

NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board
held at the Middle Level Offices, March on Thursday the 1st June 2017

PRESENT

A Edgley Esq (Chairman) P Murphy Esq
G P Collett Esq T Scott Esq
M Smalley Esq

Miss Samantha Ablett (representing the Clerk to the Board) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

Apologies for absence

Apologies for absence were received from D G Collett Esq, J Edgley Esq, S Edgley Esq, T B Edgley Esq and S P Graves Esq.

B.948 Declarations of Interest

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

B.949 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 9th June 2016 are recorded correctly and that they be confirmed and signed.

B.950 Clerk to the Board

- a) Further to minute B.915, Miss Ablett reported that Mr David Thomas had been appointed as Clerk to the Board and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

Miss Ablett reported that the Chairman had authorised a donation of £200 towards the gift to mark Iain Smith's retirement and that Mr Smith had asked that his thanks be passed on to the Board for their generous contribution towards his retirement gift and would like it recorded that it had been a pleasure for him to serve the Board and that he wished it all the best for the future.

- b) Changes to bank mandate

Further to minute B.934, 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 B.934, 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 Board, authorised by the Chairman, be approved.

B.951 Election of Board Members

Miss Ablett reported that the term of Office of the elected Members of the Board would expire on the 31st October 2017 and submitted the proposed Register of Electors applicable to the 2017 election.

RESOLVED

That the Register be approved.

B.952 Land Drainage Act 1991 Board Membership - Fenland District Council

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

B.953 Water Framework Directive

Further to minute B.917, 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.

B.954 Water Transfer Licences

Further to minute B.918, 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.

B.955 Underdrain outfalls – Points 21-22 and Points 24-25-26-27

Further to minute B.919, the Chairman confirmed that the outfalls had now been attended to.

B.956 Consulting Engineers' Report

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

Nightlayers I.D.B.

