

NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board
held at the Middle Level Offices, March on Thursday the 9th June 2016

PRESENT

A Edgley Esq (Chairman)	G P Collett Esq
S Edgley Esq (Vice Chairman)	J Edgley Esq
D G Collett Esq	T B Edgley Esq
M Smalley Esq	

Mr Robert Hill (representing the Clerk to the Board) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

Apologies for absence

Apologies for absence were received from Mrs F S Newell and T Scott Esq.

B.914 Declarations of Interest

Mr Hill 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.915 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 25th June 2015 are recorded correctly and that they be confirmed and signed.

B.915 Clerk to the Board

Mr Hill informed the Board that the Clerk intended to stand down from the office of Clerk of the Board at the end of 2016, that the Middle Level Commissioners would be taking appropriate steps to appoint his replacement and that the Clerk would keep the Board informed

B.916 Land Drainage Act 1991 Board Membership - Fenland District Council

Mr Hill reported that Fenland District Council had appointed Councillors Mrs F S Newell and D Green and re-appointed Councillor P Murphy to be Members of the Board under the provisions of the Land Drainage Act 1991.

Mr Hill also reported that Councillor Melton had not been re-appointed.

B.917 Water Framework Directive

Further to minute B.890, Mr Hill reported that the Anglian River Basin Liaison Panel, of which the Clerk was a member, have considered the draft updated River Basin Management Plan revision and the regional programme of projects funded by Defra for Water Framework Directive. He reported that he had also been advised that the statutory Plan to be sent to Ministers would be a "high level" generalised document and not contain the list of local "measures" which appeared in the many schedules to the 2009 Plan. Whilst this made the 2009 Plan rather cumbersome, it did at least set out the measures expected in relation to a water body, whereas the present framework leaves the relevant measures to be discussed locally. Part of the ongoing work is to settle what "mitigation measures" are appropriate to the artificial and heavily modified water bodies of the Fens to ensure that they satisfy the requirement to reach Good Ecological Potential. The Middle Level Commissioners' Environmental Officer, Cliff Carson, is a member of a Group, looking at reasonable mitigation measures for such bodies, which are likely in fact to correspond with what was already in our Biodiversity Action Plans and therefore require, as previously advised, little additional work.

Mr Hill advised that the Clerk had commented on the revised plan but had to date received no feedback on either this or on the earlier flood risk management plans despite promises from the Environment Agency that this would occur.

Mr Hill reported that the Clerk had, however, continued discussions with the Environment Agency's local Water Framework Directive teams. For IDBs in the MLC area, it has been accepted that the Middle Level area will be designated as one water body for the purposes of the 2015 Plan and that, with the exception of Bury Brook, the whole of the "water body" will be designated as artificial; the exception being Bury Brook which is classed as heavily modified.

B.918 Water Transfer Licences

Mr Hill reported that Defra have advised that they propose to bring into force the changes to the water abstraction licensing system, which were outlined and enacted in the Water Act 2003. Successive proposed implementation dates have, however, come and gone. Most significant amongst these is the requirement that abstractions simply transferring water from one watercourse to another by IDBs become subject to licensing.

Mr Hill reported that the Environment Agency have however also now consulted on a proposed charging regime for transfer licences. This following correspondence with Rory Stewart MP, the Parliamentary Under Secretary of State, appears to be a "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 but the Clerk had continued to object to it on the basis that, since water is transferred to serve licences granted to end user abstractors by the Agency, the costs of administering such licences should already be met. The Clerk had also taken the opportunity to raise this matter during the Ministerial Visit to Denver, as did representatives of the Downham and Ely IDB Groups. It was also pleasing to report that ADA, after inaction on the matter, appeared at last to be taking this up with Defra.

Mr Hill reported that the Defra consultation appeared in December but was then withdrawn hours later. It was however, formally reissued in January with a period for responding lasting until 8th April. Despite what had previously been stated, the consultation proposes that Transfer Licences may well have a volumetric quantity based on what has been taken in the previous 4 years. Members will be aware that the water transferred into IDBs in this area is mainly to serve irrigation licences granted by the Environment Agency and the costs in relation to which have already been recovered by the Environment Agency.

Mr Hill reported that it also appears from Defra that their longer term aim, as part of the Water Abstraction Review, would be for IDBs to be given the power to take over water resources management within their catchments, from the Environment Agency. This was an interesting concept and discussion proposals, which would enable IDBs to deliver the abstraction licensing system and recover costs, were awaited. Defra are therefore keen that nothing in this present consultation will prejudice such an outcome and may well be willing to discuss more fully, the effect of the Transfer Licence proposal.

Mr Hill 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.

Mr Hill reported that within the proposals was an exemption for ports abstracting below the tidal limit and that the Clerk had queried why this was not also an exemption for IDBs.

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

B.919 Underdrain outfalls – Points 21-22 and Points 24-25-26-27

Further to minute B.891, the Chairman confirmed that the outfalls had not been attended to prior to the machine cleansing works, but was unsure of the current position. The Chairman confirmed he would inspect and, if required, take the matter up further with Mr Marc Heading.

RESOLVED

That the Chairman be authorised to take any further action he considers necessary.

B.920 Consulting Engineers' Report

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

Nightlayers I.D.B.

Consulting Engineers Report – June 2016

Weed Control and Drain Maintenance

The maintenance works carried out last year generally accorded with the recommendations approved by the Board at its last annual meeting.

A Roundup herbicide application was made early in the growing season to the Board's Campole drain, reaches 19-21-22-23-24-25-26-27, to control vigorous growths of watercress and other emergent aquatic vegetation. A second application of Roundup was required and applied later in the year to the Campole Drain; the main Pump Drain, reach 1-2-3-4-5-6, and Spur Drain, reach 3-14-15, these reaches were then machine cleansed after harvest.

A recent joint inspection has been undertaken with the Chairman, revealing that most drains remain in a generally satisfactory condition and are being maintained to a good standard. The Campole drain, reach 19-21-22-23-24-25-26-27, is in very good order mainly attributable to the efficacy of Roundup for weed control and machine cleansing carried out last year. However, sporadic stands of reed and emergent aquatic vegetation are evident throughout the Western Spur Drain, reaches 6-7-8-9-10-11 and 9-28 to the west of the A141 bypass. It is recommended that the affected reaches be treated with an application of Roundup herbicide, followed by light machine cleansing during late autumn/winter



Southern Spur Drain, reach 29-30

this year. It was also noted that stands of reed, bulrush and aquatic vegetation are emerging in the Southern Spur Drain, reach 13-29-30-31. It is recommended that an application of Roundup herbicide is applied where it is deemed necessary to control reed and emergent weed growth. A sum for the cost of Roundup treatment and proposed machine cleansing has been included within the estimated costs.

