



MIDDLE LEVEL COMMISSIONERS

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I.A.D. SMITH B.A., Solicitor
Clerk and Chief Executive

Our Ref.: 189/1

Your Ref.:

23 September 2011

Dear Sirs

Fenland Communities Development Plan
Core Strategy
Draft Consultation July 2011

The Commissioners and their associated Internal Drainage Boards (IDBs) are pleased to have been consulted by the Council over the above Strategy. Our comments are related to our areas of statutory function, Flood Defence/Land Drainage and the Commissioners' role as navigation authority for the Middle Level River System.

While the Commissioners and IDBs note the Council's wish to keep the Plan and Strategy as brief as is reasonably appropriate, we consider that more detail is required in relation to flood risk. All of the Fenland area is potentially at flood risk and depends on artificial drainage systems maintained by the Commissioners, our associated Boards and other authorities eg North Level IDB. It is the case that these local drainage systems and their maintenance actually determine the level of 'day to day' flood risk caused by or to development. It is therefore disappointing to see the emphasis of most of the Strategy placed solely on liaison with and the receipt of advice from the Environment Agency. The Agency's role in providing advice relating to flood risk from their arterial main river system is, of course, a valuable contribution to a consideration of whether a planning proposal has properly considered flood risk. However, without similar input from IDBs, a misleading picture of flood risk may be obtained. It is clear that the Council recognise the important role of IDBs in the statements made in your Fenland SFRA where consultations with IDBs is referred to and have in relation to Policy CS5 (Urban Extensions), where they are one of the bodies with which close partnership working will be sought. However, this makes the absence of references to IDBs in most of the other policies, the more significant and surprising. While therefore, in 2.6.1, the Council quite correctly state that flooding issues need to be addressed, the Strategy does not then go on to state, with any degree of completeness, how this will be achieved. The Commissioners and IDBs therefore would hope and expect to be involved in all the relevant Policies and areas of work of the Strategy.

As navigation authority, the Commissioners would wish to see the Plan and Strategy promote the navigable waterways of the Middle Level System, so far as they lie within your Council's area.

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This would particularly be the case in the case of the Plans to be prepared for March and Whittlesey, in which towns the Middle Level Waterways provide a focus. These aspirations both in relation to flood risk and navigation, would seem to accord with your Council's own aspirations, expressed at FNPVS.

More specifically, we would comment on the individual elements of the Strategy as follows. The numbering used is as set out in the Strategy:-

- 1.1.3 (page 4) It is noted that 11000-16000 new homes are proposed to be built by 2031. This makes proper and detailed consideration of local flood risk issues very important.
- Policy CS2 (page 18) We would seek clarification of the reference to flood risk in paragraph b) with reference to proposals which would go beyond the minimum trajectory. If this is the case with such development proposals, how will flood risk be considered for proposals falling within the minimum trajectory? Policy CS2 goes on (on page 20) to state that flood risk will be considered as part of the site suitability test for development proposals. It is however not clear whether different tests will apply to different types of proposal and the question of flood risk, both to and created elsewhere by, the development, is equally applicable to other types of property.
- 3.2 (page 32 onwards) This section and Policy CS6 relate to Wisbech. Why however, is flood risk noted under West Wisbech and not in relation to the remainder of the town?
- Section 3.3 (page 36 onwards) There is specific reference to the March waterfront setting. The Commissioners do, as mentioned previously, consider that the Strategy's Policies should include one for promoting the river frontage. There seems little recognition of flood risk issues in relation to March. While there are references to "sewer connections to Waste Water Treatment Works", the fact that the Commissioners may well restrict or prohibit discharges from such Treatment Works to our river system and the implications, including the need to seek alternative options, of such a decision, is not mentioned within the Strategy.
- Sections 3.4/3.5 (page 39 onwards) Similar remarks apply concerning the absence of reference to flood risk issues and to the possibility that the discharges from Whittlesey Waste Water Treatment Works will be restricted. It is curious to note that flood risk is mentioned, in relation to Whittlesey, under the reference to the Regional Freight Interchange but not generally.

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Section 4 (page 49) This section refers to the delivering of infrastructure. IDBs currently take contributions from developers where acceptable development flows will increase the rate or volume of run off to be dealt with by their maintained systems. These contributions are paid direct to the IDBs and are used to fund work required to their systems to deal with development. These contributions will continue and the Council should ensure that there is no duplication when infrastructure provision is being considered.

Section 4.2 refers to the management of flood risk. This should state that the entire District is at flood risk and depends on artificial, managed systems. These systems must not be compromised. Policy CS12 refers to SFRA's but not to the Commissioners' own strategy which is directly relevant to the area. This is also an omission from Appendices B and C. There is also no reference to the Commissioners'/IDB Systems. The scenario when the IDB would prefer and indeed wish to see development discharge in an unattenuated way to their systems is not addressed. We are surprised at these omissions and that, bearing in mind the significance of flood risk in this area, section 4.2 is so short. Policy CS13 (page 54) refers to improvements in waterway infrastructure. Presumably, this will include the Commissioners' waterways? See also remarks in relation to waste water at section 3.3 above.

Section 6.1.8 (page 59) Should this list not also include navigation authorities?

Policy CS12 (page 69) This Policy contains a reference to IDBs as working in partnership. However, the implementation refers to the number of planning permissions granted contrary to the advice of the Environment Agency. There is no reference here to the views of the IDBs which manage the local flood risk. The Agency's advice is also likely to be restricted to main river issues, giving an incomplete picture of flood risk within Fenland.

The Commissioners and IDBs would urge the Council to revise the draft Strategy so that it gives a more considered and complete picture of the water related issues referred to in this response. In particular, in view of the level of potential flood risk within Fenland, it is vitally important that this is recognised within the Strategy and appropriate policies set out. Indeed we consider specifically that, even after it may be formally withdrawn, the advice contained within PPS 25 should be used as the basis for flood risk consideration. It should also be remembered that, within an area such as Fenland, minor developments can create a dramatic flood risk impact, in addition to risks created by larger developments and that such risks need to be appropriately managed.

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We would be pleased to meet yourself or the appropriate representatives of the Council to consider the issues raised in this response.

Yours faithfully

(Signed) *Iain Smith*

Clerk & Chief Executive

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