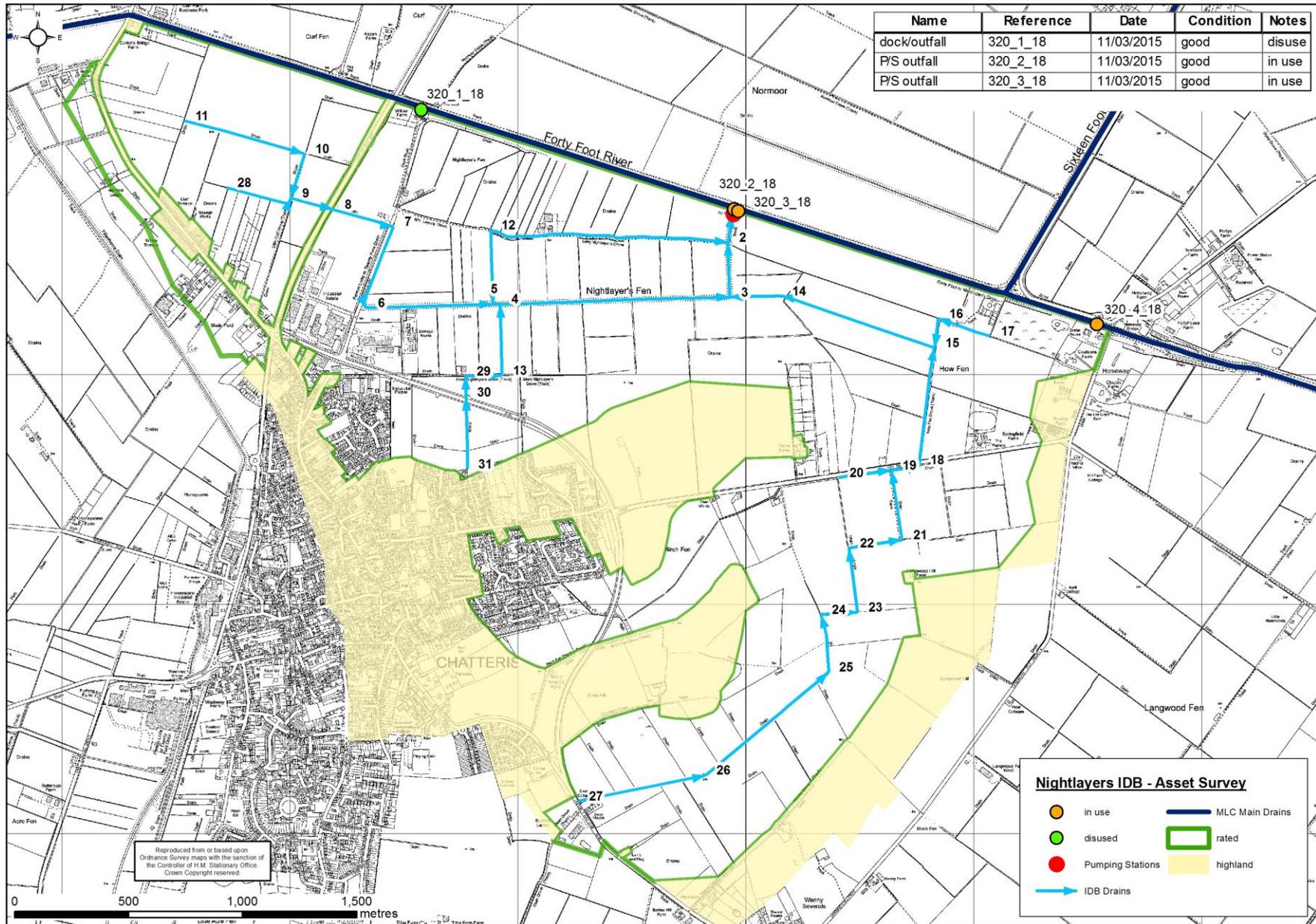
Consulting Engineers Report – May 2017

Health & Safety

A neighbouring IDB has recently had an occurrence in which a dog ended up trapped between a weedscreen and a pump. This happened at an unmanned pumping station. The dog's owner entered the pump intake area to secure the rescue of the dog and it was fortuitous that an automated pump start did not occur. However, this is perhaps an opportune reminder that members of the general public and even the emergency services are not necessarily aware of the risks posed at such installations. It is recommended that all such sites have reasonable protection from entry and also have signage indicating the risks and who should be contacted in an emergency. It is therefore recommended that the Board reviews its sites and the Middle Level Commissioners' engineers will be happy to assist if required, for example by supplying a sample draft signage template or by giving specific advice on what can be done at a particular site.

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. Overleaf is a table of those recorded as being owned by or the responsibility of the Board. Where an asset's condition is recorded as requiring attention, an increased flood risk is likely to exist and the Board is asked to consider carrying out suitable remedial works. Where an asset is redundant but currently in a reasonable condition it is recommended that the Board consider putting plans into its 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 Board's system is also embanked, the Board should consider a like assessment of its own embankments to assure itself of their integrity and ascertain the need for any work, whether by the Board or a third party, which may be similarly required.** Should the Board 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 Board with future budgeting in ensuring that smaller but strategically/locally important assets such as culverts, slackers and adjustable and fixed weirs are not overlooked.



Weed Control and Drain Maintenance

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

A Roundup herbicide application was made early in the growing season to the Board's Campole drain, reach 19-21-22-23-24-25-26-27, to control vigorous growths of watercress and other emergent aquatic vegetation. A second application of Roundup was required and applied later in the year to the Campole Drain and the Western spur drain, reach 6-7-8-9-10-11, prior to the programmed machine cleansing.



Reach 7-8 Bank trimming works

The previously approved bank trimming works along the western bank of reach 7-8, were completed during autumn last year. The bank has been returned to its original profile which should assist with future maintenance operations of the Board's drain and will ensure the Board is able to retain the full width of the adjacent 9m byelaw maintenance strip prior to the approved adjacent industrial development commencing.

A recent inspection of the Board's drains has been undertaken. This reveals that most drains remain in a generally satisfactory condition and are being maintained to a good standard. However, sporadic stands of reed and emergent aquatic vegetation are evident throughout the Northern Spur Drain, reach 2-12-5 and the Southern Spur Drain, reach 4-13-29-30-31. It is recommended that the affected reaches be treated with an application of Roundup herbicide, followed by light machine cleansing during autumn this



Southern Spur Drain, reach 29-30

year. It was also noted that stands of reed, bulrush and aquatic vegetation are now emerging in the Campole drain, reach 19-21-22-23-24-25-26-27 and Eastern Drains, reach 16-15-18-19-20. It is recommended that an application of Roundup herbicide is applied where it is deemed necessary to control reed and emergent weed growth. A sum to cover the cost of Roundup treatment and machine cleansing has been included within the Board's costs.

Campole Drain
Subsidence, reach 22-23



The inspection highlighted an area of bank subsidence on reach 22-23 of the Campole Drain. Historically the Campole Drain has been susceptible to movement and subsidence of the side sloping banks and significant toe piling work was required in the past to maintain the bank profile. The recent inspection highlights that much of this old piling work is now beginning to fail as it reaches its end of life period. In order to maintain the channel to an acceptable standard it is recommended that the worst affected lengths are prioritised for re-piling works, which may require installing two rows of timber piles and toe board revetment, to negate surcharge loading and prevent any further deterioration of the bank profile. A provisional sum has been included in the estimate to allow for the proposed works to be completed this year.

