

## MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the March Fifth District Drainage Commissioners  
held at the Middle Level Offices, March on Tuesday the 11<sup>th</sup> April 2017

### PRESENT

G Hopkin Esq (Vice Chairman)  
T E Alerton Esq  
S R Court Esq  
Mrs J French

P D Hayes Esq  
T D Hopkin Esq  
J A Lilley Esq  
A Payne Esq

Miss Samantha Ablett (representing the Clerk to the Commissioners) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance. Miss Emma Alerton also attended the meeting as a member of the public.

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In the absence of the Chairman, the Vice Chairman took the Chair.

### RESOLVED

That Miss Alerton be appointed as a Commissioner.

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The Vice Chairman welcomed Miss Alerton.

### Apologies for absence

Apologies for absence were received from M Cornwell Esq and R G Jones Esq.

### C.980 Declarations of Interest

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

Mr T Hopkin declared an interest in District Officer matters.

### C.981 Confirmation of Minutes

### RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 14<sup>th</sup> April 2016 are recorded correctly and that they be confirmed and signed.

### C.982 Clerk to the Commissioners

- a) Further to minute C.944, Miss Ablett reported that Mr David Thomas had been appointed as Clerk to the Commissioners and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

Miss Ablett reported that the Chairman had authorised a donation of £150 towards the gift to mark Iain Smith's retirement and that Mr Smith had asked that his thanks be passed on to the Commissioners for their generous contribution towards his retirement gift and would like it recorded that it had been a pleasure for him to serve the Commissioners and that he wished them all the best for the future.

b) Changes to bank mandate

Further to minute C.965(a), Miss Ablett reported that, as most of the invoices raised came through the engineering department, the Internal Auditor had advised that David Thomas should not be named on the bank account and that the Treasurer and Assistant Treasurer of the Middle Level Commissioners should be the officers authorised to make payments of authorised accounts and that in pursuance of minute C.965(a), the Chairman had authorised the appropriate changes to the mandate.

RESOLVED

- i) That the action taken be approved.
- ii) That the donation to mark the retirement of the Clerk to the Commissioners, authorised by the Chairman, be approved.

C.983 Appointment of Chairman

Miss Ablett reported that Mr Jones had confirmed that he wished to continue as Chairman and that his surgeons had confirmed that, should his progress continue to improve, he would be back to good health in two to three months.

RESOLVED

That R Jones Esq be appointed Chairman of the Commissioners.

C.984 Appointment of Vice Chairman

RESOLVED

That G Hopkin Esq be appointed Vice Chairman of the Commissioners.

C.985 Appointment of District Officer

RESOLVED

That T D Hopkin Esq be appointed District Officer to the Commissioners during the ensuing year.

C.986 Land Drainage Act 1991  
Fenland District Council

Miss Ablett reported that Fenland District Council had re-appointed Councillors Mrs J French, M Cornwell and S R Court to be Commissioners under the provisions of the Land Drainage Act 1991.

C.987 Land at the Slamp

Further to minute C.949, Miss Ablett reminded the Commissioners of the 5 year 'Farm Business Tenancy' agreement with the Middle Level Commissioners to hire the land at the Slamp for the annual rent of £200.

RESOLVED

That the Commissioners continue with the tenancy agreement and that there should be no increase in the level of rental.

C.988 Water Framework Directive

Further to minute C.950, Miss Ablett reported that there had been no further developments, apart from Mr Paul Sharman being appointed as the IDB representative following the retirement of Mr Iain Smith, but advised that, due to the Environment Agency no longer being able to support it, the River Basin Liaison Panel had since been disbanded. She also reported that the Clerk was satisfied that there were other partnerships in place and would continue to update Members when required.

C.989 Water Transfer Licences

Further to minute C.951, Miss Ablett reported that ADA had met with Defra officials, including Sarah Hendry, on the 11<sup>th</sup> October to discuss the Water Transfer Licences and it appeared that the Minister was keen to avoid over regulation. ADA had proposed certain points to Defra, including that ADA would hold one licence for the industry or that the opportunity should first be given for the information which the Environment Agency allege that they do not have to be provided other by regulation but perhaps through a form similar to the present IDB1. Defra officials had, it was understood, agreed to consider these proposals.

Miss Ablett gave a brief update on the current position in relation to proposed licensing changes and made it clear that unnecessary bureaucracy and unfair charging would be resisted.

C.990 The installation of palisade security fencing at the Commissioners' 2 pumping stations

Further to minute C.952, Miss Ablett reported that following the last meeting a quote from an external surveyor was obtained in respect of carrying out a survey of the land from the land registry plan and marking out with pegs the boundary of the Commissioners' land. She advised that the surveyor, who resides in Warboys, works on a self employed basis with Maxey Grounds and Co and charges £40 per hour plus 45p per mile for travelling.

Mr Lakey advised that the consideration for the installation of security fencing arose due to previous thefts at the pumping station and access to the site being impeded by mobile homes, dumped rubbish and tyres. Mrs French confirmed that planning consent had been given for the siting of one mobile home, however both Mr Lakey and the District Officer advised there was more than one mobile home at the site.

Mrs French advised that she would contact the planning department with regard to the number of residential units at the site and would also contact environmental services in relation to the removal of rubbish. She further advised that she would contact the owners of the site to remind them of the planning permission for one mobile home and to advise them that enforcement action would be taken regarding any other residential units at the site for which planning permission had not been granted.

#### RESOLVED

- i) That a survey be carried out to ascertain the location of the boundary of the land owned by the Commissioners and consideration be made to suitable fencing.
- ii) That no palisade security fencing be installed at this time.

#### C.991 South Creek Pumped System

Further to minute C.953(ii), Miss Ablett reminded the Commissioners that Mr Moore had installed two plastic discharge pipes in the small drain adjacent to South Creek roadway, which the Commissioners own, without seeking approval. She confirmed that the Clerk had written to Mr Moore on 15<sup>th</sup> April last year advising him that no consents had been issued in respect of his or previous outfalls and requested that full details of the construction of the outfalls, the area draining through the pipes and the composition of that drainage be forwarded to him within 28 days.

Miss Ablett advised that no response has yet been received from Mr Moore and enquired whether the Commissioners wished to take any further action.

The District Officer felt it would be pointless sending another letter as surely Mr Moore would have responded to the initial correspondence if he had any intention of complying with the Commissioners' byelaws.

#### RESOLVED

That no further action be taken at this time, but that the situation be monitored.

