

## **NEEDHAM AND LADDUS INTERNAL DRAINAGE BOARD**

At a Meeting of the Needham and Laddus Internal Drainage Board  
held at the Crown Lodge, Outwell on Tuesday the 26<sup>th</sup> April 2016

### **PRESENT**

J F Martin Esq (Chairman)	S M Hartley Esq
J H Fenn Esq (Vice Chairman)	S D Hartley Esq
D J W Boyce Esq	D Matthews Esq
S A Calton Esq	D J Pope Esq
C J Crofts Esq	J W Scott Esq
M E Fenn Esq	M Scott Esq
K Harrison Esq	W Sutton Esq
C F Hartley Esq	P W West Esq

The Clerk to the Board was in attendance.

The Chairman welcomed Messrs Boyce, Harrison, Sam Hartley and Matthews who were attending their first meeting of the Board.

The Clerk reported the resignation of Mr Mark Riddington who had been a member of Ladus DDC since May 2002

### **B.133 Declarations of Interest**

The Clerk 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.134 Confirmation of Minutes**

### **RESOLVED**

That the Minutes of the Meetings of the Board held on the 28<sup>th</sup> April 2015 are recorded correctly and that they be confirmed and signed.

### **B.135 Clerk to the Board**

The Clerk informed the Board that he 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 he would keep the Board informed.

### **B.136 Election of Board Members**

The Clerk 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 Chairman be authorised to approve the Register on behalf of the Board.

### B.137 Board Membership

Further to minute B.105, the Clerk reported that Messrs Samuel Hartley and Matthews had accepted the invitation to join the Board.

### B.138 Filling of vacancy

Consideration was given to the filling of the vacancy on the Board caused by the resignation of Mr Riddington.

## RESOLVED

That Mr Peter Tegerdine, on behalf of Waldersey Farms, be co-opted to membership of the Board if willing to do so.

### B.139 Land Drainage Act 1991 Board Membership

- a) The Clerk reported that the Borough Council of Kings Lynn & West Norfolk had re-appointed Mr S A Calton, Councillors C J Crofts and D J Pope and appointed Messrs D J W Boyce and K Harrison to be Members of the Board under the provisions of the Land Drainage Act 1991.
- b) The Clerk reported that Fenland District Council had re-appointed Councillor W Sutton to be a Member of the Board under the provisions of the Land Drainage Act 1991.

### B.140 Water Framework Directive

Further to minute B.108, the Clerk reported that the Anglian River Basin Liaison Panel of which he was a member have considered the draft updated River Basin Management Plan revision and the regional programme of projects funded by Defra for WFD. 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.

The Clerk advised that he 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.

The Clerk reported that he 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.141 Water Transfer Licences

The Clerk 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 changes is the requirement that abstractions simply transferring water from one watercourse to another by IDBs become subject to licensing.

The Clerk 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 he 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. He 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.

The Clerk 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 8<sup>th</sup> 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.

The Clerk 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.

The Clerk 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.

The Clerk 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.

#### B.142 Bank at Thurlands Drove, opposite Willow End

Further to minute B.111(iv), the District Officer reported that lorries using Thurlands Drove often caused problems with their trailers failing to take the corner and needing to be pulled out of the channel. He felt that a sign was required. Mr Crofts spoke of the removal of the verge and mentioned that Richard Smith at County Hall, Norwich was the Norfolk County Council contact.

#### RESOLVED

That the Clerk write to Norfolk County Council again advising of the problems at Willow End and request that a sign be erected.

#### B.143 Cross compliance strip

Further to minute B.111(v), the Clerk advised that IDB powers were statutory and advice from Defra was that the exercise by a Board of its powers should not affect cross compliance.

#### B.144 Consulting Engineers' Report

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

## Needham & Laddus I.D.B.

### Consulting Engineers Report – April 2016

#### Weed Control and Drain Maintenance

The weed control and drain maintenance strategy generally accorded with the programme approved by the Board at its last ordinary annual meeting.

Following the Board's last annual meeting a joint summer inspection of the District was undertaken with the Chairman and District Officer. Many of the Board's drains were found to be in a satisfactory condition, but contained stands of dense aquatic vegetation and growths of *Filamentous algae (Cott)* within the channels. With the Chairman's approval, Roundup applications were made by the Hundred of Wisbech IDB to the drains where control of the vegetation was required. A machine cleansing programme was arranged and undertaken post-harvest using a local contractor's hydraulic machine (B J Button) and the Hundred of Wisbech IDB machine fitted with a 'weed basket'.

Please refer to the plan on page 6 of this report indicating the reaches cleansed.

