

Our ref: 25_667_P

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Your ref: DM/25/1218

Site name/Description: Land Adj. To
19 Estcots Drive East Grinstead West
Sussex**Summary of Proposal:** Proposed erection of
one pair of semi-detached houses, with
associated parking and new shared vehicular
access

Dear Sir/Madam,

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

The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); 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 has reviewed the documents submitted in support of the above planning application. Although no consent is currently required from the Board, officers have noted a potential for conflict between the planning process and the Board's regulatory regime. The potential conflict is detailed below and overleaf.

If consents are in fact required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. 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 (surface water or treated foul)	Consent not currently required
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent not currently required from the Lead Local Flood Authority (West Sussex County Council)

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose

to discharge surface water to a watercourse. In this case, consent would be required under 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 (<https://medwayidb.co.uk/development/>). 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.

The applicant also proposes to discharge surface water to a sewer, which is the least sustainable method of surface water disposal within the drainage hierarchy. 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. If for any reason the applicant proposes to discharge surface water to a watercourse, consent would be required under 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 (<https://medwayidb.co.uk/development/>). 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.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 from the Lead Local Flood Authority, which in this case is West Sussex County Council.

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,

Bailey

Bailey Thomson
Sustainable Development Officer
Upper Medway Internal Drainage Board

To apply for Land Drainage Consent please complete an application form. Our application form can be found on the 'Development' section of the Board's website, here:

<https://medwayidb.co.uk/development/consents/>.

For any additional help please call us on 01622 934500 or email planning@medwayidb.co.uk.

Upper Medway IDB Byelaws can be found via the following link:

<https://medwayidb.co.uk/wp-content/uploads/2023/12/Planning-Byelaw-Strategy-Approved-Nov-23.pdf>

Mapping of the district can be viewed via the following link:

<https://medwayidb.co.uk/watercourses/>.

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://medwayidb.co.uk/wp-content/uploads/2023/12/Planning-Byelaw-Strategy-Approved-Nov-23.pdf>.

The map on the Board's website shows which watercourses are designated as **Maintained Watercourses** by the Board. You may also have heard these watercourses referred to as 'Adopted watercourses' or 'Arterial 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.

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.