



South Holland
Drainage Board

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Ashley King Developments Ltd
1 Goodison Road
Lincs Gateway Business Park
Spalding
PE12 6FY

Our Refs: 19_01925_C, 19_01926_C & 20_02868_C
Your Ref: H09-0288-15

25 September 2020

Dear Sirs,

RE: Consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage / flood risk management infrastructure), culverting of a 28 metre length of watercourse (Section 23 Land Drainage Act 1991) and surface water discharge (Byelaw 3) at maximum rate 2.5 l/s from a new residential development into Board-maintained Foxes Low Drain, Holbeach

Further to your applications for the above, and following a meeting of the Board on 5th November 2019, I am pleased to be able to grant consent on behalf of the Board under the terms of its Byelaws and the Land Drainage Act 1991 for the culverting (piping) of a 28 metre length of the Board's maintained watercourse P14 Foxes Low Drain (DRN206G1405), erection of boundary fencing and discharge of surface water run-off from a proposed residential development to the same watercourse at the locations shown in your applications. Consent is granted subject to compliance with the specifications and conditions listed below that you acknowledged and accepted in the Notice of Intention to Grant Consent letter which you signed and returned to us on 14 September 2020. Invoices for the payment of the Commuted Maintenance Fee of £11300.00 (no VAT) as per condition C4 and the Surface Water Development Contribution of £4,773.45 (no VAT) as per condition C5, will follow by email.

South Holland Internal Drainage Board ("the Board"), in exercise of its powers under Section 23, Land Drainage Act 1991 and Byelaws 3, 4 and 10 of the Byelaws, and subject to the conditions and the specifications attached, hereby grants consent to the works or operations described in the Consent.

Consent numbers: 19_01925_C – surface water discharge (Byelaw 3)
19_01926_C – alteration of watercourse (Byelaw 4 & Section 23
Land Drainage Act 1991)
20_02868_C – works within 9 metres of Board's watercourse
(Byelaw 10)



Mr D R Worth (Chairman) Mr S A R Markillie (Vice-Chairman)

Mr P J Camamile (Chief Executive)



Cert No. GB11990

Cert No. GB11991

**Date consent shall
come into effect:** 25/09/2020

Grantee: ASHLEY KING DEVELOPMENTS LTD.
1 GOODISON ROAD
LINCS GATEWAY BUSINESS PARK
SPALDING
LINCOLNSHIRE
PE12 6FY

Watercourse: Board maintained watercourse known as P14 Foxes Low Drain
(DRN206G1405)

Location: Land off Balmoral Way, Holbeach

Map Grid Reference: 537175, 325222

Description of works: Culverting of a 28 metre length of the Board's watercourse to accept surface water discharge at maximum rate 2.5 l/s from a new residential development plus boundary demarcation within 9 metre Byelaw distance

Conditions:

- C1 Officers must be allowed to inspect the works if they request to do so. Please complete the Notice to Commence Works form included with this consent and return (via email or post) to the Board or alternatively please contact this office to notify us of when you intend to start construction.
- C2 Consent is granted subject to the proposed works being completed within 3 years of the date of this letter. Failure to complete the works in accordance with this time period, and/or in compliance with the conditions contained in this letter, may result in this consent being invalidated and could necessitate the removal or remediation of any works. Within this time period the consent cannot be sold, inherited or otherwise passed on without prior written agreement being obtained from the Board, unless the works have previously been completed in accordance with the conditions/specification contained herein.
- C3 It is the applicant's responsibility to ensure no loss of protected species or habitat as a result of the consented works. An environmental survey will need to be undertaken. Specialist advice should be sought from a qualified ecologist to screen the proposed works for the presence of protected species. Results of this screening should be provided to the Board to evidence that this condition has been fully complied with. Where the qualified ecologist recommends further survey work and/or mitigation, their recommendations should be implemented. Failure to do so may cause the Board to invalidate this consent and refer the matter to the appropriate enforcement authorities.
- C4 As the Board is proposing to adopt the new culvert, inspection chambers and headwall being consented under this application and will be responsible for future maintenance, a Commuted Maintenance Fee is payable to the Board. The adoption means that the Board will be responsible for maintaining the flow of water through the consented structure by de-silting and clearing excess vegetation on a recurrence deemed necessary to meet water level management requirements. This fee has been calculated using the Board's charging policy when you submitted your application and is based on your proposed works and a predicated lifetime of the structure for 100 years. A one-off capital sum of £11,300.00 (no VAT) is due to the Board once consent is granted.
- C5 A one-off Surface Water Development Contribution is due to the Board to cover the increased flow and volume in its maintained drainage network. Payment is due once consent is granted. The Surface Water Development Contribution for this consent is £4,773.45, representing 2630