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

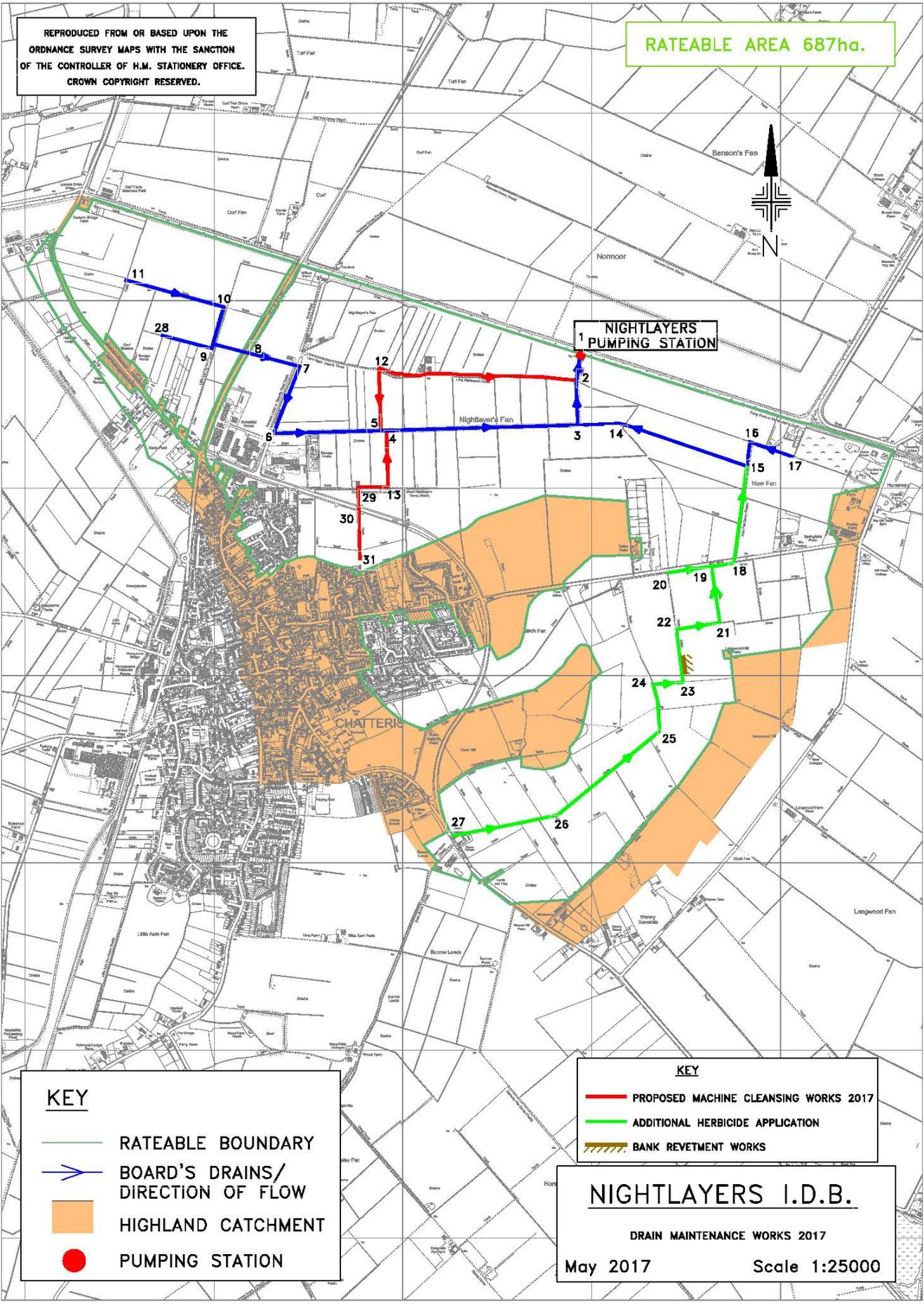
The Board’s flail mowing contractors, Messrs G Ashman, have indicated that they are available to undertake the Board’s flail mowing requirements this year. A sum for the completion of flail mowing of Board’s drains for the ensuing year has been included in the estimated costs.

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

1)	Roundup applications to control emergent aquatic weed and reed growth in District Drains								
			Item		Sum				1200.00
2)	Allow sum for machine cleansing Northern Spur Drains								
	i) Reach 5-12	350	m	@	1.10				385.00
	ii) Reach 2-12	1050	m	@	1.10				1155.00
3)	Allow sum for machine cleansing Southern Spur Drain								
	Reach 4-13-29-30-31	850	m	@	1.10				935.00
4)	<u>Provisional Item</u>								
	Bank revetment works on Campole Drain Reach 22-23								
			Item		Sum				1100.00
									4775.00
			Carried forward						

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1 NIGHTLAYERS
PUMPING STATION

CHATTERIS

KEY

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

KEY

- PROPOSED MACHINE CLEANSING WORKS 2017
- ADDITIONAL HERBICIDE APPLICATION
- BANK REVETMENT WORKS

NIGHTLAYERS I.D.B.

DRAIN MAINTENANCE WORKS 2017

May 2017 Scale 1:25000

	Brought forward		4775.00
5) Allow sum for emergency machine Cleansing Cott removal, culvert clearance works in Board's Drains	Item	Sum	1500.00
6) Flail mowing district drains	Item	Sum	2500.00
7) Fees for inspection, preparation and Submission of report to the Board, Arrangement and supervision of herbicide Applications and maintenance works	Item	Sum	1000.00
	TOTAL		£9775.00

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

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.

Pumping Station

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

At last year's meeting it was requested that the engine exhaust be checked for possible asbestos. We can confirm that the small amount of insulation that is present is actually glass fibre.