#### C.992 Consulting Engineers' Report

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

## March Fifth D.D.C.

### Consulting Engineers Report – March 2017

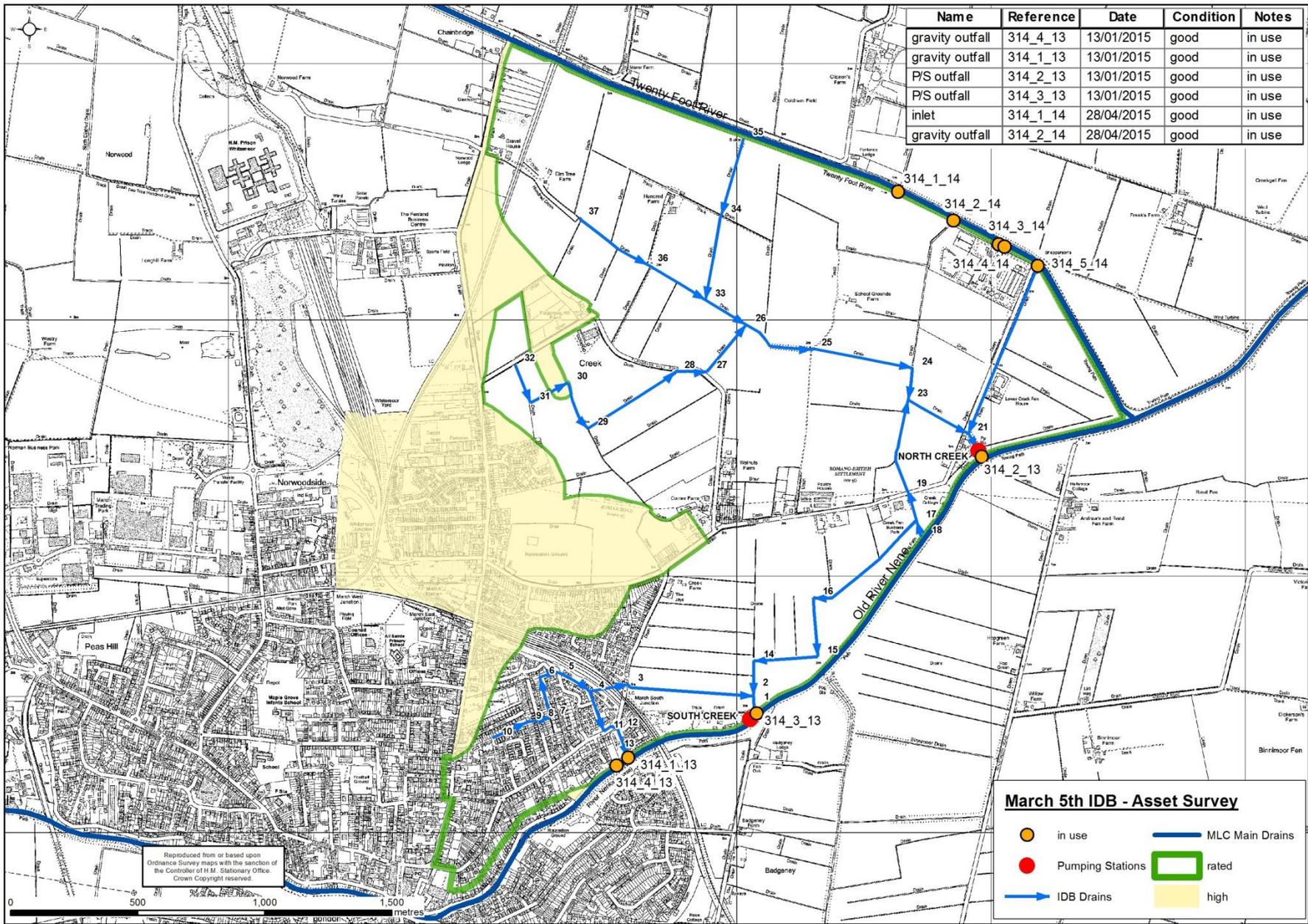
#### Asset Survey

As an essential part of our work in seeking to reduce flood risk, the Middle Level Commissioners (MLC) have surveyed all MLC and third party owned penetrations through MLC river banks and embankments and recorded and uploaded these to our GIS (Geographical Information System). The condition and likely continuing use or otherwise of these penetrations (generally pipes or culverts) has been assessed. Below is a table of those recorded as being owned by or the responsibility of the Commissioners. Where an asset's condition is recorded as requiring attention, an increased flood risk is likely to exist and the Commissioners are asked to consider carrying out suitable remedial works. Where an asset is redundant but currently in a reasonable condition it is recommended that the Commissioners consider putting plans into their future programme to remove it or otherwise carry out works that will ensure that there can be no future risk of a leak through the bank. **As part of the Commissioners' system is also embanked, the Commissioners should consider a like assessment of their own embankments to assure themselves of their integrity and ascertain the need for any work, whether by the Commissioners or a third party, which may be similarly required.** Should the Commissioners wish for a similar exercise to be carried out on their own district assets this can also be arranged. Such a survey would assist the Commissioners with future budgeting in ensuring that smaller but strategically/locally important assets such as culverts, slackers and adjustable and fixed weirs are not overlooked.

#### Eel Regulations

The latest guidance suggests that spending of FCRM money on schemes just to facilitate eel movements will not be required. However, plans for improvements, modifications or replacement of structures which have been identified as a barrier to movement should be seen as a trigger for considering such works. There is a further test to be included and that is one of proportionately, ie the additional cost of eel passage should not be disproportionate to the overall scheme cost.

The IDBs and ADA have been pushing for further research to better understand eel movement and explore all options in relation to providing methods which would allow the mature (silver) eels to escape closed systems and hence travel to their breeding sites in the most cost effective manner. ADA has asked if IDBs would join with the EA in funding this project and so far the response has been positive. The Commissioners are therefore asked if it would wish to offer some financial support over one or two years. Other Boards/Commissioners have committed between £50 and £1000 for either one or two years.



## **Weed Control and Drain Maintenance**

The maintenance and drain works carried out last year generally accorded with the recommendations approved by the Commissioners at their last Annual Meeting.

The joint summer district inspection with the District Officer and the Vice Chairman indicated that the majority of the Commissioners' district drains were in a satisfactory condition and being maintained to a good standard. However, the inspection highlighted sporadic stands of aquatic vegetation throughout the Foxglove Way gravity system. With the Chairman's approval this reach was included in the annual herbicide application to control excessive amounts of emergent aquatic vegetation.

As has been the practice in previous years and with approval of the Commissioners at their last annual meeting, the drains immediately upstream of the North and South Creek pumping stations, reaches 20-21 and 1-2-3, were included in the annual machine cleansing programme to help reduce the mass of aquatic weed required to be manually cleaned from the pumping station weedscreen. Both reaches will also be included in this year's machine cleansing programme as previously agreed by the Commissioners.

A recent joint inspection of the Commissioners' district drains was undertaken with the District Officer. The inspection indicated that the majority of drains are currently in a satisfactory condition, however as the Commissioners' annual meeting falls during the early part of the growing season, and a subsequent district inspection will be required during the summer months to accurately identify maintenance requirements.

### **North Creek Pumped System**

Game Bird Pens Reach 36-37



The Commissioners' drains within the North Creek area are in a generally satisfactory condition. Sporadic stands of reed and aquatic vegetation are evident the Flaggrass Hill drains, reaches 26-27-28-29-30-31-32. It is recommended these reaches are treated with an application of Roundup herbicide, followed by machine cleansing following the harvest of the adjacent crop. Dense stands of emerging watercress were also noted within reaches 33-34-35-36-37, and will require an application of Roundup herbicide as soon as adjacent field cropping affords access. It was also noted that game bird

release pens have been erected adjacent to the District drain at reaches 34-35 and 36-37, preventing annual mowing and possibly future machine cleansing works. The Commissioners may

wish to take the opportunity to discuss how they wish to proceed with this byelaw infringement matter.

The previously approved bank trimming works to the Eastern side of reach 19-23 were carried out last year to reduce bank surcharge and return the bank to its original profile. The arisings from the trimming works were windrowed along the Commissioners' drain and will require bucket spreading to allow for incorporation back into the adjacent field following harvest.

As reported at the Commissioner's last annual meeting, the issue with general debris and land encroachment within the Commissioners' byelaw area at the North Creek pumping station is still evident. As the number of residential units at the adjacent site increase, it would suggest the problem is intensifying and encroaching further onto the Commissioner's property. The Commissioners may wish to take the opportunity to discuss how they wish to proceed with this matter.



North Creek Pumping Station



It was also noted during the inspection that a private watercourse within the Commissioners' catchment area has been piped and filled, adjacent to the poultry houses on Creek Road (see plan for location). The Commissioners may wish to investigate this matter further to ensure all processes have been carried out in accordance with the Commissioners' byelaws.

### **South Creek Pumped System**

The recent inspection indicates the Commissioners' drains within the South Creek area are also in a generally satisfactory condition. Historically district drains in the South Creek area have been prone to late occurring infestations of submerged weed growth, most notably semi-buoyant Rigid Hornwort (*Ceratophyllum demersum*). As mentioned previously reach 1-2-3 will be included in the machine cleansing programme to prevent future issues with large accumulations of aquatic weed at the manually cleansed weedscreen.

