

Our ref: 26_35129_P

29/04/2026

Your ref: H09-0306-26

Site Location: Bakkavor Sluice Road Holbeach St
Marks Spalding PE12 8HF

Summary of Proposal: Erection of ground
mounted solar array & associated works

Dear Mark 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 planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf.

The proposed works are unlikely to be acceptable to the Board (in accordance with the policies outlined within the WMA's [Development and Consent](#) pages on our [website](#)). Resultantly, the Board **currently objects to this planning application**. The reason for the Board's objection is to avoid likely conflict between the planning process and the Board's regulatory regime (as outlined below) and to prevent increased flood risk in accordance with National Planning Policy Framework.

The Board will consider the proposals in detail on receipt of an application for Land Drainage Consent. 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 3	Discharge of water to a watercourse (treated foul or surface water)	Consent not currently required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent not currently required
Byelaw 10	Works within 9 metres of a Board arterial watercourse	Objection

Duncan Worth (Chairman)

Simon Bartlett (Vice-Chairman)

Marcus Coleman (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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Byelaw 3 (Surface Water)

I note that the proposed development will only slightly increase (0.37%) the impermeable area of the site (Flood Risk Assessment, K-Ten Consulting, 11/03/2026) and that interception swales are proposed to be installed across the site to act as informal infiltration features. **Please see comments in Byelaw 10 section below regarding the location of these swales.**

If at any time in the future an increase in the impermeable area is proposed at the development site, and for any reason a strategy wholly reliant on infiltration does not prove viable, a surface water discharge to a watercourse may be proposed. Consent would be required under Byelaw 3 to facilitate this proposal. Consent will also be required should a positive connection from the swales to a watercourse be proposed, such as the use of an overflow pipe.

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's proposals will not require the disposal of foul water, therefore Byelaw 3 (Treated foul water) does not apply.

Section 23, Land Drainage Act 1991

I note the presence of a Board **owned** arterial watercourse (DRN206G2101 - P21 Holbeach River) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern 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, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10

I note that the applicant intends to install a swale 'DRAINAGE LAYOUT' C001 Rev B (K-Ten Consulting, 11/03/2026) to the west of the solar array. It is currently unclear if this is located within 9 metres of the aforementioned Board **owned** arterial watercourse. If the swale is within 9 metres, this proposal is not acceptable under the Board's [policies](#) due to the Board needing a clear 9 metre access strip adjacent to the watercourse to complete its maintenance operations and any emergency works. Therefore the Board **objects** to this proposal until this distance has been clarified and/or the swale has been moved. We recommend the applicants provide a plan clearly marking the 9 metre Byelaw Zone from the edge of the Board arterial watercourse to show no works are proposed within this area.

In addition to the above, the Construction and Operational Traffic Management Plan (Evoke, 10 March 2026) states that temporary trackways (crushed rock/aggregate) will be used to gain access to the site during construction. If these trackways are proposed within 9 metres of the aforementioned watercourse, temporary consent will be required under Byelaw 10. If this is the case, we recommend the application contacts us to discuss the temporary access requirements further to ensure they do not impact the Board's ability to carry out its maintenance operations or any emergency works.

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,

Ella

Ella Thorpe
Senior 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 & Consent' section of the Board's website, here: <https://wlma.org.uk/development-consent/>

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

Byelaws

A copy of the IDB Byelaws can be found via the following link:
<https://wlma.org.uk/development-consent/byelaws/>

Mapping

Mapping of the district can be viewed via the following link: <https://wlma.org.uk/mapping/>

Further Guidance

The Board's webpages 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.

Please see the Development and Consent pages on the Board's website via the following link:
<https://wlma.org.uk/development-consent/>

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 WMB 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 plan:

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 181](#)) 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 webpages: <https://wlma.org.uk/development-consent/>