Pumping Hours

	Total hours run May 11 – March 12	Total hours run March 12 - May13	Total hours run May 13 – May 14	Total hours run May 14 – May 15	Total hours run May 15 – May 16	Total hours run May 16 – May 17
No 1 electric	126	565	418	475	404	264
No 2 diesel	2	252	94	31	11	59

Development within the Floodplain

The floodplain, its definition, derivation and extents have been an issue not only for the MLC 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 former 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 MLC 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.

Internal Consultation with the Board

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 Board, usually, but not always, with the Chairman and/or District Officer to seek the Board’s comments and thus aid the decision-making process.

Members are reminded that if a response, ideally in writing by post or email, has not been received within fourteen days from the request being issued then it is considered that the Board does not wish to comment and is content to delegate authority to the MLC staff to process and make a recommendation on the respective consent application/discussion procedure based upon the available information.

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 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, 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 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 MLC 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 30 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>
702	F/YR16/0247/F	Compass Estates	Residential (2 dwellings)	Dobbs Yard, Chatteris*
703	F/YR16/0320/F	Mr & Mrs Firth	Residence (Extension)	Belmont Gardens, Chatteris
704	F/YR16/0317/F	Mr & Mrs K Carter	Residence (Extension)	Horseway, Chatteris
705	F/YR16/0458/F	Mr J Capper	Residential (2 dwellings)	Pound Road, Chatteris*
706	F/YR16/0449/F	Mr D Dickens	Residence (Extension)	London Road, Chatteris
707	F/YR16/0482/O	Mr S Colgrave	Residential (2 dwellings)	King Edward Road, Chatteris*
708	F/YR16/0555/F	Green Deal Construction Ltd	Residential (6 dwellings)	Bridge Street, Chatteris*
709	F/YR16/0694/F	Mr S Bulling	Residence	High Street, Chatteris
710	F/YR16/0723/F	Mr D Lewis	Residence	George Way, Chatteris*
711	F/YR16/0804/F	Mr & Mrs Ager	Residence (Extension)	Whilley Terrace, Chatteris
712	F/YR16/0790/F	Mr Hone	Residence	George Way, Chatteris
713	F/YR16/0810/O	Mr K Shepherd	Residence	Curf Terrace, Chatteris*
714	F/YR16/0875/F	Mr J Hall	Residence	St Francis Drive, Chatteris*
715	F/YR16/0874/F	Mr J Hall	Residential (2 dwellings)	New Road, Chatteris*
716	F/YR16/0920/F	Mr & Mrs Jacobs	Residence (Extension)	Wood Street, Chatteris
717	F/YR16/1075/F	Mr & Mrs R Burgess	Residence (Extension)	East Park Street, Chatteris
718	F/YR16/3116/COND	Langwith Construction	Residential (56 dwellings)	New Road, Chatteris*
719	F/YR16/1138/O	Mr S Colgrave	Residential (2 dwellings)	King Edward Road, Chatteris*
720	F/YR16/1188/O	Mr G Munns	Residential (4 dwellings)	Doddington Road, Chatteris
721	F/YR16/1169/F	Mr & Mrs Hitch	Residence (Extension)	Victoria Street, Chatteris
722	F/YR17/0070/F	Mr K Shepherd	Residential (2 dwellings)	Curf Terrace, Chatteris*
723	F/YR17/0052/PNH	Mr L Bevens	Residence (Extension)	Cricketers Way, Chatteris
724	F/YR17/0055/F	Mr & Mrs P Guy	Residence (Extension)	The Orchards, Chatteris
725	F/YR17/0088/F	Mr K Shepherd	Residence	Curf Terrace, Chatteris
726	F/YR17/0134/O	Mr G Collett	Residential (3 dwellings)	Doddington Road, Chatteris*
727	F/YR17/0149/F	Mr S Morgan	Residence (Conversion)	Cricketers Way, Chatteris
728	F/YR17/0178/F	Mr & Mrs Ager	Residence (Extension)	Willey Terrace, Chatteris
729	F/YR17/0208/F	Mrs M Bevens	Residence (Extension)	Cricketers Way, Chatteris
730	F/YR17/0280/F	Mr & Mrs M Self	Residence (Extension)	New Road, Chatteris
731	F/YR17/0303/F	N & M Hobbs	Garden centre	Doddington Road, Chatteris

***Planning applications ending 'COND' or 'DISC' relate to the discharge of relevant planning conditions
Planning applications ending 'PNH' and 'PACOU' relate to household permitted regulations notification***

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

The following applicants have chosen to use the soakaway self-certification process and, in doing so, agreed that if the soakaway was to fail in the future they would be liable for discharge consent.

