

OUSE & DERWENT INTERNAL DRAINAGE BOARD

(A Member of the York Consortium of Drainage Boards)

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16th March 2022

North Yorkshire County Council
Growth, Planning and Trading Standards
County Hall
Northallerton
North Yorkshire
DL7 8AH

Dear Sir/Madam,

Drainage Board Reference: PR22/0647
Planning Application Number: NY/2022/0042/A27
Applicant: Plasmor Ltd
Location: Land adjacent to and to the west and north of the current Escrick Quarry to the south west of Escrick, North Yorkshire, YO19 6ED

The Board notes that this is an application for the approval of details reserved by condition no's 44, 46 & 47 of Planning Permission Ref. C8/2019/0917/CPO which relates to a detailed scheme for the diversion of Heron Dyke Drain, the crossing of any watercourse and the culvert of any watercourse.

Generally

This application sits within the Drainage Board's district.

The Board has assets in the wider area in the form of Heron Dyke Drain. This watercourse is known to be subject to high flows during storm events.

Planning Conditions

The Board is limiting its comments to condition 46 which state:

- 46. *Full details of the proposed crossing of any watercourse must be approved with the County Planning Authority in consultation with the Internal Drainage Board prior to any such works commencing. A crossing must be constructed in accordance with the approved details.***

Reason: In the interests of pollution control and protection of watercourses.

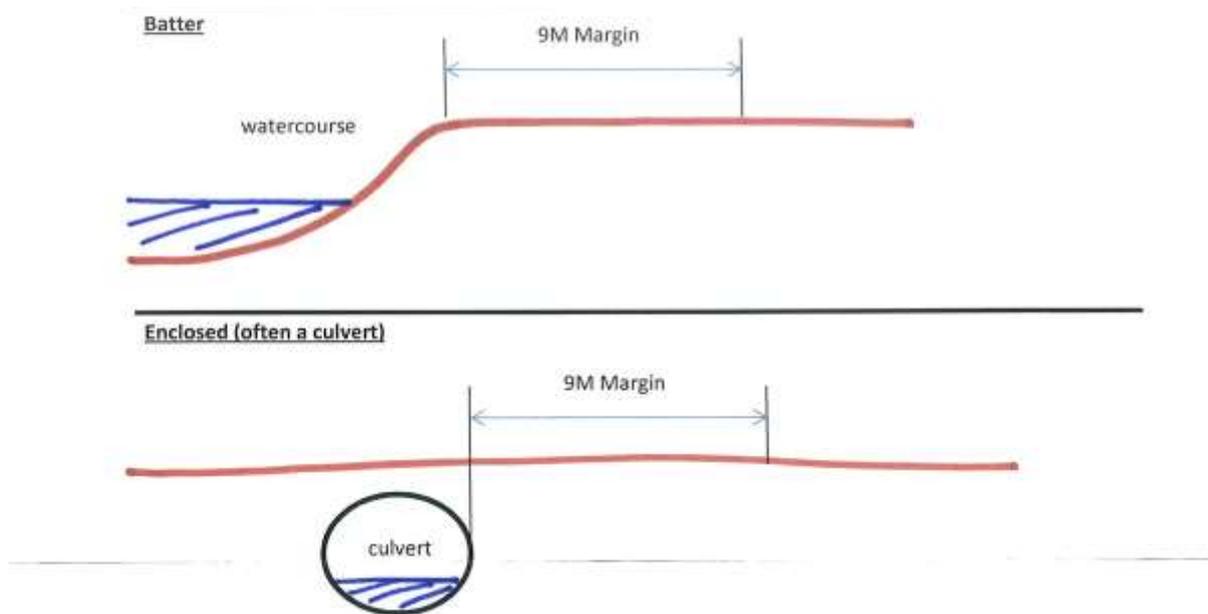
Board's Consent

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's **prior written** consent (outside of the planning process) is needed for:-

- a) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.