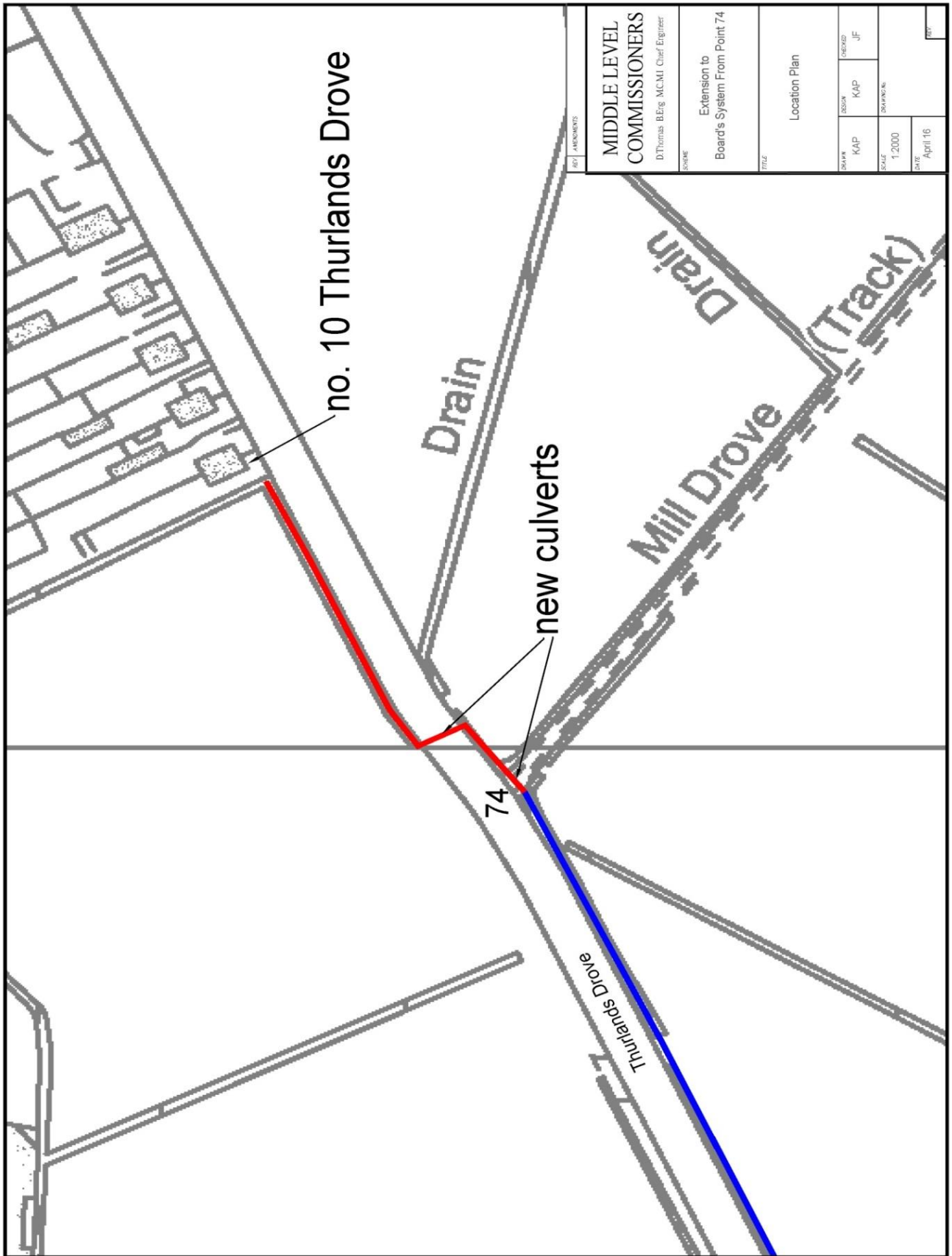
Drain improvement works approved by the Board last year and part funded by Freebridge Community Housing were undertaken during the summer months. A road closure was arranged by the Middle Level Commissioners to allow the culvert pipe to be installed under Thurlands Drove



Improvement works at Thurlands Drove

to link and extend the existing channel from point 74 to the residential houses along Thurlands Drove where previous drainage issues had been experienced. The ditch improvement works and culvert installation were undertaken by a contractor. It was necessary to install a larger diameter twin wall plastic pipe under Mill Rigg track, as the original concrete pipe was found to be in poor condition and

at a higher invert level than was acceptable. With the Chairman's approval a 600mm diameter twin wall plastic pipe was installed and completed the works. At the time of reporting the improved length of drain and both culverts remain in a good condition. It is recommended that the Board consider adopting this length of drain (see drain marked red on following plan).





Bank trimming works carried over from the previous year along reach 49-66, Cottons Drain north spur were completed during the autumn when the cleansing machine was in the local vicinity.

Approved bank trimming works along the western bank of Needham Drain, reach 11-16, were undertaken. A collapsed concrete side culvert was replaced with the Chairman's approval whilst the machine was on site. The majority of the channel either side of the Board's Needham Drain has been reprofiled within the approved phased programme during the last few years. It is recommended that the remaining length of the eastern bank, measuring approximately 260 metres in length, that has not yet been addressed, is monitored during the coming year and programmed for trimming in the 2017/18 season.

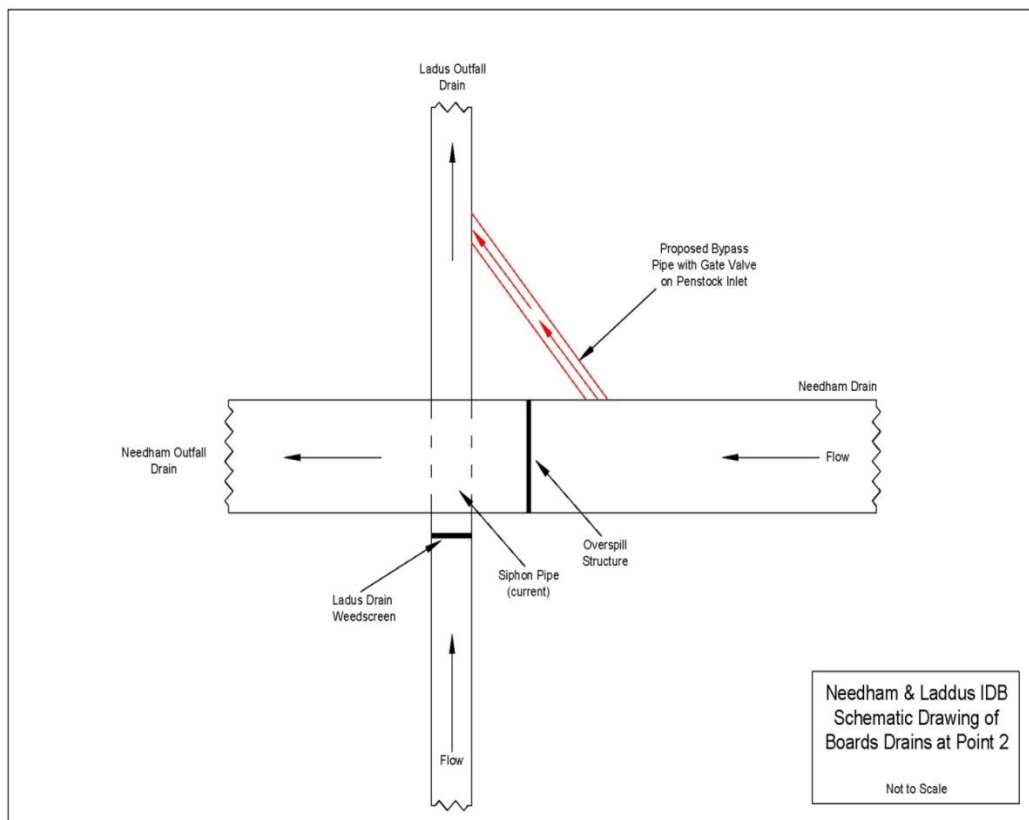
Fly-tipped tyres have been reported and removed from the Board's drain at reach 53-52-54, Robbs Chase drain in Upwell. The tyres were removed from the watercourse by the District Officer assisted by the Hundred of Wisbech operative and were stacked on an adjacent field access culvert and the entrance to the Anglian Water treatment plant site along the track. Unfortunately despite repeated telephone calls and e-mails to Kings Lynn and West Norfolk Borough Council and the Parish Council they have not been removed from site as it is classed as private land.



