



# *Water Management Consortium*

## **ADVICE NOTE AN01: BUILDINGS, STRUCTURES, PLANTING AND FENCING**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Originator</b>	<b>Checked</b>
	09.08.11	DRAFT	AMD	--
1	27.09.11	FINAL – BOARD APPROVED	AMD	DJS
2	09.07.13	New Logo Added	LSQ	DJS
3	23/04/2018	Amendments	TR	DJS
4	29/04/2021	Updated for WMC	LSQ	RB/DC
5	19/07/2023	Updated for utility apparatus	LSQ	DC

The Boards reserve the right to update or change this living document at any time without notice.

Lindsey Marsh Drainage Board  
Isle of Axholme and North Nottinghamshire Water Level Management Board  
Trent Valley Internal Drainage Board  
Doncaster East Internal Drainage Board

## BUILDINGS, STRUCTURES, OR PLANTING

The Boards' Byelaw No. 10 states:

*"No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure."*

No trees will be allowed within 9.0 metres of a Board maintained open watercourse or culvert.

The Boards may be prepared in exceptional circumstances to allow buildings, structures or planting of approved hedges and shallow rooted bushes within the 9.0 metre protected strip on one side of any Board maintained open watercourse, provided that there is an adequate continuous and guaranteed access strip on the opposite side. Such development will not normally be allowed any closer than 6.0 metres from the bank top of the watercourse.

The Boards may be prepared in exceptional circumstances to allow buildings, structures or planting of approved hedges and shallow rooted bushes within the 9.0 metre protected strip on one side of any Board maintained culverted watercourse, provided that there is an adequate continuous and guaranteed access strip either side of the culvert after the development is completed.

The following table indicates relaxations that may be appropriate for Board maintained culverted watercourses; **however formal applications to the Boards will be required to determine any relaxation.** All applications will be judged on their own merit.

Pipe Diameter	Depth to Pipe Invert		
	<3.0 m	3.0 – 4.0 m	Over 4.0 m
≤300 mm	3.0	3.0	4.0
450 mm – 600 mm	3.5	4.0	5.0
750mm – 900 mm	4.0	5.0	5.0
1.0 m	5.0	5.0	6.0
≥1.2 m	5.0	5.0	6.5

*Note: The above clearances must be measured from the outside edge of the pipe and are required each side of the culvert.*

The Boards will not allow any buildings, structures or planting of approved hedges and shallow rooted bushes over the top of a Board maintained culvert unless exceptional circumstances apply. Such applications may be referred to the Boards for determination at the next appropriate Board meeting and may require a Deed of Indemnity to be agreed. All associated costs are to be borne by the applicant.

Careful consideration must be given to the area required for gardens or public open space and the structures that are likely to be erected. This is because structures such as fences, sheds and greenhouses must comply with the Byelaw requirements.

Replacement structures will be determined on a case by case basis. Developers should take all reasonable steps to improve access for the Boards' machinery. An increase in the structure's footprint is unlikely to be acceptable unless significant access improvements for the Boards' machinery can be demonstrated.

## PLANTING

*The following is a selected list of approved hedges / shallow rooted bushes:*

Dogwood	Cornus Sanguinea
Hawthorn	Crataegus Monogyna
Holly	Ilex Aquifolium
Wild Privet	Ligustrum Vulgare
Guelder Rose	Viburnum Opulus
Dog Rose	Rosa Canina
Spindle	Euonymus Europeans
Sweet Briar	Rosa Rubiginosa
Wayfaring Tree	Viburnum Lantana
Field Rose	Rosa Arvensis
Cherries	Prunus Spp. (urban locations)
Crabapples	Malus Spp.

*Note: This is not a definitive list. The Boards will consider other indigenous species that are shallow rooting and are expected to have limited height and spread.*

## FENCING

**The Boards' Byelaw No. 17 states:**

*No person shall without the previous consent of the Board -*

- (d) *erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;*

For typical domestic or commercial fencing developers should follow advice given earlier in this document for 'structures'.

Stock proof fencing within 9.0 metres may be acceptable. In such cases fencing must:

- be of post and rail or post and wire construction
- be sited between 0.5 and 1.0 metre from the bank top
- not exceed 0.9 metres in height

Where fencing is required to be perpendicular to a watercourse, the Boards will require access for machinery to be maintained. This can be achieved via the inclusion of access gates with a minimum opening of 4.25 metres at both the upstream and downstream boundary.

Where possible, any fence erected within Byelaw distance must be of a temporary or demountable nature.

Compliance with the above requirements will allow the Boards to continue maintenance by working over the proposed fence.

A typical cross section is included in Appendix A.

Where, in exceptional circumstances, fencing is permitted in close proximity to a watercourse, the Boards may require the applicant to enter into a Deed of Indemnity with the Boards.

Consideration should also be given to the Boards' advice note *AN04: Stability of garden fences close to Board maintained watercourses.*

## **UTILITY APPARATUS WITHIN 9 METRES OF A BOARD WATERCOURSE**

The Boards' consent will be required for any utility apparatus within 9 metres of a Board maintained watercourse. Apparatus such as water, sewage and telecoms can be considered for derogations by the Boards' officers within their delegated authority.