The inspection highlighted that the bank profile of the southern bank, along reach 7-8 of the Western Spur Drain, is unnecessarily steep and showing the initial signs of subsidence. It is also evident that the adjacent agricultural land is currently for sale with approved planning permission for industrial development. Completing the works at the present time would allow for the southern side bank to be re-profiled and



Western Spur Drain, Reach 7-8

the resultant spoil spread and incorporated within the Board's 9 metre byelaw area with very little impact to the adjacent land. In anticipation that the Board will be in agreement to undertake the works prior to any future development taking place, hence retaining a full 9 metre byelaw area width prior to development of the site, a provisional sum has been included in the estimate to allow for the proposed re-profiling works to be completed this year.

At the Chairman's request, a provisional sum has also been allocated to allow for any other emergency machine cleansing, cott removal, culvert clearance or bank slip repair works that may be required within the Board's drains later in the year.

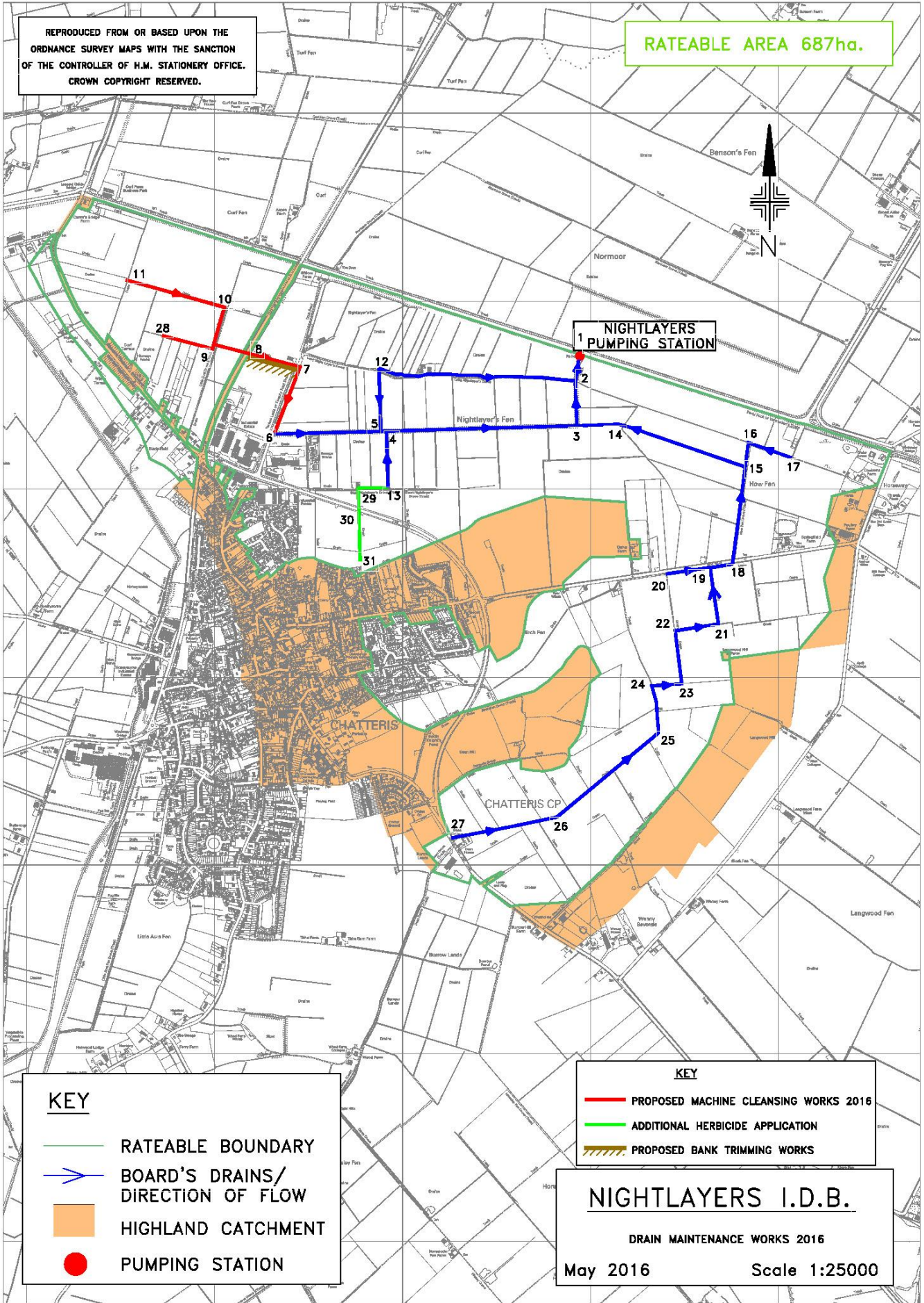
The Board's flail mowing contractors, Messrs G Ashman, have indicated that they are available to undertake the Board's flail mowing requirements this year. A sum for the completion of flail mowing of Board's drains for the ensuing year has been included in the estimated costs.

The recommended Weed Control and Drain maintenance programme is as follows:





1)	Roundup applications to control emergent aquatic weed and reed growth in District Drains			Item	Sum	1200.00
2)	Allow sum for machine cleansing Western Spur Drains					
	i) Reach 6-7	400	m	@	1.10	440.00
	ii) Reach 7-8-9-28	750	m	@	1.10	825.00
	iii) Reach 9-10-11	800	m	@	1.10	880.00
3)	<u>Provisional Sum</u> Bank Trimming Southern Bank Reach 7-8			Item	Sum	<u>1200.00</u>
				Carried forward		£4545.00

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RATEABLE AREA 687ha.



KEY

-  RATEABLE BOUNDARY
-  BOARD'S DRAINS / DIRECTION OF FLOW
-  HIGHLAND CATCHMENT
-  PUMPING STATION

KEY

-  PROPOSED MACHINE CLEANSING WORKS 2016
-  ADDITIONAL HERBICIDE APPLICATION
-  PROPOSED BANK TRIMMING WORKS

NIGHTLAYERS I.D.B.

