

Planning and Building Control
South Holland District Council**Our ref:** 25_33356_P

06/10/2025

Your ref: H05-0729-25**Site Location:** Land to the west of Langary Gate
Road Fleet Coy Spalding PE12 0RU**Summary of Proposal:** Change of use of previously reclaimed land to enable a mixed residential and equine use through the standing of two residential static caravans and two touring caravans and erection of two stables and ancillary works to create a home for a Gypsy / Traveller family

Dear Mr Niland,

Thank you for your consultation on the above application.

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above application.

The Board currently objects to this planning application. The principal reason for the Board's objection is:

- 1) The Board owns a section of land to which this application relates and has not been given the requisite notice required nor is the Board listed in Certificate B of the Application Form. See Land ownership, below.

A second reason for the Board's objection is:

- 2) To prevent increased flood risk in accordance with the National Planning Policy Framework. See Byelaw 10, below.

Officers have also noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Duncan Worth (Chairman)

Simon Bartlett (Vice-Chairman)

Phil Camamile (Chief Executive)

Constituted by The Anglian Water Authority (South Holland Internal Drainage District) Order 1974,
Statutory Instrument 1974 No.1209. Reconstituted in 1993. Statutory Instrument 1993 No.453.

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Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Byelaw / Section of Act	Description	Requirement
Byelaw 10	Works within 9 metres of a Board maintained watercourse	Partial consent granted / Other surfacing works unlikely to be approved
Byelaw 3	Discharge of surface water to a watercourse	Consent may be required
Byelaw 3	Discharge of treated foul water to a watercourse	Consent granted for 2 caravans only
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent granted

Land ownership

At the northern boundary the Location Plan (submitted 29/07/25) shows the site outlined red extending from the top of bank and down the batter to the landward toe of the 'Drain'. This land belongs to the Board (Part of Lambert Drain and Fleet Drain and Main Road Drain, Holbeach Spalding, known operationally as E31 Lambert Drain Connection). The Board raised this issue about the extent of land ownership under a previous planning application at this site (reference H05-0985-24). The applicant has provided the same Location Plan (production date 29/07/2024) and has failed to take account of the Board's land ownership on the application form.

The Board objects on the strongest terms to any encroachment upon its landholding. The applicant needs to make the correct declaration on their application, adjust the site boundary line landwards as per Land Registry maps, amend the site area to which the application relates and submit a revised Location Plan with the correct red line boundary marked.

Byelaw 10 (No Works within 9 metres of the Edge of Drainage / Flood Risk Management Infrastructure)

An applicant has approached the Board for land drainage consent (relaxation of Byelaw 10) to install an outfall and associated headwall into the Board's arterial watercourse known as E13 Drury's Drain South (DRN196P1301) at the site frontage. The same applicant also applied to install service crossings (water, electricity), wooden fencing, 2 no. access gates and a 15 metre wide access roadway over the existing field entrance culvert to provide access to the proposed caravans within 9 metres of the edge of E31 Lambert Drain Connection (DRN196P3102). The Board granted approval for these works on 11/06/2025 (our references 25_31526_C & 25_31527_C). The period of consent is time limited to 3 years from the date of issue.

It is understood that the proposed caravans shown on the Block Plan (lodged 18/08/2025) are outside the Board's 9 metre Byelaw distance and would not therefore require the Board's consent under Byelaw 10.

The same Block Plan dated 18/08/2025 shows an 'existing track' along the northern site boundary adjacent to the Board's arterial watercourse named E31 Lambert Drain Connection. The colour used on this Block Plan implies that the existing track is a continuum of the permeable hardstanding within the caravan enclosure. This Block Plan is misleading. There is an informal grassed trackway along the field margin adjacent to E31 Lambert Drain Connection. The Board's Operations Team uses heavy machinery along the maintenance strip adjacent to E31 Lambert Drain Connection when undertaking its flood risk management programme. This maintenance strip is also used to store cut vegetation and sediment when necessary. Materials may be left on the bank top to de-water for undefined periods of time. An extension of the trackway outside the terms of the consent granted by the Board on

11/06/2025 does not accord with the Board's Planning and Byelaw Strategy. The Board therefore **objects** to a surfaced track being constructed along the northern site boundary.

