

## **WARBOYS SOMERSHAM AND PIDLEY INTERNAL DRAINAGE BOARD**

At a Meeting of the Warboys Somersham and Pidley Internal Drainage Board  
held at the Lakeside Lodge, Pidley on Thursday the 9<sup>th</sup> June 2016

### **PRESENT**

H J Heading Esq (Chairman)	G R Munns Esq
J German Esq (Vice Chairman)	M F Newman Esq
The Lord De Ramsey	T E A Noble Esq
D W England Esq	J M Short Esq
K R German Esq	D R Stokes Esq
P R Lummis Esq	H W Whittome Esq

Miss Samantha Ablett (representing the Clerk to the Board) and Mr Robert Wilmer (District Officer) were in attendance. Mr Malcolm Downes (representing the Consulting Engineers) attended for part of the meeting.

### **Apologies for absence**

Apologies for absence were received from D D Brown Esq, G J Bull Esq, S J Criswell Esq, A Edgley Esq, D J Edwards Esq, M England Esq, C Leadbetter Esq, , B R Watts Esq and S W Whittome Esq.

### **B.1391 Declarations of Interest**

Miss Ablett reminded Members of the importance of declaring an interest in any matter included in today's agenda that involved or was likely to affect any individual on the Board.

### **B.1392 Confirmation of Minutes**

### **RESOLVED**

That the Minutes of the Meeting of the Board held on the 19<sup>th</sup> November 2015 are recorded correctly and that they be confirmed and signed.

### **B.1393 Clerk to the Board**

- a) Further to minute B.1368, Miss Ablett reported that the Middle Level Commissioners hoped to appoint the Clerk's successor at the end of June and that the Clerk would advise the Chairman in due course of the appointment made.
- b) Changes to the bank mandate

Miss Ablett reported that, due to the Clerk's impending retirement relevant changes to bank mandates to name his successor would be required in due course.

## RESOLVED

That the Chairman be authorised to make the necessary changes to the Board's bank mandates.

### B.1394 Election of Board Members

Miss Ablett reported that the term of Office of the elected Members of the Board would expire on the 31<sup>st</sup> October 2016 and submitted the proposed Register of Electors applicable to the 2016 election.

## RESOLVED

That the Register be approved.

### B.1395 Water Framework Directive

Further to minute B.1371, Miss Ablett confirmed that the position remained as reported at the last meeting save that the River Basin Management Plan had been confirmed.

### B.1396 Water Transfer Licences

Further to minute B.1372, Miss Ablett reported that where a Board had more than one inlet, a separate licence would be required at a proposed "one off" charge of £1,500 imposed to recover the Agency's costs of considering the grant of the Transfer Licence, rather than an annual charge, where the abstraction took place from different watercourses.

Miss Ablett reported that within the proposals was an exemption for ports abstracting below the tidal limit and that he had queried why this was not also an exemption for IDBs.

Following discussions with Defra, he felt it possible that this exemption could also be granted to IDBs.

## RESOLVED

That the Clerk write to ADA stating that the Board object to the proposals.

### B.1397 Outbuildings at Puddock Pumping Station

Further to minute B.1373, the Chairman confirmed that the planning application had been submitted and an additional bat survey carried out. He reported that all matters were virtually complete, apart from an additional £50 which needed to be paid to Fenland District Council as they had increased their planning fees since the original application.

He advised that repairs to the roof amounting to £200 were required in order to maintain the integrity of the building.

The Finance Committee recommended to the Board to continue with the planning application process and for these costs, and the cost of the roofing repairs to be met from the development account.

RESOLVED

That the Board approve the recommendations of the Finance Committee.

B.1398 Garage Roofing at Puddock

Further to minute B.1374, the Chairman reported that a quotation in the sum of £800 had been received from P A Green for repairs to the slate roof and that this work had been completed.

He also reported that repairs to the chimney at Puddock Bungalow had also been carried out at a cost of £500.

RESOLVED

That the Board approve the recommendations of the Finance Committee.

B.1399 Land South West of Doddington Road, Chatteris – Mr G Collett

Further to minute B.1375, Miss Ablett confirmed that the Clerk, having registered the land in the Board's name with the Land Registry, had sent the documents of title to Mr Collett's solicitors but nothing further had been received from either Mr Collett or his solicitors.

RESOLVED

That the Chairman be authorised to contact Mr Collett on the Board's behalf in an effort to resolve the matter.

B.1400 Roadway at Puddock

Further to minute B.1377, the Chairman reported that Cambridgeshire County Council had now resurfaced the roadway and the Board had topped the trees down to the level of the security fence. The Vice Chairman commented that now the trees had been cut down it enabled traffic to keep to the middle of the road.

The Chairman requested that Members monitor the condition of the roadway in view of the lorries that would be using it at harvest time.

B.1401 Finance Committee

Members considered the minutes of the Meetings of the Finance Committee held on Tuesday 24<sup>th</sup> May 2106.

## RESOLVED

- i) That the minutes of the Meeting of the Finance Committee held on the 24<sup>th</sup> May 2016 be approved.
- ii) That the actions taken by the Finance Committee be approved.
- iii) That the Board approve the recommendations of the Finance Committee save as to the rate as this would be considered later on the agenda.

### B.1402 Charges for hire of plant when engaged on private work

Consideration was given to whether any revisions were necessary in the Board's charges for hiring of plant for private work (last reviewed – November 2015).

#### Excavator

Present charge - £30 per hour in the District ) (inclusive of operator's wages etc).  
£35 per hour outside the District )

The Finance Committee recommended to the Board that the hire charges remain as at present.

## RESOLVED

That the recommendation of the Finance Committee be adopted

### B.1403 Land West of Fenton Way, Chatteris

Further to minute B.1379(v), Miss Ablett reported that the developer had been informed that the Board required a landowners' contribution of £12,000. However, Mr M Heading had requested that, in view of the substantial discharge consent already paid, the Board waive the contribution. Miss Ablett advised that the discharge contribution had not been received by Warboys Somersham & Pidley IDB, but by Nightlayers IDB, as the discharge is made into the Nightlayers District.

Mr Stokes enquired how the discharge contribution amount had been calculated and of the amount paid to Nightlayers IDB. Miss Ablett advised that the landowners' contribution had been calculated initially by the Consulting Engineers, had been subsequently reduced by the Board, and she was unable to advise Mr Stokes of the actual amount received by Nightlayers IDB.

Miss Ablett advised that the landowners' contribution arose in much the same way as that of Mr Collett and that if the Board did agree to waive the contribution it could be seen to be setting a precedent.