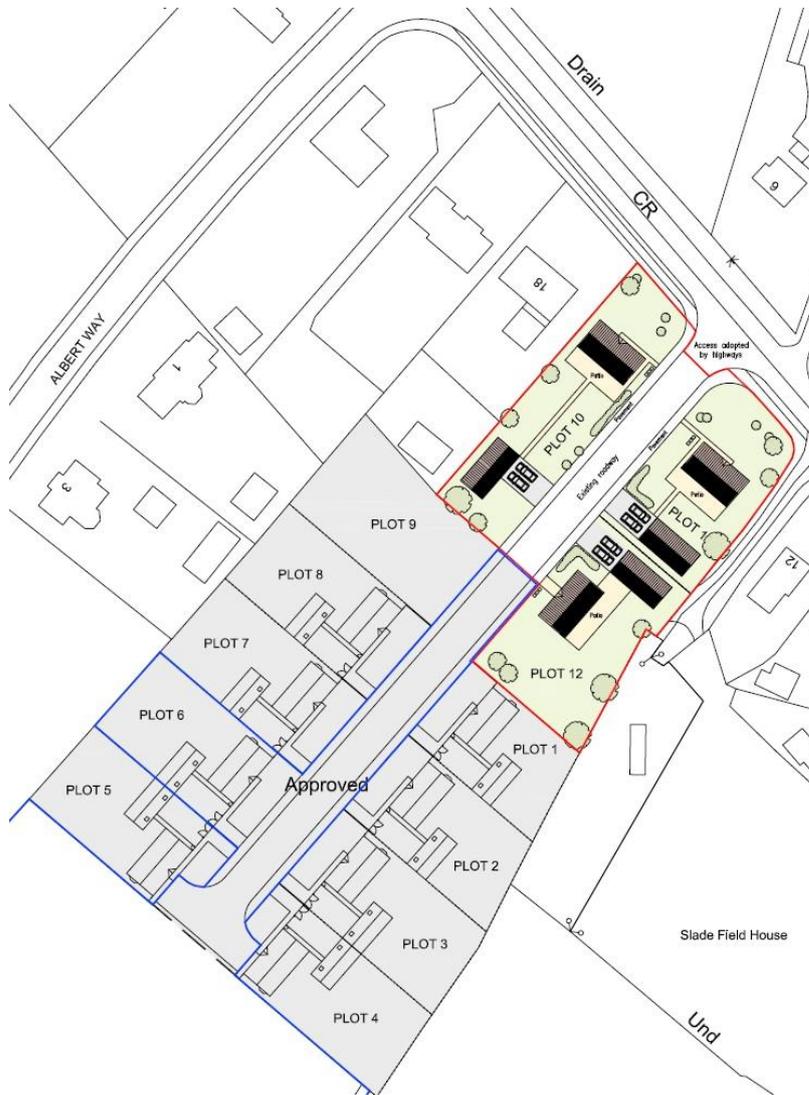
- a. Residence (extension) at Wood Street, Chatteris – Mr & Mrs Jacobs (MLC Ref No 716)
- b. Residence (extension) at East Park Street, Chatteris – Mr & Mrs Burgess (MLC Ref No 717)

An application has been processed for Mr J Allen for development from outside the Board's natural surface water drainage catchment but which discharges treated effluent into the Board's system via AWSL's Nightlayers WRC.

No further correspondence has been received from the applicants or the applicants' agents concerning the following developments and no further action has been taken in respect of the Board's interests:

- *Erection of 20 dwellings comprising; 8 x 2-bed and 11 x 3-bed houses, 1 x 3-bed bungalow and garages at land south of Tern Gardens, Chatteris – Construct Reason Limited (MLC Ref No 563)*
- *Erection of 8 houses comprising of 1 x 4-bed detached, 6 x 3-bed semi-detached and 1 x 3-bed detached with garages at site of former 91 High Street, Chatteris – J A Investments (MLC Ref Nos 600 & 608)*
- *Proposed New Testing Laboratories at Medcalfe Way, Bridge Street, Chatteris – Eclipse Scientific Group (MLC Ref No 605)*
- *Proposed wind turbine, substation, transformer buildings and associated works on land west of Nightlayers Farm, Long Nightlayer's Drove, Chatteris - Client of Amazi Consulting Ltd (MLC Ref No 650)/Long Nightlayers Drove Renewables Ltd (MLC Ref Nos 651 & 657)*
- *Installation of a Biomethane Injection pipeline (to inject into the National Grid) involving the erection of an associated plant compound with 2.4m high boundary security fence and gates at Gas Pipeline for Anaerobic Digester Plant, Iretons Way, Chatteris – Little Green Consulting Ltd (MLC Ref No 661) & Pretoria Energy (MLC Ref No 666)*
- *Erection of 7no single storey dwellings comprising of 6 x 3-bed with garages and 1 x 2-bed at land north of 35-45 New Road, Chatteris – Construct Reason Ltd (MLC Ref No 662)*

Erection of workplace homes - Mr G Collett (MLC Ref Nos 370 & 551) & Midland Ventures Ltd (MLC Ref No 492) and Erection of up to 3no dwellings at land south west of (Womb Farm) Doddington Road [George Way], Chatteris - Mr G Collett (MLC Ref No 726)



MLC Ref Nos 370, 492 & 551 – Plots 1-9

Planning applications for the individual plots have been submitted to FDC and construction of some dwellings has commenced.

An application for discharge consent for the disposal of treated effluent has been sought and is being processed.

MLC Ref Nos 726 – Plots 10-12

A further planning application was submitted to the FDC in February for an additional three workplace homes at the Doddington Road end of this development. Planning permission was subsequently granted in April subject to the imposition of conditions, with none of relevance to the Board.