**Fly tipped tyres Reach 53-52-54**

At the time of reporting they have been thrown back into the Board's drain causing a substantial drain blockage. The cost of removal and disposal of the tyres is estimated to be £3.00/tyre. It is estimated that there are approximately 500 tyres on site, the Board's consideration of future action is required.

At the last meeting the Board requested an estimate to provide an indication of the likely future expenditure required to enlarge and renew the Board's culvert pipe and associated structures along the Needham Outfall Drain. It has not been possible to locate the working drawings for the syphon structure at Point 2, as Clerkship of the constituent Laddus DDC was not vested with the Middle Level Commissioners at the time of its construction. However in order to provide an estimate, it has been assumed that the syphon would need replacing at a lowered level to accommodate a larger diameter pipe/box culvert with suitable cover.



- 1) Replace syphon structure including 2no existing side culvert field access culverts. Renew the upstream manually raked weedscreen, including all necessary damming off works, materials, plant and labour and facility to over pump as required **£125k**
- 2) Replace Needham Outfall Drain culvert pipe over syphon with larger diameter pipe/box culvert including damming off works, materials, plant and labour **£45k**
- 3) Replace existing upstream overspill structure with wider structure to suit the new culvert pipe/box culvert maximum flow rates **£30k**

The Board may wish to consider the practicalities and a potential cost saving of the relatively simple installation of a bypass link pipe with a controllable penstock on the inlet side to take excessive flows from the upstream side of the Needham drain into the downstream side of the Laddus drain during times of excessive rainfall/high flow rates. This arrangement may also prove to be beneficial to the Board during future dry periods when water resources and water level



management within the old Laddus DDC district can become difficult. Please see illustrative diagram on previous page.

It should be considered that any improvement/widening works to the syphon structure would benefit from the old slacker and brick culvert at Point 3 being replaced with a larger diameter structure. Likewise, the gravity outfall Armco pipe under the March Riverside road at Point 1 has been in situ for some 35 years now and is nearing the end of its anticipated lifespan. This may well require replacement with a larger diameter structure in the near future. Both of these items would represent considerable capital expenditure for the Board.