m² of additional impermeable surface. This is charged at £12.10 per m² and 15% of the contribution rate as per the Board's [Development Control Charges and Fees document](#) when you submitted your application. This reflects the rate and volume of discharge proposed as part of this application.

- C6 No impermeable surfaces which drain to a watercourse (whether directly or indirectly), other than the 2630 m² (0.263 hectares) approved as part of your current application, are to be constructed on site unless prior written consent is obtained from the Board.
- C7 Consent is granted subject to the land owner entering into the Board's Standard Deed of Indemnity including paying all costs incurred by the Board in preparing and executing that document. Once agreement to the document has been received, final copies of the Deed would then have to be signed on behalf of the landowner and the Board, after which a copy would be lodged at the Land Registry. The costs surrounding this process should amount to £50+VAT for the Deed preparation, and £20 for the Land Registry fee unless additional unexpected legal fees are incurred by the Board, in which case these will also be passed on. **The Board's consent cannot be deemed to be valid, and therefore no works on the proposed development are to be undertaken within the area of land covered by Byelaw 10, until this process has been completed.** Works should be carried out in accordance with the Deed.
- C8 A boundary fence shall be constructed to the north of the Board's maintained watercourse to separate the Board's access strip from an area of public open space. The Board will be responsible for maintenance of the access strip between the pipe and the new boundary fence. You will be legally bound to keep and maintain the fence in good repair, and to replace it as necessary in the future when it becomes no longer fit for purpose. Responsibility for the maintenance of the land between the fence and the 9 metre byelaw easement distance will rest with yourselves and/or your successors.
- C9 Consent is granted subject to the Board having a legal/prescriptive right of access over the private land to gain access to the Board's maintenance strip.

Specifications:

Consent is granted for the following:

1. Culverting (piping) of Board's P14 Foxes Low Drain (DRN206G1405)

- S1 Culvert size: The open watercourse is to be culverted for 28 metres from approximate grid reference 537175, 325220 to 537205, 325226, as shown in Drawing no. AHL-1437-01-DR-013 P1 (Inspire Design & Development, 3/3/20). The culvert shall be constructed using a 600 mm internal diameter twin wall pipe (of a suitable specification) with the exception of a short upstream connection (see S3, below). The pipe size is stipulated in order that the amount of potential storage volume in the watercourse which will be lost as a result of the piping is not unacceptably high.
- S2 Culvert bedding: At the outset of your works you are to "clean out" the watercourse, removing the silt and other soft debris from the base of the drain, so that a firm bed level can be established (this will be required to set the invert level for your new pipe). The pipe is to be laid at a flat invert level and laid to the same level as the existing pipe invert level at 1.27m ODN (see S3, below). The new pipe should be bedded on and surrounded by 200 mm thick layer of pea gravel, surrounded by suitable permeable geotextile.
- S3 Culvert connection: A new length of 525 mm diameter pipe will be used to form a sealed connection with the existing Board culvert upstream of the proposed works. An inspection chamber (manhole IDB1) will be constructed at the transition point to the new 600 mm diameter pipe at grid reference 537181, 325217. The surface water system will discharge into this manhole as well (see S11, below). The new manhole must be suitably designed to allow access/egress for future maintenance operations and should be built off a reinforced cast-concrete base, a minimum of 150 mm thick, with a 200 mm deep sump below the lowest pipe

