

Working in or near a watercourse in the Alconbury Brook catchment – please read this advice note

Did you know that doing work near or in a river/watercourse may require prior written permission from either the Environment Agency, the Internal Drainage Board or Cambridgeshire County Council as the Lead Local Flood Authority? These are the three authorities in the Alconbury Brook catchment where consent or permits may be required and it depends on the designation of the watercourse at your site of interest and the type of work you wish to do. The reason why you need to seek permission prior to doing the works is for it to be assessed by the relevant authority to ensure that the proposed work on or near a watercourse or in the flood plain does not increase flood risk to people and property and complies with their relevant legislation.

Below is a guide to help you if you are looking to undertake works. This could include works in your garden, near or in a watercourse. Failure to gain the relevant permissions prior to commencement may result in enforcement action being taken by the relevant authority.

More information can be found here: <https://www.gov.uk/permission-work-on-river-flood-sea-defence>

1. Environment Agency permission

You must follow the environmental permitting rules if you want to do work:

- on or near a main river like the Alconbury Brook
- on or near a flood defence structure
- in a flood plain

These are regulated under the Environmental Permitting legislation (formerly flood defence consents). You are breaking the law if you carry out work without getting the permit you need.

You can find out whether your works are on a main river by searching for 'Flood Risk Activities: Environmental Permits' on gov.uk and clicking on 'check if the activity is on a main river'.

Check if your activity is regulated

You must apply for permission from the Environment Agency to do any of the following regulated flood risk activities:

- Works in, over or under a main river
- Works within **8 metres** of a non-tidal main river / flood defence structure (16 metres if quarrying or excavation)
- Works within the flood plain of a main river, outside the distances specified above, if you do not have planning permission

Types of permission

There are four types of permission for flood risk activities under the Environmental Permitting Regulations:

- Exclusions- you do not need to get permission if you are carrying out these activities, so long as you are working in accordance with the conditions
- Exemptions- these need to be registered with the Environment Agency, free of charge, and you must meet the conditions. You will receive confirmation that the exemption has been registered within 10 working days. If you do not meet the conditions, you will be notified of this and will need to apply for a permit.
- Standard rules permits- these are permits for lower risk activities. You must meet the conditions. They have standardised risk assessments and cost £170 (more for multiple activities). The Environment Agency has up to 2 months to determine these applications.
- Bespoke permits- you will need to apply for a bespoke permit if you do not qualify for an exclusion, exemption or standard rule. The Environment Agency has up to 2 months to determine these applications, and the application fee is tiered so that higher risk activities cost more.

Please note there may be additional fees associated with permits where compliance checks are carried out. These will be set out when you apply.

You can find details of the exclusions, exemptions and standard rule criteria, and the charges for permits, on gov.uk by searching for 'Flood risk activities: environmental permits'. Guidance on how to register exemptions, and apply for permits, is also available on this page. If you are uncertain whether you need permission, you can contact the Environment Agency at enquiries@environment-agency.gov.uk.

2. Alconbury & Ellington Internal Drainage Board consent

You must follow the Land Drainage Consenting and Byelaw rules if you want to do work to a watercourse or culverted watercourse in the IDB's Drainage District, other than works to the Alconbury Brook which is classified as a main river and under the Environment Agency's jurisdiction (see point 1 above):

All permanent and temporary works to watercourses are regulated under the Land Drainage Act 1991 and may require Consent. You are breaking the law if you carry out work without getting the Consent you need.

You can find out whether your works are in the IDB's Drainage District on the Board's website www.idbs.org.uk or by phoning 01234 767995. There is Consenting guidance on the website.

Check if your activity is regulated

You must apply for Consent from the Alconbury and Ellington Internal Drainage Board to do any of the following temporary or permanent works:

- Works in, over, under or next to an ordinary watercourse in the Drainage District
- Works within **9 metres** of an ordinary watercourse / flood defence structure
- Works within the flood plain

3. Cambridgeshire County Council consent – Lead Local Flood Authority - Flood Risk and Biodiversity Team

Ordinary watercourse consent

'Ordinary watercourses' include every river, drain, stream, ditch, dyke, cuts, sluices, culverts, sewer (other than public sewer) and passage through which water flows that do not form part of main rivers. Main rivers are regulated by the [Environment Agency](#) (see point 1 above). It is not required for water to flow at all times for it to be considered as a watercourse. Please note the council does not regulate ordinary watercourses in internal drainage board areas (see point 2 above).

Check if your activity is regulated

Construction or alterations within an ordinary watercourse requires consent from the County Council under the [Land Drainage Act 1991](#). Changes to structures (e.g. dams, weirs, culverts or other such obstructions) that are already in place will also need consent from the Council.

When considering if proposed works will require consent, you should consider whether they would affect the flow of the watercourse when the channel is full. If the answer to this is yes, then consent from the Council will be required. Consent will be required irrespective of whether works are permanent or temporary.

You are advised to contact the council to check whether your works will be deemed to affect an ordinary watercourse - floodandwater@cambridgeshire.gov.uk

Information and guidance about how to complete an ordinary watercourse consent application is available on our website:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/flood-and-water/watercourse-management/>

Consent will be refused if the works are poorly designed, result in an increased flood risk or if they pose an unacceptable risk to nature conservation or the environment. Incomplete applications will also be refused. In relation to works to culverts, our Culvert Policy should be followed, available on our website.

Pre-application advice is available, for a variable fee, charging schedule is available on our website. We strongly encourage pre-application discussions and potentially site visits to discuss the appropriateness of your proposed plans and to ensure that everything you need to submit is provided when the application is made.

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