### **Creek Road/Newlands Avenue/Foxglove Way – Gravity System.**

Regular visual inspections of drains in the Foxglove Way area have been undertaken during the last season. Pleasingly, the inspections have identified minimal amounts of domestic and household debris being fly-tipped into the Commissioners' watercourse. The recent joint district inspection highlighted sporadic stands of reed and aquatic vegetation throughout the drains in this area. It is recommended that the affected areas are treated with an application of Roundup herbicide and monitored for further re-infestations that may require a second application.



Reach 5-6

The inspection also highlighted an area of bank movement downstream of Point 6. It currently has no effect on the water flows in the drain and it is therefore recommended the area simply be continually monitored for any further deterioration that may require intervention. The Southern bank of reach 5-6 is unnecessarily steep in places and the profile has deteriorated over time. The most cost effective option for the Commissioners would be bank re-profiling when the adjacent watercourse is programmed for machine cleansing, reducing transport and mobilisation costs.

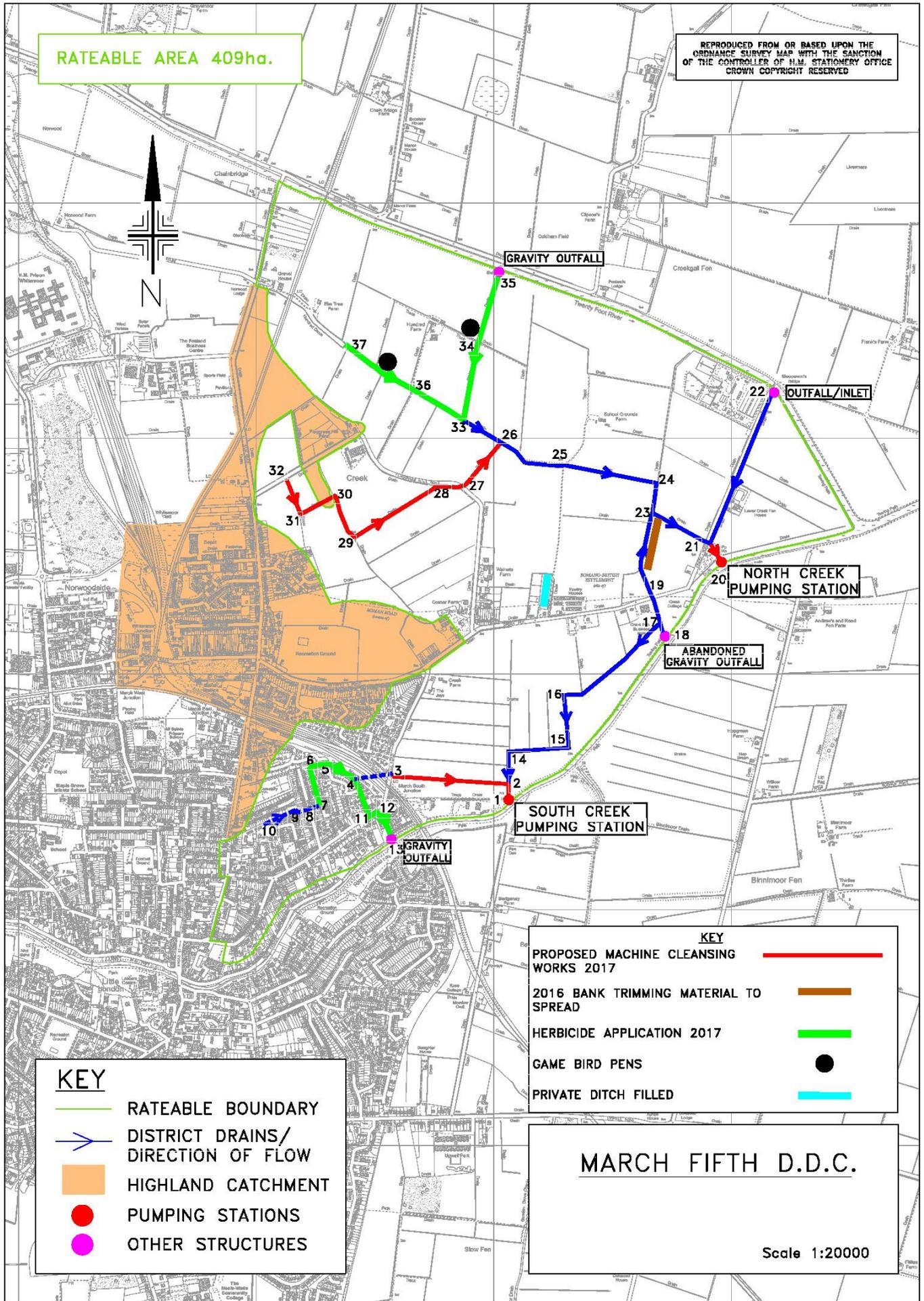
The Commissioners' flail mowing contractors, Mr J Steward and Messrs G Ashman, have indicated that they are available to undertake the Commissioners' flail mowing requirements for the ensuing year. A sum for the completion of flail mowing district drains has been included within the estimate.

The estimated costs of this year's recommended Weed Control and Drain Maintenance works are shown following the plan. A provisional sum has also been included within the Commissioners' budget to allow for any emergency machine cleansing, bank slip repair or culvert clearance works to be undertaken.

Orders for the application of herbicides by the MLC are accepted on condition that they will not be held responsible for the failure or efficacy of any treatment.

RATEABLE AREA 409ha.

REPRODUCED FROM OR BASED UPON THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONERY OFFICE CROWN COPYRIGHT RESERVED



**KEY**

- RATEABLE BOUNDARY
- DISTRICT DRAINS/  
DIRECTION OF FLOW
- HIGHLAND CATCHMENT
- PUMPING STATIONS
- OTHER STRUCTURES

**KEY**

- PROPOSED MACHINE CLEANSING WORKS 2017
- 2016 BANK TRIMMING MATERIAL TO SPREAD
- HERBICIDE APPLICATION 2017
- GAME BIRD PENS
- PRIVATE DITCH FILLED

**MARCH FIFTH D.D.C.**

Scale 1:20000

Recommended Weed Control and Drain Maintenance works:

<b>North &amp; South Creek Pumped System</b>				£	£
1.	Flail mowing of District drains	Item	Sum		2600.00
2.	Application of Roundup to control emergent weed and reed	Item	Sum		400.00
3.	Machine cleanse reach 1-2-3	600	m @	1.20	720.00
4.	Machine cleanse reach 20-21	100	m @	2.00	200.00
5.	Machine cleanse reach 26-27-28-29-30-31-32	1300	m @	1.20	1560.00
6.	Spread spoil @ reach 19-23	Item	Sum		500.00
7.	<u>Provisional Item</u> Allowance for any culvert clearance, bank slip repair, emergency or additional machine cleansing that may be deemed necessary later in the year	Item	Sum		1000.00
8.	Fees for inspection, preparation and submission of report to the Commissioners, arrangements and supervision of herbicide applications and maintenance works	Item	Sum		950.00
<b>TOTAL</b>					<b>£7,930.00</b>

### **Pumping Stations**

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

#### ***North Creek Pumping Station***

At the meeting in April 2000, the Commissioners agreed to remove the Flygt pump every other year for inspection of its integral cabling, this has recently been carried out and the cables etc were found to be in a good condition, however during the pump lift sparks/smoke were witnessed between the pump diffuser and canister as the pump scraped the sides as it was raised, despite being correctly isolated.

Tests showed that there was a voltage between the canister and the pump or the cable catenary system of 30-35vac due to an electricity supply issue.

UK Power Networks were called and attended site to rectify the problem, but to date no feedback has been forthcoming.

On completion of the works the pump was tested and operated normally.

### ***South Creek Pumping Station***

During September 2016 the ultrasonic unit, which controls the automatic water level control of the station, failed and its replacement was required.

### **Hours Run**

#### **North Creek Hours Run March 2016 - March 2017 = 52**

North Creek Hours Run March 2015 - March 2016 = 28

North Creek Hours Run March 2014 - March 2015 = 160

North Creek Hours Run Feb 2013 - March 2014 = 82

#### **South Creek Hours Run March 2016 – March 2017 = 121**

South Creek Hours Run March 2015 – March 2016 = 110

South Creek Hours Run March 2014 – March 2015 = 337

South Creek Hours Run Feb 2013 - March 2014 = 193

### **Development within the Floodplain**

The floodplain, its definition, derivation and extents have been an issue not only for the MLC and associated Boards/Commissioners but other IDBs since its introduction. This has become of more concern since the elevated importance of the Sequential Test in the National Planning Policy Framework (NPPF).

