

Our ref: 23_25898_P

21/08/2024

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 re-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)	Consent required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent 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)

As per my previous letter, the Board recommends any drainage strategy is considered in line with the SuDS hierarchy and that we would expect to see further ground investigations/percolation testing being carried out at the detailed design. However, as per the additional comments in the revised preliminary drainage strategy document (Document Ref: 0371-REP-3000 REV 01, Jackson Consulting Engineers, 07/07/2024) we acknowledged that infiltration is perhaps likely to be unfeasible here due to the general geology of the area.

The Board do not give decisions in principle and therefore a rate will not be agreed until the applicant submits a formal application for land drainage consent. Please note, it would be likely that as part of an application for the discharge of water to the network, the Board would request the applicant evidences the connectivity of the riparian network to the wider drainage network.

As per my comments on the first page of this letter and previous responses, the Board strongly recommends Land Drainage Consent is sought prior to the determination of planning applications, in order to avoid any conflict between the Board's regulation and the planning process. The Board often proactively work with applicants applying for planning permission and land drainage consent simultaneously, as the granting of planning permission does not necessarily imply the Board will grant consent for a proposal.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to treat foul water using a package treatment plant and discharge the treated water to a riparian watercourse. Any proposal to discharge water (both treated foul and surface water) requires prior written consent from the Board under Byelaw 3. Therefore, I recommend the applicant contacts this office to make an application for this consent at their earliest convenience

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 an access from Rangell Gate to the site (Document Ref: 0371-REP-3000 REV 00, Jackson Consulting Engineers, 21/04/2024).

Whilst the applicant has not provided further details on the proposed access 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.

In addition to the above, 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.

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:

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

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.