

Our ref: 25_31414_P

28/11/2025

Your ref: H23-0313-25

Site Location: Land At Peartree Hill Road
Whaplode Drove Spalding PE12 0SL

Summary of Proposal: Provision of new
poultry unit & associated works

Dear Sir/Madam

Further to my letter dated 22/04/2025 regarding this planning application, we wish to update our comments and remove our objection in response to the amended plans and documents provided by the applicant and which have been submitted to your authority. Please note that advisory comments made within my previous letter remain valid and the two should be read together.

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 arterial watercourse	Consent required

Byelaw 3 (Surface Water)

I note that the applicant has amended their discharge proposal and now proposes to discharge surface water to the Board owned arterial watercourse at a rate of 2 l/s based on an impermeable area of 1.605 Ha. I am pleased to see that the applicant has taken measures to reduce the rate to as near to the greenfield rate as possible for this impermeable area.

Having read through the Flood Risk & Drainage Assessment - Amendment 1, I note that the impermeable area of 1.605 Ha, referred to in relation to the discharge rate, comprises of the impermeable roof area associated with the poultry units only. Could the applicant confirm whether the other impermeable areas on site (such as the concrete access track) have been accounted for in the total impermeable area of 1.605 Ha and as such are accounted for in the proposed discharge rate of 2l/s?

If these additional impermeable areas have not been appropriately accounted for with regards to the proposed discharge rate, then I would request that the drainage strategy is revised to include all areas of contributing impermeable area on site.

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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Furthermore, I note that within the drainage calculations appended in the Flood Risk & Drainage Assessment - Amendment 1, that flooding may occur during the 100 year plus 40% CC event. The applicant should be aware that they are responsible for ensuring that the surface drainage system is designed so that (unless an area is designated to hold and/or convey water) no flooding occurs on any part of the site in a 1 in 30 year rainfall event (plus climate change), and that flooding does not occur in any part of a building or offsite during a 1 in 100 year (plus climate change) rainfall event.

To confirm, the applicant's proposal to discharge surface water to a watercourse will require consent under Byelaw 3.

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](#).

Byelaw 3 (Treated Foul Water)

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment via a new sewage treatment 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](#).

Section 23, Land Drainage Act 1991

As previously mentioned, the applicant intends to carry out works to alter the Board owned arterial watercourse (C10 Peartree Hill Drain - DRN194P1002, located to the east of the site) via the installation of a new access culvert as shown in drawing Proposed Block Plan 'JW/2384/0325-200_02 Rev B' (Acorus, 17.08.2025). **To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and Byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.**

The Board will require the applicant to enter into a Deed of Easement or suitable alternative for these proposed works as the Board owns this affected watercourse. I am pleased to note that the applicant has been liaising with our Estates Officer regarding the legal element of the proposed Section 23 works to the Board owned arterial watercourse.

As mentioned in my previous letter, I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) which runs through the middle of the site and that works are proposed to alter this watercourse via the installation of a new access culvert under the proposed access track as shown in drawing Proposed Block Plan 'JW/2384/0325-200_02 Rev B' (Acorus, 17.08.2025). **To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and Byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.**

Byelaw 10

As previously mentioned, I note within the drawing Proposed Drainage Plan 'JW/2384/0325-200_05 Rev A' (Acorus, 17.08.25) that the applicant intends to install 2no. discharge outfall pipes into the bank of the Board's owned arterial watercourse. **To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.**

Within the drawing Proposed Access Plan and Visibility Splay 'JW/2384/0325-200_04 Rev A' (Acorus, 17.08.25), we are pleased to see that the applicant intends to construct the proposed poultry units and concrete track further than 9 metres from the brink of the Board owned arterial watercourse. I can also see that boundary stock fencing is proposed to be installed 10 metres from the brink of the Board owned arterial watercourse. In light of this, the Board removes its objection. **Please note, the Board's 9 metre Byelaw zone is measured from the brink of the watercourse (where the slope of the drain meets the flat land) landwards.**

Also within the aforementioned drawing, I can see that the applicant proposes to install post & rail fencing on top of the proposed entrance access culvert and that a new drainage channel and surfacing are proposed to be constructed within 9 metres of the Board owned arterial watercourse. **To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.**

To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consents are sought prior to the determination of this planning application.

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 Mason
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:

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.