DRAIN MAINTENANCE WORKS 2016

May 2016

Scale 1:25000

	Brought forward		£4545.00
4)	<u>Provisional Item</u> Allow sum for emergency machine Cleansing Cott removal, culvert clearance works in Board's Drains	Item	Sum
			1500.00
5)	Flail mowing district drains	Item	Sum
			2500.00
6)	Fees for inspection, preparation and Submission of report to the Board, Arrangement and supervision of herbicide Applications and maintenance works	Item	Sum
			1000.00
			<hr/>
	TOTAL		£9545.00 <hr/> <hr/>

Orders for the application of herbicides by the Middle Level Commissioners are accepted on condition that they will not be held responsible for the failure or efficacy of any treatments.

Pumping Station

Only routine maintenance has been carried out since the last meeting and the stations pumping plant is considered to be in a satisfactory condition.

Pumping Hours

	Total hours run May 11 – March 12	Total hours run March 12 - May13	Total hours run May 13 – May 14	Total hours run May 14 – May 15	Total hours run May 15 – May 16
No 1 electric	126	565	418	475	404
No 2 diesel	2	252	94	31	11

Changes to Planning Procedures

Further to the introduction of the previously discussed pre-/post-application discussion process other procedures have been introduced, currently on a trial basis. These include, where relevant, a fixed fee basis for some services which has arisen from discussions and agreement with applicants, agents and engineering consultants.

These include the following:

- (a) In respect of relatively simple enquiries the Commissioners are currently offering a free Development Control and Consent "Surgery" on the third Tuesday of the month. Appointments are limited to 15 minutes during which applicants are able to discuss their proposals and at which it can be determined whether pre-/post-application discussion is required for Discharge/Byelaw Consent issues.

To date the up take has been limited, but the service has helped to improve consent applications and thus ensure that they can be processed smoothly and quickly.

- (b) A soakaway certification and checking service has been introduced. A number of enquirers have undertaken this service to ensure the acceptability of soakaways/infiltration devices in compliance with the Land Drainage Act and the Commissioners'/Boards' byelaws where it can properly be shown to attenuate flows/volumes.
- (c) Completing the "Acceptability of Surface Water and Sewage Effluent Discharge" form. This is a simple form where responses are made to four questions related to surface water/treated effluent disposal.

Following an initial surge in requests for this procedure demand has recently slowed. We have had to advise some enquirers that this is not a consent document nor does it confirm agreement that a water level/flood risk management strategy has been agreed.

The responses from these procedures have been positive and they will therefore continue for the foreseeable future, to be reviewed at a later date.

Initial internal discussions concerning the introduction of fixed fees for some types and sizes of development covered by the pre-application procedure have commenced.

Responses to Planning Applications

One of the complaints aimed at the Commissioners relates to the failure to provide responses to planning applications in a timely manner. The main reason for this is because some LPAs, not just Fenland District Council, add planning applications to validation lists in week four or later. Unfortunately, the Middle Level Commissioners do not have the resources to check all the lists on a weekly basis (a potential total of 64 lists per week). Therefore, to maximise the number of planning applications captured the week 4 list is normally used.

Members will be aware that neither the Middle Level Commissioners nor the Board are statutory consultees and, therefore, do not actually have to provide a response to the planning authority, and receive no external funding to do so. The main reason for supplying responses is to protect the Board's district and ensure that any byelaw consents are sought.

More timely responses would be of benefit to all parties and discussions have been held with the leading Planning Authorities including the County Council and Fenland District Council but none are prepared to contribute to funding to improve resources. The now former Head of Planning at Fenland District Council advised in a letter dated 7 December that ".....the Council is not in a position to consider providing additional resourcing". As a result, the Middle Level

Commissioners' Planning Engineer has been instructed to concentrate on responding to pre-/post-application related issues and resultant planning applications as a priority with responses to other planning applications being dealt with when time permits, with greater reliance being placed upon our 'Standing Advice'. This particular document may require further strengthening if this arrangement is to continue over the long term.

However, the Council's letter does advise that it "will continue to encourage applicants and agents to engage directly with yourselves at pre-application stage which clearly has benefits of providing at an early stage greater certainty to developers of your requirements". Whilst there has been an increase in enquiries concerning prior discussion these have, to date, primarily been just prior to or just following the submission of a formal planning application.

Despite the Planning Authorities' position the Middle Level Commissioners are requested to respond to planning applications that may potentially be contentious and informal requests have been received from Fenland's Planning Officers to reinstate the weekly surgery session that occurred between late 2009 and late 2013. However, as the Board is not a statutory consultee it is considered that whilst the comments provided by the Middle Level Commissioners on the Board's behalf would be of benefit to the Planning Authorities in making informed decisions, this request is not followed up.

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 of Kings Lynn and West Norfolk 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 Applications

In addition to matters concerning previous applications, the following 35 new applications have been received and dealt with since the last meeting:

MLC Ref.	Council Ref.	Applicant	Type of Development	Location
667	Pre-app enquiry	Client of Cannon Consulting Engineers	Residential development (TBC)	Wenny Road, Chatteris
668	F/YR14/1004/F	Mr & Mrs M Vinn	Residence	George Way, Chatteris*
669	F/YR15/0042/F	Nor-Camb's Homes & Developments Ltd	Residence	George Way, Chatteris*
670	F/YR15/0072/F	Mr J Capper	Residence	Bridge Street, Chatteris*
671	F/YR15/0091/F	Petrogas GRP UK Ltd	Retail	Bridge Street, Chatteris*
672	F/YR15/0083/F	Mrs C Henson	Residence	New Road, Chatteris*
673	Post app & F/YR15/0205/F	Produce World Ltd	Processing/Packaging Facility	Fenton Way/Iretons Way, Chatteris
674	F/YR15/0181/PNH	Mr G Smith	Residence	St Pauls Drive, Chatteris
675	Pre-app enquiry	Aldi Food Stores	Retail	Former Co-op, Chatteris
676	Pre-app enquiry	Client of Cannon Consulting Engineers	Residential development (TBC)	Wenny Road/Birch Fen, Chatteris
677	F/YR15/0303/F	Mr & Mrs S Tuffin	Residence	Saddlers Way, Chatteris
678	F/YR15/0352/F	Mr G Hall	Residence	Railway Lane, Chatteris
679	F/YR15/0493/F	Mr & Mrs H Brittain	Residence	St Martins Road, Chatteris
680	F/YR15/0452/F	Aldi Stores Ltd	Retail	Bridge Street, Chatteris*
681	F/YR15/0519/F	FRW (UK) Ltd	Residence	George Way, Chatteris*
682	F/YR15/0524/F	Mr & Mrs G Mott	Residence	Albert Way, Chatteris*
683	F/YR15/0593/F	Mr R Jinks	Residential (6 flats)	Bridge Street, Chatteris
684	F/YR15/0630/F	Mr P Tanner	Leisure	Wood Street, Chatteris
685	F/YR15/0812/F	Mr & Mrs Heard	Residence	George Way, Chatteris
686	F/YR15/0806/F	Mrs P James	Residential (8 plots)	Bridge Street, Chatteris*
687	F/YR15/0859/F	Mr & Mrs Tuffin	Residence	Saddlers Way, Chatteris
688	F/YR15/0921/F	Mr G Hall	Residential (2 plots)	New Road, Chatteris
689	F/YR15/0909/F	Petrogas Group Ltd	Retail	Bridge Street, Chatteris*
690	F/YR15/0955/F	Mr & Mrs M Petrou	Residence	London Road, Chatteris
691	F/YR15/0994/AG1	A Edgley Ltd	Agricultural	Fenton Way, Chatteris
692	F/YR15/1012/F	Mr & Mrs Heard	Residence	George Way, Chatteris*
693	F/YR15/1096/F	Messrs & Mrs Tucker and Ms Chater	Residential (3 plots)	High Street/Dobbs Yard, Chatteris*
694	F/YR15/1107/F	Mr J Perry	Residence	George Way, Chatteris*
695	F/YR16/0043/F	Mr G Hall	Residence	New Road, Chatteris
696	F/YR16/0040/F	Mr & Mrs S Karia	Residence	High Street, Chatteris
697	F/YR16/0061/F	Mr & Mrs M Vinn	Residence	Doddington Road, Chatteris*
698	F/YR16/0093/SC	Cannon Kirk (UK) Homes	Screening Opinion	Wenny Road, Chatteris*
699	F/YR16/0100/F	Mrs C Wine	Residence	Park Street, Chatteris
700	F/YR16/0121/F	Travis Perkins (Properties) Ltd	Retail	Dock Road, Chatteris*
701	F/YR15/1078/F	Mr J Allen	Residence	West Street, Chatteris

Planning applications ending 'SC' relate to Screening Opinions

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

Developers within the catchment of Nightlayers WRC continue to be advised that whilst AWSL may consider that there is capacity within its WRC to accept the foul effluent from the proposal the receiving system, including that provided by the Board, may not have the capacity to accept the increased volume of treated effluent discharging into it.

Proposed development consisting of B1 (Office and Light Industry) and B8 (Storage and Distribution) at Womb Farm south west of Doddington Road, Chatteris – Client of Gifford (MLC Ref No 446), Colliers CRE (MLC Ref No 459) & Triman Developments (UK) Ltd (MLC Ref No 463)

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.

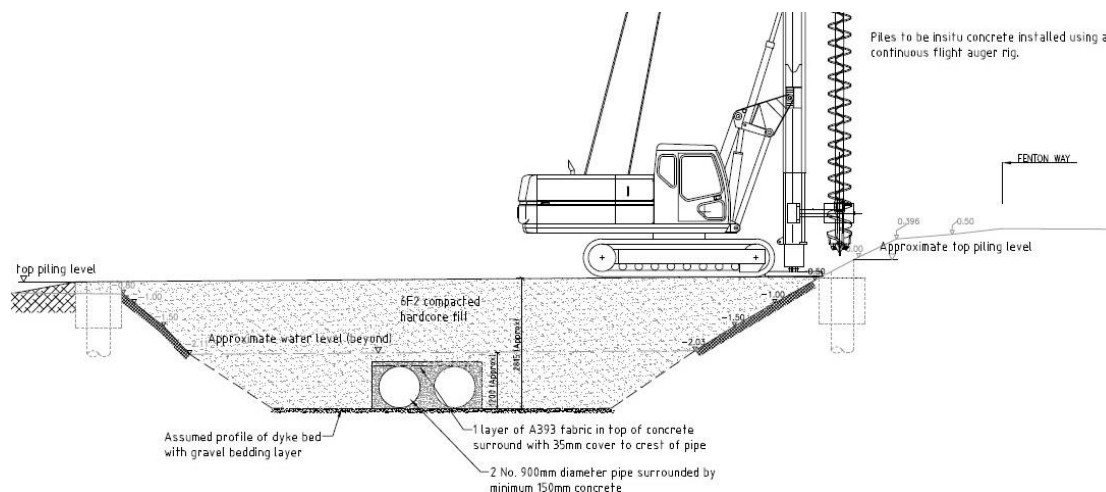
Erection of a vegetable processing building and formation of balancing pond – Client of Grounds & Co (MLC Ref No 560)/Allpress Farms Ltd (MLC Ref No 566); Industrial/Haulage Yard at Fenton Way, Chatteris – R W Simpson Ltd (MLC Ref No 464) & Erection of warehouse with offices and business units on land west of Fenton Way, Chatteris - R W Simpson Ltd (MLC Ref No 570) Erection of 21,000 sqm of processing and packaging facilities (B2) and 13,000 sqm of flexible B2/B8 floor space at land west of Fenton Way and east of Iretons Way & Erection of a dust extractor and conveyor and an extension to existing building (to extend the intake area to existing onion grading building) involving the removal of existing plant and machinery at Produce World, Fenton Way – Produce World (Chatteris) Ltd (MLC Ref Nos 659 & 663)

Further to the last meeting, pre-application consultation discussion has been undertaken with the Baynham Mickle Partnership (BMP) and post-application consultation discussion with Greenshoots Ltd. The use of this process has saved the Board approximately £450 and £330 respectively.