- invert level. The manhole is to be built in line with current building regulations, as shown in Drawing no. AHL-1437-01-DR-013 P1 (Inspire Design & Development, 3/3/2020), and therefore should be at least 1800 mm x 1050mm (for a rectangular chamber) or have a diameter of 1800mm (for a circular chamber). The chamber is to be built up to finished ground level, and should include a suitable reinforced concrete top slab complete with manhole covers and frame.
- S4 Culvert access chambers: In addition to the inspection chamber detailed in S3 above, a second inspection chamber (manhole IDB2) of similar specification is to be constructed downstream at location 537207, 325225 to enable a change of pipe direction and acceptance of flow from an existing private pipe.
- S5 Backfill of culverted reach: The backfill material above the pea gravel/20-5 granular material may be "clean" topsoil or suitable stone, but under no circumstances is this backfill to contain any garden rubbish, brick rubble or other deleterious material. A layer of geotextile material is to be laid across the full width and length of the piped section at the top of the pea gravel/stone fill, underneath any topsoil. All backfill should be suitably compacted in order to minimise the chance of potential settlement problems in the future. The backfill material should be laid to the depth required to match the existing ground levels to either side of the earlier drain.
- S6 Culvert headwall: A headwall must be constructed at the downstream end of the new culvert. A common option acceptable to the Board is to build the headwall using lean-mix concrete-filled sandbags, with the headwall dug in to the drain banks to each side, and built to a height of at least 3 stepped layers of sandbags above the top of the pipe to provide a slope up to finished ground level. The sandbags should be pinned together using steel rods (a minimum of 10 mm diameter) to help stabilise the headwall. If you wish to construct a different style of headwall, please provide details to the Board for consideration.
- S7 Culvert and inspection chamber loading: Where vehicle access over the culvert is required it is the responsibility of the applicant to ensure the final arrangement is sufficient for vehicle loading up to the Board's requirement of 31 tonnes. The pipe manufacturer should have standard guidelines regarding the type and depth of fill material needed to allow traffic loading, which should be followed diligently in order not to unduly risk damaging the pipe or inspection chambers by taking vehicles across them.
- S8 Before completion of your works, the drain and banks around the culverted length must all be restored to their previous condition.
- S9 The position of the 9 metre Byelaw easement zone will be modified by the new culvert route. All future measurements will be taken horizontally from the outside edge of the culvert. No obstructions other than those within the terms of this consent may be placed within this 9 metre easement without the consent of the Board. This includes items such as fencing and landscaping features (planting of shrubs and trees).

2. Surface water discharge into Board's P14 Foxes Low Drain (DRN206G1403):

- S10 Outfall details: Consent is for the installation of a 450 mm diameter outfall pipe at the approximate location 537175, 325220. The discharge of surface water run-off from this site is to be limited to a maximum rate of 2.5 litres per second under all circumstances. Any exceedance of the afore-mentioned maximum discharge rate may lead to further action being taken by the Board.
- S11 Connection details: This 450 mm diameter surface water pipe will connect to a new inspection chamber (manhole IDB1) and from there discharge into the Board's maintained watercourse via a new 600 mm internal diameter culvert.
- S12 Headwall: The new outfall at the end of the culverted section shall enter the open watercourse through a suitably-sized headwall with erosion protection (see S6, above).

3. Fencing within 9 metres of the Board's P14 Foxes Low Drain (DRN206G1403)

- S13 Approximately 35 metres of 1.8 metre high close-boarded wooden fence is to be erected to the north of, and parallel with, the culverted watercourse from the existing boundary marker to the west (grid reference 537175, 325220) to the culvert outfall (grid reference 537207, 325225), as per Drawing no. 72-BT-01 Rev D (Ashwood Homes, June 2019).
- S14 The fencing shall be located to provide a maintenance strip approximately 4.5 metres in width, measured from the outside edge of the new culvert, for the Board's machinery requirements.
- S15 The fence posts are to be driven in, as opposed to cemented.
- S16 The Board retains the right to remove part of, or all, of the fencing if emergency access is required.

In addition to the above, please be aware of the following informative conditions. If you disagree with any of the below, the consent will be invalid until revised terms are agreed with the Board.

