

**Our ref:** 23\_25898\_P

15/01/2024

**Your ref:** H16-1096-23

**Site Location:** Land between A16 and Rangell  
Gate Spalding

**Summary of Proposal:** Proposed  
Anaerobic Digester Plant

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. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

**As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.** The Board will only 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) | <b>Consent required</b> |
| Section 23, Land Drainage Act 1991 | Alteration of a watercourse                                         | Consent may be required |
| Byelaw 10                          | Works within 9 metres of a Board maintained watercourse             | Not applicable          |

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



### **Byelaw 3 (Surface Water)**

I note the applicant has indicated on the application form that they intend to dispose of surface water via SuDS to an existing watercourse, however, I cannot find any evidence of the applicant submitting a detailed drainage strategy to support this. We request the applicant provides a drainage strategy in line with the SuDS hierarchy in support of their application.

The proposal to discharge surface water to a watercourse will require consent from the Board under Byelaw 3. I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. Please note that we recommend that any discharge is in line with the [Non-Statutory technical standards for sustainable drainage systems \(SuDS\)](#), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

### **Byelaw 3 (Treated Foul Water)**

I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

### **Section 23, Land Drainage Act 1991**

I note the site is surrounded by riparian watercourses which are not maintained by the Board (ordinary watercourses), adjacent to each site boundary. I note that the applicant intends to install a 7.3 metre access off the A16 across the riparian watercourse to the west of the site (Proposed Site Plan, Drawing ref: 3899B P01, Portess & Richardson Ltd., December 2023).

Whilst the applicant has not provided further details on the proposed crossing, should this proposal involve altering the watercourse (including installing a culvert), prior written consent is required from the Board under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The Board requests further information is provided.

The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourses, in order to enable maintenance by future riparian owners.

### **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,

Ellen Moore  
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](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:

[https://www.wlma.org.uk/uploads/210-SHIDB\\_Index.pdf](https://www.wlma.org.uk/uploads/210-SHIDB_Index.pdf)

## 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 [Non-standard technical standards for 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.