## RESOLVED

That the payment of the landowners' contribution be requested in full.

(NB) – The Chairman declared an interest when this item was discussed.

#### B.1404 Proposed Solar Energy Farm

Further to minute B.1379(vi), consideration was given to an e-mail dated 15<sup>th</sup> April 2016 from Honeysome Road Solar Ltd.

The Chairman reported that a security fence within the Board's 9 metre byelaw width had been erected which now gave a clearance of only 7 metres.

The Vice Chairman reported that the District Officer had cleared out the drain. He went on to advise that, whilst he was disposing of the spoil, the contractor had been marking out and pegging the site at the same time, which was contrary to the comments in the email, page 27 of the agenda, which states that the ditch was cleared after the fence line was marked out.

Mr Lummis commented that if the byelaw width was not adhered to the Board would be setting a precedent.

Mr Munns suggested that, as a compromise, the Board could leave the byelaw width at 7 metres and obtain a payment to assist with the cost of removing the spoil, for a period of say 25 years, in case the site was sold.

Mr K German stated that 7 metres was not enough and enquired what the effect would be if the drain was given up. Both the District Officer and the Chairman stated that the water can be pulled in 2 separate directions. The Chairman suggested that Honeysome Road Solar Ltd be requested to reinstate the byelaw width to 9 metres or the Board will insist on a payment.

Lord De Ramsey was disappointed that the company's Project Director had presented evidence in their defence which appeared to be inaccurate and considered that in this respect the 9 metre byelaw width should be adhered to, with which Mr Noble agreed.

#### RESOLVED

- i) That the Clerk write to Robert Palmer at Forenergy confirming that the fence must be re-positioned to restore a full 9 metre byelaw strip and that he be given 28 days to respond.
- ii) That the Finance Committee be authorised to take such action as they consider necessary if Forenergy responded with a counter offer.

#### B.1405 Fenton Lode New Cut (Tesco Site)

Further to minute B.1379(vii), Miss Ablett reported that Harrier Developments were required to pay a discharge contribution allowing for any actual attenuation, as calculated by the Consulting Engineers and that Peter Brett Associates have confirmed that there must be an increase in the volume discharged as there was no attenuation on site.

Miss Ablett advised that the Consulting Engineers had responded to Denton Williams Ltd on the 11<sup>th</sup> April but no further correspondence had been received since.

#### RESOLVED

That the Consulting Engineer be requested to arrange a meeting with the Chairman, Vice Chairman, Peter Brett Associates and the developer to seek to resolve the outstanding issues.

#### B.1406 Purchase of wide wheels and tyres for Excavator

Further to minute B.1380(c), 4 wheels and tyres for the excavator had been purchased from Kingsway Tyres at a cost of £2,965.25 + VAT.

#### B.1407 Consulting Engineer's Report

The Board considered the Report of the Consulting Engineers, viz:-

## **Warboys, Somersham & Pidley I.D.B.**

### **Consulting Engineers Report – May 2016**

#### **Pumping Stations**

Other than the matters described below, only routine maintenance has been carried out since the last meeting and the pumping plant at each of the stations is mechanically and electrically in a satisfactory condition.

#### **Washways**

##### ***Pumping Plant - Refurbishment and Improvements***

The refurbished station has generally operated satisfactorily over the winter and the first service of the diesel engines was carried out recently at approximately 250 hours, the next service will be required after a further 500 hours running.

Most snagging works are now complete with the exception of the small mains failure generator which trips under the weedscreen cleaner hoist motor inrush current. Rectification of this problem is in hand.

#### **Puddock**

Pump No 2 continues to operate with the Moisture Ingress Sensor (MSI) unit defeated and a recent test of the motor windings showed the increase in its insulation resistance to a satisfactory level has been maintained.

#### **Pidley**

##### ***Replacement Control Equipment***

Manufacture of the new control equipment was completed in January 2016 but installation was postponed due to poor access to the remote site and the requirement to have a power supply shutdown. When access improved a shutdown was arranged with the supply company and installation commenced on 16 May 2016 together with some additional electrical improvements.

In accordance with the instructions received from the Board at its last meeting three quotations were obtained for the roof replacement and bricking up of the remaining broken window.

The like for like quotations were £5780, £9216 and £14923. With the Chairman's approval an order was placed with P A Green who submitted the lowest quotation; in addition an order was

placed with this company for the repairs to Puddock bungalow chimney. Work on the structures is now in progress.

## **Westmoor**

### ***Weedscreen Cleaning Equipment.***

In accordance with the instructions received from the Board at its last meeting an order was placed with Metalcraft of Chatteris for a Heron 500kg Cantilever Automatic Cleaner.

At the time of writing this report the machine is currently undergoing final checks at the factory. Following the completion of the on-board electrical installation it is anticipated that full installation will commence on Monday 6 June 2016.

Some damage has been sustained to the existing weedscreen which will require repairs at additional cost. Installation of galvanised steel palisade security fencing is also recommended.

## **Pumping Hours**

This will be covered in the District Officer's report.

## **Changes to Planning Procedures Update**

These include the following:

- (a) Since the introduction of the development control and consent "surgery" the up take has been limited, but feedback from people that have used the service has been positive. The "surgery" has helped to improve received applications enabling them to be processed smoothly. The "surgery" will continue to be held on the third Tuesday of the month and this will be reviewed again at a later date.
- (b) The soakaway certification and checking service has been running for over a year and a number of people have taken up the process. Again like the "surgery" the feedback has been positive. Generally this has allowed simpler applications to be processed smoothly. The service will be continued and, as above, will be reviewed at a later date.
- (c) An initial surge in requests for the "Acceptability of Surface Water and Sewage Effluent Discharge" form has recently slowed but the feedback has been positive and the service will continue for the foreseeable future. However, we have had to advise some applicants/agents that this is not a consent document nor does it confirm agreement that a water level/flood risk management strategy has been agreed.



## **Responses to Planning Applications Update**

Following the decision to “stand back” from the planning process standard letters are currently being sent to applicants to remind them of their responsibilities and duties under the Land Drainage Act and associated Byelaws.

Following several years of working closely with Peterborough City Council (PCC), Fenland District Council's planning team have, from January 2016, shared resources to enable the delivery of an improved and more cost-effective service that will, reportedly, save Fenland £137,000 a year and a total of £446,000 by the end of the 2018/19 period.

In addition, PCC will be providing both Fenland District Council and the Borough Council with a consultancy service to meet its requirements under the Floods and Water Management Act. Whilst this will cover ‘major’ planning applications, informal concerns have been expressed within Fenland on the potential adverse impacts on meeting its “growth” targets given that much of the development is self-build and/or “minor” developments.