- b) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. **This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).**
- c) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district – for example, land drainage, an outfall structure, bridges, culverting etc.
- d) any construction, fencing or planting within 9 metres of the top of the embankment of a Board maintained watercourse (as shown on the below diagram)



Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Consent 879 agreed to work in respect of the diversion and culverting of Heron Dyke Drain providing the following are undertaken:

- a) The works will be carried out in accordance with the "General Byelaw Requirements" referred to in the Land Drainage Act 1991.
- b) The works will be carried out in accordance with the description, specifications, and other particulars given on the Application Form and ancillary documentation, as well as that documentation provided in Planning Application NY/2019/0136/ENV and any correspondence with the Board.
 - a) The Board is in particular referring to Drawing Ref PL/ES/08-21/22748, 101, PCE/067 and PL/ES/06-21/22598.
 - a) The headwall structure must be constructed in accordance with Drawing Ref: PL/ES/06-21/22598
- c) With regards to the new culvert:
 - a) The internal base of the culvert outfall must be 60mm below the existing bed level of the receiving watercourse. The works must not artificially raise the watercourse.



- b) The length of the culvert must be no more than 23 metres as scaled on Drawing 'Proposed Cycleway Tunnel Under New Access Road' Ref 101.
 - c) The diameter of the proposed pipe must be at least 1200mm.
 - d) For the avoidance of any doubt, the Board will not be maintaining the new culvert and this will be responsibility of the applicant and/or the land owner once constructed. The culvert must be regularly maintained to ensure there are no blockages.
 - e) You must ensure there is sufficient fall from the upstream invert to the outfall invert. The water must remain free flowing through the culvert.
 - f) Any existing outfalls into the watercourse must be properly connected into the culverted watercourse. We would recommend that you liaise with the owners of those existing outfalls to ensure they are satisfied with what you propose for those connections (for example – to ensure they can carry out suitable maintenance to their outfall pipe still).
- d) With regards to the watercourse:
- a) The capacity of the diversion of Heron Dyke must match the existing Heron Dyke to ensure no storage is lost. This should be completed in accordance with PL/ES/08-21/22748 with a maximum distance of 6.6m measured from the bank top to the bank toe on the opposite side.
 - b) A 9-metre easement must be maintained between the diverted Heron Dyke Drain and the screening bund on both banks with the exception of the stretch running adjacent to the TransPennine cycle route for which the Board will accept a reduction within the wayleave on the left bank only.
 - c) Any structure shall be the responsibility of the applicant. The responsibility for the continued maintenance of the installation will remain with the applicant and/or the land owner.
 - d) The applicant shall be responsible for both the left and right bank of the Heron Dyke diversion for at least 2 years commencing immediately after the commission date. This includes any subsidence and erosion of the bank due to the design of the watercourse. Any damage caused to the watercourse or its embankments, as a result of these works, must be repaired (at the applicant's expense) to the Board's satisfaction.
 - e) The Board claims no ownership of any watercourse, land or structure.
 - f) The applicant is responsible for securing any and all other permissions or approvals required in order to undertake this work including, but not limited to, land owner approval, planning permission, highway authority approval, utility company approval, etc. The granting of this Consent does not imply any rights in this respect.
 - g) The applicant shall ensure that appropriate steps are taken to prevent pollution and debris entering the watercourse. Any items of debris entering the watercourse shall be removed promptly.
 - h) The Board shall be advised 7 days in advance of any works commencing and the applicant shall provide the Board with emergency contact numbers.



- i) Should a flood event occur, all works shall be halted upon request from the Board.
- j) The Board shall be advised of the completion of the work.
- k) No other structure, building, planting, fencing or other obstruction should be within 9 metres of the bank top of the watercourse without the Board's prior written consent.

Conclusion

In view of the above being adhered to (Consent 879), the Board believes that condition 46 can be discharged.

The Board's comments have been made following consideration of the information provided by the applicant through the Planning Authority. Should these details change, the Board would wish to be re-consulted.

Yours faithfully,

Bill Symons

Bill Symons
Clerk to the Board
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