- 11 All references in this letter to the Board are to be construed as including successor organisations to the current Board.
- 12 No part of this consent shall adversely affect the Board's rights or responsibilities as defined in the Land Drainage Act 1991 or in its Byelaws, unless those rights or responsibilities are expressly varied herein.
- 13 Other than the works consented in this letter, you must not make alterations to any watercourse, or otherwise infringe the Board's Byelaws or the current or any future Land Drainage Act, unless prior written consent is obtained from the Board.
- 14 This consent cannot be taken to mean that the proposed works will comply with the requirements of any other interested parties, including the Local Planning Authority, Water Company, land owners or occupiers, and it's your responsibility to ensure that they do. The Board cannot be held liable if the works outlined in this letter are carried out and are not acceptable to any other interested party, or for any possible implications arising from this.
- 15 The Board cannot be held liable for damage to any services crossing, or adjacent to, the areas of land where you will be undertaking these works, howsoever caused. It is therefore entirely your responsibility to locate and avoid any such services.
- 16 It is the applicant's responsibility to ensure no loss of protected species or habitat as a result of the consented works. This may require the undertaking of an environmental survey. You should seek specialist advice as to the need for this and implement mitigation if specified.
- 17.2 The discharge is to consist solely of surface water run-off and must not include any treated foul water (unless otherwise consented separately). All surface water discharged to the watercourse must be free from contamination.
- 18.1 The applicant is responsible and liable for the design and installation of the proposed works. Where there are any problems caused to others due to these planned or associated works, then the applicant will be held liable and be responsible to ensure that these are rectified.
- 19 It is possible that the outfall from this drainage system may be submerged during times of high rainfall and flows. The Board cannot be held liable should this cause any problems in your drainage systems. The effect of a submerged outfall may be to restrict the rate of discharge from the system. This constraint may require additional storage capacity to be provided in your system. It may also be advisable to install a non-return valve or flap on the end of the discharge pipe or outfall structure to limit the impact of high water levels in the receiving watercourse on your system. The Board's officers have previously provided details of predicted maximum water

levels in the receiving watercourse so that the design of your on-site drainage system can take this matter into account.

- 110.1 The Board is not responsible for the operation and ongoing maintenance (including repair) of any elements of the surface water drainage system upstream and to the north of the new manhole (IDB1). You must ensure that responsibility for ownership, maintenance and operation of each and every element of the drainage system that is part of the proposed works is clearly-defined and transferred to the relevant Risk Management Authority, Management Company or individual property owners as appropriate. All costs associated with this will remain with you and future owners of the areas of land affected by this application. For the purposes of clarity, where the land or property owner is also the riparian owner, they are responsible for the maintenance of their sections of the watercourse.
- 112 The works are all to be undertaken entirely at your expense.
- 114.1 Should there be any existing pipes entering the stretch of watercourse to be piped from either bank, these are to be suitably extended and diverted to outfall into the open channel at one end or the other of the new culvert, or the nearest access chamber, or alternatively the culvert position should be altered to avoid the incoming pipes.
- 115 Where damage is caused to the Board's watercourse during the construction and installation works these should be rectified by the Grantee to as near the pre-construction state as possible, as determined by the Board's officers.
- 118 The Board reserves the right to widen or otherwise maintain, repair, or improve the watercourse in such a manner as may require the dismantling and removal of any part, or all of, the consented works (at the grantee or their successors cost) within the Board's watercourse and/or 9 metre byelaw distance.
- 119 In the event that the consented works damaged by the Board's operatives, including by means of vehicles or machinery, the responsibility for the repair and all associated costs will rest with yourselves.

