

Our ref: 25_31414_P

22/04/2025

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

In addition to the comments below, please be aware that the Board owns a section of land to which this application relates and has not been given the requisite notice required nor is the Board listed in Certificate B of the Application Form. As the applicant is proposing works within the curtilage of the Board's land, the Board will require the applicant to enter into a Deed of Easement or suitable alternative.

Dear Sir/Madam

The Board has been made aware of the above application and wishes to make the following comments.

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
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent required
Byelaw 10	Works within 9 metres of a Board maintained watercourse	Consent required

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 11.2 l/s. Whilst I understand that this is the greenfield rate for the entire site area of 9.2 ha, I note that the contributing impermeable area is less than 9.2ha and therefore, the proposed discharge rate is in excess of greenfield rate for the impermeable area only. I recommend that the applicant takes measures to reduce the rate to as near to the greenfield rate as possible for the impermeable area.

Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant look into the possibility of reducing the proposed discharge rate prior to applying for consent. 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. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's [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.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) within the site boundary and that works are proposed to alter this watercourse via the installation of a new access culvert as shown in drawing Proposed Block Plan 'JW/2384/0325-200_02 Rev A' (Acorus, 27.03.2025). 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.

I note the presence of a Board owned and maintained watercourse (C10 Peartree Hill Drain - DRN194P1002) adjacent to the eastern site boundary and that works are proposed to alter this watercourse via the installation of a new access culvert as shown in drawing Proposed Block Plan 'JW/2384/0325-200_02 Rev A' (Acorus, 27.03.2025). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) and as mentioned at the beginning of this letter, 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 recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Please also note that 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.

Byelaw 10

I note that the applicant intends to install 2no. discharge outfall pipes into the bank of the Board's owned and maintained 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 consent is sought prior to the determination of this planning application.

With regards to the proposed poultry units and concrete track, it is unclear how far from the brink of the Board owned and maintained watercourse these units will be constructed. **The Board request additional information is submitted which confirms that these will not be erected within 9metres of the Board's owned and maintained watercourse.**

Additionally, the applicant intends to install new hedging and stock fencing along the brink of the Board owned and maintained watercourse. These proposed works are not likely to be acceptable under the Board's [Planning and Byelaw Strategy](#) due to the negative impact on the ability of the Board to carry out its operations, therefore the Board **objects** to this proposal.

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:

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.