The matter of development within the floodplain has been discussed at several sites within our areas of interest, and the Clerk to the Commissioners/Boards has advised that the definition and extents of a “floodplain” are matters for the planning authority to resolve with the relevant authority who prepared the hazard map, be it the Environment Agency (EA) for its various flood maps, the Local Planning Authority (LPA), for its SFRA, and/or the Lead Local Flood Authority (LLFA) for its SWMP. It is acknowledged that whilst there may be specific issues relating to future proposed aspects of development within our catchment we will not oppose it simply because it is within the floodplain. The Commissioners/Boards have policy statements, available on the MLC website, which set out the Standard of Protection (SoP) that they will seek to provide, floodplain or not.

In short, the MLC and associated Boards/Commissioners do not agree with the generic content of the NPPF and argue that “The Fens” is a special case and should be considered as such.

The main purpose of an IDB is to aim to manage flood risk up to an appropriate SoP. Above this SoP there will be a residual flood risk which must be accounted for.

### **Internal Consultation with the Commissioners**

To ensure that our limited resources are maximised and to enable more timely responses to pre-/post-application consultation and applications for byelaw consent, and occasionally discharge consent, we have introduced a defined process of “internal consultation” between the MLC and the Commissioners, usually, but not always, with the Chairman and/or District Officer to seek the Commissioners’ comments and thus aid the decision making process.

Members are reminded that if a response, ideally in writing, has not been received within fourteen days from the request being issued then it is considered that the Commissioners do not wish to comment and are content for the MLC staff to process and make a recommendation on the respective consent application/discussion procedure based upon information to hand.

### **Changes to Planning Procedures Update**

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

### **Pre- and Post-Application Consultation**

Despite an increase in the number of planning applications being processed and planning enquiries received it appears that the number of pre- and post-application consultation discussion requests has reduced over previous years. The reason for this is unknown but as detailed later in this report “developers” are failing to maximise the benefits of this procedure and Boards/Commissioners are failing to encourage its use and thus are incurring unnecessary additional costs which could be paid by the developer.

### **Notes/Informatives on planning decision notices**

Following a concern raised by one of the Boards administered by the MLC, a brief review of a random, yet representative, sample of planning application Decision Notices made by the Huntingdonshire District Council (HDC), that have primarily been granted in the last two years, has been undertaken.

Many of the relevant decisions within HDC’s area made during 2016, and to a lesser degree during 2015, relate to the Prior Approval of agricultural building to dwellings or Prior Notification applications which, on the whole, do not include conditions or refer to notes/informatives possibly because of the nature of the application. In a similar manner most of the other Decision Notices found did not, with a few exceptions, include notes/informatives either.

As a result a letter was sent, during December, to all the planning authorities that the MLC deal with, both directly and on behalf of its administered Boards/Commissioners, requesting that the use of informatives could be (re-) introduced on future Notices "in order to make applicants aware of other consents which may be required in addition to Planning Consent and prevent them being in breach of the Commissioners' Byelaws"

It is understood that the principle of using notes/informatives on Planning Decision Notices is based on the Court of Appeal which remarked following the case of Slough Borough Council v Secretary of State for the Environment and Oury [1995] "The general rule is that, in construing a planning permission, regard may only be had to the permission itself, including the reasons stated for it."

The decision and its reason(s) is the primary document, with the informatives no more than non-binding additional information which lack a statutory basis. Planning Conditions, on the other hand, may impose mandatory requirements for the carrying out of development and have statutory authority.

The purpose of a note in respect of a condition is to provide the applicant with further information and an informative is to provide relevant guidance to the applicant without having to impose relevant conditions. The Planning Circular 11/95: use of conditions in planning permission advises how these can be used to bring the applicants' attention to certain matters, such as, reminding an applicant to obtain further planning approvals and other consents but should not establish mandatory requirements with which an authorised development must comply.

However, it is further understood that there are a limited number of exceptions to this rule which could lead to a challenge to the permission which may result in a decision being "quashed" but this is outside of our interest on this occasion.

#### Local Land Charges Register (LLCR)

As previously advised requests are made to the Local Planning Authority (LPA), when relevant, to make an entry on the LLCR to highlight that the requirements of the relevant authority have not been met. This process is providing results, particularly within the Fenland District Council (FDC) area, but enquiries from other LPAs are low, however, these areas of interest are smaller than that of FDC and feature smaller urban areas.

Previously enquiries were only received from local Solicitors but more recently enquiries are also being sought from independent search providers who offer specialist conveyancing services, such as Index Property Information, who undertake local authority searches, drainage and water reports, environmental reports etc.

Whilst researching and processing such enquiries have cost and time implications it protects the parties involved and is believed to have been a significant contributing factor in moving forward a long standing issue associated with the Cardea development at Stanground to the west of the Commissioners' catchment.

Treated effluent discharges from Anglian Water Services (AWS) Water Recycling Centres (WRC) or from the Public Sewerage System

Developers are becoming increasingly aware of the Supreme Court's decision that any connection to a public sewer under Section 106 of the Water Industry Act 1991 or agreement to construct a public sewer under Section 104 of that Act also requires our consent where our systems would be affected. Therefore, in addition to any permission from the LPA, the EA and AWSL, the consent of the Board/Commissioners is also required for the acceptance of any increased flows or volumes to our system. Such consent will not be given unless we consider that the discharge can be properly dealt with within our system and the costs of accommodating that discharge are met.

**Planning Applications**

In addition to matters concerning previous applications, the following 21 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>
422	F/YR16/0197/PNH	Mr & Mrs A Kimber	Residence (Extension)	Foxglove Way, March
423	F/YR16/0332/O	Mr M Hardiman	Residential (4 dwellings)	Creek Road, March
424	F/YR16/0355/F	Solar Savings 4 U Ltd	Residential (6 dwellings)	St Johns Chase, March
425	F/YR16/0457/F	Mr L Ridgett	Residence (Extension)	Estover Road, March
426	F/YR16/0453/F	Mr M A Edgoose	Residential (4 dwellings)	Silver Street, March
427	F/YR16/0466/F	Mrs G Clarke	Residence (Extension)	New Park, March
428	F/YR16/0640/RM	Ms H Mason	Residential (2 dwellings)	Estover Rd, March
429	F/YR16/0800/F	Mr & Mrs A Parrish	Residence (Extension)	Burnet Gardens, March
430	F/YR16/0884/F	Mr G Cottam	Residence (Extension)	Highfield Road, March
431	F/YR16/0997/F	Solar Savings 4 U Ltd	Residential (3 dwellings)	St Johns Chase, March
432	F/YR16/0958/O	Miss E Wilkinson	Residential (6 dwellings)	Elm Road, March
433	F/YR16/0999/F	Mr D Upton	Residential (2 dwellings)	Flaggrass Hill Road, March
434	F/YR16/1086/F	Mr & Mrs Hayes	Residence (Extension)	Foxglove Way, March
435	F/YR16/1095/F	Mr G Cottam	Residential/Office	College Gardens, March
436	F/YR16/1132/F	Mr & Mrs Coe	Residential (4 dwellings)	Elm Road, March
437	F/YR16/1193/F	Mr A Wiltshire	Residence (Extension)	Elm Road, March
438	F/YR17/0027/F	Mr G Bennett	Residence	Norwood Road, March
439	F/YR17/0042/O	Mr M Hardiman	Residential (4 dwellings)	Creek Road, March

440	F/YR17/0030/F	Estover Playing Fields 2015 CIC	Leisure	Estover Playing Fields, March
441	F/YR17/0105/F	Mr & Mrs Bailey	Residence (Extension)	Landau Way, March
442	F/YR17/0139/F	Mr D Mason	Residential (3 dwellings)	Creek Road, March

From the information provided it is understood that all the developments propose to discharge surface water disposal to soakaways, or similar infiltration systems. The applicants have been notified of the Commissioners' requirements.