## **Planning Matters**

In addition to matters concerning previous planning matters, the following 22 new development related matters shown below have been received and, where appropriate, dealt with since the last meeting:

<b>MLC Ref.</b>	<b>Council Ref.</b>	<b>Applicant</b>	<b>Type of Development</b>	<b>Location</b>
843	H/15/01940/P3PPA	Mr S Clark	Residential	Parkhall Road, Somersham
844	H/15/01938/PMBPA	Mr S Robinson	Residential	Puddock Road, Warboys
845	H/15/01923/PMBPA	Mr S Robinson	Residential	Puddock Road, Warboys
846	H/15/01987/PMBPA	Mr A Noble	Residential (2 plots)	Somersham Road, Pidley
847	H/15/01989/PMBPA	Mr A Noble	Residential (2 plots)	Somersham Road, Pidley
848	F/YR15/1012/F	Mr & Mrs Heard	Residence	George Way, Chatteris*
849	H/15/02067/FUL	TRGB Ltd	Workshop	Long Drove, Somersham
850	H/15/02153/FUL	Mr A Renwick	Agricultural/Leisure	Fen Road, Pidley
851	F/YR15/1078/F	Mr J Allen	Residence	West Street, Chatteris
852	F/YR15/1111/F	Mr & Mrs Patterson	Residence	Eden Crescent, Chatteris
853	H/15/02319/FUL	Mr D Hopkins	Residential (2 plots)	Fen Road, Pidley
854	F/YR15/1107/F	Mr J Perry	Residence	George Way, Chatteris*
855	F/YR15/3120/COND	Honeysome Road Solar Ltd	Solar Farm	Honeysome Road Chatteris
856	F/YR16/0061/F	Mr & Mrs M Vinn	Residence	George Way, Chatteris*
857	H/16/00239/FUL	Park Hall Equestrian	Equestrian	Parkhall Road, Somersham
858	H/16/00095/FUL	Mr J Robinson	Residential	Puddock Road, Warboys
859	F/YR16/0072/F	A E Sutton Ltd	Industrial	Albert Way, Chatteris*
860	H/16/00292/HHFUL	Mr S Collins	Garage	Cross Drove, Warboys
861	F/YR16/0097/F	Mr M Leszczyszyn	Residence	West Street, Chatteris
862	F/YR16/0123/F	Mr J Chambers	Residence	West Street, Chatteris*
863	H/16/00436/PMBPA	Mr R Hopkins	Residential	Warboys Road, Pidley
864	H/16/00555/HHFUL	Mr & Mrs Coates	Residence	Station Approach, Somersham

***Planning applications ending 'COND' relate to the discharge of relevant planning conditions***

***Planning applications ending 'PMBPA' relate to Prior Approval Agricultural to Dwellings***

***Planning applications ending 'P3PPA' relate to Prior Approval - Storage to dwelling***

***Planning applications ending 'HHFUL' relate to Householder Full***

Developments that propose direct discharge to the Board's system are indicated with an asterisk. The remainder propose, where applicable and where known, surface water disposal to soakaways/infiltration systems or sustainable drainage systems.

*Mixed Use Development on land south east of London Road, Chatteris - Hallam Land Management Ltd (MLC Ref Nos 160 & 184) & Mixed Development on land at Tithe Barn Farm, Chatteris – Hallam Land Management (MLC Ref No 606 & 630)*

No further correspondence has been received from the applicant or the applicant's agent concerning this development and no further action has been taken in respect of the Board's interests.

Further involvement will be required if development of the proposal is progressed and the Board's consent may be required.

*Proposed development consisting of Class B1 (Business), Class B1 (Light Industry) and Class B8 (Storage & Distribution) at Womb Farm, south west of Doddington Road, Chatteris - Colliers CRE (MLC Ref No 524) & Triman Developments (UK) Ltd (MLC Ref No 528)*

No further correspondence has been received from the applicants or the applicants' agents concerning this site and no further action has been taken in respect of the Board's interests.

Further involvement will be required if development of the proposal is progressed and the Board's consent may be required.

*Erection of workplace homes at George Way (land south west of Womb Farm, Doddington Road), Chatteris - Mr G Collett (MLC Ref Nos 437 & 613) & Midland Ventures Ltd (MLC Ref No 548)*

No further correspondence has been received from the applicant or the applicant's agent concerning the provision of the original site infrastructure and no further action has been taken in respect of the Board's interests.

*Erection of foodstore (A1), petrol filling station (pfs), car parking and associated highway works on land north of Honeysome Industrial Estate fronting Fenland Way, Chatteris - Harrier Developments Ltd (MLC Ref Nos 567, 584, 585 & 663) & Erection of*

Further to the Board's instruction at the last meeting, numerous attempts have been made, at some expense, to seek the contribution associated with this development. However, the developer's agent, Dentan Williams, continues to consider that no contribution fee is payable at this time.

The content of Dentan Williams' last correspondence, received on 6 April, is copied below:

"It would appear that we are going around in circles and not getting anywhere. There seems to be a complete misunderstanding. The situation really is quite clear and I have no idea why it is being made so difficult by your continued reluctance to review the information in front of you.

If following review of the information submitted to you discharge rates are due, they are due, we do not argue this point. However you are in no position to state that they are due now when you fail to appraise the information before you.

I would like to remind the Board that contractually they are obligated to review information we provide. It could be regarded that a breach of contract has already occurred by the moving of the monies under the performance deed without CPG's knowledge or approval (which may I add has yet to be corrected), we do not wish to be in a position whereby another possible breach has occurred.

As Mike has explained, the model which you initially reviewed included 3.8ha of impermeable development on land belonging to Triman Developments which does not form part of the development and is not in CPG's ownership or control. Whether this was done in error or otherwise is not a consideration, but the fact that the model included more area than it should have done is very much a consideration. We apologise that you are now being asked to review further information and for any inconvenience caused. The model in front of you today, submitted with the new application (as you asked), assesses the development site ONLY, everything in CPG's site. All we are asking is that this information is reviewed by yourselves and Peter Brett in the same way that the initial model was. If your reluctance is based on cost, we have even previously offered to pay Peter Brett's fees .

After having considered the model, if you still consider an increase exists then you will be able to inform us of what point of the model you are in disagreement with and why.

There is no basis for your argument, unless of course you have reviewed the information which accompanied the new application. As Mike states, the evidence is before you and it is the Board's contractual obligation to review it.