With the exception of providing a response to the planning application no further action has been taken in respect of the Board's interests and no further correspondence has been received from the applicant or the applicant's agent concerning this development.

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

Erection of a vegetable processing building and formation of balancing pond – Client of Grounds & Co (MLC Ref No 560)/Allpress Farms Ltd (MLC Ref No 566); Industrial/Haulage Yard at Fenton Way, Chatteris – R W Simpson Ltd (MLC Ref No 464) & Erection of warehouse with offices and business units on land west of Fenton Way, Chatteris - R W Simpson Ltd (MLC Ref No 570) Erection of 21,000 sqm of

processing and packaging facilities (B2) and 13,000 sqm of flexible B2/B8 floor space at land west of Fenton Way and east of Iretons Way & Erection of a dust extractor and conveyor and an extension to existing building (to extend the intake area to existing onion grading building) involving the removal of existing plant and machinery at Produce World, Fenton Way – Produce World (Chatteris) Ltd (MLC Ref Nos 659 & 663)

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

The contribution fee associated with the formation of the access bridge remains outstanding and, therefore, the associated consent application cannot be completed.

In view of the time that has elapsed it is suggested that either an “Advisory” Notice is issued or that the application for discharge consent is refused.

The Board’s instruction is therefore requested in respect of this site.

Phase 1 - Proposed Onion Store - Greenshoots Ltd

Landowner’s Charge

The landowner's contribution of £12,000, required by the Warboys, Somersham & Pidley IDB as landowners of the now redundant downstream reach of Fenton Lode, has now been paid in full.

With the exception of the above, no further correspondence has been received from the applicant or the applicant’s agent concerning this development and no further action has been taken in respect of the Board’s interests.

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

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

According to the District Council’s Public Access web page a decision on this site still remains pending.

No further correspondence has been received from the applicant or the applicant’s agent concerning this development and no further action has been taken in respect of the Board’s interests.

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

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



Broad Concept Plan : Development character areas

Extract from Savills Urban Design Studios Broad Concept Plan

Further to the Board's last meeting a response was made to the District Council, on the Board's behalf, concerning a Broad Concept Plan. In the absence of any detailed design the response only covered generic green areas of interest.

With the exception of the above no further correspondence has been received from the applicant or the applicant's agent concerning this development and no further action has been taken in respect of the Board's interests.

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

Erection of a 3-storey block of 6 x flats comprising of 4 x 2 bed and 2 x 1-bed flats involving the demolition of existing building at 26 Bridge Street, Chatteris - Mrs R Jinks (MLC Ref 588 & 683) & Green Deal Construction Ltd (MLC Ref 708)

Further to previous reports, an additional planning application for the re-development of the existing former Royale Tyres Batteries & Exhausts Garage with 4 No 2 bedrooms and 2 No 1 bedroom Apartments has been submitted to the District Council. Planning permission was subsequently granted subject to the imposition of conditions, with none of relevance to the Board, in March.

With the exception of providing a response to the planning application no further action has been taken in respect of the Board's interests and no further correspondence has been received from the applicant or the applicant's agent concerning this development.

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

Residential development on land north and east of 209 New Road, Chatteris – Client of Opus International Consultants (UK) Ltd (MLC Ref No 617), King Partnership Homes (MLC Ref Nos 617 & 620) & Langwith Construction (MLC Ref No 718)

Further to the Board's last meeting a site meeting was held to discuss another location for the surface water sewer serving the site. The route discussed resembles the original consented route. Banners Gate, the engineering consultant, indicated that once they have revised the drawings for this new route they will submit them to the Board so the consent can be reissued based on the new information. Currently these drawings have not been received.

Subsequently an application to discharge conditions, including both foul and surface water, was submitted to the District Council, in November, with the conditions being discharged in February.

Whilst consents for both treated effluent and surface water disposal have been issued by the Board, Anglian Water failed to consult the Board, as agreed with its solicitor following the Supreme Court's decision in 2014 and detailed in the Board's 2015 report. It is one of several sites where this has failed to occur and the Board may consider it appropriate that Anglian Water is reminded of its obligation in this respect.

With the exception of providing a response to the planning application, no further correspondence has been received from the applicant or the applicant's agent concerning this development and no further action has been taken in respect of the Board's interests.

No formal correspondence concerning an amendment to the current bylaw application has been received.

It is left to the Board's discretion whether it wishes to pursue these matters further.

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

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

It is understood that the works associated with the store have been undertaken.

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

Erection of 2 x 2-bed flats at land east of 22C Pound Road, Chatteris - Mr J Capper (MLC Ref 705)

A planning application was submitted to the District Council in June 2016 for further development in the car park of the "Walk the Dog" public house to the south west of the junction of Pound Road and Bridge Street. Planning permission was subsequently granted in August subject to the imposition of conditions, with none of relevance to the Board.

Applications for both discharge and bylaw consent have been received. The bylaw consent application was submitted in error as the development does not require a Section 23 application, for works within a private watercourse, and does not involve a protected watercourse. The application has been returned as it is not required.

The application for discharge consent is currently being processed.