*Residential development at Creek Road/Station Road (Foxglove Way), March – Construct Reason Ltd (MLC Ref Nos 163, 186, 287 & 318)*

No further correspondence has been received from the applicant or the applicant's agent concerning the adoption of the Public Open Space and no further action has been taken in respect of the Commissioners' interests.

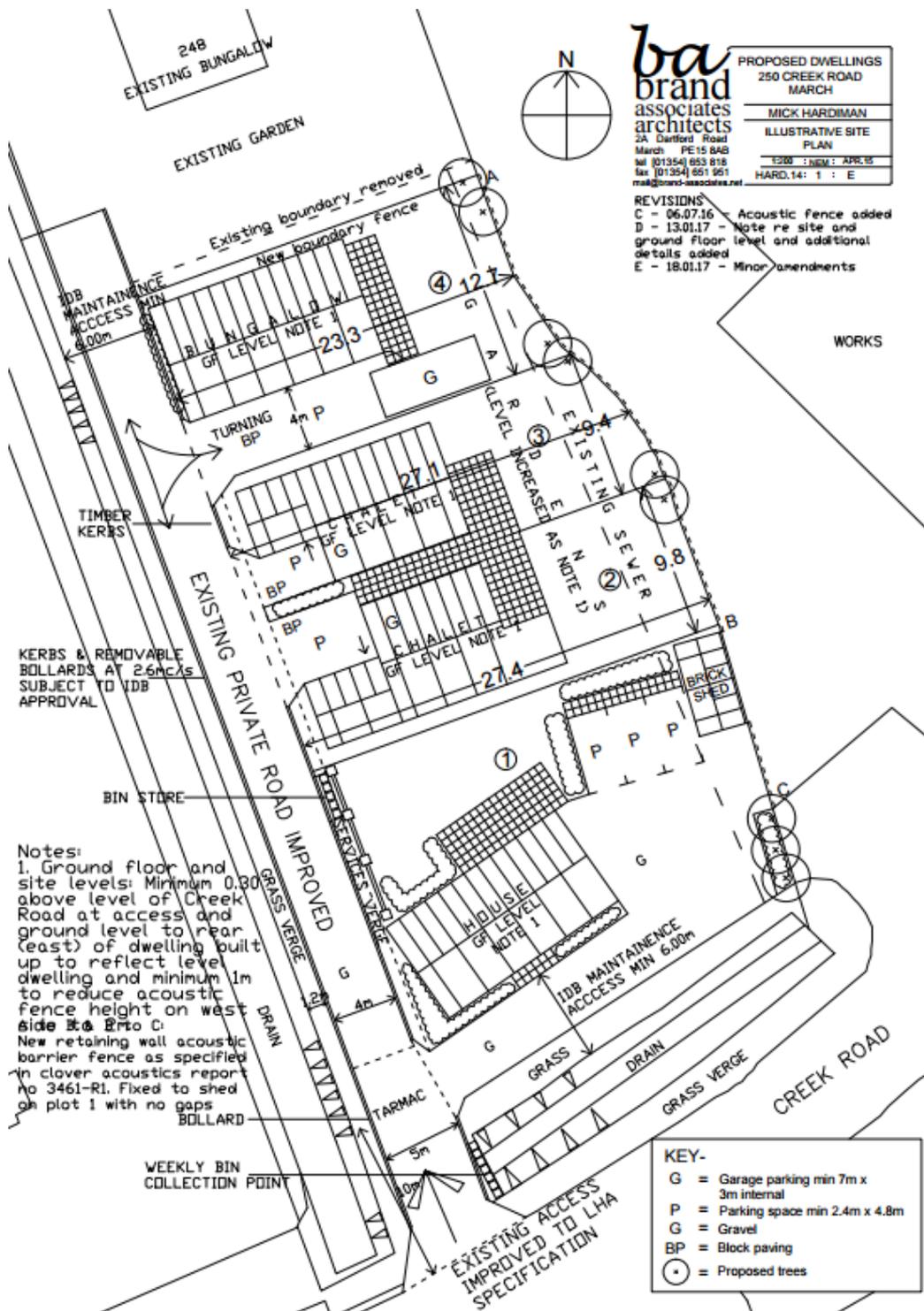
*Erection of 14 apartments comprising 8 x 2-bed and 6 x 3-bed with associated parking and landscaping and formation of vehicular access involving demolition of existing factory unit on land south of Creek Road, fronting Lambs Place, March - Snowmountain Enterprises Ltd (MLC Ref No 301) & Erection of 11 dwellings comprising of 5 x 3-bed houses, 4 x 2-bed houses, 1 x 2-bed flat and 1 x 1-bed flat over garage block and associated parking at land east of 21 Creek Road, March - Snowmountain Enterprises Ltd (MLC Ref Nos 322 & 361)*

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

*Proposed residential development at 250 Creek Road, March – Mr M Hardiman (MLC Ref Nos 289, 299, 388, 423 & 439)*

Further to the last meeting two outline planning applications have been submitted to the District Council. The former, F/YR16/0332 (MLC Ref No 423) was refused by the District Council because the site lies within Flood Zone 3 which is a high risk flood area and the applicant failed to demonstrate, by undertaking a sequential test, that the development could not be delivered in an area of lower flood risk and hence unjustifiably puts future occupants and property at a higher risk of flooding.

According to the District Council's Public Access web page a decision on planning application F/YR17/0042 (MLC Ref No 439) is still pending consideration. An extension of time (eot) has been suggested, which would run until the end of April.



Extract from Brand Associates Illustrative Site Plan Drawing No HARD.14: 1: E

This site faces many challenges but in respect of physical constraints it is considered that both access to the existing sewer and the provision of a 9.0m wide maintenance strip beside the Board's Drain and the buildings and associated structures could be provided by re-positioning the proposed buildings.

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

*Erection of 6 no dwellings with garages at Edwards Buildbase, Station Road, March - Mr N King (MLC Ref Nos 315, 360, 374 & 386) on former Edwards Buildbase, Station Road, March & Erection of 8 no dwellings with garages at land north of Levante, St Johns Chase, March - Mr D Brownlow (MLC Ref Nos 316 & 358)*

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

*Re-development of Three Acres off Creek Road, March – RME (International) Ltd (MLC Ref No 335); Erection of 2 x 41.4 metre high (hub height) wind turbines at Three Acres, South Junction, Creek Road, March – RME (MLC Ref No 347); Erection of 2.4 metre high welded mesh fencing to perimeter of existing business site at Three Acres, South Junction, Creek Road, March – Mr R Moore (MLC Ref Nos 351 & 354)*

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

*Proposed leisure development including moorings east of Cromwell Works, Creek Road, March (MLC Ref No 344) & Erection of 2 x 3-storey 6-bed dwellings with detached garages and workshops at land west of Creek Cottage, Creek Fen, March – Mr M Thompson (MLC Ref No 400)*

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

*Erection of a 2-storey rear extension and porch to side of existing dwelling New Park, March – Mr L Johnson (MLC Ref Nos 379 & 384) & Mrs G Clarke (MLC Ref Nos 427)*

Further to the last meeting, a pre-application discussion was undertaken in early May.

The specific comments made in relation to this were:

“(iii) Site Design and Layout

The pipeline was originally installed in the late 1960’s to provide an outfall for the, then, increasing urban development in the area. An agreement made with the land owner at the time required the Board to divert the pipeline to permit the erection of No 38, which you will note, from the plan overleaf, would have been under the foundations of the dwelling.

As a result it was necessary to re-align the pipeline to accommodate the new dwelling. It was originally proposed to re-align the pipeline under the boundary between Nos 38 and 40 but during discussions the land owner rescinded his previous decision and the garage at No 40 was retained.