Site Map or Plan

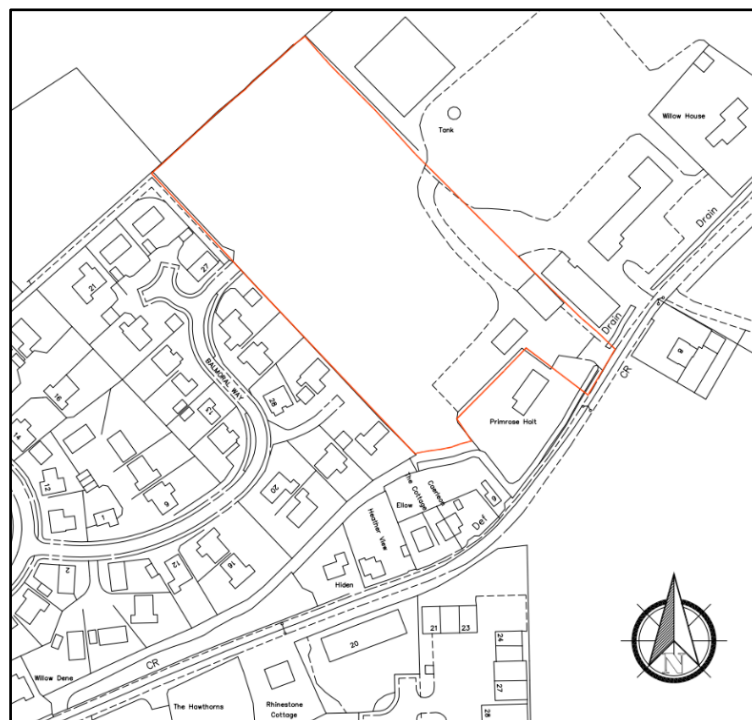


Figure 1. Site location off Foxes Low Road, Holbeach, outlined in red (extract taken from Drawing no. 203.LP.01, Studio 11 Architecture, 25.11.2014)

