

RSK ref: 680350-R1(5) – FRA UMIDB Response
MBC ref: 23/504471/OUT
UMIDB ref: 23_61_P

19th December 2023

Marion Geary
Maidstone Borough Council
Maidstone Planning Department
King Street
Maidstone
Kent
ME15 6JQ

By email only

Location: Land At Moat Road Headcorn Maidstone TN27 9NT

Proposal: Outline application (with all matters reserved except access) for the development of up to 120no. dwellings (Use Class C3) including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), associated highway works, provision of public open space, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

In response to comments received from The Upper Medway Internal Drainage Board (UMIDB) with respect to the flood risk and drainage proposals at the above site, we write to provide additional information to address the comments raised in the UMIDB's letter dated 1st November 2023 (see **Appendix A**).

Following correspondence between RSK and UMIDB (as included in Appendix B dated November 2023), it was agreed that any consents (specifically Land Drainage Consent) required from UMIDB with respect to the application would be applied for once planning is granted.

Secondly, UMIDB made the applicant aware of the surface water development contribution fee, which is based upon the discharge rate and the total impermeable area draining to the watercourse. UMIDB stated that it would be useful to know roughly what the total impermeable area will be at the outline stage so that all parties are aware of what the surface water development contribution might cost. Preliminary calculations are included below, on the understanding that these figures will have to be recalculated at the detailed planning stage, once a detailed masterplan has been submitted and agreed.

Impermeable Area Band: Band 1 with Contribution Rate £15.14 (£/m²) (Imp Area between 0 - 5ha)

Impermeable Area: 27,400m² (2.74ha)

Discharge Band Rate: Band 2 for Max Outfall Rate of 8.2 l/s derived from 3 l/s/ha (SWDC Rate – 10%)

SWDC = rate (£/m²) x area (m²) x proportional percentage (%)

SWDC = $15.14 \times 27400 \times 0.10$

SWDC = £41,483.6

We trust that the above meets with your approval, but should you have any further queries, please do not hesitate to contact the writers. If you deem it helpful, we would be happy to meet you on site to talk through the proposal.

Yours sincerely,

For RSK LDE Limited



Matthew Cheeseman
Associate Director

Appendices

Appendix A – UMIDB Comments dated 1st November 2023

Appendix B – UMIDB/RSK Correspondence from November 2023

Our ref: 23_61_P

01 November 2023

Your ref: 23/504471/OUT**Site name/Description:** Land At
Moat Road Headcorn Maidstone
TN27 9NT**Summary of Proposal:** Outline application (with all matters reserved except access) for the development of up to 120no. dwellings (Use Class C3)

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 Upper Medway 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 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 (treated foul or surface water) | Consent required |
| Section 23, Land Drainage Act 1991 | Alteration of a watercourse | Consent not currently required |
| Byelaw 10 / 17 | Works within 8 metres of a Board Maintained watercourse | Not applicable |

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse adjacent to the southern boundary of the site at a combined rate of 8.2 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.

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 note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse (replacing existing culverts for example) consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10 (obstructions within 8 metres (above ground))

There are no Board Maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Byelaw 17 (works within banks of a Board Maintained watercourse)

There are no Board Maintained watercourses within or adjacent to the site boundary therefore Byelaw 17 does not apply.

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.

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.

Matthew Cheeseman

From: Planning <planning@MedwayIDB.co.uk>
Sent: 13 November 2023 13:51
To: Matthew Cheeseman
Subject: RE: 23_61_P - SWDC fee info

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Our ref: 23_61_P

Good Afternoon Matt,

Thank you very much for your email. I can confirm that the Board would be happy for you to apply for Land Drainage Consent after the planning application has been determined.

The surface water development contribution fee is based upon the discharge rate and the total impermeable area draining to the watercourse. I think it would be useful to know roughly what the total impermeable area will be even at this outline stage just so that you are aware of what the surface water development contribution might cost. I understand that the area might change slightly as the planning application progresses.

I hope this is agreeable with yourselves and please keep me updated.

Kind Regards,

Emma

Emma Robertson
Sustainable Development Officer
Upper Medway IDB



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From: Matthew Cheeseman <mcheeseman@rsk.co.uk>
Sent: Thursday, November 9, 2023 10:07 AM
To: Planning <planning@MedwayIDB.co.uk>
Cc: Steve O'Grady <SteveO@catesbyestates.co.uk>
Subject: RE: 23_61_P - SWDC fee info

Dear Emma,

Many thanks for this information and your time on the phone yesterday.

To confirm our discussion, given the risks associated with any planning application, it would not be appropriate for Catesby (the applicant and my client) to apply for discharge consent until planning is granted. Furthermore, as this is an outline planning application, with an indicative conceptual masterplan, any surface water development contribution would be based on certain assumptions regarding impermeable areas etc, so again, it would be appropriate to provide an initial estimate based on the information we do have and the assumptions within the FRA, but this will need refining at the Reserved Matters planning stage.

Best Regards,

Matt

Matthew Cheeseman BSc(Hons) MCIWEM C.WEM
Associate Director



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Before printing think about your responsibility and commitment to the ENVIRONMENT!

From: Planning <planning@MedwayIDB.co.uk>

Sent: Wednesday, November 8, 2023 5:02 PM

To: Matthew Cheeseman <mcheeseman@rsk.co.uk>

Subject: 23_61_P - SWDC fee info

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Our ref: 23_61_P

Good Afternoon Matt,

Thank you for talking to me just now. As promised, please find attached our charges and fees document. Please may I draw your attention to page 3 for information about our Surface Water Development Contribution fee.

If you have any further questions, please do not hesitate to ask.

Many thanks,
Emma

Emma Robertson
Sustainable Development Officer



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