With regard to your statement in the final paragraph of your email below, if the Board seal the discharge from the foodstore they will be held liable for any associated damage caused to the development as a result.

We are happy to meet to discuss the above if it is of any assistance."

A formal instruction on how the Board would like to proceed to formally resolve this matter would be appreciated.

*Erection of a vegetable processing building and formation of balancing pond – Client of Grounds & Co (MLC Ref No 627); Allpress Farms Ltd (MLC Ref No 638); Produce*

*World Ltd (MLC Ref Nos 776 & 777); Industrial/Haulage Yard at Fenton Way, Chatteris (MLC Ref No 529) & Erection of warehouse with offices and business units on land west of Fenton Way, Chatteris - R W Simpson Ltd (MLC Ref No 644)*

It is understood that the landowner's contribution required by the Board, as landowners of the now redundant downstream reach of Fenton Lode, has not been paid.

As a result the outstanding discharge consents associated with this matter have not been completed and any discharge being made is currently illegal.

Further involvement will be required if development of the proposal is progressed and the Board's consent may be required.

*Residential Development involving demolition of existing storage building on land west and south of 74 West Street, Chatteris – Client of LK Consult Ltd (MLC Ref No 742) and Land Planning Partnership Ltd (MLC Ref No 826)*

Further to the last meeting outline planning permission was granted by Fenland District Council in early May.

No further correspondence has been received from the applicants or the applicants' agent concerning the provision of the original site infrastructure and no further action has been taken in respect of the Board's interests.

Further involvement will be required if development of the proposal is progressed and the Board's consent may be required.

*Installation of a Biomethane Injection pipeline (to inject into the National Grid) involving the erection of an associated plant compound with 2.4m high boundary security fence and gates at Gas Pipeline for Anaerobic Digester Plant, Iretons Way, Chatteris – Little Green Consulting Ltd (MLC Ref No 783) and Pretoria Energy (MLC Ref No 785)*

No further correspondence has been received from the applicants or the applicants' agent concerning this development and no further action has been taken in respect of the Board's interests.

*Construction of a 4.34MW solar energy farm, to include the installation of solar panels, ancillary plant, 2.0m high security fencing, 24 x pole mounted 2.4m high CCTV cameras and associated works including underground cables at land east of*

*Honeysome Farm Bungalow, Honeysome Road, Chatteris – Honeysome Road Solar Ltd (MLC Ref Nos 805, 818, 837 & 855)*

Further to the last meeting an application for the cable crossing under the Board's Drain has been processed and recommended for approval.

The Commissioners' Planning Engineer has been involved with the applicant's agent and Board representatives concerning encroachment within the Board's 9.0m wide maintenance access strip and also the provision of an on-site spoil disposal area for use by the Board when undertaking future channel improvements.

During the course of construction it was reported that a cable had been laid illegally under Fenton Lode adjacent to Honeysome Bridge. The applicant's agent denies that it was connected to this or any project that they are dealing with.

*Erection of a single-storey extension to rear of existing building and creation of earth bund/increase height of existing bund at 16 Albert Way, Chatteris – A E Sutton Ltd (MLC Ref No 834)*

Further to the pre-application consultation with the applicant a planning application was submitted to Fenland District Council in late January. The Council granted planning permission in mid-May.

According to the plans supplied with the submission the distance between the new structure and the brink of Fenton Lode is 10m and 18m to the associated foot path and, thus, outside the Board's 9.0m wide maintenance access strip.

The proposals also involve the formation of a new bund and the re-shaping of an existing bund which appear to be outside the maintenance access strip.

### ***Development Contributions***

Contributions received in respect of discharge consent will be reported under the Agenda Item – '*Contributions from Developers.*'

### **Huntingdonshire District Council (HDC) Local Development Scheme (LDS)**

No further correspondence has been received from HDC concerning the LDS and no further action has been taken in respect of the Board's/Commissioners' interests.

## **Huntingdonshire SFRA Update**

The Commissioners have been contacted by JBA Consulting concerning an Update to the current SFRA.

A response was made by the Commissioners on behalf of itself and the respective Boards within the District Council's area. It is understood that this response, which included concerns previously raised with the District Council in regard to the current SFRA, are being considered.

## **Fenland District Council (FDC) Neighbourhood Strategy**

Responses were made to the District Council, on the Commissioners' behalf, in respect of:

### ***1. Fenland Infrastructure Delivery Plan (IDP) Draft Update October 2015 – Public Consultation***

The IDP provides support to the District Council's Policy LP13 – Supporting and Managing the Impact of a Growing District of the Fenland Local Plan 2014 and also complements its adopted SPD on Developer Contributions.

The IDP has been reviewed, following the Council's decision in November 2014 not to introduce a Community Infrastructure Levy (CIL) for the time being, and the Government's regulations regarding pooling restrictions for S106 contributions for new developments. All Parish and Town Councils and statutory and other providers were asked to identify their needs for the area earlier this year and these are set out in the Schedule to the IDP.

Generic responses were submitted to the Council relating to water supply (specifically water resources), waste water, Flood Risk Management Provision, Infrastructure Schedule (largely associated with the Towns) and Utilities and Flood Risk.

Following the public consultation the comments received were considered and reviewed. The subsequent "Changes made to the IDP following consultation" report was issued in early 2016.

Many of the comments submitted by the Middle Level Commissioners were advisory and, therefore, no changes were made. However, text was amended or added in the final document in respect of Utilities – both surface and waste water, Flood Risk Management Provision and potential schemes to serve southern Wisbech and the Gaul Road area in March.

The final report was considered and adopted by Full Council on 25 February.

## **2. Fenland District Council (FDC) District Wide Level 2 SFRA**

In the absence of funding no further progress has occurred.

### **Cambridgeshire Flood and Water Supplementary Planning Document (SPD)**

**Note.** A Supplementary Planning Document (SPD) is a document that provides further details and/or guidance with reference to policies and proposals contained in a Development Plan Document (DPD) or Local Plan.

Further to the last meeting report, the draft Cambridgeshire Flood and Water SPD was the subject of a public consultation from Friday 4 September to Friday 16 October 2015.