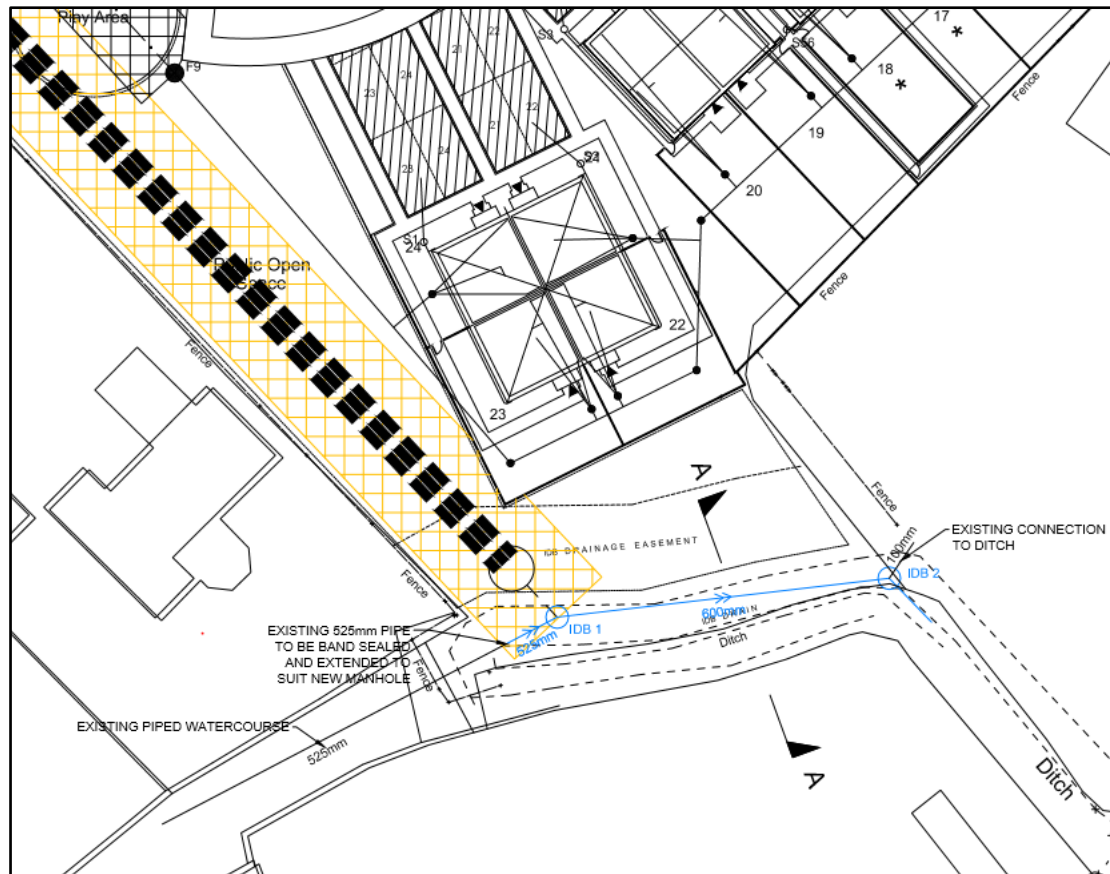


Figure 2. Drainage details, Foxes Low Drain. Proposed 600 mm diameter 28 metre culvert marked as a blue line. Upstream connection to the existing Board's culvert made via a 525mm pipe. Route of new surface water discharge pipe marked as a black dashed line to connect via a new inspection chamber (IDB1) to the 600mm diameter culvert (extract taken from Drawing no. AHL-1437-01-DR-013 P1, Inspire Design & Development, 3/3/20).

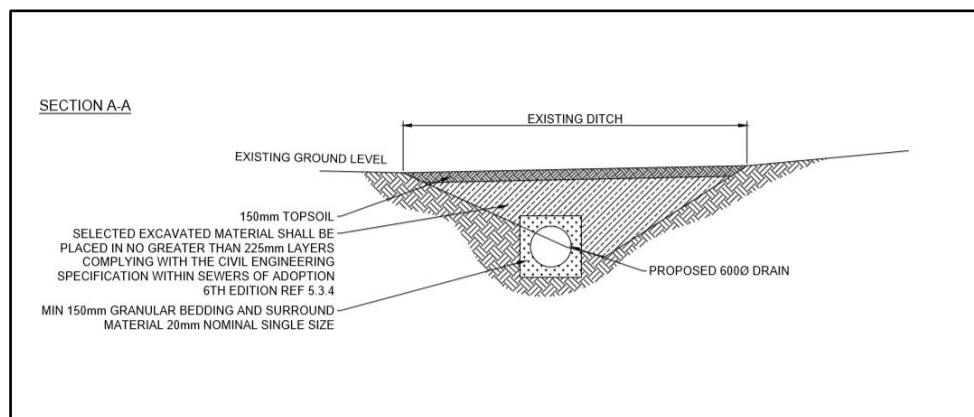


Figure 3. Proposed 600 mm diameter culvert cross-section (extract taken from Drawing no. AHL-1437-01-DR-013 P1, Inspire Design & Development, 03/03/2020)

