

MANEA AND WELNEY DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the Manea and Welney District Drainage Commissioners
held at the Lamb and Flag Public House, Welney on Wednesday the 8th February 2017

PRESENT

J E Heading Esq (Chairman)	J H Hawes Esq
N V M Walker Esq (Vice Chairman)	M E Heading Esq
C M Barnes Esq	Mrs A J Langley
M Buckton Esq	C W Sears Esq
N Cook Esq	R M C Sears Esq
C F Hartley Esq	W Sutton Esq

Miss Samantha Ablett (representing the Clerk to the Commissioners) was in attendance.
Miss Lorna McShane (Solicitor/Assistant Clerk) observing.

Apologies for absence

Apologies for absence were received from C J Crofts Esq, M D R Fairey Esq and P D Hawes Esq.

C.660 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 any of them.

C.661 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 8th June 2016 are recorded correctly and that they be confirmed and signed.

C.662 Clerk to the Commissioners

- a) Further to minute C.636, 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.650, 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.650, 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.663 Appointments – 2017/2018

- a) Appointment of Chairman

RESOLVED

That J E Heading Esq be appointed Chairman of the Commissioners.

- b) Appointment of Vice Chairman

RESOLVED

That N V M Walker Esq be appointed Vice Chairman of the Commissioners.

- c) Appointment of Finance Committee

RESOLVED

That the Finance Committee be constituted as follows, viz:-

C J Crofts Esq	P Jolley Esq
J E Heading Esq	R Sears Esq
N V M Walker Esq	

C.664 New Commissioner

Miss Ablett referred to the appointment of Mr James Hawes.

The Chairman welcomed Mr Hawes.

C.665 Land Drainage Act 1991

Miss Ablett reported that Fenland District Council had re-appointed Councillors M Buckton and W Sutton to be Commissioners under the provisions of the Land Drainage Act 1991.

C.666 Water Transfer Licences

Further to minute C.638, Miss Ablett reported that ADA had met with Defra officials, including Sarah Hendry, on the 11th 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.667 Ouse Washes Section 10 Reservoir Inspection

Further to minute C.639, Miss Ablett referred to a briefing note from the Environment Agency dated July 2016.

C.668 Planning Application – Station Road, Manea (MLC Ref Nos. 446, 449 & 482)

Further to minute C.640, the Chairman reported that, since the last meeting, the applications for discharge consent for both treated effluent and surface water had been recommended for approval and advised that as part of this site was in the highland catchment area this had caused several issues for the Commissioners.

(NB) – Mr Sutton declared an interest as a member of Fenland District Council Planning Committee.

C.669 Consulting Engineers' Report

The Commissioners considered the Report of the Consulting Engineers and the recommendations of the Finance Committee, viz:-

Manea & Welney D.D.C.

Consulting Engineers Report – January 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. 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.

Pumping Stations

Other than the matters previously reported or 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.

Glenhouse - Future Electrification

In order to progress this matter further an application for a formal quotation would be required to be made to UK Power Networks' Connections Gateway for a service upgrade, which will require information as to the number of motors to be supplied, starting methods/currents, capacity requirement and when the project will take place. The Commissioners' further instructions are therefore required.

