

**Our ref:** 25\_32486\_P

30/07/2025

**Your ref:** H09-0442-25

**Site Location:** Land off Battlefields Lane South  
Holbeach Spalding PE12 7PG

**Summary of Proposal:** Hybrid Application  
for 158 Dwellings Comprising:- Full  
Application for the Erection of 62 Dwellings,  
Associated Landscaping and Infrastructure  
and Outline Application for the Erection of  
Approximately 96 Dwellings (Some Matters  
Reserved)

Dear Sir/Madam,

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 Board's [Planning and Byelaw Strategy](#)). 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 annex at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

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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Byelaw / Section of Act	Description	Requirement
Byelaw 3	Discharge of water to a watercourse (treated foul or surface water)	<b>Consent required</b>
Section 23, Land Drainage Act 1991	Alteration of a watercourse	<b>Consent required - Objection</b>
Byelaw 10	Works within 9 metres of a Board maintained watercourse	<b>Consent required - Objection</b>

### Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water at a rate of 2.7 l/s to an Anglian Water Sewer for Phase 1 and 3 l/s to the Board arterial watercourse for Phase 2. Please see the Board's comments below:

1. The discharge to the Anglian Water surface water sewer chamber, located in Kings Road (AW Ref: 9254, Your ref: S45), outfalls into the Board's arterial watercourse known as P14 Foxes Low (DRN206G1405) at the approximate location 536812, 325038, and therefore consent is required from the Board under Byelaw 3 of the Board's Byelaws.
2. It is not clear whether the surface water discharge from Phase 3 has been included in the discharge rate proposed for Phase 2. Please can the applicant confirm whether the discharge rate specified within Phase 2 includes the impermeable areas created from Phase 3?
3. The applicant has specified within the Flood Risk Assessment (087.5018/FRADS/2 Including Drainage Strategy - October 2024) that the discharge rate will be limited to greenfield rates for the site's developed area. Please can the applicant confirm what 'the developed area' refers to? Does the developed area include both permeable and impermeable areas? The Board requests that any proposed discharges into our system are reduced to the QBar rate for the impermeable areas only. For example, if the total site area is 6.2 ha but the impermeable area for the site totals 1.2ha, the discharge rate should be reduced down to the QBar rate for the 1.2ha of impermeable area only.

**These proposed discharges will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.**

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](#).

In addition to the above, I would like to take this opportunity to make the applicant aware that should they discharge surface water temporarily to a watercourse (i.e. ground dewatering during construction), additional temporary consent is required under Byelaw 3.

### Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer chamber located north of Kings Road (MH REF:9300). Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

## Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) running in a south easterly direction through the centre of the site. The applicant has undertaken a topographical survey of this watercourse and within their submitted Flood Risk Assessment & Drainage Strategy 087.5018/FRADS/2 Rev 2 (Paul Basham Associates Ltd, 28/03/2025) they state "*the survey uncovered that the continuation of the watercourse which runs in the southerly direction past the visible point. The survey also discovered 2 outgoing pipes at the end of the visible ditch within the development site, which have invert levels of 1.99 and 1.98m. These pipes have then been traced for 15m, but no offsite connection to a watercourse was found.*" The discovery of 2 pipes at the south/east end of this watercourse suggests that this currently open watercourse is able to accommodate/convey flows and is therefore an important feature for the local drainage.

Upon reviewing the proposed site plans, it appears that the applicant proposes to alter this watercourse by infilling the entire open stretch. The applicant then proposes to construct a new site roadway and several dwellings on top of the infilled watercourse, as shown within the drawing 'Proposed Site Layout' P003 Rev C (BrightSpace Architects, 01/07/2025). These proposals suggest that the applicant has not taken into consideration the importance of this open watercourse's ability to accommodate/convey flow, which is important for local drainage, nor the impact that the proposed infilling will have on the 2 pipes which connect into this watercourse. Additionally, the applicant's intentions for each end of this open watercourse following the proposed infill are unclear.

The proposed infilling works are not acceptable under Policy 3 of the Board's [Planning and Byelaw Strategy](#) due to the potential to increase flood risk or negatively impact the efficiency of local drainage, therefore the Board **objects** to this proposal.

In light of the Board's objection, we request that:

1. Additional survey work is carried out to establish the direction of flow, its connection into the wider system and the origin of the 2 connected pipes at the southern end of the watercourse and proposed mitigation measures to avoid any potential impact on upstream riparian landowners.
2. The site is redesigned so that either this open watercourse is retained, or this is piped and additional capacity is created to compensate for the proposed loss of capacity from the original open watercourse.

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. **To achieve this, a change to the existing layout will be required.**

Furthermore, I note the presence of a Board arterial watercourse (P14 Foxes Low - DRN206G1405) adjacent to the eastern 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).

## Byelaw 10

Within drawings 'Proposed Site Layout' P003 Rev C (BrightSpace, 01/07/2025) and '3.3 Site Layout Plan' 20062-8000-01 (Corstorphine & Wright, 01/2025), the applicant proposes to plant new trees/bushes, construct dwellings and private roadways/parking areas all within 9 metres of the aforementioned Board maintained watercourse. These proposed works are not acceptable under the Board's [Planning and Byelaw Strategy](#) due to the following reasons:

1. At this site, the Board currently has unobstructed access along the eastern side of the Board arterial piped watercourse (P14 Foxes Low - DRN206G1405) which enables our Operations Team to carry out our statutory maintenance functions and potential emergency works. The Board accesses the piped section of watercourse within this field via a strip of Board owned

land to the south. The applicant's proposals will prevent the Board from being able to access this piped watercourse thus negatively impacting the ability of the Board to carry out its maintenance and emergency operations.

2. The construction of Permanent Structures, including new dwellings with private roadways/parking areas, within 9 metres of a Board arterial (open or piped) watercourse are not acceptable under Policy 4 of the Board's Planning and Byelaw Strategy. We believe that these proposed Permanent Structures will impact the ability of the Board to carry out future operations while also likely increasing the liabilities of the Board. More specifically, Permanent Structures within 9 metres of this piped section of Board arterial watercourse will hinder your own ability, to repair or replace the existing piped section of arterial watercourse which lies adjacent to your property.
3. Additionally, the planting of any new trees within 9 metres of a Board arterial (open or piped) watercourse is not deemed acceptable as per Policy 4 within our Planning and Byelaw Strategy. This is because the new trees and their roots will impact the ability of the Board to carry out future operations while also likely increasing the liabilities of the Board.

Due to the reasons stated above, the Board **objects** to this proposal.

In light of the Board's objection, the Board requests that a fenced, 9 metre clear strip from the edge of the piped watercourse is left adjacent for the entire stretch of this piped watercourse with the inclusion of a 5 metre wide gate so that the Board can access the strip via the site. This will ensure that a clear, unobstructed access for the Board is maintained and easily accessible, to facilitate our statutory maintenance and emergency operations, as well as ensuring that no Permanent Structures or new trees are constructed/planted within 9 metres of the Board arterial piped watercourse. **To achieve this, a change to the existing layout will be required.**

Furthermore, the future structural maintenance responsibilities of the piped watercourse must be clarified. Typically, this rests with the riparian landowner.

**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,

Rachael

Rachael Yeowell  
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' section of the Board's website, here:

For any additional help please call us on 01553 819600 or email [planning@wlma.org.uk](mailto: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](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](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.