Residential Development at land west of 9 Doddington Road, Chatteris – Mr George Munns (MLC Ref 720)

This planning application, submitted to the District Council in December 2016, was originally for four dwellings but this has now been reduced to three. Planning permission was subsequently granted in April subject to the imposition of conditions, with none of relevance to the Board.

With the exception of providing a response to the planning application no further action has been taken in respect of the Board's interests and no further correspondence has been received from the applicant or the applicant's agent concerning this development.

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

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. The SPD was adopted by FDC's Full Council on 15 December 2016.

Cambridgeshire and Peterborough Devolution Deal

Members will be aware that all councils in Cambridgeshire and Peterborough, as well as the Cambridgeshire and Peterborough Local Enterprise Partnership (LEP), have signed up to the devolution deal with government.

The Cambridgeshire & Peterborough Combined Authority (the Combined Authority), is a corporate legal body that is intended to facilitate collective decision-making on a Cambridgeshire & Peterborough basis, particularly in relation to large-scale strategic projects. This means a greater number of important decisions can be made by local communities rather than by central government.

Each of the seven Cambridgeshire & Peterborough Councils has one seat on the Combined Authority, which is held by the respective Council Leader. The Mayor will join as its chair and eighth member.

The district councils will not lose any of their existing functions and will continue to be directly responsible for day-to-day services, like housing, rubbish collection and street cleaning. The Mayor and the Combined Authority do not replace nor can they overrule Cambridgeshire & Peterborough councils when they are exercising their own functions although the Combined Authority will be able to exercise certain functions concurrently with the district councils.

The devolution deal includes significant benefits for the communities of Cambridgeshire and Peterborough, such as:

- A new £600million fund (£20 million annually for the next 30 years) to support economic growth, development of local infrastructure and jobs.
- Potential transport infrastructure improvements such as the A14/A142 junction and upgrades to the A10 and the A47 as well as the Ely North Railway Junction.
- A new £100million housing fund to build more homes including affordable, rent and shared ownership
- Deciding how a budget is spent to maintain roads

Central government will continue to lead on welfare, most forms of taxation and many other areas.

General Advice

Assistance has been given, on the Boards' behalf, to the County Council in its role as the Lead Local Flood Authority (LLFA), in respect of flooding associated with the Open Channel adjacent to The Pastures, off New Road, Chatteris.

Consulting Engineer

22 May 2017

Nightlayers(320)\Reports\May 2017

Mr Lakey referred to the Consulting Engineer's report and to their recommendation that the Board should have appropriate signage in place for Health and Safety purposes. Members discussed the type and form of signage required and Mr Lakey reported that some Boards were using external lockable cabinets to display Health & Safety notices and others were choosing to use laminated notice boards indicating the risks; providing contact details in an emergency, together with the grid reference.

Mr Lakey reported that Mr Ashman had confirmed that he was available to carry out the Board's flail mowing operations.

The Chairman reported that a lock was required on the gate to the rear of the pumping station and that the gauge boards at the pump inlet also required attention.

Miss Ablett reported that the contribution fee associated with the formation of the access bridge over the Twenty Foot Drain/Fenton Lode remained outstanding and the associated consent application could not be completed.

With regards to the development at New Road, Chatteris (MLC Ref. Nos. 617, 620 & 718), Miss Ablett reported that the Planning Engineer had confirmed that the revised drawings for the new route for the surface water sewer had not been submitted and therefore the consent could not be reissued. She also reported that, as agreed with its solicitor following the Supreme Court's decision in 2014, Anglian Water had failed to consult the Board in relation to treated effluent and surface water disposal from this site.

RESOLVED

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

(ii) Weed Control and Drain Maintenance

That the recommended works be undertaken.

iii) That the Middle Level Commissioners be requested to arrange for health and safety signage to be supplied to include indication of risks; contact details in an emergency, together with the grid reference, and installed to the inside fence at the pumping station.

iv) That G Ashman undertake the Board's flail mowing requirements for the ensuing year.

v) That the Middle Level Commissioners arrange for a lock to be put on the gate at the rear of the pumping station and for the gauge boards to be repaired in the main pump drain.

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

That an Advisory Notice be issued.

vii) Development at New Road, Chatteris (MLC Ref Nos 617, 620 & 718)

That the Clerk write to Anglian Water to remind them of their obligations to consult the Board in relation to treated effluent and surface water disposal from this site and of the requirement to amend the byelaw application in relation to the new route for the surface water sewer.

(NB) – Mr Collett declared an interest in the planning application (MLC Ref No 720) received for G Collett.

(NB) – Mr Murphy declared an interest in all planning matters as a member of Fenland District Council.

B.957 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

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

B.958 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.

B.959 District Officer's Report

The District Officer reported that it had been a quiet year in relation to pumping with few problems encountered and confirmed that most aspects had already been covered in the Consulting Engineer's Report.

B.960 Environmental Officer's Newsletter and BAP Report

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

Members considered and approved the most recent BAP report.

B.961 District Officer's Fee

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

RESOLVED

That the Board agree that the sum of £3,647 be allowed for the services of the District Officer for 2017/2018.

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

B.962 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.