Pumping Hours

Glenhouse

No1 Hours Run 14 Jan 2016 – 14 Jan 2017 = 101

No2 Hours Run 14 Jan 2016 – 14 Jan 2017 = 253

No3 Hours Run 14 Jan 2016 – 14 Jan 2017 = 172

No4 Hours Run 14 Jan 2016 – 14 Jan 2017 = 96

Total Hours Run 14 Jan 2016 – 14 Jan 2017 = 622

No1 Hours Run 14 Jan 2015 – 13 Jan 2016 = 219

No2 Hours Run 14 Jan 2015 – 13 Jan 2016 = 166

No3 Hours Run 14 Jan 2015 – 13 Jan 2016 = 177

No4 Hours Run 14 Jan 2015 – 13 Jan 2016 = 203

Total Hours Run 14 Jan 2015 - 13 Jan 2016 = 765

Purils Bridge

No1 Hours Run 14 Jan 2016 – 14 Jan 2017 = 94

No2 Hours Run 14 Jan 2016 – 14 Jan 2017 = 147

Total Hours Run 14 Jan 2016 – 14 Jan 2017 = 241

No1 Hours Run 14 Jan 2015 – 13 Jan 2016 = 121

No2 Hours Run 14 Jan 2015 – 13 Jan 2016 = 367

Total Hours Run 14 Jan 2015 – 13 Jan 2016 = 488

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 they would wish to offer some financial support over one or two years. Other Boards have committed between £50 and £1000 for either one or two years.

Development within the Floodplain

The floodplain, its definition, derivation and extents have been an issue not only for the Commissioners and associated Boards 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 Middle Level

website, which set out the Standard of Protection (SoP) that they will seek to provide, floodplain or not.

In short, the Commissioners and associated Boards 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.

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 some Boards 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 Commissioners, 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 Commissioners deal with, both directly and on behalf of its administered Boards, 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 Boards’ 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 LPAs, 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 AWS, 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 20 new development related matters have been received and, where appropriate, dealt with since the last meeting:

MLC Ref.	Council Ref.	Applicant	Type of Development	Location
521	F/YR16/0283/F	Mr & Mrs M Bills	Residence (Extensions and garage)	High Street, Manea
522	F/YR16/0299/F	Mr & Mrs D Cole	Residence (Garage)	Fallow Corner, Manea*
523	F/YR16/0491/F	Mr & Mrs MacNeil	Residence (Extension)	Charlemont Drive, Manea
524	F/YR16/0507/F	Ms A Kusynova	Residence (Extension)	Wisbech Road, Manea*
525	F/YR16/0515/O	Mr R Barnes	Residential (15 dwellings)	Park Road, Manea*
526	F/YR16/0523/F	Mr D Ballard	Residence	Station Road, Manea*
527	F/YR16/0686/F	Mr T Rowlett	Residence (Garage)	Park Road, Manea
528	F/YR16/0767/F	Mrs G Sharman	Stable Block	Fallow Corner Drove, Manea
529	F/YR16/0921/F	Mr D Pressland	Residence	High Street, Manea*
530	F/YR16/0929/F	Mrs J Grieves	Residence (Extension)	Purls Bridge Drove, Manea
531	13/01538/DISC_C	Client of John Stephenson	Residential (2 dwellings)	Main Street, Welney
532	16/01943/F	Pisces Country Park	Leisure (6 units)	Bedford Bank, Welney
533	F/YR16/1064/F	Mr Keene	Residence (Extension)	Straight Rd, Manea
534	F/YR16/1092/F	Mr & Mrs K Edwards	Residence (Extension)	Charlemont Drive, Manea
535	F/YR16/1079/F	Mr & Mrs R Giles	Residence	Hiblings Row, Manea
536	F/YR16/1090/F	Mr T Rowlett	Residence (Garage)	Park Road, Manea
537	F/YR16/1080/F	Mr Allgood	Residence	Holly Close, Manea
538	Enquiry	Client of Woods Hardwick	Residential (TBC)	Teachers Close/Scholars Close, Manea
539	F/YR16/1137/F	ICIS Consulting Ltd	Residential (3 dwellings)	Station Road, Manea
540	F/YR16/1155/F	Mr G Tricker	Residence	Acorn Lane, Manea

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

Developments that propose direct discharge are indicated with an asterisk. The remainder propose, where applicable and where known, disposal to soakaways, infiltration devices and/or Sustainable Drainage Systems (SuDS).

Some of the above are likely to discharge treated effluent into the Commissioners' system either via private treatment plants or Manea Water Recycling Centre (WRC).

