ensure that each Board's land is registered and managed effectively and in accordance with the law.
- To ensure that any works, access, or activities undertaken by third parties that may affect the Drainage Board's assets, infrastructure, or operations are properly controlled, legally documented, and carried out in a way that safeguards the Board's statutory responsibilities, public safety, and the long-term sustainability of the drainage network.

4.1. Introduction

An IDB may own several land holdings, including watercourses. Where the Board owns land, the Board will manage that land in accordance with the Land Drainage Act 1991 and other relevant legislation.

4.2 Disposal of Land or Land Interests

A disposition of land means any legal transaction where ownership of land, or rights in land, are transferred, created, or released. This includes (but is not limited to):

- The sale or transfer of ownership of land,
- The grant or assignment of a lease or tenancy,
- The creation of rights over land (such as easements, covenants, or drainage rights),
- The surrender or release of any rights or interests in land.

In practice, this means that any agreement or transaction which changes who owns, occupies, or has legal rights over land within, adjacent to, or affecting the Board's drainage district will be treated as a disposition of land and must be formally documented.

The Drainage Board requires that any third party proposing to carry out works to, access or otherwise acquire an interest in the Board's landholding must first request to enter into a formal legal agreement with the Board. The Board is not obliged to agree to a request. No works, activities, or dispositions of land of this nature may commence or take effect unless / until the request has been approved by the Board and the resultant legal agreement has been completed.

Any agreement will clearly set out the rights, responsibilities, and obligations of all parties, ensuring compliance with statutory requirements, protection of the Board's assets, and the safe and effective management of the drainage network. Where an agreement is entered into, the Board will ensure that these remain valid, legally compliant, and reviewed in accordance with their terms.

Where any agreement is to be considered or required, the Board's reasonable costs including administrative costs and full costs of professional services (including valuation costs and legal fees) are to be paid by the third party.

Entering into a legal agreement with the Board does not alter the requirement for Land Drainage Consent in accordance with the Land Drainage Act 1991 and the Board's Byelaws, or vice versa.

In accordance with Section 63 of the Land Drainage Act 1991, the Board may not dispose of land owned by the Board for a consideration less than the best that can reasonably be obtained, other than with the consent of the relevant Minister. To ensure compliance with Section 63 of the Land Drainage Act 1991 the Board will engage the services of a chartered surveyor, to value any proposed disposition. For the avoidance of doubt, the disposition of land includes the granting of an easement (for example, enabling a third party to cross land owned by the Board).

Section 5: Environment

This section will be updated and existing policies will be amalgamated into this policy document in the next policy iteration.