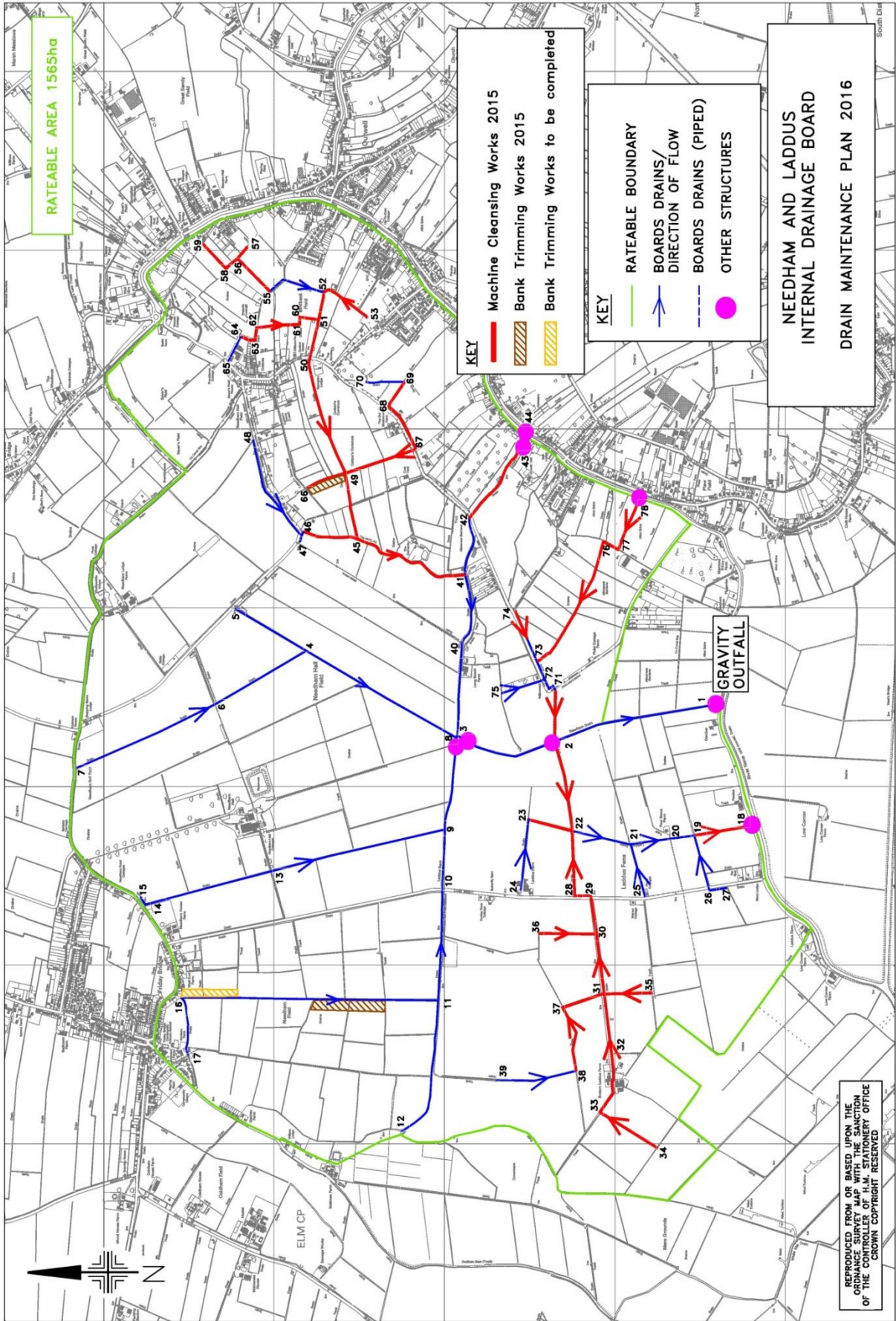
A joint summer inspection of the Board's district and its structures will be carried out when aquatic weed growth in district watercourses can be accurately identified. A provisional sum has been included within the estimated costs for Roundup applications to Board's drains, machine cleansing and any other emergency weed clearance or culvert clearance works that may become necessary later in the year.

The Hundred of Wisbech IDB Chairman has indicated his Board's flail mowing plant and operative will be available again this year to undertake the Board's requirements. A provisional sum has been included within the estimated costs for flail mowing to be undertaken this year.

The estimated cost of this year's recommended weed control and drain maintenance works is as follows: £

1) <b><u>Provisional Sum</u></b>				
Roundup application to Board's drains to control emergent reed and weed growth	Item	Sum		600.00
2) Flail mowing of Board's Drains	Item	Sum		4500.00
3) Allow sum for machine cleansing and Cott removal works in Board's Drains following summer inspection	Item	Sum		5500.00
4) <b><u>Provisional Item</u></b>				
Allowance for emergency machine cleansing or culvert clearance that may be required	Item	Sum		2000.00
5) Fees for inspection, preparation and submission of report to the Board, arrangement and supervision of herbicide applications and maintenance works	Item	Sum		1300.00
				<hr/>
	<b>TOTAL</b>			<b>£13,900.00</b>
				<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.



## **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.
- (b) A soakaway certification and checking service which has been introduced for the processing of 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.

This is not a consent document nor does it confirm agreement that a water level/flood risk management strategy has been agreed.

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 only the Kings Lynn & West Norfolk Borough Council and/or 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 enquires 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, provided a service to share resources and 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 Applications

In addition to matters concerning previous applications, the following 23 new applications have been received and dealt with since the last meeting:

<i>MLC Ref.</i>	<i>Council Ref.</i>	<i>Applicant</i>	<i>Type of Development</i>	<i>Location</i>
293	14/01433/F	Mr & Mrs P Brenchley	Residence	Rectory Road, Outwell
294	15/00132/F	Mr & Mrs P Brenchley	Residence	Rectory Road, Outwell
295	15/00197/F	Mr & Mrs Elliott	Residence	Pius Drove, Upwell
296	15/00286/RMM	Doug Clarke Produce Ltd	Residential (15 plots)	Basin Road, Outwell*
297	15/00338/RM	Ms P Laughlin	Residence	The Cottons, Outwell
298	15/00505/F	Mr P Huxter	Residence	Isle Road, Outwell
299	15/00666/PAGPD	Mr A Maddison	Residence	Whetstone Way, Outwell
300	15/00746/F	Dene Homes Ltd	Residential (4 plots)	Basin Road, Outwell
301	soakaway certificate for 14/01289/O	Dene Homes Ltd	Residential (2 plots)	Basin Road, Outwell
302	15/00872/F	Mr & Mrs P Burman-Smith	Residence	The Cottons, Outwell
303	15/01228/O	Mr P Martin	Residential (2 plots)	Pius Drove, Upwell
304	15/01352/O	Mr J Lawrence	Residential (2 plots)	Pius Drove, Upwell
305	15/01662/F	Ms A Hodson	Residence	The Cottons, Outwell
306	15/01827/F	Ms J Grant	car port	The Common, Upwell
307	15/02042/F	Mr Edgson & Ms Shepherd	Residential (4 plots)	The Cottons, Outwell
308	15/02141/F	Dene Homes Ltd	Residential (4 plots)	Basin Road, Outwell
309	15/01968/O	Mr D Cuckow	Residential (3 plots)	Isle Bridge Road, Outwell
310	16/00066/F	Mr J Elliott	Garage/tool store	Pius Drove, Upwell
311	16/00052/O	Mr & Mrs P Bradley	Residence	Pius Drove, Upwell
312	16/00047/F	Mr & Mrs N Seaton	Residence	Basin Road, Outwell
313	16/00002/F	Mr J McEugott	Residence	Molls Drove, Outwell
314	16/00216/O	Mr & Mrs P Bradley	Residential (2 plots)	Pius Drove, Upwell
315	16/00205/O	Mr G Brown	Residential (9 plots)	Pius Drove, Upwell

