

Our ref: 26_35832_P

09/07/2026

Your ref: H22-0566-26

Site Location: Land east of Delgate Bank Weston Spalding

Summary of Proposal: Erection of a free range egg laying unit including egg packing and storage building, feed silos and associated infrastructure

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)	Consent required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent not currently required
Byelaw 10	Works within 9 metres of a Board arterial watercourse	Consent required

Duncan Worth (Chairman)

Simon Bartlett (Vice-Chairman)

Marcus Coleman (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 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 3.5 l/s via a flow control device with an 83 mm diameter orifice plate. The proposed outfall arrangement also includes two non-return flap valves on the discharge pipe. Although this is in excess of greenfield rate, we note that the proposed rate is the minimum possible to reduce the risk of blockages in the system. This proposal will require consent under Byelaw 3. The Board recommend that any discharge is in line with the [National standards for sustainable drainage systems \(SuDS\)](#) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2 l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher (although the Board will consider an exception to this approach when it is evidenced that to achieve this rate would require a static flow control device with an orifice smaller than 50mm in diameter, or 100mm where debris control is not possible). 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](#).

We note that Paragraph 9.7 (Page 6) of the *Flood Risk & Drainage Assessment Report* (George Shuttleworth Ltd, May 2026) refers to the receiving watercourse as 'Cross Drain'. However, the watercourse located to the east of the site is the Board arterial watercourse F47 Moulton Mere Drain – South (DRN197P4701). This watercourse is owned by the Board.

The 'Proposed Development and Outline Surface Water Drainage Design' drawing (881-002, George Shuttleworth Ltd, May 2026) indicates an assumed ditch bed level of 1.30 mAOD and a proposed outfall invert level of 1.40 mAOD. The receiving watercourse has also been labelled as a 'private drain'. As noted above, this is a Board **owned** arterial watercourse. We strongly encourage the applicant to engage with the Board to confirm the existing bed and water levels of the watercourse to ensure that the proposed outfall will not become submerged. Should the outfall be submerged, the drainage design and associated calculations should be revised accordingly, with the system modelled for submerged discharge conditions and a suitable non-return flap valve incorporated into the outfall design.

We also note the statement within Paragraph 10.13 (Page 7) of the *Flood Risk & Drainage Assessment Report* (George Shuttleworth Ltd, May 2026) that exceedance flows generated from rainfall events over the 1 in 100 year design event would discharge overland to adjacent drainage ditches. During an event of this magnitude, the Board's arterial watercourse and wider drainage network are likely to be operating at, or close to, full capacity and may therefore be unable to accommodate additional overland flows from the development site. The Board recommends that the applicants demonstrate that any overland exceedance flows can be managed without adversely impacting any buildings, attenuation features and drainage infrastructure. Furthermore, we recommend the installation of a bund along the eastern boundary of the site (positioned outside of the 9 metre Byelaw Zone), to minimise the potential impact of any overland flows on the wider drainage network.

Finally, should the applicant need to discharge surface water temporarily to a watercourse, either from ground dewatering during construction or from the 'temporary attenuation basin' as outlined in Paragraph 10.42 (Page 10) of the *Flood Risk & Drainage Assessment Report* (George Shuttleworth Ltd, May 2026), an additional temporary consent will be required under Byelaw 3.

Byelaw 3 (Treated Foul Water)

We note that the applicant intends to treat foul waste using a package treatment plant. The *Flood Risk & Drainage Assessment Report* (George Shuttleworth Ltd, May 2026) states that the treated foul water will either be discharged to a soakaway or to a watercourse. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required 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](#).

Section 23, Land Drainage Act 1991

We note the presence of several watercourses which are not maintained by the Board (riparian watercourses) adjacent to the northern and southern site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter either riparian watercourse, or if works are proposed to alter either watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

The Board recommends that adequate space (5 metres) is left flat and free from obstruction adjacent to the riparian watercourses in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

We note the presence of a Board arterial watercourse known as F47 Moulton Mere Drain – South (DRN197P4701) adjacent to the eastern site boundary. **The Board owns this watercourse.** 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

Based on the information provided, it is currently unclear which works are located within 9 metres of the Board arterial watercourse. We would be grateful if the applicant could provide an updated plan clearly identifying the 9 metre Byelaw Zone. For the avoidance of doubt, this distance should be measured from the nearest brink/edge of the watercourse banks, rather than the water's edge.

Please note, the Board are unlikely to approve a Byelaw 10 consent application for the construction of an attenuation basin or any land raising, if these are proposed within 9 metres of the watercourse, as these features may impede future access for watercourse maintenance and operational activities.

We would also like to ensure that where additional tree and shrub planting are proposed (as part of the mitigation measures outlined in the *Landscape and Visual Appraisal* (IPA1782lvia, LVIA Ltd, June 2026)), that these are located further than 9 metres from the brink/edge of the watercourse. A detailed landscaping plan should therefore be submitted in support of this application.

Finally, as the proposed outfall from the attenuation basin will discharge directly into the Board arterial watercourse, it will be located within 9 metres of the watercourse. To enable this proposal, consent would be required under Byelaw 10, and we recommend that the applicant contacts our office to make an application for this consent at their earliest convenience.

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 we have raised, please contact the Board using the details at the head of this letter.

Yours sincerely,

Ella

Ella Thorpe
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 & Consent' section of the Board's website, here: <https://wlma.org.uk/development-consent/>

For any additional help please call us on 01553 819600 or email planning@wlma.org.uk

Byelaws

A copy of the IDB Byelaws can be found via the following link:

<https://wlma.org.uk/development-consent/byelaws/>

Mapping

Mapping of the district can be viewed via the following link: <https://wlma.org.uk/mapping/>

Further Guidance

The Board's webpages 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.

Please see the Development and Consent pages on the Board's website via the following link:

<https://wlma.org.uk/development-consent/>

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 WMB 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 plan:

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 181](#)) 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 webpages: <https://wlma.org.uk/development-consent/>