High voltage electricity cables and gas mains that are proposed within 9 metres of a Board maintained watercourse represent a significant risk to the health and safety of the Boards' operatives whilst carrying out maintenance activities. Therefore, in the first instance, such apparatus should be located outside of the 9 metre Byelaw distance. Where this cannot be achieved, applicants are advised that such applications must be determined at a full Board meeting.

## **FURTHER GUIDANCE**

The Water Management Consortium Boards have the following documents available:

- Consent Application Form
- Technical Guidance Notes
- Byelaws
- Planning and Byelaw Policy

The Water Management Consortium Boards have also produced a series of other advice notes including:

- AN02: Culverts and Bridges
- AN03: Environmental Considerations
- AN04: Stability of Garden Fences Close to Board Maintained Watercourses
- AN05: Service Crossings
- AN06: Surface Water

The above documents are available from the Consortium's office during normal working hours or alternatively, can be downloaded electronically from <http://www.wmc-idbs.org.uk>

If you would like to discuss any of the information in this document or associated advice notes, please do not hesitate to contact the Consortium's offices using the details provided below.

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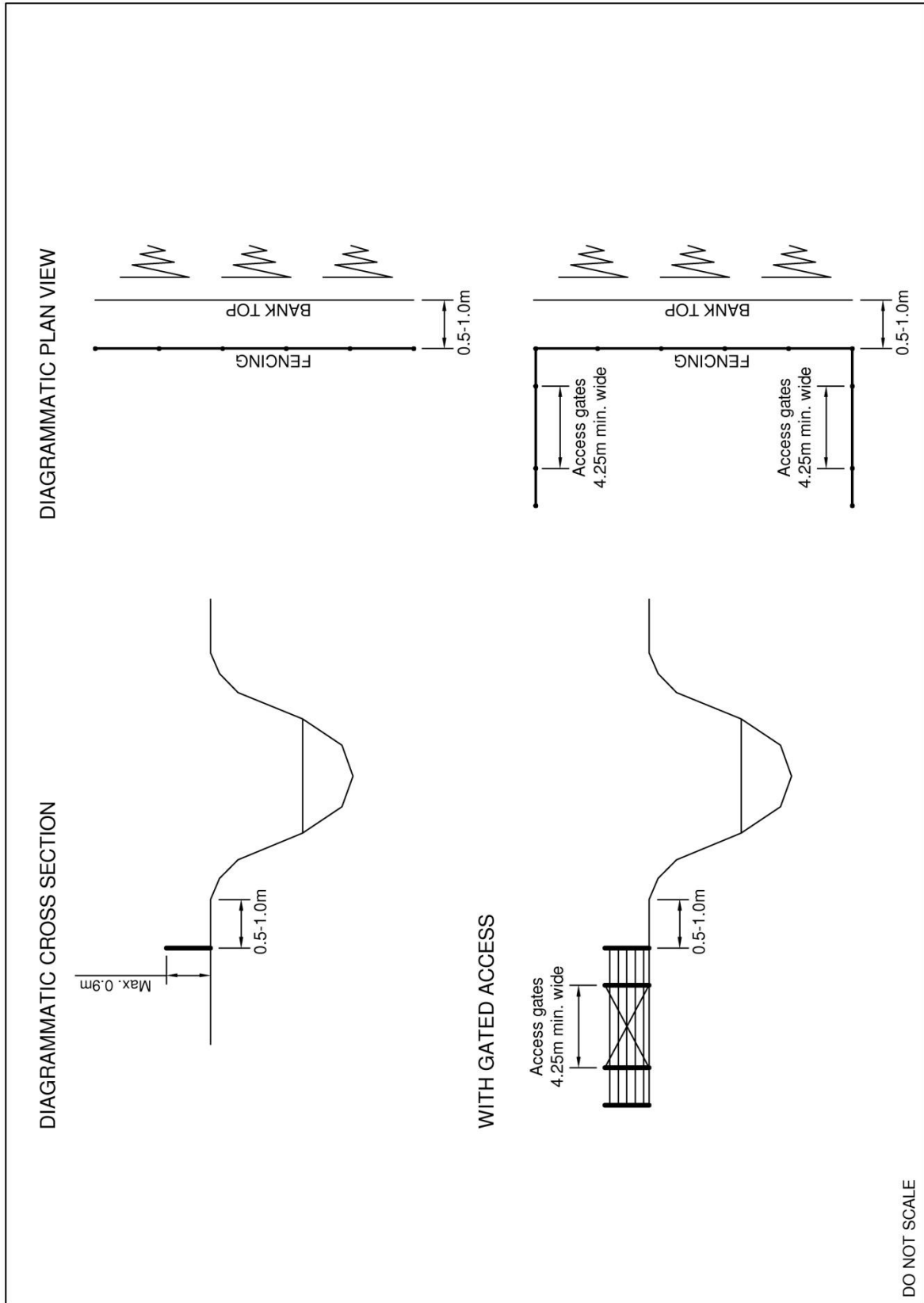
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APPENDIX A – TYPICAL FENCING CROSS SECTION





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