Therefore, the pipeline was diverted from the manhole in the foot path, Point C on the aforementioned plan, and laid under the boundary before connecting into the existing pipeline at Point C, close to the garage and foul water manhole.

The works were undertaken by the Board’s contractor during late June/early July 2000 with some minor remedial works being undertaken in November 2000 to reinstate some timber edging and raise the gravel drive following settlement of the trench.

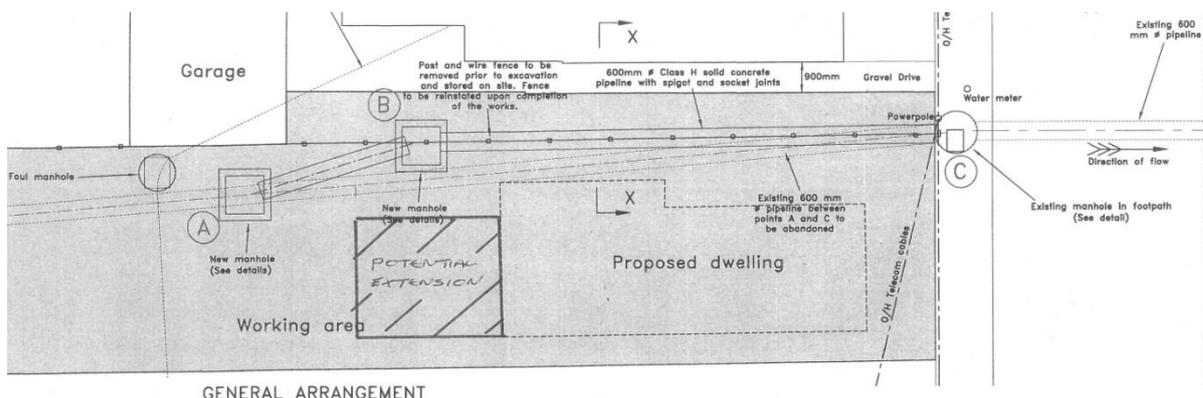
A well was encountered during the works but its exact location has not been recorded.

The Board requested that in order to reduce loading on the pipeline and to protect the structural integrity of both it and the dwelling, the foundations extended below the invert of the pipeline.

Byelaw Consent was issued for the erection of the dwelling and a 1.80m high timber feather board fence to Mr Scholes in April 2004.

The proposed single storey rear extension

Unfortunately, no response has been received from the Board concerning your client’s proposal and, therefore, it is not possible to advise definitively whether the application would be consented. It is suggested that, should your client wish to proceed, the proposal should not encroach any closer to the pipeline than the existing development does at present and the foundations should extend below the pipeline. Applying this principle, an extension with approximate dimensions of 4.0m wide by 4.7m long, as shown on the plan below, may be possible. The exact dimensions must be subject to further clarification.



Extract from the Board’s Drawing No 314/52 showing the extents of a potential extension to No 38 New Park

In view of previous problems with pipelines and restricted access and the problem that these create, the Board will not consent any structures, which may detrimentally affect existing flood defences or inhibit flood control and maintenance work. Failure to do so could have severe consequences potentially leading to extensive flooding in the area in the future.

Your client also needs to consider health, safety & welfare issues for the future maintenance of the Board's system. Where possible, access to the Board's drain should be separate from and/or reduce any conflict with residents/visitors to the development, members of the public, employees/contractors, on-site traffic etc."

A Byelaw consent application was received in mid-May. An internal consultation was undertaken which included the Commissioners. Unfortunately, however, the submission did not meet our minimum validation requirements and a brief period was given for these to be provided but they were not received.

In addition, the proposal did not adhere to the requirements stipulated within the pre-app response. In view of this the application was recommended for refusal.

A subsequent planning application was made to the District Council in late May, by a different person to the one whom had undertaken the pre-app and submitted the Byelaw application, using the same agent, and permission was granted in early August. It is interesting to note that whilst reference was made to the presence of the Board's Drain within the application submission, albeit identified as a Middle Level surface water sewer, the only relevant reference in both the Officer's Report and the Decision Notice is to the Flood Zone. Council members will be aware that the penultimate paragraph of Council Policy LP14 Part (B) Flood Risk and Drainage includes the following statement on page 66 of its Adopted Local Plan:

"All proposals should have regard to the guidance and byelaws of the relevant Internal Drainage Board, including, where appropriate the Middle Level Strategic Study ..."

It is left to the Commissioners whether they wish to pursue this matter with the District Council.

*Residential development with associated parking south of Creek Road fronting Lambs Place, March – Almaren Ltd (MLC Ref No 380)*

Further to the last meeting it is understood that the applicant has advised the District Council that he does not wish to pursue this planning application in its current form. Therefore, the application has been withdrawn.

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

*Erection of 30 dwellings (max) east of Berryfield, Berryfield, March – The Wilkinson Family (MLC Ref Nos 392 & 396)*

No further correspondence has been received from the applicants or the applicants' agent concerning this site.

*Residential development involving the demolition of existing dwelling at land west of Kinloss, St Johns Chase, March - Mr D Fisher & Executors of Mrs J Easter Deceased (MLC Ref No 393) & Solar Savings 4 U Ltd (MLC Ref Nos 424 & 431)*

Further to the original planning application for a dwelling, which was refused planning permission by the District Council in February 2015, revised submissions have been submitted during the past year.

An application for the erection of six dwellings was submitted in April but was refused permission. A revised application for the erection of two 3 bed dwellings and one 4 bed dwelling was submitted in October and granted permission in January.

It is understood it is proposed that the development will dispose of surface water to soakaways but given the poor ground infiltration in the area and the lack of available space to locate such devices, as can be seen from the following extract, it is unlikely that they can be installed and meet current design guidelines.



Extract from Swann Edwards Drawing No SE-554 30 Rev E

No further correspondence has been received from the applicant or the applicant's agent concerning this site and no further action, beyond providing an initial response to the applicant, has been taken in respect of the Commissioners' interests.

*Outline with one matter committed detailed as access in relation to 95 no dwellings (max) with associated landscaping, drainage and open spaces at land north of 75 - 127 Estover Road, March - St Johns College, Cambridge (MLC Ref No 408)*

At the time of writing a decision has yet to be reached by the District Council. An extension of time (eot) has been suggested until the end of March.

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

*Residential development at Highfield House, Elm Road, March – Mrs E Wilkinson (MLC Ref No 432)*

An outline planning application for the erection of dwellings on land at Highfield House was granted permission in January.

No further correspondence has been received from the applicant or the applicant's agent concerning this site and no further action, beyond providing an initial response to the applicant, has been taken in respect of the Commissioners' interests.

*Erection of 1 x 3-storey 6-bed and 3 x 2-storey 4-bed dwellings with garages at land north of Elm House, Elm Road, March – Mr & Mrs Coe (MLC Ref No 436)*

The planning application for four dwellings (see drawing on following page) was submitted to the District Council in December. The site is on the triangular area of land bounded by Elm Road and the March-Wisbech Railway to the north of Elm House.

It is understood that a decision is pending from the District Council.



Extract from Brand Associates Drawing No COE16:0.1:E

*Regeneration of playing field to include: erection of a single-storey pavilion, formation of a car park ; netball courts/multi-games use courts; hard-standing for external terrace and walkways; siting of 3 x storage containers; erection of 4.5m high (max height) mesh fencing bounding both the football pitch and netball court and the erection of 4 x 8.0m high lighting columns to car park and footpaths; 6 x 10.0m high floodlights to netball courts and 6 x 15.0m high floodlights to football pitch at Playing Field, Estover Road, March – Estover Playing Fields 2015 CIC (MLC Ref No 440)*

Members will be aware that Estover Playing Fields faced an uncertain future having recently been under consideration for a housing development. In November 2015 a 99-year lease agreement was established to ensure the site could be regenerated to provide the town with an improved sports facility.



Extract from LK2 Drawing No LK/583 (08)003A

Through the creation of Estover Playing Fields 2015 CIC (Community Interest Company), who took over the lease, the intention is to create a sports and community hub for the residents of March and the wider area.