Erection of 26 no 2-storey dwellings comprising of 5 x 4-bed, 16 x 3-bed and 5 x 2-bed with garages and parking on land south west of Fire Station, Westfield Road, Manea – Maurice Crouch Growers Ltd (MLC Ref No 260) & F Crouch on behalf of F & S Crouch & Maurice Crouch Growers Ltd (MLC Ref No 432)

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

Residential development involving demolition of existing buildings at International House, Station Road, Manea - Mr J Daniels (MLC Ref No 365) & Homestead Development Company Ltd (MLC Ref Nos 386 & 436)

Discussions concerning outstanding issues related to both Byelaw and Discharge Consent applications associated with this site continue.

Erection of semi-detached bungalows with associated parking on land south west of 61 Station Road, Manea - Broadway Ltd (MLC Ref No 367) & Commercial Investments Trusts (MLC Ref Nos 379 & 382) & Erection of a 2-storey 2-bed dwelling (additional plot to site) at south-west of 61 Station Road, Manea - Allgood Services Ltd (MLC Ref No 440)

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

Erection of 14 dwellings; comprising; 2 x 3 storey 5/6 bed, 1 x 3 storey 5 bed, 5 x 2 storey 4 bed and 6 x 2 storey 3 bed with associated garaging at Station Road, Manea – Mr Short and Mr Fox (MLC Ref Nos 446, 449 & 482)

Further to the last report, the applications for discharge consent for both treated effluent and surface water were recommended for approval.

No subsequent correspondence has been received from the applicants or the applicants' agent concerning the site or matters related to the consents issued by the Commissioners. As a result no further action has been taken in respect of the Commissioners' interests.

Erection of residential development comprising of 43 dwellings, garages, associated parking, the formation of allotments, public open space, and a new access on land west of Teachers Close, Manea - Portman Developments (MLC Ref No 453)

An enquiry was received from Woods Hardwick concerning this development. It was recommended that in view of the site's size and location the development is subject to

one of the Commissioners' post-application procedures. However, to date no formal request has been received.

Residential development on land south of Bungalow Station Farm, Fodder Fen Road, Manea - Mr R Wales (MLC Ref Nos 456 & 477)

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.

Anaerobic digestion plant comprising tanks, silage clamps and associated equipment necessary to produce biogas to fuel a 500kW electricity generator and new access from Byall Fen Drove at land at Holly House, Farm, Horseway, Chatteris – Allpress Farms (MLC Ref No 464)

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 26 dwellings at land west of 49-49A High Street, Manea - Cole Properties (Manea) Ltd (MLC Ref No 471)

An enquiry has recently been dealt with, on the Commissioners behalf, regarding the entry on the LLCR for this development.

According to our records no correspondence and/or applications for Discharge Consent have been sought and the enquirer was advised accordingly. The Commissioners may wish to consider the issuing of an "advisory" notice and/or further appropriate enforcement action in an effort to bring this matter to a conclusion.

The Commissioners' instruction is therefore requested in respect of this site.

Erection of 22 dwellings involving of existing dwelling and outbuildings at 35 Westfield Road, Manea – Mr S Wilson (MLC Ref Nos 474 & 479)

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 3 storey 5 bed dwelling involving partial demolition of existing shed at land north of 55 Station Road, Manea – Mr G Wallis (MLC Ref Nos 481 & 486)

The developer was advised that any increase in discharge to the Commissioners' system will require consent.



Extract from Peter Humphry drawing 5035/01C

As can be seen from the above extract under the Commissioners' new byelaws consent would be needed for part of the development. In this instance though the developers' agent contacted us before the change to the new byelaws occurred and the development was therefore built around the 6.15m strip. Due to this possible conflict the comments of the former Clerk to the Commissioners, Iain Smith, were requested, they are as follows:

"It is unclear exactly when he began but it would appear that the actual commencement on site may have begun after the byelaw change. In this case, however, Mr Wallis and his agents had previously enquired of this office as to the byelaw distance and would not have seen a reason to re-enquire. Had he not done so and proceeded without any enquiry at all, the matter may have been different but I would foresee difficulty for the Commissioners in trying to enforce a new byelaw against someone who, having enquired as to the byelaw distance and drawn up his plans accordingly, would have clearly needed no further consents over the positioning, had he begun his work slightly earlier. In addition to having to prove exactly when he began, I fear that the Commissioners would face a reference to the Ombudsman in this case, if the issue of the distance was pursued.