A response to the County, in respect of the SPD, was submitted on behalf of the Middle Level Commissioners and associated Boards/Commissioners and, in addition to advising on some basic errors, identified the following:

- Like the NPPF and PPS/G25, and the associated guidance documents, the SPD is generic and does not appreciate the special circumstances of water level/flood risk management within The Fens. Therefore, it is considered that further guidance is required to assist all parties involved within the planning process of the specific issues that are different to other parts of the Country, and must be considered when making planning decisions.
- The current document is “wordy” and is likely to become ineffective. A set of guidance notes for the target audience would assist and provide a more effective “journey” for users of the document.
- The document fails to readily identify the difference between the Environment Agency and the IDBs, our differing concerns and requirements and even differences between individual IDBs. The overriding impression given is one where the role, function and governance of the IDBs appear not to be clearly understood.
- Whilst the Commissioners and associated Boards/Commissioners appreciate that the use of SuDS does have a place within water level/flood risk management, particularly the discharge into managed watercourses, it is considered that, despite the significant emphasis placed on such facilities, the use of attenuation devices in The Fens is not always the correct or most appropriate solution. Therefore, care needs to be taken to ensure that resources and funds are not wasted by seeking to impose attenuation solutions when a direct discharge is acceptable to the local drainage authorities.
- The water resource issues raised predominantly refer solely to potable water supply but other water resource issues which exist within the study area, for example, agricultural use, navigation, amenity, biodiversity, were not fully considered, particularly if drought

conditions, like those recently experienced, become more regular, and if the impact of climate change becomes a reality.

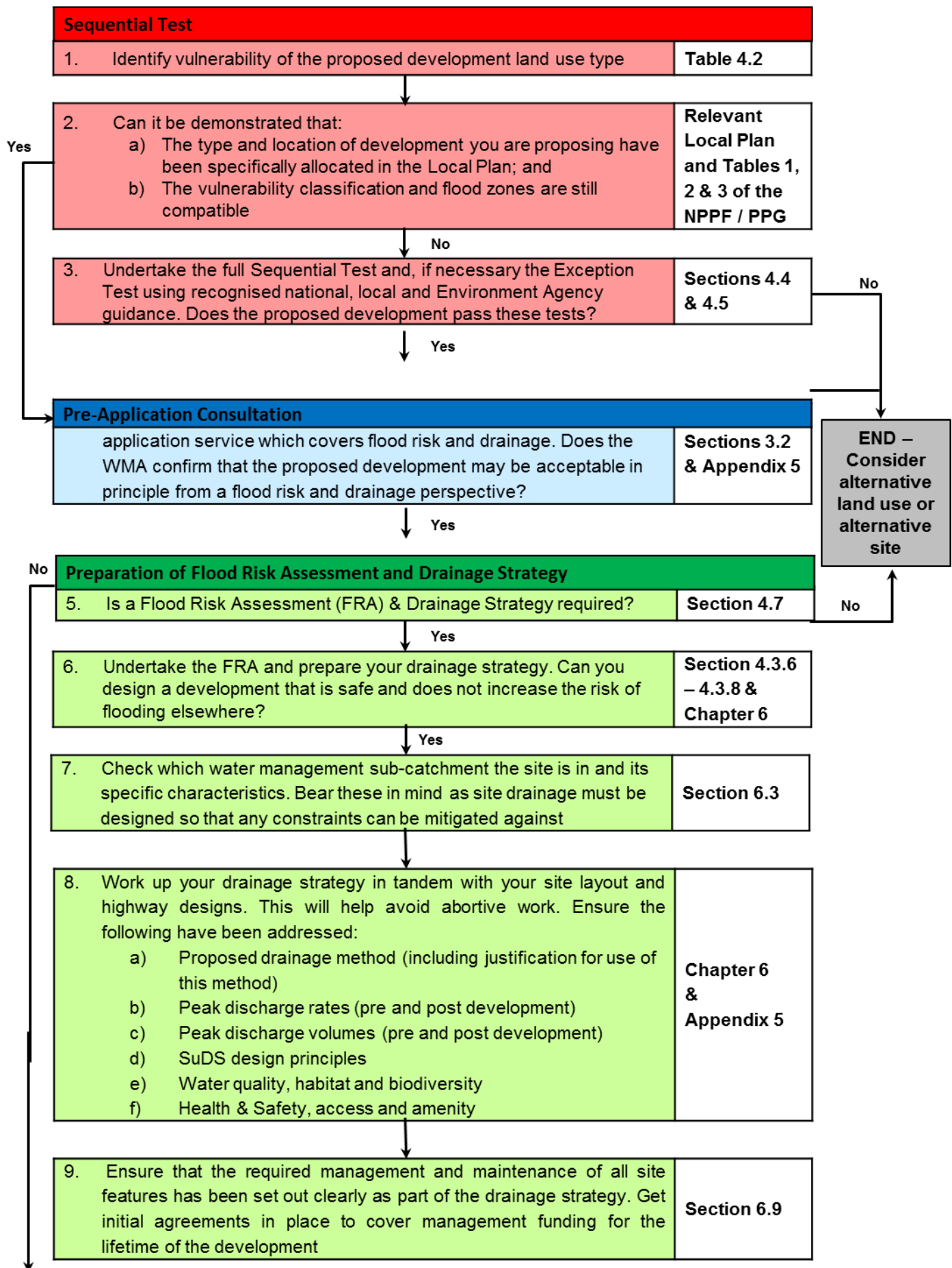
The response advised that IDBs may therefore not be able to accept the principles and policies which accommodate a County wide “broad brush” approach, which are not consistent with the more detailed requirements of their local areas, and went on to advise that:

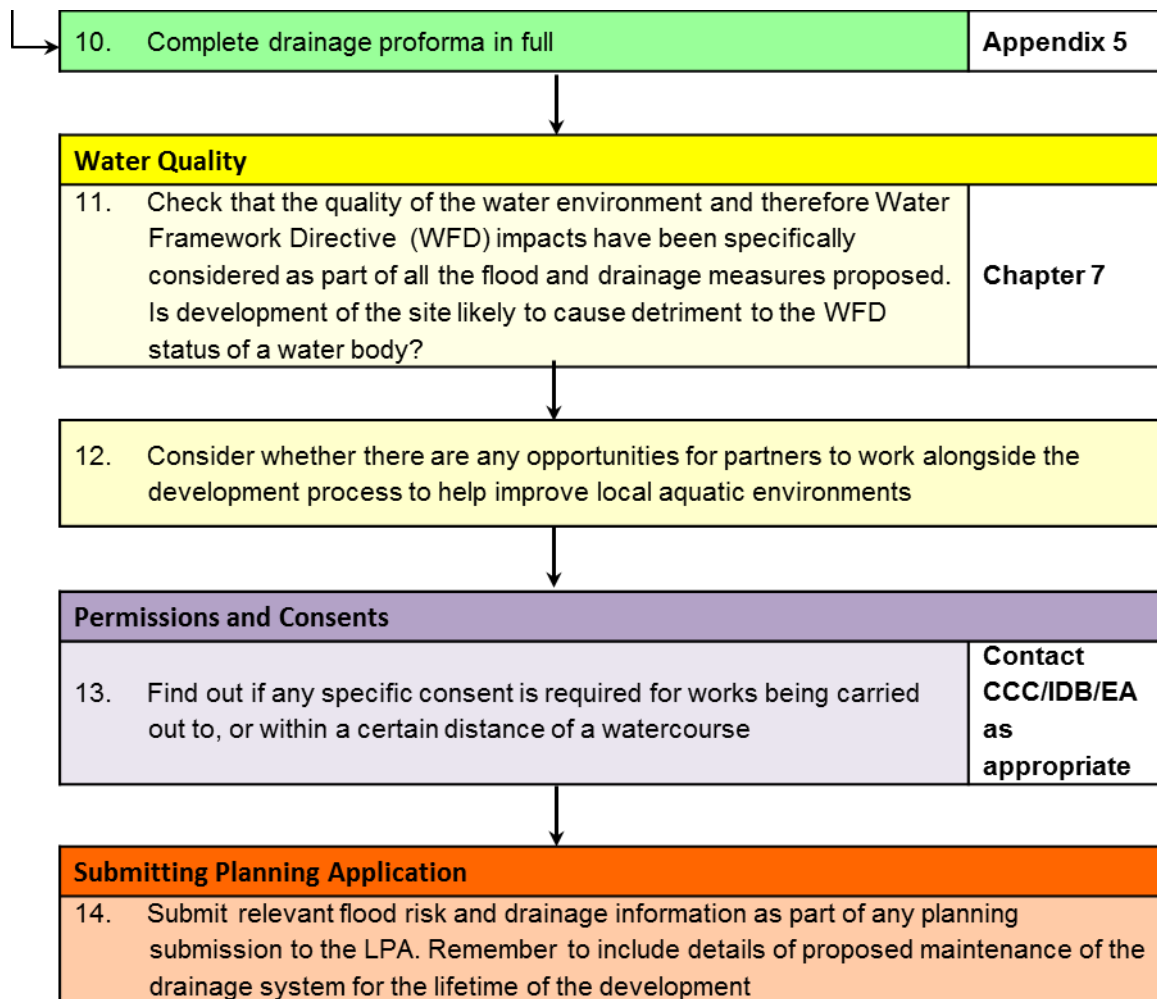
- In the flood risk areas managed by IDBs, development proposals are too often granted subject to planning conditions to allow LPAs to reach their targets, without sufficient regard to IDB comments on flood risk.
- LPAs receive fees for dealing with planning applications, IDBs do not; unless the developer chooses to follow an IDB pre-application procedure. Too often our advice is ignored and we are expected to provide a subsidised service for planning authorities to enable them to meet their targets, which the Boards/Commissioners are not prepared to do.
- We wish to encourage LPAs to, in turn, encourage developers to adopt the pre-application procedure. In the absence of the developer doing so, we can give no guarantee that, under the present arrangements, we will be able to respond to the Council’s request for advice on flood risk.
- When dealing with issues related to our byelaws and consent procedures the Middle Level Commissioners and associated/administered Boards/Commissioners will promote and require continued adoption of and compliance with the relevant principles contained within PPS25 and the associated Practice Guide together with the provision of a FRA that meets their own requirements ie detailed assessments on the impacts on the respective water level/flood risk management systems and the provision of adequate evidence to prove that a viable scheme for appropriate water level/flood risk management exists, and that it could be constructed and maintained for the lifetime of the development.

The responses received during the consultation were analysed and reviewed and a Steering Group meeting held in December to discuss the main issues raised.

Following the meeting a flow chart illustrating the process that it is considered that developers will need to complete when making a planning application was produced.







This flow chart is considered to be overcomplicated but more importantly from the Commissioners' perspective the first contact with the RMA, that is likely to receive the discharge concerned, is in step 13 just prior to the submission of the planning application. The refusal by the Board/Commissioners to issue consent for either byelaw or discharge can, in the correct circumstances, be an obstacle to further progress. In addition, some of the answers required to complete steps 5-10 will require the RMAs involvement. Therefore, in order to ensure that the Board/Commissioners are involved at an early stage it is considered that any initial consultation with an RMA should be at least at step 4.

Sections of a revised draft document have been issued to the Steering Group for further consideration and comment and these are currently being considered.

In respect of SuDS the content disappointingly conforms to the generic contents of the NPPF rather than realising that this does not accommodate the special circumstances that occur within the Fenland situation.

In addition, emphasis is made to reducing flood risk but fails to consider other issues such as viability, sustainability, carbon footprint, land use, water resources etc all of which should also be considered. Failure to do so could have adverse impacts and actually reduce “growth” in the area.

The County Council currently hopes that the SPD will go before the County Committee on 9 June and subsequently be adopted by each of the Cambridgeshire local planning authorities.

### **Cambridgeshire and Peterborough (C&P) Minerals & Waste Management Development Plan (M & WMDP)**

No further discussion has occurred with the County Council concerning the establishment of a “liaison forum” and no further action has been taken in respect of the Board’s interests.

### **Formation of an access culvert at Fenside Road, Warboys**

No further correspondence has been received from the County Council concerning this matter and no further action has been taken in respect of the Board’s interests.

### **Outbuildings at Puddock Pumping Station**

No further instruction has been received from the Board concerning this matter and no further action has been taken in respect of the Board’s interests.

### **General Advice**

Assistance has been given, on the Board’s behalf, in respect of the following:

- (a) Cambridgeshire County Council – An application was received for byelaw consent for the resurfacing of the road in front of Puddock Pumping Station. The Council was concerned about the Board’s underground pipework and requested the presence of an Engineer during the works. The application was recommended for approval.
- (b) A & E H Heading Ltd – An application for byelaw consent for the installation of a tile drainage scheme, including the excavation and filling in of watercourses, on land off Somersham Road in Colne Fen was recommended for approval.



Consulting Engineer

27 May 2016

Warboys, Somersham & Pidley (333)\Reports\May 16

Mr Downes reported that the new control panel equipment at Pidley Pumping Station had been installed last month and the weedscreen cleaning equipment at Westmoor Pumping Station should be installed and operational by the middle of June 2016.

Miss Ablett reported that the Finance Committee recommended to the Board that an improvement scheme for High Fen pumping station be included on the programme for 5 years' time to include the control panel replacement, new weedscreen and installation of automatic weedscreen cleaning equipment.

#### RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the recommendations of the Finance Committee be adopted.

(NB) – The Chairman declared an interest in the planning applications (MLC ref nos 776 & 777) for Produce World Ltd.

#### B.1408 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

Miss Ablett reported that the Finance Committee recommended to the Board that the works truck be replaced in 2017/2018 and the excavator in 2018/2019 and that these replacements be reviewed annually.

#### RESOLVED

- i) That the Capital Programme be approved in principle and kept under review.
- ii) That the recommendations of the Finance Committee be adopted.

#### B.1409 District Officer

Further to minute B.1390, the Chairman reported that the Clerk had sent a copy of his Contract of Employment to the District Officer and that he and the Vice Chairman had since spoken with the District Officer to resolve matters.

#### B.1410 District Officer's Report

The District Officer reported that works to be carried out for the coming year would include High Fen and Fenton Lode and referred to the re-profiling work needed at High Fen between points 130-133/134 and to a slip between points 1-8 Fenton Lode to Bartletts which was in need of repair.

He also raised concerns regarding a bad slip to the rear of the Tesco site at Honeysome Road. The Chairman advised that the slip was not restricting the flow at present and that he would inspect it and report to the Board at the next meeting.

The District Officer advised that, because of tree roots, re-profiling Warners Drove would be a major operation, which the Vice Chairman confirmed.

The District Officer further advised that the green margins of the spill dam at Red Tile Windfarm were being washed away and undermining the banks.

The Chairman suggested that future drainworks notices should also include notification that re-profiling works may also need to be carried out at the same time. The Chairman also suggested that more spraying should be carried out during the coming year.

The Chairman thanked the Vice Chairman, the District Officer and Mr K German for their work and for keeping him informed regarding drain maintenance and matters of the Board in his absence.

#### RESOLVED

- i) That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the Chairman inspect the slip to the rear of the Tesco site and report back to the next meeting.
- iii) That all future drainworks notices should include a paragraph stating that in conjunction with machine cleansing the Board may also need to undertake re-profiling works, if necessary.

#### B.1411 Environmental Officer's Press Releases and BAP Report

Miss Ablett referred to the Environmental Officer's Press Releases dated December 2015 and April 2016, previously circulated to Members.

Members considered and approved the most recent BAP report.

#### B.1412 Clerk's fee

Consideration was given to the fee of the Clerk.

#### RESOLVED

That the fee of the Clerk be increased in line with inflation.

(NB) – The Lord De Ramsey and H Whittome Esq declared an interest (as Members of the Middle Level Board) when this item was discussed.

#### B.1413 State-aided Schemes

Consideration was given to the desirability of undertaking further State-aided Schemes in the District and whether any future proposals should be included in the capital forecasts provided to the Environment Agency.

#### RESOLVED

That no proposals be formulated at the present time.

B.1414 District Labour  
District Officer's Salary

The Board considered the recommendation of the Finance Committee that the salary of the District Officer be increased in accordance with the Middle Level Commissioners' pay award, as indicated on the Supplementary Schedule.

RESOLVED

That the recommendation of the Finance Committee be adopted.

B.1415 Applications for byelaw consent

Miss Ablett reported that the following applications for consent to undertake works in and around watercourses have been approved and granted since the last general meeting of the Board, viz:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Cambridgeshire County Council	The resurfacing of the unadopted road off Puddock Road, Warboys, running adjacent to the Forty Foot River & in front of Puddock Pumping Station & over the Outfall	11 <sup>th</sup> March 2016
Cambridgeshire County Council	The construction of a surface water drainage outfall & the discharge of surface water – Red Tile Farm, Puddock Road, Warboys	14 <sup>th</sup> March 2016
Honeysome Road Solar Ltd	The installation by directional drilling of 2 x 125mm sleeved ducts & electrical/communications cable – Honeysome Road, Chatteris	16 <sup>th</sup> February 2016

RESOLVED

That the action taken be approved.

B.1416 Environment Agency – Precept

a) Miss Ablett reported that the precept for 2016/2017 would remain unchanged at £19,731.

b) Local Choices Update

Further to minute B.1315, Miss Ablett referred to the Environment Agency's newsletter dated April 2016 and reported that because of the appeals against the precept lodged some two years ago by the Board (and other Boards) the Agency had introduced a Local Choices Precept Programme which involved a far greater input from IDBs and IDBs being much more able to influence the Agency on the works on which the precept would be spent.

Miss Ablett updated the Board on the recent Environment Agency/IDB Strategic Meeting.

B.1417 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Miss Ablett reported that the sum of £949.18 (£15,690.64 less £14,741.46 paid on account) (inclusive of supervision) had been received from the Environment Agency based on the Board's actual expenditure on maintenance work for the financial year 2014/2015 together with the sum of £11,687.46 in respect of 80% of the Board's estimated expenditure for the financial year 2015/2016.

(b) Further to minute B.1348(b), Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

That the position be noted and the situation kept under review.

B.1418 Contribution from Developers

Miss Ablett reported that the following contribution towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume had been received, viz:-

<u>Contributor</u>	<u>Amount</u>
Cambridgeshire County Council	£300.00 (gross) £270.00 (net)

B.1419 Property

Miss Ablett referred to the Clerk's e-mail to the Chairman dated 11<sup>th</sup> November 2015 regarding smoke alarms and legionella.

B.1420 Association of Drainage Authorities

Miss Ablett reported:-

a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 17<sup>th</sup> November 2016.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association if a Member wishes to attend.

b) Annual Conference of the River Great Ouse Branch

On the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 8<sup>h</sup> March 2016.

#### B.1421 Health and Safety Audits

Miss Ablett drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and reminded Members of the arrangements with Croner.

#### B.1422 Cambridgeshire Flood Risk Management Partnership Update

Further to minute B.1385, Miss Ablett reported that the Middle Level Commissioners' Planning Engineer did not feel that the new Supplementary Planning Document on flood risk, which he was involved with, is yet in a suitable state commenting in particular, that it is too generic, does not really apply to the special needs of the Fens or properly set out the roles and functions of IDBs.

#### B.1423 Information regarding Asbestos

Further to minute B.1386, the District Officer confirmed that there was no asbestos present in any of the Board's installations.

#### RESOLVED

That the Register record no asbestos present.

#### B.1424 Governance and Accountability for Smaller Authorities in England

Miss Ablett referred to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1<sup>st</sup> April 2016.

#### B.1425 Budgeting

Miss Ablett referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31<sup>st</sup> March 2016.