The proposed development is fully supported by both the Town Council and District Councils who have identified significant capital towards the scheme.

A planning application for full permission was submitted to the District Council in December. According to the District Council's Public Access webpage it is understood that, at the time of writing, a decision was pending.

It is disappointing to advise that, despite the concerns about surface water disposal previously expressed in this area in respect of previous development proposals and the involvement of both the Town and District Councils, no prior discussion has been undertaken with the Commissioners.

No further correspondence has been received from the applicant or the applicant's agent concerning this site and no further action, beyond providing an initial response to the applicant, has been taken in respect of the Commissioners' interests.

**Note** *A Community Interest Company (CIC) is a business with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community, rather than being driven by the need to maximise profit for shareholders and owners. CICs tackle a wide range of social and environmental issues and operate in all parts of the economy. By using business solutions to achieve public good, it is believed that CICs have a distinct and valuable role to play in helping create a strong, sustainable and socially inclusive economy.*

### **Re-Opening of The March – Wisbech Railway**

Board members may be aware of the District Council's aspiration for Wisbech to become a "Garden Town". A key part of the proposal relates to the establishment of a regular direct rail link between Wisbech and Cambridge via March.

In this respect, the County Council has been reminded of its duties as the LLFA and the interests of both the Commissioners and other drainage bodies for whom the MLC provide a planning service. Concerns have also been expressed about possible adverse impacts on the local flood risk and water level management systems that might arise and it has been recommended that any subsequent development of the proposals is dealt with as part of the pre-application consultation process.

The County Council advised that if funding was available any more detailed work would be carried out with close engagement with various stakeholders including the MLC, relevant Drainage Boards and the Environment Agency at which point the pre-application consultation process could be started.

In response the County Council was advised that other Boards/Commissioners administered by the MLC had not been consulted on several County related projects, which was disappointing and has led to the Boards/Commissioners concerned taking appropriate action.

It is currently assumed that the railway will be retained within its current boundaries and otherwise "unchanged".

Further information on the Wisbech–Cambridge Rail Link can be viewed online at: [http://www.cambridgeshire.gov.uk/info/20006/travel\\_roads\\_and\\_parking/68/transport\\_funding\\_bids\\_and\\_studies/3](http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/68/transport_funding_bids_and_studies/3).

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

No further correspondence has been received from FDC concerning the Neighbourhood Strategy and no further action has been taken in respect of the Commissioners' interests.

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

In the absence of funding no further progress has occurred with this project.

### **March Flood Investigation and Town Council Report**

The MLC Planning Engineer has continued to represent the Commissioners and respective March Boards at meetings and provided responses and updates to the Stakeholders involved, the County and District Councils, the latter preparing reports for the Town Councils.

Please note that it has been concluded by the stakeholders involved that with significant work having been carried out in the town since August 2014 and due to the private nature of delivering projects on private homes, collated flood updates will now only be provided when there are significant updates, rather than the current monthly basis.

The County Council's investigations on the event are now complete and the subsequent Flood Investigation report can be found online at:

[http://www.cambridgeshire.gov.uk/info/20099/planning\\_and\\_development/49/water\\_minerals\\_and\\_waste](http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste)

### **March Neighbourhood Plan 2015-2030**

***Note.** A neighbourhood plan enables communities to establish general planning policies for the development and use of land in a neighbourhood setting a vision for the future. They are able to say, for example, where new homes, shops and offices should be built, what they should look like, what infrastructure should be provided etc. It can be detailed, or general, depending on what local people require.*

Further details on neighbourhood planning can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/229749/Neighbourhood\\_planning.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229749/Neighbourhood_planning.pdf)

During January and February, the March Neighbourhood Plan was the subject of a public consultation. A response was prepared on behalf of MLC and the other Boards/Commissioners within the March Town Council area for whom the MLC provide a planning service.

The Town Council was advised that designation of a Neighbourhood Area should not unduly affect these drainage districts but compliance with the provisions of the Land Drainage Act and the relevant Boards'/Commissioners' byelaws would still be required.

None of the sites identified in the report are within the Commissioners' area but generic responses were made on large development sites, windfall development and regeneration sites.

It is disappointing to note that despite being a significant asset to the town and the potential benefits and opportunities in respect of leisure, recreation, tourism and amenity purposes, no reference was made to the Old River Nene.

However, the opportunity was taken to advise the Town Council of relevant items in respect of development and that both the MLC and associated Boards/Commissioners encourage pre-application discussion.

Further details on the March Neighbourhood Plan 2015-2030 can be found at:

<http://www.fenland.gov.uk/neighbourhood-planning/submissions> and

<http://www.marchtowncouncil.gov.uk/what-we-do/neighbourhood-planning/>

### **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.*

The SPD was endorsed by the County Council and the completed document was circulated to the relevant planning authorities and risk management authorities (RMAs) for adoption where appropriate. The SPD was adopted by FDC's Full Council on 15 December 2016.

### **Cambridgeshire and Peterborough Devolution Deal**

All councils in Cambridgeshire and Peterborough, as well as the Cambridgeshire and Peterborough Local Enterprise Partnership (LEP), have now signed up to the devolution deal with government. The deal will secure an additional £770 million of investment for the area, including a £600 million transport fund and money for affordable housing.

Consulting Engineer

28 March 2017

March Fifth (314)\Reports\March 2017

Mr Lakey advised that game bird release pens had been erected adjacent to the District drain at reaches 34-35 and 36-37, preventing annual mowing and possibly future machine cleansing works.

Mr Hayes confirmed that he owned the pens and offered to trim the bank as and when required and would remove the pens when any machine cleansing was necessary.

Mr Lakey reported that a private watercourse within the Commissioners' catchment area, adjacent to the poultry houses on Creek Road, had been piped and filled and that the Commissioners may wish to investigate to ensure that all processes had been carried out in accordance with their byelaws.

Mr Hayes confirmed that he owned the dyke and that the Chairman had previously given approval for it to be piped and filled.

Mr Lakey advised that, following an inspection, an area of bank movement downstream of Point 6 had been identified, although it currently had no effect on the water flows and he also referred to the deterioration of the bank profile at reach 5-6.

Miss Ablett advised that having discussed the planning section of the report with the planning engineer, most items were a matter for report. However, she referred the Commissioners to the contravention of the Commissioners' byelaws at 38 New Park, March between Points 8-9 (MLC Ref Nos. 379 & 384 and 427) where Fenland District Council had approved the extension to the existing dwelling without having regard to the guidance and byelaws of the Commissioners and enquired whether they wished to take any action.

#### RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the Consulting Engineer be requested to write to the owner and their agent in respect of the contravention of byelaws (MLC Ref Nos 379 & 384 + 427).
- iii) That Mr Hayes be authorised to trim the bank at reaches 34-35 and 36-37 when required and that he be required to remove the game bird pens when machine cleansing was necessary.
- iv) That the Commissioners approve the filling and piping of a dyke owned by Mr Hayes and that no further action was necessary at this time.
- v) That the Commissioners monitor an area of bank movement downstream of Point 6 and the bank profile at reach 5-6 for any further deterioration.

#### C.993 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

#### RESOLVED

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

#### C.994 National Flood Resilience Review

Miss Ablett referred to the publication of the above review by the Government in September 2016 and to the response from ADA and drew attention to the lack of reference to the SUDS issue, which still remained unsatisfactory.

#### C.995 District Officer's Report

The District Officer had nothing additional to report since he considered that matters of importance had been satisfactorily covered in the Consulting Engineers' Report.

#### C.996 Environmental Officer's Newsletter and BAP Report

Miss Ablett referred to the Environmental Officer's Newsletter dated December 2016, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report.

#### C.997 District Officer's Fee

The Commissioners gave consideration to the District Officer's fee for 2017/2018.

#### RESOLVED

That the Commissioners agree that the sum of £800 be allowed for the services of the District Officer for 2017/2018.

(NB) – Mr T Hopkin declared a financial interest when this item was discussed.