While therefore, for all future developers, Manea and Welney can enforce a 9 metre byelaw width, I would advise that in view of his enquiry and doubt over the timings, Mr Wallis should be treated as if the old byelaws applied."

As a result of these comments a byelaw application has not been requested. We have received a discharge consent application which is currently receiving final comment and a recommendation will be made shortly.

Erection of 15 dwellings on land east of 11 - 21 Park Road, Manea - Mr E Barnes (MLC Ref No 525)

This outline planning application, for fifteen dwellings, was submitted to the District Council in April and subsequently refused permission in September.

The Council's grounds for refusal were that the proposal would not adopt SuDS principles and as such it would generate harm to the drainage of the area and increase the risks of flooding (no reference is made to what or where), would cause demonstrable harm to protected species and the applicant failed to enter into an Planning Obligation that would provide relevant financial contributions.

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 Commissioners' interests.

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

Development Contributions

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

King's Lynn & West Norfolk Local Plan

Further to the last meeting the MLC, on the Commissioners' behalf, have been consulted on and provided responses on the following documents:

(a) CIL Consultation 2016 – Draft Charging Schedule & Statement of Representation

In response to this consultation the Borough Council asked the Planning Inspectorate to undertake an Examination of its CIL Draft Charging Schedule which was formally submitted to the Examiner on 10 June 2016.

(b) Site Allocations & Development Management Policies document (SADMP) - Proposed Main Modifications to the SADMP Document

The consultation was the result of a number of issues raised as the result of an independent examination to decide whether the Plan is justified, effective and legally compliant.

(c) Call for Sites and Policy Suggestions Consultation

None of the consultation documents specifically involve the Commissioners.

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.

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.

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

24 January 2017

Manea & Welney (317)\Reports\Jan 2017

RESOLVED

- i) That the Report and the actions referred to therein be approved.

That the Commissioners approve the recommendations of the Finance Committee:-

- a) That the Consulting Engineers be requested to contact UK Power Networks to enquire whether the increased supply could be earmarked for the Commissioners only, to obtain an indication of the costs involved in electrifying two pumps, and to contact the Chairman, if required.
- b) That an advisory notice be sent regarding the development at High Street, Manea for Cole Properties (Manea) Ltd (MLC Ref No 471).

C.670 Public Sector Co-operation Agreements

Further to minute C.642, Miss Ablett reported that following the Clerk's letter to the Environment Agency concerning the condition of the Old Bedford River and the lack of routine maintenance, it was pleasing to note that some dredging work had been carried out, although this had already been included in the long term plan, and also that extra work had been carried out downstream at Salters Lode, which was now in a much better condition.

The Chairman reported that, in the medium term, he would like to see the Old Bedford River reinstated to its original condition, but felt that this was more than could be expected and instead it needed to be maintained on a regular basis.

Miss Ablett reported there were three Boards that would have to fund the work themselves should they wish to reinstate the Old Bedford to its original design, the costs of which would be difficult to recharge to ratepayers and as the River was in a satisfactory condition with regards to water abstraction and drainage the Finance Committee considered this was not a matter of urgency.

Miss Ablett referred to works carried out under a Public Sector Co-operation Agreement by another Board which had been undertaken much quicker and therefore more efficiently than the Environment Agency, resulting in the Board only making a minimal profit. She advised that Boards wishing to enter into such agreements with the Environment Agency needed to take into account, when costing the works, the requirement for Professional Indemnity Insurance to be in place because, depending on the amount of work being undertaken, it could prove expensive and therefore, not beneficial.

C.671 Pumping Stations

The Chairman referred to the Consulting Engineer's report and confirmed that each of the pumping stations were in a satisfactory condition.

C.672 District Superintendent's wages, pension contributions and Future Labour Requirements

Mr Sutton queried whether the Commissioners should have a system in place each year to arrive at the pay award.

The Chairman confirmed that the Middle Level Commissioners' pay formula was used as a reference point, which was reviewed annually by the Finance Committee, with their recommendations put to the Commissioners.

