



# Black Sluice Internal Drainage Board

Station Road  
Swineshead  
Boston  
Lincolnshire  
PE20 3PW

01205 821440

[www.blacksluiceidb.gov.uk](http://www.blacksluiceidb.gov.uk)

[mailbox@blacksluiceidb.gov.uk](mailto:mailbox@blacksluiceidb.gov.uk)

Our Ref: DW/AS/BB/0520/19

Your Ref:

Date: 20 April 2021

Away Resorts Ltd  
Imex Building  
575-99 Maxted Road  
Maylands Industrial Estate  
Hemel Hempstead  
Hertfordshire HP2 7DX

Dear Sirs,

**Planning Application No BB/0520/19/CD1: Application for approval of details reserved by condition C21 (Surface Water Drainage) of approval B/19/0520 at Boston West Golf Centre, Langrick Road, Hubberts Bridge, Boston, for Away Resorts Ltd**

The Board has received the above planning application and has the following comments (please refer to the guidance leaflet enclosed):

## **SECTION 1 - Rainfall Run-off and Development Contributions**

From the information provided, it is understood that all surface water will be retained within the site using a scheme of sustainable drainage involving the use of dry basins and soakaways/infiltration. It is also understood that there will be no planned overflow discharges into any watercourses bounding the site, in particular the Board-maintained watercourse on the south west boundary (the Ten Foot Drain).

If this is the case, then this is welcomed by the Board.

However, should the applicant find that the proposed scheme is not suitable, and a discharge or discharges into any watercourse may be required, now or at any time in the future, then the applicant or their successors will be expected to apply for formal written consent from the Board, and pay any fees that may be applicable, prior to the discharge of any water from the development. Please see the guidance leaflet enclosed.

## **SECTION 2 - Disposal of Foul or Dirty Water**

It is understood that all foul water from all phases of the development will be discharged into a new foul water system to be adopted by the relevant utility. If this is the case, then the Board have no further comment.

## **SECTION 3 - Discharge Outfalls**

It is understood that there may be a requirement for a number of outfall headwall structures to be placed within watercourses as part of the utility foul water drainage system. If this is the case, then Section 23 Land Drainage consent will be required. The applicant is reminded that the discharge of foul water into any watercourse is strictly prohibited, and only treated effluent discharges will be permitted. Any treated water discharges may also be subject to fees payable to the Board. The appropriate consents should be acquired from the Environment Agency for any treated water discharges.

## **SECTION 4 - Access to Watercourses / Byelaws**

The open watercourse (the Ten Foot Drain) on the south western boundary of the site is a Board-maintained watercourse. The Board does not own the land within which the watercourse lies. Within common law ownership is deemed to lie with the adjacent landowners (see also Section 5 below).

Under Section 66 of the Land Drainage Act 1991, the Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse, or within 9 metres of any enclosing structure (pipe), without the prior written consent of the Board.

Under its statutory duties within the Land Drainage Act 1991, the Board will require access to the watercourse above in order to carry out its annual routine maintenance and any future programmed works such as desilting (dredging) or improvement. The Board believes that there may be existing planting or other obstructions within the byelaw distance which currently prevent the Boards access, and therefore Board wishes to discuss improvements to access with the applicant without compromising any conditions regarding screening or environmental considerations which may be stipulated by the planning authority.

The Board therefore requests that the applicant contacts the Board's Operations department to discuss future issues. Please contact the undersigned in the first instance.

## **SECTION 5 - Filling in or Culverting Watercourses**

It is understood that the applicant intends to provide vehicular and pedestrian access points within a number of watercourses across the site, which may also include the replacement of existing structures.

***If this is the case, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion.***

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

## **RATING INFORMATION**

Part of the site is currently subject to an agricultural drainage rate payable annually to the Board.

The applicant should ensure that any drainage rate bills issued by the Board continue to be paid until such time as the land is transferred to non-agricultural use. The applicant should contact the finance department at the Board's offices at their earliest convenience to discuss.

## **APPLICATIONS FOR CONSENT**

Application forms for any of the above are available on request from this office or can be downloaded from the Board's website overleaf. Details of any application fees due can be found within the guidance notes at the end of the application form, or as detailed on the Board's website.

Yours faithfully

**Andrew Scott**

Planning & Byelaw Officer

Encs.

A response sent to Avison Young & Boston Borough Council

Septic tanks shall not discharge directly to a watercourse but to a soakaway system designed and proved to BRE Digest 365. Where soakaways are not suitable due to ground conditions, then owner will be responsible for emptying the tank as required.