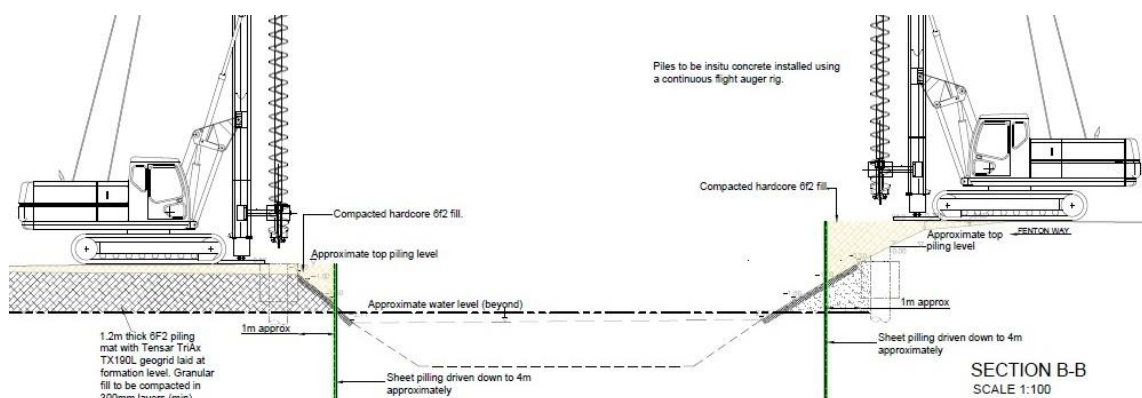
Formation of the access bridge over the Twenty Foot Drain/Fenton Lode

Further to the last meeting a byelaw consent application, seeking temporary construction of a culvert within the channel to facilitate piling works for the abutments of the proposed access bridge, was received from BMP. This was processed and, subject to conditions, recommended for approval in June 15. However, following problems experienced by the contractor on-site during August, a revised byelaw application was received for the installation of a line of sheet piles which were to be driven parallel to both sides of the channel with the resultant void backfilled to provide a suitable platform for the pile rig and workforce.

During November BMP was reminded that discharge consent was required, together with the associated contribution fee, for the access bridge. A discharge consent application was submitted and is currently at an advanced stage but for reasons discussed below has not been formally completed.



Extract from BMPs Drawing No 12006/107 Rev A showing the originally proposed temporary access culvert



Extract from BMPs Drawing No 12006/107 Rev D showing the installation of sheet piling

Phase 1 - Proposed Onion Store - Greenshoots Ltd

A completed application form for discharge consent was received in March 2015 but, in accordance with the Board's procedures, could not be processed until the receipt of the associated contribution fee which was not received until October. Following further discussion with Greenshoots Ltd's engineering consultant, Frith:Blake Consulting Ltd, the application was subsequently processed and recommended for approval subject to the payment of the "Landowner's Charge" to Warboys, Somersham & Pidley IDB.

Landowner's Charge

It is understood that the landowner's contribution required by the Warboys, Somersham & Pidley IDB, 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.

It is understood that the re-profiling of the southern side of the Board's drain between Points 7 and 8, as discussed in the last meeting report, is included within the Board's drain maintenance schedule for the forthcoming year.

Mixed Use Development on land south east of London Road, Chatteris - Hallam Land Management Ltd (MLC Ref Nos 481 & 537)

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.

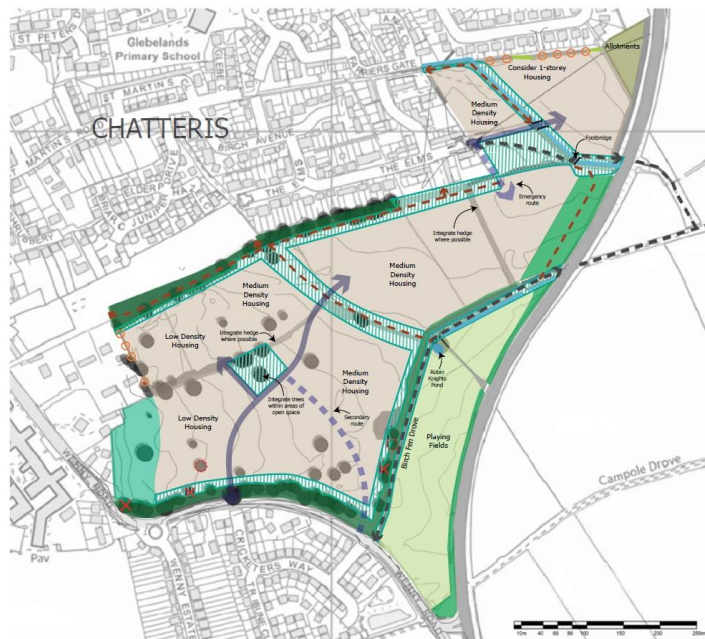
Further involvement will be required if development of the proposal is progressed and the Board's consent may be required.

Erection of workplace homes at 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 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.

Residential development with associated landscaping, open space and infrastructure at land east of Wenny Road, Chatteris - Cannon Kirk (UK) Homes (MLC Ref Nos 535 & 698) and Client of Cannon Consulting Engineers (MLC Ref Nos 667 & 676)

Further to the Board's June 2013 report, enquiries were received in November and April from Cannon Consulting Engineers concerning this site which is the East Chatteris (strategic allocation) within Fenland District Council's Local Plan adopted in May 2014. The consultants were encouraged to undertake one of the pre-application consultation procedures but this did not occur.



Extract from Savills Planning & Urban Design Strategic Masterplan document

A Screening Opinion was submitted to the District Council by Barton Willmore LLP, on behalf of Cannon Kirk (UK) Homes Ltd, during February. The District Council considered that further details were not required.

The submission documents included a strategic masterplan document prepared by Savills Planning & Urban Design. Section 11 of this document briefly dealt with surface water disposal as follows:

“Cannon Consulting Engineers prepared advice and attenuation guidance in January 2015 and January 2016. The plan opposite (Fig 28) outlines initial surface water attenuation basin locations and their capacity, which have been reconfigured on the proposed masterplan (chapter 3.0). The basins will be approximately 600 - 900mm deep and be for multi-functional use.

Roadside SuDS

Roadside SuDS features (to accept and convey flows) will be provided where possible between the footway and highway subject to further review at the next design stage.”

As can be seen no reference is made to the future long term funding, management and maintenance of the devices and/or any reference to adverse impacts on the Board’s system.

Surface water disposal, particularly the location of the proposed basins, is likely to be subject to change.



Fig. 28: Basin locations plan from Savills Planning & Urban Design Strategic Masterplan document
The basins are shown edged green

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

Please note that neither the Middle Level Commissioners nor the Board have been consulted or otherwise involved in its production.

NB. A Screening Opinion application is a planning process where the applicant asks the relevant Local Planning Authority for its formal opinion as to whether there are likely to be significant effects on the environment and require an Environmental Impact Assessment (EIA).

The intention of this process is to enable developers to obtain a clear view from the LPA on its requirements before they reach the stage of lodging a formal planning application, thus minimising the possibility of delay or uncertainty.