With regards future labour requirements, the Chairman considered that it was imperative that the Commissioners maintain an element of control and in this respect should continue to use an employee to maintain the watercourses, pumps and machinery.

The Chairman reported that Brian Cobb, the Commissioners' previous employee, was ill in hospital and considered a letter should be sent expressing the Commissioners' concerns and sending him their best wishes.

RESOLVED

- i) That the Commissioners approve that the wages of the District Superintendent be increased from 1st April 2017 and that the Commissioners' pension contribution remain at 4%, as recommended by the Finance Committee.
- ii) That the Clerk send a letter to Mr Cobb.

C.673 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

The Chairman advised that it was essential for the Commissioners to have a long term plan in order to set the rate.

He referred to the allocation of £100,000 in 2019/2020 for replacing the tractor and mower and considered this reasonable in view of the current plant having cost in the region of £90,000 when acquired. He advised that although the plant was in a good condition at present, the Commissioners had to bear in mind it would require replacing at some point.

The Chairman referred to the allocation of £287,000 in 2021/2022, which included the electrification of two pumps and advised that, as it was not known whether any Grant-in-Aid would be available, the Commissioners must allow for funding the works themselves.

RESOLVED

That the Commissioners approve the recommendation of the Finance Committee that the Capital Programme be approved in principle and kept under review.

C.674 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.675 District Superintendent's Report

The Commissioners considered the Report of the District Superintendent.

RESOLVED

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

C.676 Environmental Officer's Newsletter

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

C.677 Maintenance Works in the District

Further to minute C.645, the Chairman reported that the usual programme had been carried out, as referred to in the District Superintendents report, and that, due to the good weather experienced in the autumn, it had been possible to undertake more work than in the previous year.

The Chairman reported that although it was the Commissioners' policy to machine cleanse all District watercourses annually, this was not always possible. However, going forward he hoped that the works could be carried out on an annual basis and although there were no major works expected, he was confident the Commissioners' District drains were adequate for water transfer where required.

C.678 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.679 Application for byelaw consent

Miss Ablett 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 Commissioners, viz:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Norman Fox Building Contractors	Construction of culvert on land north of 55a Station Road, Manea	13 th July 2016

RESOLVED

That the action taken be approved.

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

C.680 Environment Agency – Precept

a) Miss Ablett reported that the Environment Agency's Regional Flood and Coastal Committee had recommended an increase of 1.5% on last year's precept of £1,620, and that this was likely to be approved by the Environment Agency Board.

b) Local Choices Precept

Further to minute C.646(b), Miss Ablett referred to the Environment Agency's newsletter dated October 2016.

C.681 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Miss Ablett reported that the sum of £648.98 (£1,138.87 less £489.89 paid on account) (inclusive of supervision) had been received from the Environment Agency based on the Board's actual expenditure on maintenance work for the financial year 2015/2016 together with the sum of £499.67 in respect of 80% of the Board's estimated expenditure for the financial year 2016/2017.

(b) Further to minute C.647, Miss Ablett referred to the discussions with the Environment Agency over the monies likely to be available to fund highland water claims.

RESOLVED

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

C.682 Contributions from Developers

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

<u>Contributor</u>	<u>Amount</u>
Mr N Fox – MTC Engineering	£1,431.72 (gross) £1,288.55 (nett)
Mr N Fox – MTC Engineering	£3,521.64 (gross) £3,169.48 (nett)

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

C.683 Association of Drainage Authorities

a) Annual Conference

Miss Ablett reported on the Annual Conference of the Association held in London on Thursday the 17th November 2016 and to the address given by the Minister Therese Coffey in which she expressed support for IDBs and ADA, recognised the importance of maintenance and confirmed that special levy funding from Local Authorities would continue. The Environment Agency Chairman, Emma Howard Boyd, explained that the Environment

Agency had spent £40 million on 660 repair projects to restore and improve defences of flood hit areas impacted in 2015-2016 and cited a number of ongoing projects.