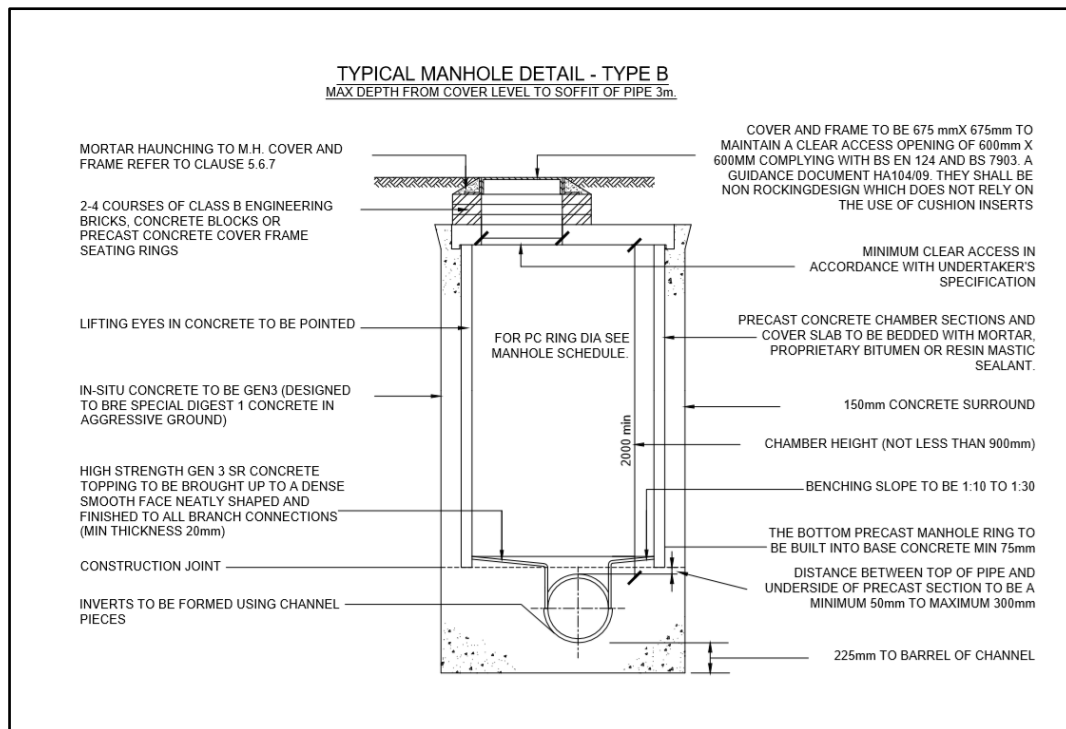


Figure 4. Inspection chamber detail (extract taken from Drawing no. AHL-1437-01-DR-013 P1, Inspire Design & Development, 3/3/2020)

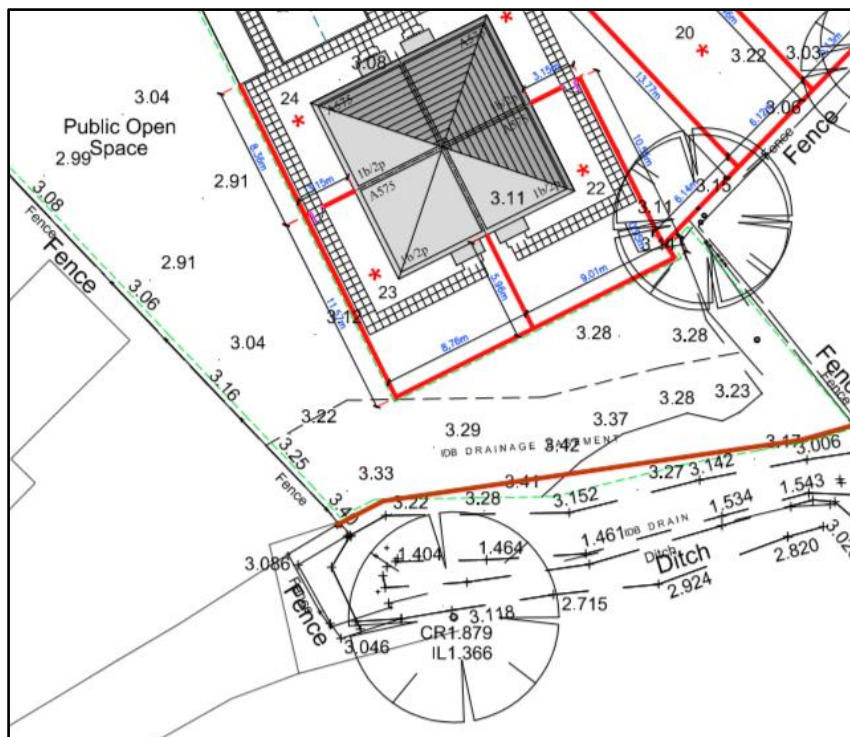


Figure 5. Detail of proposed boundary fencing, marked as a green line, within 9 metres of Foxes Low Drain (extract taken from Drawing no. 72-BT-01 Rev D, Ashwood Homes, June 2019)

Authorisation

Signed on behalf of South Holland Internal Drainage Board

A handwritten signature in dark ink, appearing to read 'P. Camamile', is centered below the text 'Signed on behalf of South Holland Internal Drainage Board'.

Phil Camamile, Chief Executive, Water Management Alliance

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Philippa

Philippa Noon
Sustainable Development Officer
Water Management Alliance

NOTICE TO COMMENCE WORKS

To:

SOUTH HOLLAND INTERNAL DRAINAGE BOARD
MARSH REEVES
FOXES LOWE ROAD
HOLBEACH
SPALDING
LINCOLNSHIRE
PE12 7PA

RE: Consent to Alter a Watercourse, relax Byelaw 10 (no works within 9 metres of the edge of drainage / flood risk management infrastructure) and discharge surface water run-off to a watercourse

Consent Numbers: 19_01925_C, 19_01926_C & 20_02868_C

I hereby give notice that I intend to start on _____ in accordance with the
above consent.

Signed: _____

Print: _____

Date: _____