

Online Comment

Application H04-0184-24
Location Land to the West of Cowbridge Road Bicker Fen Boston
Proposal Details of Landscape & Ecological Management Plan (Condition 19 and also relating to Conditions 17, 18 & 20 of H04-0849-22)

Name Black Sluice Internal Drainage Board
Address Station Road Swineshead Boston PE20 3PW

Date Submitted 11-03-24
For/Against Objections

The Board has received the above planning application and has the following comments:

Access to Watercourses / IDB Byelaws

There are numerous open watercourses crossing and bounding the land concerned which are maintained by the Board under the terms of the Land Drainage Act 1991. The Board does NOT own the land within which these watercourses lie. The Board is only responsible for the conveyance of water.

The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse without the prior written consent of the Board. The Board requires these 9m access strips to carry out annual maintenance and improvement works by machinery throughout the year.

It would appear from the plans provided that the applicant intends to plant hedgerows within 9 metres of IDB-maintained watercourses. The applicant is advised that this will not be acceptable to the Board, and as such the Board OBJECTS to this application.

The applicant is also advised that suitable obstruction-free access strips should also be left alongside those watercourses which are NOT maintained by the Board so that these can also be maintained by the developer or any subsequent land owners.

Works within watercourses within the Black Sluice IDB District

The applicant is reminded that if they intend to pipe or fill any watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required. Works may include any proposed permanent or temporary works or structures, infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.