Erection of 20 dwellings comprising; 8 x 2-bed and 11 x 3-bed houses, 1 x 3-bed bungalow and garages at land south of Tern Gardens, Chatteris – Construct Reason Limited (MLC Ref No 563)

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.

Erection of 8 houses comprising of 1 x 4-bed detached, 6 x 3-bed semi-detached and 1 x 3-bed detached with garages at site of former 91 High Street, Chatteris – J A Investments (MLC Ref Nos 600 & 608)

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.

Proposed New Testing Laboratories at Medcalfe Way, Bridge Street, Chatteris – Eclipse Scientific Group (MLC Ref No 605)

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.

Residential development on land north and east of 209 New Road, Chatteris – Client of Opus International Consultants (UK) Ltd (MLC Ref No 617) & King Partnership Homes (MLC Ref Nos 617 & 620)

Further to the last meeting the issue concerning the disposal of treated effluent into the Board's system, via AWSL WRC, has been resolved and upon the receipt of the appropriate contribution was recommended for approval.

In late October the Board was advised by the developer's engineering consultant, Banners Gate Ltd, that AWSL would not accept the previously suggested and consented discharge route within arable fields parallel to the A142.

Following discussion with the Clerk to the Board, the revised route within the southern verge with a manhole connection to the existing road culvert was considered. In the absence of any material difference the revised proposal was recommended for approval. The previous consent was revoked and an amended consent issued in mid-November.

During this period the Board was contacted by Cllr Carney concerning the position with the Board's interests. In response the Clerk to the Board advised that:

“Dear Cllr Carney

Thank you for your e-mail of 5th November.

The original discharge route and its impact on the Board's system was consented by the Board in the summer. We understand however, that Anglian Water would not adopt this route and required the builder to make changes before they would regard the proposals as acceptable to them. We are therefore currently awaiting information from the builder/their agents as to what these proposals are so that their impact can be assessed and a decision can be made.

The matter once again rests with the builder and the timescale is, to a large extent, therefore for them to determine.

Yours sincerely
Iain Smith
Clerk to Nightlayers Internal Drainage Board"

No further correspondence has been received from the applicant or the applicant's agents concerning this development.

The use of the post-application process has saved the Board approximately £225.

Proposed wind turbine, substation, transformer buildings and associated works on land west of Nightlayers Farm, Long Nightlayer's Drove, Chatteris - Client of Amazi Consulting Ltd (MLC Ref No 650) / Long Nightlayers Drove Renewables Ltd (MLC Ref Nos 651 & 657)

Further to the last meeting the applicant's planning appeal was successful and granted permission by the Planning Inspectorate in late September.

During October correspondence was received from the applicant's agent, Forenergy, concerning the proposed access culvert within the Board's Drain on the northern side of Long Nightlayers Drove, to the east of the Board's Point 12.

Further pre-application discussions resulted in a byelaw application being submitted in December which was recommended for approval subject to conditions in mid-January.

The access culvert was installed in early February and was regularly inspected by the Commissioners' Assistant Operations Engineer.

Reach 2-12, Long Nightlayers Drove



During Construction



Following Completion

The use of the pre-application process saved the Board approximately £240 and reduced any delay in processing the byelaw application.

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 661) & Pretoria Energy (MLC Ref No 666)

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.

Erection of 7 no single storey dwellings comprising of 6 x 3-bed with garages and 1 x 2-bed at land north of 35-45 New Road, Chatteris – Construct Reason Ltd (MLC Ref No 662)

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.

Extension & alterations to former Co-operative Store, Bridge Street, Chatteris – Client of Stirling Maynard (MLC Ref No 675) / Aldi Food Stores (MLC Ref No 680)

Following agreement from the applicant's consulting engineers, Stirling Maynard, pre-application consultation occurred during which it was possible to respond to specific questions raised and also to provide associated information on the Board's system.

The information provided was included in the Flood Risk Assessment and Outline Drainage Strategy that supported the subsequent planning application. Planning permission was subsequently granted in July.

In respect of the Board's interests, the extension is on an existing consented impermeable area. Therefore, discharge consent was not required for the proposed extension.

Development Contributions

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

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

Following concerns raised by local developers and agents in respect of Planning Inspectorate decisions concerning development within flood zones 2 and 3 shown on the Environment Agency's Flood Mapping, the Council is considering whether to embark on a Level 2 SFRA for the whole district, with the exception of Wisbech for which one was prepared in 2012.

The key reason for the production of a Level 2 SFRA is to allow FDC to undertake further analysis that provides an evidence base to determine the Sequential and Exception Tests across its District. It will focus on areas where there are potential development pressures in zones of medium (Flood Zone 2) to high (Flood Zone 3) flood risk and where there are no other suitable reasonably available development sites at lower flood risk after applying the Sequential Test. Completion of the Level 2 SFRA will provide the Council with the necessary level of information for a better understanding of flood risk at the local level and give better consideration of flood risk issues when making planning decisions in accordance with both National and Local planning policies.

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.