#### C.998 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.

#### C.999 Environment Agency – Precepts

- a) Mr Hill reported that the precept for 2017/2018 had been increased by 1.5% to £1,939 (the precept for 2016/2017 being £1,910).
- b) Local Choices Update

Further to minute C.958, Miss Ablett referred to the Environment Agency's newsletter dated October 2016.

### C.1000 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Miss Ablett reported that the sum of £1,207.68 (inclusive of supervision) had been received from the Environment Agency (£1,611.03 representing 80% of the Commissioners' estimated expenditure for the financial year 2016/2017 less £403.35 overpaid in respect of the financial year 2015/2016).

(b) Further to minute C.959, Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

#### RESOLVED

That the position be kept under review.

### C.1001 Rate Arrears

Consideration was given to writing off rate arrears amounting to £22.05.

#### RESOLVED

That the arrears be written off.

### C.1002 Association of Drainage Authorities

#### a) Annual Conference

Miss Ablett reported that the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 16<sup>th</sup> November 2017.

#### RESOLVED

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

#### b) Annual Conference of the River Great Ouse Branch

Miss Ablett reported on the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 7<sup>th</sup> March 2017.

#### c) Subscriptions

Miss Ablett referred to an e-mail received from ADA dated the 16<sup>th</sup> December 2016 and reported that the Clerk had been advised that the subscription for 2017 will remain unchanged at £536.

#### RESOLVED

That the requested ADA subscription for 2017 be paid.

d) Floodex 2017

Miss Ablett reported that Floodex 2017 will be held at The Peterborough Arena on the 17<sup>th</sup> and 18<sup>th</sup> May 2017 and referred to the free Health and Safety Seminars that will also be taking place.

e) Further Research on Eels

Miss Ablett referred to an e-mail received from ADA dated the 15<sup>th</sup> November 2016 and the research specification from the Environment Agency regarding the eel research proposed over the next 2 years.

Members discussed the ongoing eel research and the request from ADA seeking contributions.

RESOLVED

That the Commissioners contribute £100 per year over the next 2 years towards further research on eels.

C.1003 Potential Amalgamation with March Third DDC

Miss Ablett referred to the Clerk's letter to the Chairman dated the 9<sup>th</sup> May 2016.

Miss Ablett reported that at a meeting held on the 14<sup>th</sup> September 2016, the Chairman, Vice Chairman, Iain Smith (former Clerk) and Robert Hill, Treasurer had discussed the matter further. It had been suggested that, given the membership numbers and ages of both March Third and March Fifth DDC's, those Commissioners might not be viable after a few years and there could be merit in also including March Sixth DDC. Miss Ablett advised that differential rating for all three areas could also be investigated.

Miss Ablett advised that following that meeting, the Chairman and Vice Chairman had agreed to discuss the position further and to speak with members of the other Boards, however due to Mr Jones' ill health, no further action had been taken.

Mr Lilley did not consider it necessary for the Commissioners to amalgamate and felt they should stay as they were.

The Vice-Chairman suggested that any discussions should be put on hold until the return of the Chairman and, if necessary, another meeting could be held.

RESOLVED

That no decision be made in respect of any amalgamation until the return of the Chairman.

C.1004 Governance of Water Level Management in England

Miss Ablett referred to the publication of the National Audit Office's (NAO) Report on Internal Drainage Boards, available on their website, [www.nao.org.uk/report/internal-drainage-boards](http://www.nao.org.uk/report/internal-drainage-boards); to the Report Summary and to the response from ADA.

### C.1005 Health and Safety Audits

Miss Ablett drew attention to the continuing need to ensure that the Commissioners complied with Health and Safety Requirements and reminded Members of the arrangements with Croner and that if the Commissioners had any issues they could seek advice from Croner via the Middle Level Commissioners.

Miss Ablett reported that the Middle Level Commissioners had put together a pack consisting of a practical guide, templates and examples relating to health and safety requirements, which they hoped would assist the Commissioners with their health and safety responsibilities.

### C.1006 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.963, Miss Ablett reported the main issues considered and discussed by the Partnership were:-

1. The proposal to extend the provision of rain gauges in catchment.
2. Discussions over the maintenance of Sustainable Drainage Systems (SUDS).
3. The provision of Community flood kits. The LLFA are sourcing funds to provide kits to certain groups, i.e. March town council, but certain criteria are having to be met.
4. Work on the A14 project has now commenced.
5. The Supplementary Planning Document on flood risk has now been endorsed by Cambridgeshire County Council.
6. An update on the surface water management plan. Requesting quotes for surveys to be undertaken for property level protection (PLP).
7. Partner projects were discussed including Embankment raising in the Middle Level (MLC) and in the Ouse Washes (EA).

### C.1007 Authorisation to appear in court to obtain distress warrants

#### RESOLVED

That under the provisions of section 54 of the Land Drainage Act 1991, in addition to Mr R Hill and Miss S Ablett, Miss Lorna McShane be authorised generally to institute or defend on behalf of the Commissioners proceedings in relation to a drainage rate or to appear on their behalf in any proceedings before a Magistrates' Court for the issue of a warrant of distress for failure to pay a drainage rate.

### C.1008 Potential Changes in Rating Valuation

Miss Ablett reported the consideration presently being given by ADA and Defra to possible changes in the way in which drainage rates and special levies may be calculated in future. She advised that the present system, under the Land Drainage Act 1991 and the Internal Drainage Board (Finance) Regulations, provides for agricultural property to be valued at a notional rental value for that property as at 1<sup>st</sup> April 1988 with non-agricultural hereditaments being valued at the "average acre" rate, calculated by reference to pre-1988 development within the District of the individual Board. The current legislation does however require that properties that existed before 1<sup>st</sup> April 1988 are valued according to their old rateable values, records for which may no longer exist and this causes problems for IDBs which are looking to extend their boundaries and particularly where there are proposals to create new IDBs. Miss Ablett understood however, that, at present, Defra are unlikely to progress the issue urgently and that some further consideration will have to take

place before any change is proposed. In addition, as a change to primary legislation would be required, Parliamentary time would have to be found for this. At this stage Miss Ablett wished therefore to simply alert the Commissioners to these discussions and further reports will no doubt be made to the Commissioners in the future should legislative amendment be proposed.

#### C.1009 Information regarding Asbestos

Further to minute C.964, the District Officer reported that to the best of his knowledge there was no asbestos present in the Commissioners' installations.

#### RESOLVED

That the Register record "Unknown".

#### C.1010 Completion of the Annual Accounts and Annual Return of the Commissioners – 2015/2016

- a) The Commissioners considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31<sup>st</sup> March 2016.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2016.

#### C.1011 Budgeting

Miss Ablett referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31<sup>st</sup> March 2017.

#### C.1012 Review of Internal Controls

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

#### C.1013 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with their current Risk Management Policy.
- b) The Commissioners considered and approved the insured value of their buildings.

#### C.1014 Transparency Code for Smaller Authorities

Miss Ablett reported that from 2017/2018 smaller public bodies (Boards with income or expenditure less than £25,000) would not be required to undertake a formal audit but would need to have greater publication requirements in place. She advised that it would also be necessary to question the effect of "one off" payments such as development contributions taking the Commissioners above the £25,000 limit, in a particular year.

### C.1015 Exercise of Public Rights

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

### C.1016 Annual Governance Statement – 2016/2017

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31<sup>st</sup> March 2017.

#### RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2017.

### C.1017 Payments 2016/2017

The Commissioners considered and approved payments amounting to £34,326.75 which had been made during the financial year 2016/2017.

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

### C.1018 Annual Accounts of the Commissioners – 2016/2017

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2017 as required in the Audit Regulations.

#### RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2017.

### C.1019 Expenditure estimates and special levy and drainage rate requirements 2017/2018

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2017/2018 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 11.46% and 88.54%.

#### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £16,399 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 £1,879 and £14,520 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 £14,520 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Commissioners 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.

C.1020 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.

C.1021 Date of next Meeting

RESOLVED

That the next Meeting of the Commissioners be held on Tuesday the 10<sup>th</sup> April 2018.