

**Our ref:** 23\_54\_P

27 October 2023

**Your ref:** 23/504068/OUT

**Site name/Description:** Land East Of Albion Road And North Of Copper Lane Marden Kent TN12 9EG

**Summary of Proposal:** Outline application with some matters reserved (access only sought) for the removal of 2 former agricultural sheds and erection of up to 117no. dwellings and associated infrastructure including partial footways on Albion Road

Dear Marion Geary

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. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only 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.

Byelaw / Section of Act	Description	Requirement
Byelaw 3	Discharge of water to a watercourse (surface water)	<b>Consent required</b>
Section 23, Land Drainage Act 1991	Alteration of a watercourse	Consent may be required from the Lead Local Flood Authority (Kent County Council)

### Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse within the watershed catchment of the Board's IDD at a rate of 11.4 l/s. I am pleased to see that the applicant has aimed to reduce the discharge to greenfield rate. Regardless of the proposed discharge rate,

this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

### **Section 23, Land Drainage Act 1991**

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southwestern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future (this includes replacing the existing culvert), consent would be required under the Land Drainage Act 1991 from the Lead Local Flood Authority, which in this case is Kent 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,

Emma

Emma Robertson  
Sustainable Development Officer  
Upper Medway Internal Drainage Board

## How to Apply for Land Drainage Consent

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](mailto:planning@medwayidb.co.uk).

## Byelaws

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

<https://medwayidb.co.uk/wp-content/uploads/2023/06/Planning-Bylaw-Strategy-To-Be-Approved-Nov22.pdf>.

## Mapping

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

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

## 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://medwayidb.co.uk/wp-content/uploads/2023/06/Planning-Bylaw-Strategy-To-Be-Approved-Nov22.pdf>.

## Maintained Watercourses

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.

## 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.