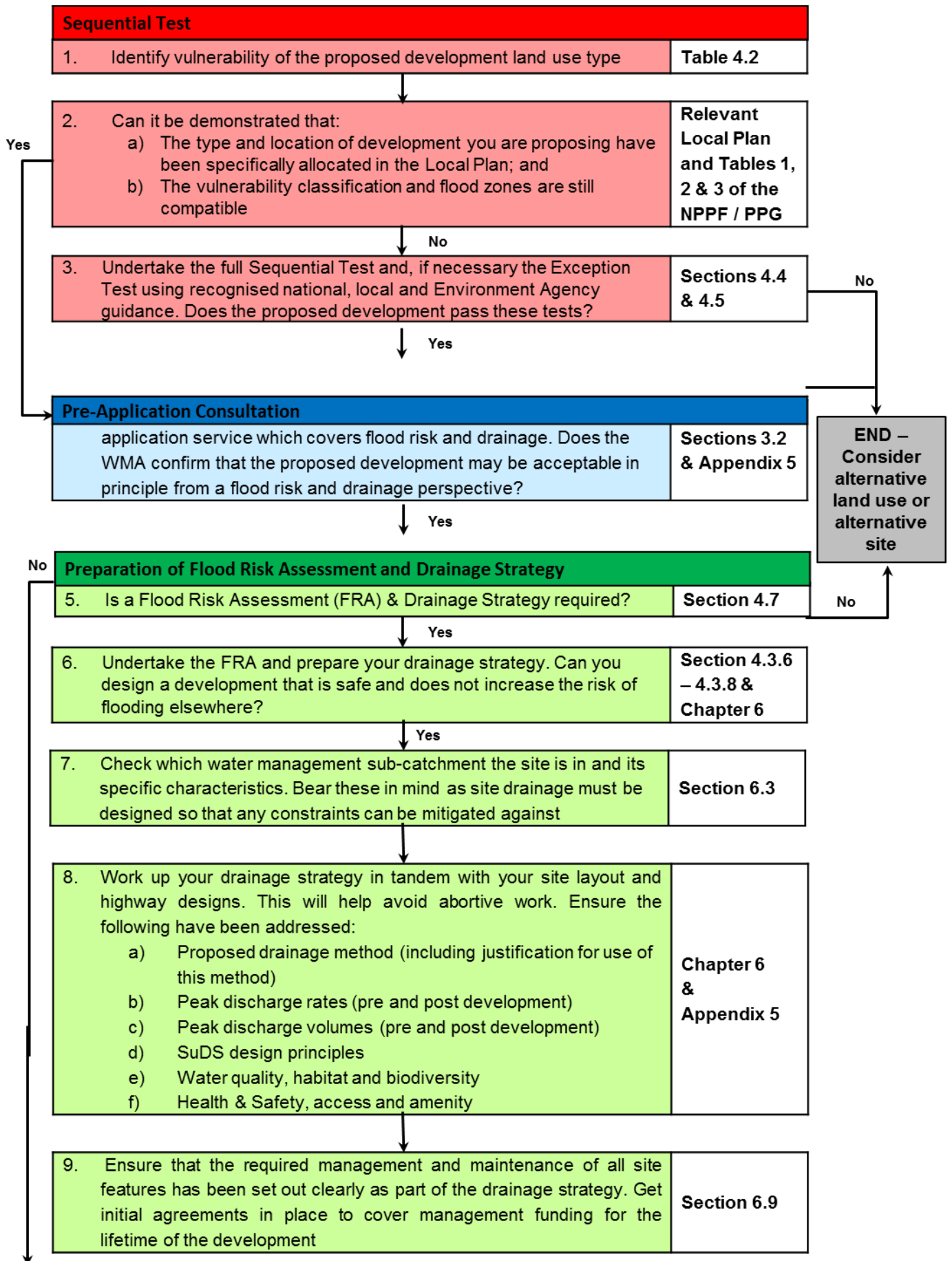
The responses received during the consultation were analysed and reviewed and a Steering Group meeting held in December to discuss the main issues raised.

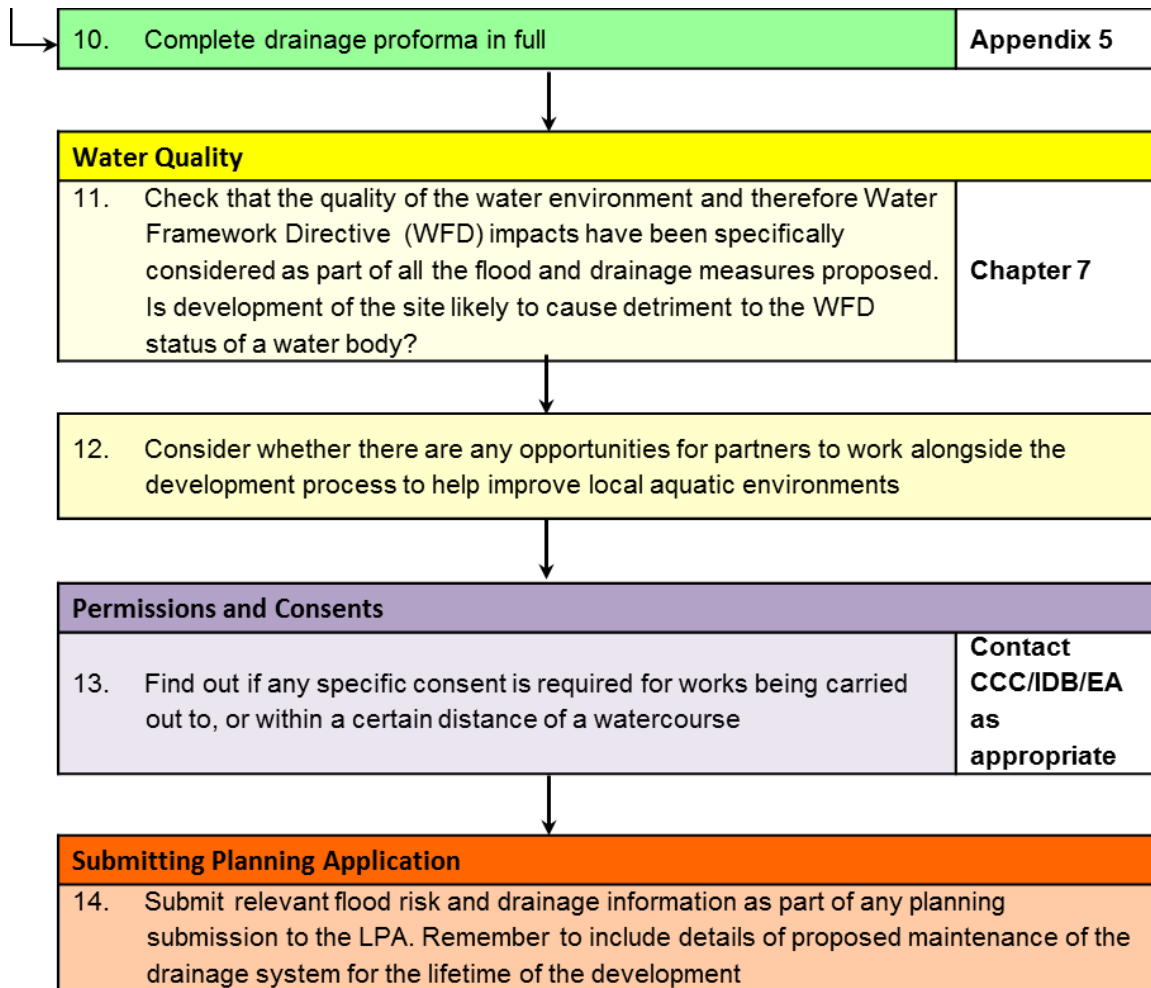
Following the meeting a flow chart (see overleaf) illustrating the process that it is considered that developers will need to complete when making a planning application was produced. This flow chart is considered to be overcomplicated but more importantly from the Commissioners' perspective the first 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.