Members discussed whether the Board should consider state aided schemes in view of the fact that some were being 100% funded by grant in aid.. Members enquired how long the process took to which Mr Lakey advised it could be in the region of two years. He added that as grant aid was based on the number of houses that would be protected from flooding the Board could be successful in making a claim as 78.8% of the Boards rates were met by Special Levy.

RESOLVED

That the Chairman contact the Consulting Engineer to discuss any works required that may be eligible for grant in aid.

B.963 Environment Agency – Precepts

- a) Miss Ablett reported that the Environment Agency had issued the precept for 2017/2018 in the sum of £3,085 (the precept for 2016/2017 being £3,040).
- b) Local Choices Precept

Further to minute B.927(b), Miss Ablett referred to the Environment Agency's newsletter dated October 2016.

B.964 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- a) Miss Ablett reported that the sum of £1,237.05 (£3,874.68 less £2,637.63 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 £2,837.40 in respect of 80% of the Board's estimated expenditure for the financial year 2016/2017.
- b) Further to minute B.928(b), Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

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

B.965 Rate arrears

Consideration was given to writing off rate arrears amounting to £-0.02.

RESOLVED

That the arrears be written off.

B.966 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 16th November 2017.

RESOLVED

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

b) Annual Conference of the River Great Ouse Branch

Miss Ablett reported on the Annual Conference of the River Great Ouse branch of the Association 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 £536.

RESOLVED

That the requested ADA subscription for 2017 be paid.

d) 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.

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

RESOLVED

That the Board contribute £100 for the first year towards further research on eels and review in 2018.

e) General Election

Miss Ablett referred to a copy letter sent by ADA to the Shadow Secretary of State for Environment, Food and Rural Affairs in regard to policy on flood and water level management and the General Election.

B.967 Illegal Discharge – Cambridge Property Group

Miss Ablett reported on the illegal discharge relating to part of the discharge from the Tesco store curtilage being connected to the public sewer system without consent from the Board.

She advised that despite the previous Clerk writing to Elizabeth Dent of Dentan Williams (representative of Cambridge Property Group), the Chief Executive of Tesco PLC and to the solicitors of Cambridge Property Group, no further correspondence had been received to date.

RESOLVED

That, subject to the Clerk confirming the position concerning the illegal discharge, a final letter be sent to all parties; Freeths (the solicitors for CPG), Tesco, Dentan Williams and MTC Engineering giving a further 28 days for all relevant consent applications to be made, failing which, the Board would take enforcement action with regards to the illegal discharge and for the recovery of any costs

B.968 Drove 22, Carters Bridge

Miss Ablett referred to a letter dated 23rd February 2017 from Mr Colin Miller, Estate Manager, Abbots Ripton Farming Company Ltd, in which the Board were requested to consider installing a slacker at Drove 22, in view of that area being prone to flooding.

Mr Smalley advised that, as this was a low lying area, problems with flooding were encountered in the autumn due to the water levels in the District being too high.

The Chairman stated that he could not see that the installation of a slacker would help and Mr Collett confirmed that after heavy rain the dykes were full and the only answer would be to lower the whole system or install a slacker, together with a pump.

The Chairman suggested keeping the water levels slightly lower for this winter and if this did not resolve the problem then the Board should consider installing a slacker and a temporary pump. Mr Lakey advised that a permanent pump would be required to provide continuous protection.

RESOLVED

That the water levels be kept lower this winter and the matter be reviewed again at the next meeting, with a view to installing a slacker and pump, if necessary.

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

B.969 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; to the Report Summary and to the response from ADA.

B.970 Health and Safety Audits

Miss Ablett drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and reminded Members of the arrangements with Croner and that if the Board 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 Boards with their health and safety responsibilities.

B.971 Cambridgeshire Flood Risk Management Partnership Update

Further to minute B.932, Miss Ablett reported that the main issues considered 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).

B.972 Information regarding Asbestos

Further to minute B.933, the Chairman reported that to the best of his knowledge there was no asbestos present in the Board's installations.

RESOLVED

That the Register record "Unknown".

B.973 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.

B.974 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. He 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.

B.975 Completion of the Annual Accounts and Annual Return of the Board – 2015/2016

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

B.976 Governance and Accountability for Smaller Authorities in England

Miss Ablett referred to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1st April 2017.

B.977 Budgeting

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

B.978 Review of Internal Controls

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

B.979 Risk Management Assessment

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

B.980 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.

B.981 Annual Governance Statement 2016/2017

The Board considered and approved the Annual Governance Statement for the year ended on the 31st March 2017.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2017.

B.982 Payments

The Board considered and approved payments amounting to £28,503.43 which had been made during the financial year 2016/2017.

B.983 Annual Accounts of the Board – 2016/2017

The Board considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31st March 2017 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Board, for the financial year ending 31st March 2017.

B.984 Expenditure estimates and special levy and drainage rate requirements 2017/2018

The Board 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 21.20% and 78.80%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £21,339 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £4,524 and £16,815 respectively.
- iv) That a rate of 3.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £16,815 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levy referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.985 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

B.986 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Thursday the 31st May 2018.