***Planning applications ending 'RM' or 'RMM' relate to reserved matters  
Planning applications ending 'PAGPD' relate to prior approval matters***

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



*Re-development of C & B Motors, Rectory Road, Outwell – C & B Motors (MLC Ref Nos 232, 258 & 270)*

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 at Fenland House, Town Street, Upwell – Fen Regis Trophies Ltd (MLC Ref Nos 233, 239 & 280)*

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 residential development off Birdbeck Drove, Upwell – Hastoe Housing Association (MLC Ref Nos 259, 260 & 279)*

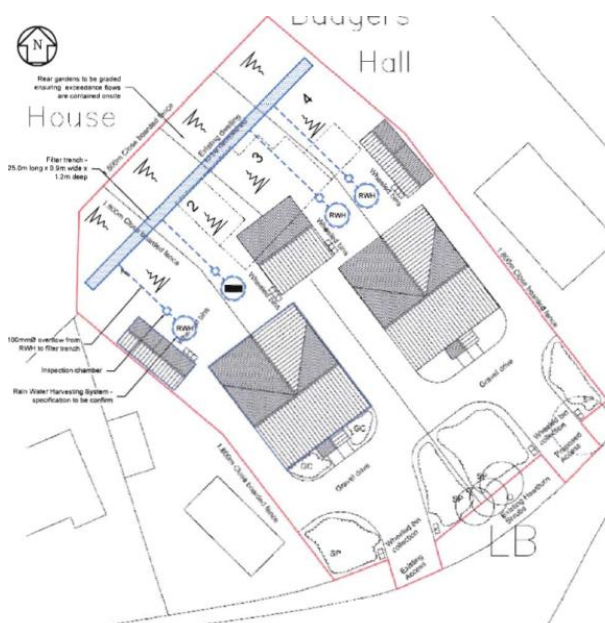


Further to the last meeting, the byelaw application for the formation of a 1.0m wide mass concrete retaining wall received from E N Suiter & Sons Ltd has subsequently been recommended for approval.

The structure, pictured left, has been completed.

*Proposed 4No Semi-detached houses and garages at Sayersfield, Basin Road, Outwell – Mr & Mrs Pehl (MLC Ref Nos 289 & 291) & Dene Homes Ltd (MLC Ref Nos 300 & 301)*

The development involves the demolition of the existing building and the construction of 4 semi-detached dwellings, the arrangement can be seen in the extract from drawing number 2952.SK02, see opposite.



Their agent, Ben Hornigold, contacted us regarding the surface and foul water arrangements. After discussions, via the planning surgery, he proposed soakaways for the properties. The underlying geology of the area is clay based so the surface arrangement needs to be utilised. A gravel filled trench was proposed that will run along the back of all four properties and the land around the soakaway is to be landscaped towards the trench so any overflow will be contained on site.

A soakaway approval was granted on 29 July 2015. Beyond this, no further contact regarding this site has been made.

### *Construction of 9 dwellings at land east of Pius Drive, Upwell – Mr G Brown (MLC Ref No 315)*

A planning application for nine dwellings was submitted to the Borough Council in February. According to the application form surface water will be disposed via soakaways but the means of foul water disposal is not currently known.

At the time of writing a decision by the Borough Council was pending.



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

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

### **(a) 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.

These comments together with other representations received will be considered and any amendments to the IDP will be set out in a report to Fenland's Cabinet and Full Council in due course to consider adoption of the document.

(b) **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.

**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 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.

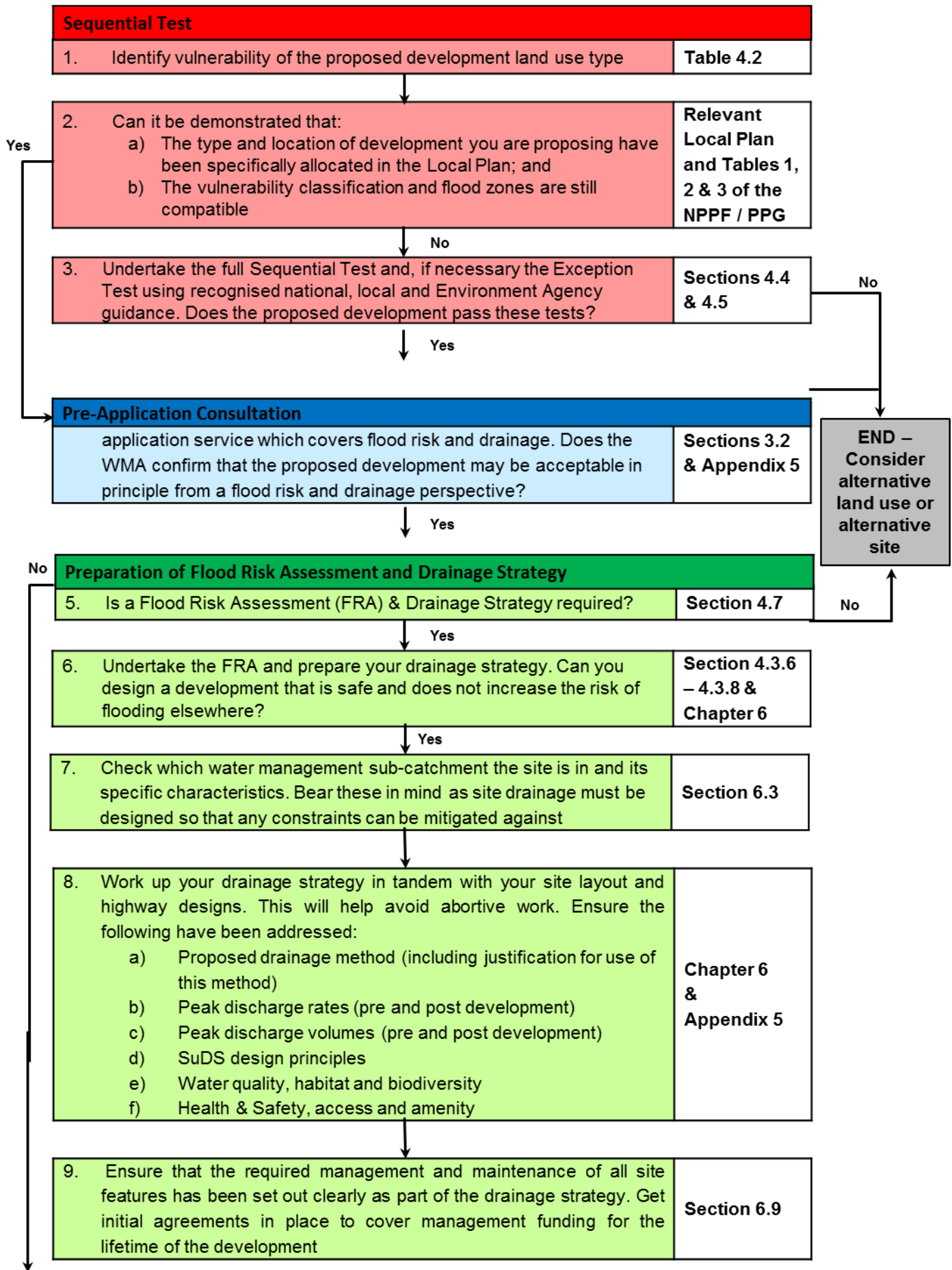
The response advised that IDBs may therefore not be able to accept the principles and policies which accommodate a County wide “broad brush” approach, which are not consistent with the more detailed requirements of their local areas, and went on to advise that:

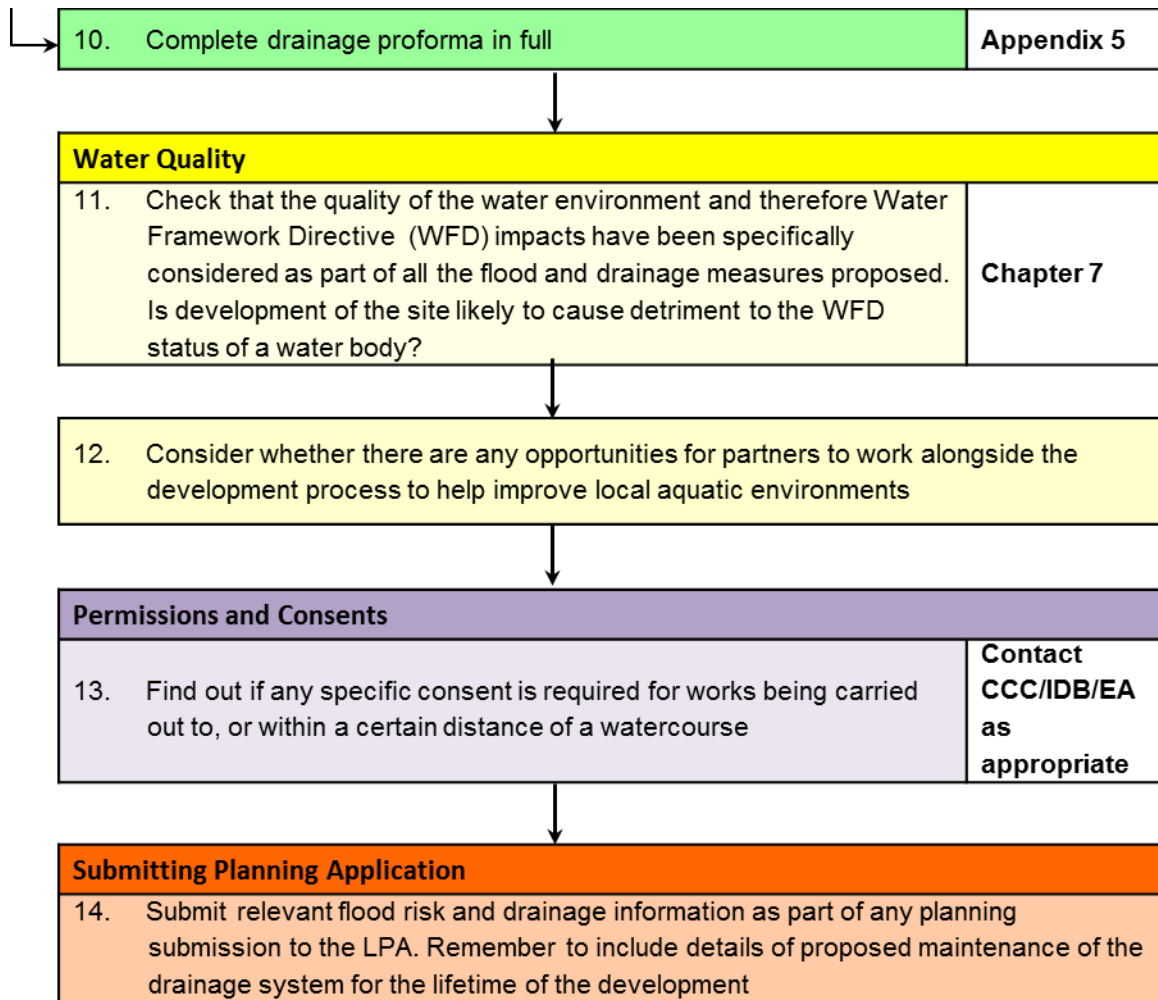
- a. In the flood risk areas managed by IDBs, development proposals are too often granted subject to planning conditions to allow LPAs to reach their targets, without sufficient regard to IDB comments on flood risk.