Both the Middle Level Commissioners' Planning Engineer and Assistant Engineer have and will continue to represent both the Middle Level Commissioners' and associated Boards'/Commissioners' interests by attending meetings and considering the various draft documents.



Consulting Engineer

3 June 2016

Nightlayers(320)\Reports\June 2016

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RESOLVED

- (i) That the Report and the actions referred to therein be approved.
- (ii) Weed Control and Drain Maintenance

That the recommended works be undertaken.

(NB) – The Chairman declared an interest in the planning application (MLC ref. 691) for A Edgley Ltd.

B.921 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

That the Capital Programme be approved in principle and kept under review.

B.922 District Officer's Report

The District Officer reported that it had been a relatively easy year with no major issues. The District watercourses were in good order and there were no problems at the pumping station.

The Vice Chairman queried the provision of a gate at the top of the bank to deter access along the bank. The District Officer considered the best location to be at the narrow area near the pumping station.

RESOLVED

That the Consulting Engineers be requested to arrange for the installation of an access gate on the bank at the pumping station.

B.923 Environmental Officer's Press Releases and BAP Report

- a) Mr Hill referred to the Environmental Officer's Press Releases dated December 2015 and April 2016, previously circulated to Members.
- b) Members considered and approved the most recent BAP report.

B.924 District Officer's Fee

- a) Further to minute B.898(b), Mr Hill reported that Mr A Edgley had duly signed the agreement.
- b) The Board gave consideration to the District Officer's fee for 2016/2017.

RESOLVED

That the Board agree that the sum of £3,575 be allowed for the services of the District Officer for 2016/2017.

(NB – The District Officer declared a financial interest when this item was discussed).

B.925 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.926 Applications for byelaw consent

Mr Hill reported that the following applications for consent to undertake works in and around watercourses had 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>
Abbey Properties Cambridgeshire Ltd	The removal of an existing culvert and the installation of an extended replacement culvert not more than 36m in length; the formation of a new access road over the culvert and thereafter within 9m of the Watercourse - Long Nightlayers Drove, Chatteris	22 January 2016
Produce World Ltd	The formation (and subsequent removal) of a temporary access culvert within the Watercourse adjoining the Applicant's premises at Fenton Way, Chatteris to facilitate piling of the bridge abutments - Old Twenty Foot Drain/Old Fenton Lode, Chatteris.	24 June 2015
Produce World Ltd	The formation (and subsequent removal) of a temporary piling platform – Old Twenty Foot Drain/Old Fenton Lode, Chatteris	30 September 2015

RESOLVED

That the action taken be approved.

B.927 Environment Agency – Precepts

- a) Mr Hill reported that the precept for 2016/2017 would remain unchanged at £3,040.
- b) Local Choices Update

Further to minute B.900, Mr Hill 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.

Mr Hill updated the Members on the recent Environment Agency/IDB Strategic Meeting.

B.928 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- a) Mr Hill reported that the sum of £1,359.98 (£4,363.91 less £3,003.93 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 £2,637.63 in respect of 80% of the Board's estimated expenditure for the financial year 2015/2016.
- b) Further to minute B.901(b), Mr Hill 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.929 Contributions from Developers

With reference to minute B.181, Mr Hill reported that the following contributions towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume had been received.

Contributor	Amount
King Partnership Homes	£45,682.34 (gross) £41,114.11 (net)
J Allen	£300.00 (gross) £270.00 (net)

B.930 Association of Drainage Authorities

Mr Hill reported:-

- a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 17th 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 8th March 2016.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 5% in 2016, viz:- from £510 to £536.

RESOLVED

That the increased subscription be paid for 2016 but that ADA be advised of the Board's concerns.

B.931 Health and Safety Audits

Mr Hill reminded the Board of their need to ensure that working practices were safe, particularly around the pumping station and reminded the Board of the arrangements with Croner.

B.932 Cambridgeshire Flood Risk Management Partnership Update

Further to minute B.904, Mr Hill reported that the main recent items discussed were the County Council's project to install more rain gauges in Cambridgeshire; the impact of the A14 Project; Surface Water Management Plans and the new Supplementary Planning Document on flood risk, which the Middle Level Commissioners' Planning Engineer was involved with. Mr Hill advised that the Planning Engineer did not feel that this document was yet in a suitable state commenting in particular, that it was too generic, did not really apply to the special needs of the Fens or properly set out the roles and functions of IDBs

B.933 Information Regarding Asbestos

Mr Hill reported that the Board had a duty to provide details of any asbestos in their installations, especially pumping stations, to be recorded in a Register so that these were known and any contractors could be made aware.

RESOLVED

That the Register record no asbestos present, subject to the Chairman confirming the exhaust lagging at the pumping station.

B.934 Bank Arrangements
Changes to the bank mandate

Mr Hill 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.935 Completion of the Annual Accounts and Annual Return of the Board – 2014/2015

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2015.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2015

B.936 Governance and Accountability for Smaller Authorities in England

Mr Hill 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 1st April 2016.

B.937 Budgeting

Mr Hill referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2016.

B.938 Review of Internal Controls

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

B.939 Risk Management Assessment

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

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

He reported that the Board had in place operational, financial and governance polices 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.

Mr Hill 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.940 Appointment of the External Auditor

Mr Hill 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 1st 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.

Mr Hill 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 31st December before the audited year, eg by 31/12/2016 for 2017/2018. Mr Hill 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.

Mr Hill advised that all IDBs had to decide by 31st 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.941 Exercise of Public Rights

Mr Hill 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.942 Annual Governance Statement 2015/2016

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

RESOLVED

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

B.943 Payments

The Board considered and approved payments amounting to £42,260.52 which had been made during the financial year 2015/2016.

(NB) - The Chairman declared an interest in the payment made to him.

B.944 Annual Accounts of the Board – 2015/2016

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

RESOLVED

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

B.945 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 2016/2017 and were informed by Mr Hill 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 21.20% and 78.80%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £21,339 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 £4,524 and £16,815 respectively.
- iv) That a rate of 3.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £16,815 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 levy referred to in resolution (v).

vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.946 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.947 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Thursday the 1st June 2017, which can be changed if this date clashes with the Warboys Somersham and Pidley IDB meeting or room hire.