

Our Ref: 25\_31228\_P

01/04/2025

Dear Sir/Madam

**RE: Marshland St James Neighbourhood Plan**

Thank you for consulting the King's Lynn Internal Drainage Board on the Marshland St James Neighbourhood Plan.

Marshland St James falls within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply to any development within the Board's area.

The principal function of the IDBs is to provide flood protection within the Board's area. Certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

The area outside the Boards' IDD falls within the Boards' watershed catchments (meaning water from the site will eventually enter the IDD). The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board's byelaws. We request that the Board is consulted as any planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance [SuDS discharge location hierarchy](#).

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.

Please see the list overleaf of the proposed sites for development which we consider may impact the Board's area. The Board would seek to comment on these should they come forward for planning permission, alongside an explanation of any potentially required consents should these sites be developed. Please note that this list is not exhaustive and the Board may or may not choose to comment on additional site allocations if and when more information is presented.

Brian Long (Chairman)

Jamie Symington (Vice-Chairman)

Phil Camamile (Chief Executive)

Constituted by the Amalgamation of the West of Ouse, Gaywood, Magdalen, Marshland Smeeth and Fen, and Wingland Internal Drainage Districts Order 2004. Statutory Instrument 2004 No. 1657. The Reconstitution of Kings Lynn Internal Drainage Board Order 2013. Statutory Instrument 2013 No. 3317

[www.wlma.org.uk](http://www.wlma.org.uk)

Site reference	Within IDB / Watershed	Comments
Site 4 – South of 339 Smeeth Road	Within KLIDB	Adjacent to a riparian watercourse. Consent would be required from the Board for alteration of or discharge to a watercourse.
Site 9 – Adjacent to 70 Smeeth Road	Within KLIDB	Adjacent to a riparian watercourse. Consent would be required from the Board for alteration of or discharge to a watercourse.
Site 11 – Off Smeeth Road/Chapel Road	Within KLIDB	Major residential development. Adjacent to a Board Maintained watercourse and a riparian watercourse. Consent would be required from the Board for alteration of or discharge to a watercourse, or any infrastructure within 9 metres of the Board Maintained watercourse.
Site 12 – Off Walton Road	Within KLIDB	Major residential and mixed use development. There are a number of Board Maintained and riparian watercourses along Walton Road. Consent would be required from the Board for alteration of or discharge to a watercourse, or any infrastructure within 9 metres of any Board Maintained watercourse.

I also note that two sites within the parish have been allocated for housing developments within the King's Lynn and West Norfolk Local Plan, Sites and Allocations Development Management Plan (G57.1 – Land adjacent to Marshland St James Primary School for at least 15 dwellings; and G57.2 – Land adjacent to 145 Smeeth Road for at least 10 dwellings).

In order to avoid conflict between the planning process and the Board's regulatory regimes and consenting processes where developments are proposed within or partially within a Board's IDD, please be aware of the following:

### **Byelaw 3- Discharge of Surface Water into the Board's District**

- If a development proposes to dispose of surface water via infiltration, we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If (following testing) a strategy wholly reliant on infiltration is not viable and/or a development proposes to discharge surface water to a watercourse, the proposed development will require consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (available at [https://www.wlma.org.uk/uploads/WMA Table of Charges and Fees.pdf](https://www.wlma.org.uk/uploads/WMA%20Table%20of%20Charges%20and%20Fees.pdf)).
- If a development proposes to discharge surface water to a sewer, I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

### **Byelaw 3- Discharge of Treated Foul Water into the Board's District**

- If a development proposes to discharge treated foul water to a watercourse, this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

**Byelaw 10- Work's within 9m of Board Maintained Watercourse/s**

- Should any development include works within 9 metres of a Board maintained watercourse, consent would be required to relax Byelaw 10 (no obstructions within 9 metres of the edge of drainage or flood risk management infrastructure).

**Section 23 of the Land Drainage Act (1991) and Byelaw 4- Alterations Proposed to a Watercourse**

- Should any development include works to alter a Board maintained watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- Should and works be proposed to alter a riparian watercourse, consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the [National Planning Policy Framework](#)). For further information regarding the Board's involvement in the planning process please see our [Planning and Byelaw Strategy](#), available online.

I recommend that the Neighbourhood Plan includes reference to the relevant regulators for drainage and flood risk (such as the Internal Drainage Board, the Environment Agency and the Lead Local Flood Authority). These agencies are in place to support the provision of sustainable development and reducing flood risk. As outlined above, works to watercourses (such as surface water discharges and/or any alterations of said watercourses) will require consent from the relevant regulatory body, therefore it would be beneficial for the regulators to be included in the plan.

If you require any further information or would like to discuss the Board's regulation in more detail, please do not hesitate to contact us.

Kind Regards,

Phi

Phillipa Nanson  
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/kings-lynn-idb/development/>

For any additional help please call us on 01553 819600 or email [planning@wlma.org.uk](mailto:planning@wlma.org.uk).

## Byelaws

KLIDB Byelaws can be found via the following link:

[https://www.wlma.org.uk/uploads/KLIDB\\_Byelaws.pdf](https://www.wlma.org.uk/uploads/KLIDB_Byelaws.pdf)

## Mapping

Mapping of the KLIDB's district can be viewed via the following link:

[https://www.wlma.org.uk/uploads/128-KLIDB\\_index.pdf](https://www.wlma.org.uk/uploads/128-KLIDB_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](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 comment on planning applications:

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.