- b. 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.
- c. 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.
- d. 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. This flow chart is considered to be overcomplicated but more importantly from the Board's 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 a Board 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 is 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.

### **King's Lynn & West Norfolk Local Plan**

Responses were made to the Borough Council, on the Board’s behalf, in respect of:

(a) ***Site Allocations & Development Management Policies Pre-Submission Document***

Following representation concerning some points of clarification the Borough Council were advised as follows:

“Thank you for your e-mail received 12<sup>th</sup> March, the contents of which are noted and the links supplied will prove useful.

We are aware that Policy Planning Guidance 25 has been replaced by the NPPF and subsequent Planning Practice Guidance and in this respect our position is as follows:

“The areas of the Middle Level Commissioners and our associated/administered IDBs are a defended flood plain in which detailed day to day management of water levels is required to reduce flood risk. This must clearly influence the consideration given to development proposals and their effects. Given therefore the importance of water level/flood risk management within The Fens, the Commissioners and associated/administered Boards consider the NPPF to be a significantly retrograde step that will increase the risk of flooding in their area by appearing to dilute a proper consideration of the flood risk, both to and caused by development in this area.

In consequence, therefore, when dealing with issues related to our byelaws and consent procedures the Commissioners and associated/administered Boards 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 the minimum requirements of Annex E. We will also be urging the local planning authorities within our areas to adopt a similar approach to ensure that proper consideration is given to flood risk issues arising from development.

Reference is made to Fenland District Council’s Level 1 District Wide SFRA but as far as we are concerned this is not dependent upon which LPA is involved. The flow chart in Appendix B is an example of best practice and gives guidance to the parties involved within the planning procedure, including your Council, on when the Commissioners/Boards interested are involved and when a FRA may be required. Unfortunately, the Commissioners and associated Boards were not involved in the production of the SFRA and, therefore, did not have the opportunity to request the imposition of this flow chart or other suitable guidance. Had we been involved and the flow chart and other guidance been included your Council SFRA could have been a stronger document.”

(b) ***An application for the designation of a Neighbourhood Area by Upwell Parish Council***

This advised that whether or not a neighbourhood area, compliance with the provisions of the Land Drainage Act and the relevant Boards’ byelaws would still be required.

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.

## General Advice

Assistance has been given, on the Commissioner's behalf, in respect of the following:

- (a) An enquiry in respect of difficulty in obtaining insurance within a floodplain for a site at Thurlands Drove, Upwell has been received but, at the time of writing, payment which would allow us to complete this process has not been received from the enquirer.

A handwritten signature in blue ink, appearing to read 'Thomas', with a long horizontal flourish underneath.

Consulting Engineer

12 April 2016

N&L(319)\April 2016

With regards to the drain improvement works at Thurlands Drove, Mr C F Hartley declared an interest and felt that the watercourse from the Hall still appeared to be following the old route. He did however consider that a good job had been undertaken.

Mr Pope felt that the quote of £3 per tyre for the removal and disposal of the fly-tipped tyres in the Board's drain at reach 53-52-54 was probably a good price but was concerned that the problem would re-occur. The Chairman and Mr Boyce wondered if the police could be involved due to the number of tyres.

The Board felt that it was not worthwhile to pay for their removal. Mr Sutton felt the problem needed to be reported to the Environment Agency or regulatory body.

Members considered the Consulting Engineers' estimates to enlarge and renew the culvert pipe and associated structures along the Needham Outfall Drain as well as their suggestion that it might be more practical and cost effective to install a bypass link pipe with a controllable penstock on the inlet side to take excessive flows from the upstream side of the Needham drain into the downstream side of the Laddus drain during times of excessive rainfall/high flow rates.

Mr C F Hartley felt that there had been a problem in August 2014 but accepted that the rainfall was excessive. He felt that similar solution could be used at Thurlands Drove weedscreen.

The Vice Chairman felt that these alternative works would cost approximately £20,000.

The Vice Chairman reported that Peter Lankfer had reported a problem at point 11 where the bank was steep.

Mr Croft referred to the residential development at Pius Drove, Upwell for Mr G Brown and reported that the Borough Council of Kings Lynn & West Norfolk had previously not got a sustainable land allocation for 5 years. This had now been rectified in the view of their planning officers. He felt that the application had been reduced from 9 properties to 4. Previous permissions attached to sustainable areas had however been granted due to previous lack of land.

As regards the development at Doug Clarke Produce, Mr Crofts said that planning permission had been granted on appeal. He felt that there was a social housing development. The Board noted that the drain had not been given up and byelaws still applied.

The District Officer reported that there had been previously been complaints of pollution on the development at the bottom of Birdbeck Drove, Upwell but that the water now seemed clear.

## RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) Weed Control and Drain Maintenance
  - a) That the recommendations contained in the Report be approved.
  - b) That Hundred of Wisbech IDB be requested to continue with the Board's flail mowing requirements for the coming year.
- iii) That the length of drain from point 74 to 10 Thurlands Drove be adopted as a District Drain.
- iv) That the Clerk raise the problem of fly-tipped tyres with the Environment Agency.



- v) That the Consulting Engineers provide an estimate for the bypass link pipe for consideration at the next meeting.

#### B.145 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.146 District Officer's Report

The District Officer reported that some tyres had been dumped at the Collmart premises but were not really holding up water. He reported that Ben Wales was having problems mowing due to the absence of grass strips.

With regards to Thurlands Drove he reported that the work had been carried out on the ditch at the back of the Drove and culvert earth removed with the pipe left in the bottom. This however was not in the Board's district.