The Chairman advised the Board that he considered Messrs K R German & Sons should continue as the Board's drainworks contractor for the coming year. He was aware that the Auditors were keen to inspect quotations for works but as Messrs German knew and understood the District so well and were local so thereby avoiding costs relating to transportation of plant, he was of the opinion that it was unlikely that a more competitive price would be obtained.

#### RESOLVED

That Messrs K R German & Sons continue as the Board's drainworks contractor.

(NB) – The Vice Chairman and Mr K German declared an interest in this item and took no part in the discussion)



## B.1426 Review of Internal Controls

The Board considered and expressed satisfaction with the current system of Internal Controls.

## B.1427 Risk Management Assessment

- a) The Board considered their current Risk Management system.

Miss Ablett reported that the Board had in place a Risk Management Policy which was last reviewed in 2015.

She reported that the Board had in place operational, financial and governance policies and considered all of their key risks and how to mitigate against them at each scheduled meeting, at which operational and environmental risks were discussed, based upon engineer's reports, officer reports, budgets and costings covering the short/medium and longer term issues. Budgets were prepared and approved by the Board.

Miss Ablett reported that insurances were in place that confirmed the cover was appropriate to the business. Budgets/year-end forecasts were reviewed at intervals by the Board. This was deemed adequate for the size of the business and the District system was monitored on a regular basis to identify new/emerging areas of risk.

The Board considered this current policy/strategy to be appropriate in between carrying out more substantial, periodic formalised reviews of risk assessment/management and met the requirements that they were assessed by.

- b) The Board reviewed and approved the insured value of their buildings.

## B.1428 Appointment of the External Auditor

Miss Ablett reported that, as had been previously mentioned, the recent Local Audit and Accountability Act changes the audit requirements for smaller public bodies including IDBs and such bodies as the MLC and Parish Councils.

The Act abolished the Audit Commission from 1<sup>st</sup> April 2015 and, from that date, responsibility for external auditor appointments has transferred to a new body, Public Sector Audit Appointments Ltd. Most contracts with existing external auditors will however continue until they expire after completion of the 2016/2017 audits.

Miss Ablett reported that from April 2017, smaller authorities will also be legally responsible for the appointment of their own external auditor and that this appointment must be made before the 31<sup>st</sup> December before the audited year, eg by 31/12/2016 for 2017/2018. Miss Ablett advised that the Secretary of State can however, appoint a body with power to appoint auditors for such smaller bodies which must then opt out from an appointing body. This has now been proposed, with a body proposed to procure audit services "en bloc" for these bodies. The new body is also supported and being funded by DCLG. The new arrangements will operate for a period of 5 years initially but is likely to run on 5 year cycles. It is likely that the procedures for opting out of this sector led body arrangement and appointing an external auditor individually will not be worthwhile for smaller authorities since this will involve the authority establishing an auditor panel and following a statutory appointment process and it is also likely that audit fees will be higher than under the "en bloc" arrangement.

Miss Ablett advised that all IDBs had to decide by 31<sup>st</sup> January 2016 whether they were going to opt out of the new sector body arrangements and that the position can be reviewed during the first five year cycle. The Chairman had, in view of this, agreed that the Board would opt in to the Sector Led body.

RESOLVED

That the Board approve the actions of the Chairman to join the Sector Led Auditor Appointment body.

B.1429 Exercise of Public Rights

Miss Ablett referred to the publishing of the Notice of Public Rights and publication of unaudited Annual Return, Statement of Accounts, Annual Governance Statement and the Notice of Conclusion of the Audit and right to inspect the Annual Return.

B.1430 Annual Governance Statement – 2015/2016

The Board considered and approved the Annual Governance Statement for the year ended on the 31<sup>st</sup> March 2016.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2016.

B.1431 Payments

The Board considered and approved payments amounting to £273,077.66 which had been made during the financial year 2015/2016.

(NB) - The Vice Chairman and Mr K German declared an interest in the payments made to K R German and Sons.

(NB) – The Lord De Ramsey and H W Whittome Esq declared an interest (as Members of the Middle Level Board) in the payments made to the Middle Level Commissioners.

B.1432 Annual Accounts of the Board – 2015/2016

The Board considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2016 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Annual Return, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2016.

B.1433 Expenditure estimates and special levy and drainage rate requirements 2016/2017

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2015/2016 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 89.34% and 10.66%.

Miss Ablett reported that the Finance Committee had recommended a rate of 20.0p in the £ should be set with a Special levy of £4,430 on Fenland District Council and a Special levy of £13,537 on Huntingdonshire District Council.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £168,626 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £150,659 and £17,967 respectively.
- iv) That a rate of 20.0p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
  - a) That a Special levy of £13,537 be made and issued to Huntingdonshire District Council for the purpose of meeting such expenditure.
  - b) That a Special levy of £4,430 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

B.1434 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

B.1435 Date of next Meeting

Miss Ablett reminded Members that the next Meeting of the Board would be held on Thursday the 24<sup>th</sup> November 2016 at Lakeside Lodge, Pidley which would include an inspection of the District commencing at 9.30am.

#### B.1436 Management Liability

Mr H Whittome enquired whether Members should be covered under directors and officers insurance (now known as management liability). The Chairman advised that the Clerk had previously informed him that for any action to be taken against a Member, negligence would have to be proven. Members requested that Miss Ablett obtain a quote to be considered at the next meeting.

#### RESOLVED

That a quote for management liability insurance be obtained for consideration at the next meeting.

#### B.1437 Fuel savings

Mr H Whittome advised the Board of the potential savings to be made in purchasing fuel from Anglia Farmers in advance. The Chairman agreed to look into the matter.

#### RESOLVED

That the Chairman investigate advance purchasing of fuel and that he be authorised to make a decision on behalf of the Board

#### B.1438 Land Drainage Act 1991 Huntingdonshire District Council

The Chairman reported that this would most probably be Mr Lummis' last meeting as he was likely to leave Huntingdonshire District Council in the autumn. He considered Mr Lummis to have been a most enthusiastic representative for the Council who regularly attended and contributed to meetings.

#### RESOLVED

That the Board's appreciation of the services rendered to the District by Mr Lummis be recorded in the Minutes.

#### B.1439 De-stabilising of bank – Fenton Lode Discharge Channel

Miss Ablett provided the Board with a map of the District in relation to the slippage and requested further details regarding the area concerned and the contact details of the owner/occupier.

#### RESOLVED

That Mr Stokes provide the Clerk with the appropriate details to enable him to correspond with the owner/occupier.