Minette Batters the Deputy President of the National Farmers Union, advised that the NFU Flood Manifesto would be published in early 2017 in which the NFU would set out the clear policy tasks and actions it would like to see the Government take to mitigate flood risk in the future. She commented that in setting its flood management policy the Government must not overlook the importance and contribution of our food and farming sectors to the economy

b) Annual Conference of the River Great Ouse Branch

Miss Ablett reported that the Annual Conference of the River Great Ouse branch of the Association would be held in Prickwillow, Ely on Tuesday the 7th March 2017.

c) Subscriptions

Miss Ablett referred to an e-mail received from ADA dated the 16th December 2016 and reported that the Clerk had been advised that subscriptions for 2017 will remain unchanged at £609.

d) Floodex 2017

Miss Ablett reported that Floodex 2017 will be held at The Peterborough Arena on the 17th and 18th May 2017.

e) Further Research on Eels

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

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

RESOLVED

- i) That the requested ADA subscription for 2017 be paid.
- ii) That the Commissioners contribute £250 for the first year towards further research on eels.

(NB) – The Chairman declared an interest as a Director of ADA.

C.684 Knyverton House, Wisbech Road, Manea

The Chairman reported that the existing house was positioned right on the boundary of the Commissioners' 9 metre byelaw width and that, due to the property being renovated, the occupiers were at present living in a caravan.

He advised that the District Superintendent had hand delivered a letter enclosing a copy of the Commissioners' District map and Byelaws to the occupiers, informing them of the importance of

maintaining the 9 metre byelaw width, advising that consent was needed for any works within the byelaw distance and referring them to the website for further information.

The Chairman confirmed that, despite a reminder also being sent, no acknowledgment had been received and considered it necessary to keep the Commissioners informed should any potential issues arise in the future.

C.685 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 the Commissioners of the arrangements with Croner.

The Chairman reported that, together with the District Superintendent, he had met with Croner's to review the Commissioners' Health & Safety policy and that steps were being taken to document rather than give verbal health and safety instructions to the Commissioners' own staff and its contractors, as has been the practice in the past.

Lone working was also discussed and it was agreed with Croner that the District Superintendent's wife should be his responsible person and would be his first point of contact in the event of an accident.

Mr Sutton advised that a yearly visit was so important to highlight areas of concern early.

The Chairman referred to the summer meeting during which the District will be inspected.

C.686 Cambridgeshire and Norfolk Flood Risk Management Partnership Update

Further to minute C.649, Miss Ablett reported that the main issues considered by the Partnership were:-

1. The proposal to extend the provision of rain gauges in that a feasibility study was being carried out.
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
7. Partner projects were discussed. The Embankment raising in the Middle Level with the Environment Agency was currently in the feasibility stage and firm costs are expected later in the year when funding sources would be looked into.

C.687 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 Board 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.688 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 1st 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 1st 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 Board to these discussions and further reports will no doubt be made to the Board in the future should legislative amendment be proposed.

C.689 Payments to 31st December 2016

The Commissioners considered and approved payments amounting to £140,330.77 which had been made between the 1st April and the 31st December 2016.

(NB) – The Chairman, Messrs Hartley and M Heading declared an interest (as Members of the Middle Level Board) in the payments made to the Middle Level Commissioners.

(NB) – The Vice Chairman declared an interest in the payments made to Anglia Farmers Ltd.

C.690 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 31st March 2016.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2016.

C.691 Review of Internal Controls

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

C.692 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.693 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.

RESOLVED

That the number of hits on the Commissioners' website be reported at the next meeting.

C.694 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 72.32% and 27.68%.

The Chairman reported that the Finance Committee had recommended setting a 38.0p in the £ rate.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £179,959 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 £130,081 and £49,878 respectively.
- iv) That a rate of 38.0p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
 - a) That a Special levy of £31,101 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
 - b) That a Special levy of £18,777 be made and issued to the Borough Council of Kings Lynn and West Norfolk.
- 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.695 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.696 Date of next Meeting

Miss Ablett reminded the Commissioners that the next meeting will be held on Wednesday the 14th June 2017.