#### RESOLVED

That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.

#### B.147 Environmental Officer's Press Releases and BAP Report

The Clerk 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.148 District Officer's Fee

- a) Agreement relating to District Officer's duties

Further to minute B.115(b), the Clerk reported that Mr M Fenn had duly signed the agreement.

- b) The Board gave consideration to the District Officer's fee for 2016/2017.

#### RESOLVED

- i) That the Board agree that the sum of £1,470 be allowed for the services of the District Officer for 2016/2017.

(NB)- Mr M Fenn declared a financial interest when this item was discussed.

### B.149 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.150 Application for byelaw consent

The Clerk reported that the following application 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>
E N Suiter & Sons Ltd	The formation of a mass concrete wall to retain the estate road & a concrete surface water sewer headwall – private watercourse at Birdbeck Drive, Outwell	22 <sup>nd</sup> June 2015

#### RESOLVED

That the action taken be approved.

### B.151 Environment Agency – Precept

- a) The Clerk reported that the precept for 2016/2017 would remain unchanged at £1,196
- b) Local Choices Update

Further to minute B.117, the Clerk 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.

The Clerk updated the Board on the recent Environment Agency/IDB Strategic Meeting.

### B.152 Determination of annual values for rating purposes

The Board considered the following recommendations for the determination of annual values for rating purposes, viz:-



## RESOLVED

- i) That the determinations recommended be adopted by the Board.
- ii) That the Clerk be empowered to serve notices and to take such other action as may be necessary to comply with statutory requirements.
- iii) That the Chairman and the Clerk be empowered to authorise appropriate action on behalf of the Board in connection with any appeals against the determinations.

### B.153 Rate arrears

Consideration was given to writing off rate arrears amounting to £1.16.

## RESOLVED

That the arrears be written off.

(NB) – Mr M Fenn declared an interest when this item was discussed.

### B.154 Association of Drainage Authorities

The Clerk 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.

#### 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>th</sup> March 2016.

#### c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 5% in 2016, viz:- from £510 to £536. [The increase in 2015 was 4%]

The Board considered the ADA subscription and whether continued membership was appropriate. Mr Pope referred to the request from the Board to ADA last year to reduce costs which had not, he felt, been heeded. The Clerk referred to ADA having, he felt, 'turned the corner' and to the work of Ian Moodie. He noted however that the justification for the 5% rise was the same as for the previous year's 4%. The Vice Chairman wondered if the Board should remain in but send a sterner letter to ADA. Mr Sutton felt that ADA had had their chance to respond to this and proposed that the Board withdraw. Mr C Hartley felt that ADA needed to improve communications. Mr Pope seconded Mr Sutton's proposal which was put to the vote but not carried. Mr Sutton proposed that the Board inform ADA that they would be prepared to remain in but only at the 2015 fee (£510 net) and that if ADA declined this proposal, the Board should then withdraw. This proposal was seconded by the Vice Chairman and by 9 votes to 7 it was resolved.

d) Floodex 2016

That Floodex 2016 will be held at The Peterborough Arena on the 18<sup>th</sup> and 19<sup>th</sup> May 2016.

RESOLVED

That the Clerk advise ADA that the Board are only prepared to remain members of the Association at the 2015 subscription level.

B.155 Health and Safety Audits

The Clerk 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.156 Cambridgeshire and Norfolk Flood Risk Management Partnership Update

Further to minute B.123, the Clerk 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 is involved with. The Clerk advised that the Planning Engineer does not feel that this document 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.157 Information regarding Asbestos

The Clerk 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.

B.158 Banking Arrangements

a) Changes to the bank mandate

The Clerk reported that due to his 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) Changes to the National Savings Accounts signatories

The Clerk reported that it was necessary to update the signatories on the National Savings Accounts.

RESOLVED

That the Chairman and the Clerk be the authorised signatories on the National Savings Accounts.

B.159 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 31<sup>st</sup> March 2015.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2015.

B.160 Governance and Accountability for Smaller Authorities in England

The Clerk 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.161 Budgeting

The Clerk 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.

B.162 Review of Internal Controls

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

B.163 Risk Management Assessment

The Board considered their current Risk Management system.

The Clerk 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.

The Clerk 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.164 Appointment of the External Auditor

The Clerk 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.

The Clerk 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. The Clerk 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.

The Clerk 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.165 Exercise of Public Rights

The Clerk 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.166 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.167 Payments

The Board considered and approved payments amounting to £41,124.17 which had been made during the financial year 2015/2016.

(NB) – Messrs C Hartley, Sutton and West declared an interest (as Members of the Middle Level Board) and Mr J Fenn (as an employee of the Middle Level Commissioners) in the payments made to the Middle Level Commissioners.

(NB) – Messrs C Hartley and Sutton declared an interest in the payments made to the Hundred of Wisbech IDB.

(NB) – The District Officer declared an interest in the payment made to him.

### B.168 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.169 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 the Clerk 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 42.35% and 57.65%.

#### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £32,103 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 £13,594 and £18,509 respectively.



- iv) That a rate of 5.4p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
  - a) That a Special levy of £15,859 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.
  - b) That a Special levy of £2,650 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.170 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.171 Date of next Meeting

The Clerk referred to the request from the Borough Council of Kings Lynn and West Norfolk regarding the setting of special levies.

Mr Pope indicated that the Borough Council set their budget in February. Members discussed the issue. The Vice Chairman referred to problems in setting budgets early and accurate figures being available and the Clerk referred to the need for an additional meeting to approve accounts etc. The Chairman proposed and Mr M Scott seconded that there be no change in the meeting date.

#### RESOLVED

That, by a majority vote, the next Meeting of the Board be held on the corresponding date of Tuesday the 25<sup>th</sup> April 2017.