If septic tanks are not approved by the EA, then a package treatment unit will be required; the Board recommends that, unless there is a 600mm freeboard from the unit outlet invert to normal water level, the unit should have a pumped discharge.

### **SECTION 3 - DISCHARGE OUTFALLS**

**The Board's prior written consent is required before any structure is placed in any watercourse.**

All outfalls shall have a suitable headwall to protect the banks from erosion. No part of the headwall unit or pipe end shall protrude beyond the profile of the bank in order that flails and weed cutting machinery is not obstructed. Suitable scour protection shall be placed below and/or in front of the headwall if necessary. Details of a suitable headwall can be obtained from the Board. A suitable non-return valve or spring-loaded flap is also recommended over the pipe end to prevent surcharging during periods of high water levels.

Outfall connections into piped systems shall be to a manhole, although the use of a proprietary saddle connector may be permitted.

### **SECTION 4 - ACCESS TO WATERCOURSES AND BYELAWS**

**No obstructions shall be placed in, over, under or within 9 metres of the edge of a Board-maintained watercourse without the prior written consent of the Board.**

The Board's Byelaw states:

*"No person, without the previous consent of the Board, shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall, or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure"*

The Board has a separate policy leaflet regarding this byelaw.

Access to and maintenance of all other watercourses or piped systems (not vested with any authority) is the responsibility of the riparian owner (i.e. the land or property owners on either bank).

*Developers should take into account the future maintenance of any watercourse or piped systems when designing the site layout; access may be required for weed cutting excavators or for jetting equipment for piped systems.*

**DEVELOPERS SHALL INFORM PURCHASERS OF THE PRESENCE OF ANY WATERCOURSES AND THEIR OWNERSHIP AND MAINTENANCE RESPONSIBILITIES WITHIN COMMON LAW.**

### **SECTION 5 - FILLING IN OR CULVERTING WATERCOURSES**

**The Board's prior written consent is required before ANY watercourse is culverted, filled in, or otherwise obstructed.**

Section 23 of the Land Drainage Act 1991 states that no person shall:

- (a) *erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or*
- (b) *erect a culvert in an ordinary watercourse, or*
- (c) *alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse,*

*without the consent in writing of the drainage board concerned.*

*[Ordinary watercourses include every river, stream, ditch, drain, cut, dike/dyke, sluice, sewer (other than a public sewer) through which water flows and which does not form part of a main river.]*

The Board considers that it is beneficial for watercourses to remain open wherever possible for both drainage and environmental purposes. Culverting or filling destroys wildlife habitats, damages a natural amenity, and interrupts the continuity of the linear habitat of a watercourse. It can also remove functional flood plain storage and therefore increase the risk of flooding.

The Board has a separate policy leaflet regarding the culverting of Board-maintained Watercourses.

## **SECTION 6 - PROPERTY FLOOR LEVELS**

The Board may make recommendations to the Planning Authority in respect of good practice in relation to flood risk and land drainage.

National Planning Policy Framework (NPPF): Technical Guidance states that: *site layout and surface water drainage systems should cope with events that exceed the design capacity of the system so that water can be safely stored or conveyed from the site without adverse impact.*

Sewers for Adoption specifies that: *site rainfall runoff systems should be designed not to flood any part of the site in a 1:30 year (3.3%) event.*

The Board recommends that no property should flood in a 1:100 year (1%) site specific event, therefore flood storage above a 1:30 year event may need to be provided in areas such as roads, parking, open space etc. In addition, the Board may recommend a minimum floor level based on recorded flooding or catchment modelling. Other authorities or insurance companies may require a higher standard of protection or floor level.

## **SECTION 7 - SITE GROUND LEVELS**

The ground level of the site should not be raised above the level of neighbouring land unless it can be shown that it will not:

- Obstruct overland surface water flow from neighbouring land
- Cause surface water to flow overland off the site onto neighbouring land
- Raise the sub-surface water table causing water logging of neighbouring land

In general, if ground levels are raised above surrounding land then interceptor infiltration drains (French Drains) will need to be installed around the site boundary. The future responsibility (including maintenance) of such drains shall lie with the relevant land or property owner.

## **SECTION 8 - ENVIRONMENT AND BIODIVERSITY**

**It is the Board's statutory duty, when considering whether to issue consent, to take into account any likely adverse effect on the environment.**

The Board is a signatory to the Lincolnshire Biodiversity Action Plan (BAP) and welcomes opportunities to work in partnership with developers to carry out environmental improvements on Board-maintained watercourses.