Byelaw 3 (Surface Water)

The Board's Byelaw 3 states that no person shall, as a result of development, directly or indirectly increase the flow of water in any drainage / flood risk management infrastructure without the previous written consent of the Board.

The applicant has indicated that they intend to dispose of surface water via soakaway (infiltration), however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the [National standards for sustainable drainage systems \(SuDS\)](#) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher.

Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our [Development Control Charges and Fees](#).

Byelaw 3 (Treated Foul Water)

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment (package treatment plant). The Board has granted consent for the discharge of treated foul water from 2 no. caravans only (maximum daily rate 200 litres or 0.2 cubic metres only) via a single outfall into E13 Drury's Drain South on 11/06/2025 (our reference 25_31526_C & 25_31527_C). This consent will expire if the works are not completed within 3 years of the date of issue.

Section 23, Land Drainage Act 1991 and Byelaw 4

Any alteration to a watercourse within the Board's Drainage District requires the Board's written consent (Section 23 Land Drainage Act 1991 and Byelaw 4 of the Board's Byelaws).

The applicant has stated on their application form that the work or change of use has not started. This statement is false. Works commenced by July 2024, initially with the unauthorised upgrading of the site access culvert off Langary Gate (E13 Drury's Drain South) and the laying of aggregate surfacing adjacent to this gated access within the 9 metre distance of both arterial watercourses. The upgrading of a 15 metre wide access track and associated aggregate surfacing has since been granted consent by the Board on 11/06/2025 (see above).

There is a riparian (private) watercourse at the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, the Board's consent will be required under the Land Drainage Act 1991 and Byelaw 4.

Please see the supplementary information overleaf for further detail on the Board's policy and consenting process.

If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter.

Yours sincerely,

Fern

Fern Crofts
Assistant Sustainable Development Officer
Water Management Alliance

How to Apply for Land Drainage Consent

To apply for Land Drainage Consent please complete an application form.

Application forms, application fees and 'Frequently Asked Questions' can be found on the 'Development' section of the Board's website, here:

<https://www.wlma.org.uk/south-holland-idb/home/#Development>

For any additional help please call us on 01553 819600 or email planning@wlma.org.uk.

Byelaws

South Holland IDB Byelaws can be found via the following link:

https://www.wlma.org.uk/uploads/SHIDB_Byelaws.pdf

Mapping

Mapping of the district can be viewed via the following link (choose 'dynamic map' for interactive maps):

<https://www.wlma.org.uk/south-holland-idb/boards-area/>.

Planning and Byelaw Strategy

The Board's Planning and Byelaw Strategy seeks to provide:

- Guidance on how (and why) the Board will review and comment on planning applications.
- Information on the policies against which the Board will assess and determine applications.
- Guidance to riparian (waterside) landowners regarding watercourse maintenance.

The Planning and Byelaw Strategy can be found via the following link:

https://www.wlma.org.uk/uploads/WMA_Planning_and_Byelaw_Policy.pdf

Arterial Watercourses

Maps on the Board's website show which watercourses are designated as Arterial Watercourses by the Board. You may also have heard these watercourses referred to as 'Main Drains' or 'Maintained Watercourses'. The designation is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB using the Board's Permissive Powers. Although the Board opts to proactively maintain this arterial network, there is no change in the ownership or liability associated with the watercourse resulting from this designation.

Why we have commented on this application:

By engaging with the planning process the Board is seeking to:

- Reduce flood risk to communities within the Internal Drainage District
- Promote sustainable development in sustainable locations by supporting sound planning decisions in accordance with the National Planning Policy Framework (especially [Paragraph 167](#)) and the [National standards for sustainable drainage systems \(SuDS\)](#)
- Reduce the potential for conflict between the planning process and the Board's regulatory process.

For further information please refer to the Board's Planning and Byelaw Strategy.