

### Land Drainage Act 1991 Section 23 Consents

The Internal Drainage Boards have Powers to control development which affect watercourses within the Internal Drainage District under Section 23 of the Land Drainage Act 1991. Written Consent of the IDB is required to:

- Erect any mill dam, weir or other like obstruction to the flow of any Ordinary Watercourse, or raise or otherwise alter any such obstruction; or
- Erect any culvert that would be likely to affect the flow of any Ordinary Watercourse, or alter any culvert in a manner that would be likely to affect any such flow.

The procedure for application is specified in Section 23 (2)–(5) of the Land Drainage Act 1991 and is as follows:

- The IDB may charge an application fee, currently £50;
- Consent is not to be unreasonably withheld
- Consent shall be deemed to have been given if it is neither given nor refused in writing within two months of whichever is later of –
  - the day on which the application is made; or
  - if an application fee is required to be paid, the day on which the liability to pay the fee is discharged.

The period cannot be extended by agreement.

If the question arises whether the consent is unreasonably withheld then arbitration is available, the arbitrator to be appointed either by agreement or by appointment of the President of the Institution of Civil Engineers.

Any works carried out without consent under Section 23 of the Land Drainage Act constitute a nuisance and the IDB may serve Notice requiring the nuisance to be abated within a specified period.

The Notice may be served on:

- the person who carried out the work if he has the power to remove the obstruction at the time when the notice is served;
- in any other case, the person having power to remove the obstruction.

If any person acts in contravention of, or fails to comply with any Notice

- he shall be guilty of a criminal offence.  
Maximum Fine: Level 5 (currently £5,000) plus a daily penalty for continuing offences; and
- the IDB may carry out the required work and recover costs.

To determine whether the watercourse where the works are planned is within the district and a board maintained drain, in the first instance consult the maps on the website or for more detail contact the drainage office by telephone, fax or email. The office is staffed normally on Tuesday to Thursday but the telephone will be answered during normal office hours 5 days per week.

To apply for Consent please complete and return the application form FD1 with the following supporting information:

- Detailed Location Plan, Drawings and Sections
- £50 Application Fee with cheque made out to the relevant IDB

The Board will normally determine the consent within 28 days of receipt of the application.

Denison House  
Hexthorpe Road  
DONCASTER  
South Yorkshire  
DN4 0BF

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t 01302 342055  
f 01302 329887  
e [info@shiregroup-idbs.gov.uk](mailto:info@shiregroup-idbs.gov.uk)

The Shire Group of  
Internal Drainage Boards  
is managed by Grantham  
Brundell & Farran (part of  
JBA Consulting)

Engineer and Clerk to:

Ancholme IDB  
Ashfields and West Moor IDB  
Bedale and Upper Swale IDB  
Black Drain IDB  
Cod Beck IDB  
Dearn and Dove IDB  
Dun Drainage Commissioners  
Fairham Brook IDB  
Finningley IDB  
Garthorpe IDB  
Hatfield Chase IDB  
Laneham IDB  
Lower Swale IDB  
Messingham IDB  
Potteric Carr IDB  
Reedness and Swinefleet DB  
River Lugg IDB  
River Wiske IDB  
Scunthorpe IDB  
Sow and Penk IDB  
Tween Bridge IDB  
Went IDB

Engineer to:

Armthorpe IDB  
(Clerk - Walker Jones Solicitors)  
Everton IDB  
(Clerk - Mr JA Walker)  
Gainsborough IDB  
(Clerk - Mr JA Walker)  
Selby Area IDB  
(Clerk - Hunter, Gee & Holroyd)  
Goole & Airmyn IDB  
(Clerk - Mr R Beattie)  
Knottingley to Gowdall IDB  
(Clerk - Mr W Chisem)

**Land Drainage Act 1991 Section 66 IDB Byelaw Consent**

The Internal Drainage Boards have powers to control development alongside adopted watercourses within the Internal Drainage District under powers and authority vested in them through byelaws under Section 66 of the Land Drainage Act 1991.

**Byelaw 10**

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 9m of the landward toe of the bank where there is an embankment or wall or within 9m of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9m of the enclosing structure.

- The IDB does not charge an application fee for Byelaw Consents.

For full details of arbitration and other matters relating to the IDB Byelaws please refer to the booklet directly.

To determine whether the watercourse where the works are planned is within the district and a board maintained drain, in the first instance consult the maps on the website or for more detail contact the drainage office by telephone, fax or email.

To apply for Consent please complete and return the application form FD1 with the following supporting information:

- Detailed Location Plan, Drawings and Sections

The Board will normally determine the consent within 28 days of receipt of the application.