

Our ref: 25_32649_P

18/08/2025

Your ref: H16-0692-25

Site Location: Land to the South of Holbeach Road
Spalding Lincolnshire PE12 6JP

Summary of Proposal: Development of
Site to provide a Food Store and Drive-Thru,
along with all Associated Works and Access

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 annexe 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)	Consent required - Objection
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent required - Objection
Byelaw 10	Works within 9 metres of a Board maintained watercourse	Not Applicable

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 2 l/s. As the applicant has acknowledged, this proposal will require consent under Byelaw 3. The Board recommends that any discharge is in line with the [National standards for sustainable drainage systems \(SuDS\)](#) (published in June 2025) as well as the Board's policy as detailed within our [Planning and Byelaw Strategy](#). 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](#).

The reason for the Board's objection relates to our concern that there may not be a viable discharge route from the proposed outfall point into the Board's arterial system. As the applicant has confirmed themselves, there is only an assumed route, which has not yet been confirmed or proved, from the outfall point at the south of the site into the Board's system. We are concerned that this proposed discharge route may increase flood risk in the surrounding area due to the lack of a feasible connection from the site to the Board's arterial system.

Whilst we acknowledge that there are no Board arterial watercourses within close proximity to the site, we are aware of a potential alternative route to the west of the site. Following the newly redesigned and constructed A16/A151 roundabout, we note that there is a watercourse which we believe is maintained by Lincolnshire County Council to the west of the site (approx. grid ref: 526602, 323839) which has a confirmed connection into the Board's Lords Drain to the north. The Board recommends that this potential route is investigated and discussions with the appropriate riparian landowners are undertaken to assess whether this discharge route would be more viable than the one currently proposed by the applicant.

Until a viable discharge route into the Board's system for surface water has been investigated and proven, **the Board object to this planning proposal.**

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)

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment in a package treatment plant unit. This proposal will require consent under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our [Development Control Charges and Fees](#).

Whilst consent is required under Byelaw 3 for the discharge of treated foul water to a watercourse, as above, until a viable discharge route into the Board's system for treated foul water is proved, **the Board object to this planning proposal**. The Board request further investigation and any potential rectification works are carried out to prove that there is a viable connection between the riparian watercourses and the Board's system prior to any application being made to the Board under Byelaw 3 of the Board's Byelaws.

Section 23, Land Drainage Act 1991

Having looked at the drawing 'Drainage Strategy Sheet 2 of 2' 1506/54/SK05.02 (ARP July 2025) showing the proposed drainage strategy for the southern half of the site, I note works are proposed to infill the existing watercourse (which is not maintained by the Board, a riparian watercourse) located to the eastern side of the site. The drawing shows a potential diversion route in pink, starting at the upstream end of the watercourse and runs through the site before connecting into a proposed chamber which connects into the existing downstream open watercourse. The Board has doubts whether this pipeline is an acceptable replacement for the loss of a watercourse, as it is a SuDS feature. Additionally, I am not aware of a detailed survey having been undertaken for this privately maintained watercourse. A detailed survey must be undertaken to confirm the direction of flows within the watercourse, provide confirmation of any existing connections into and out of this watercourse and confirm whether there are any habitats present on site that could be supporting protected species.

Consequently, this proposal is not acceptable under the Board's [Planning and Byelaw Strategy](#) due the following reasons;

- There will be an increase in flood risk as the current storage volume that will be lost by the infilling of the existing watercourse to the east of the site, will not be achieved by the creation of this proposed pipeline.
- Any upstream users of the watercourse will be impacted by the restricted outfall which the proposed pipeline connects into.
- There is a potential to cause environmental harm due to the loss of an open watercourse.

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

Furthermore, 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. There are several riparian watercourses adjacent and within the site, therefore the site's layout should be designed to incorporate accessible maintenance strips adjacent to these watercourses.

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

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:

<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.