

## NEEDHAM AND LADDUS INTERNAL DRAINAGE BOARD

At a Meeting of the Needham and Laddus Internal Drainage Board  
held at the Crown Lodge, Outwell on Tuesday the 25<sup>th</sup> April 2017

### PRESENT

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

Mr Hill (representing the Clerk to the Board) was in attendance. Mr P Tegerdine also attended the meeting as a member of the public.

### Apologies for absence

Apologies for absence were received from C J Crofts Esq, D Matthews Esq and M Scott Esq

### B.172 Declarations of Interest

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

Mr Sutton declared an interest in all planning matters as a member of Fenland District Council and (as a Member of the Middle Level Board) in matters concerning the Middle Level Commissioners.

Mr C Hartley declared an interest (as a Member of the Middle Level Board) in matters concerning the Middle Level Commissioners.

### B.173 Confirmation of Minutes

### RESOLVED

That the Minutes of the Meetings of the Board held on the 26<sup>th</sup> April 2016 are recorded correctly and that they be confirmed and signed.

### B.174 Clerk to the Board

- a) Further to minute B.135, Mr Hill reported that Mr David Thomas had been appointed as Clerk to the Board and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

Mr Hill reported that the Chairman had authorised a donation of £100 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.158, Mr Hill 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.158, 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.175 Appointment of Chairman

RESOLVED

That J F Martin Esq be appointed Chairman of the Board.

B.176 Appointment of Vice Chairman

RESOLVED

That J H Fenn Esq be appointed Vice Chairman of the Board.

B.177 Appointment of District Officer

RESOLVED

That M E Fenn Esq be appointed District Officer to the Board during the ensuing year.

B.178 Election of Board Members

Mr Hill reported that, as the number of candidates for membership of the Board did not exceed the number of persons to be elected (twelve), the following candidates were elected as Members of the Board for a period of three years from the 1<sup>st</sup> November 2016, viz:-

FENN Jonathan H	MARTIN James F
FENN Michael E	MATTHEWS Daniel
HARTLEY Christopher F	SCOTT John W
HARTLEY Samuel	SCOTT Michael
HARTLEY Simon D	WEST Paul W

Mr Hill also reported that Mr R W Morton did not seek re-election to the Board.

(NB) – Councillor W Sutton was also a Member of the Board as the nominee of Fenland District Council under the provisions of the Land Drainage Act 1991.

#### B.179 Filling of vacancies

Further to minute B.138, Mr Hill reported that there were currently two vacancies on the Board.

#### RESOLVED

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

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The Chairman welcomed Mr Tegerdine.

#### B.180 Water Framework Directive

Further to minute B.140, Mr Hill 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. He also reported that the Clerk was satisfied that there were other partnerships in place and would continue to update Members when required.

#### B.181 Water Transfer Licences

Further to minute B.141, Mr Hill reported that ADA had met with Defra officials, including Sarah Hendry, on the 11<sup>th</sup> October to discuss the Water Transfer Licences and it appeared that the Minister was keen to avoid over regulation. ADA had proposed certain points to Defra, including that ADA would hold one licence for the industry or that the opportunity should first be given for the information which the Environment Agency allege that they do not have to be provided other by regulation but perhaps through a form similar to the present IDB1. Defra officials had, it was understood, agreed to consider these proposals.

Mr Hill 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.

In response to the District Officer, Mr Hill explained that the Middle Level Offices were challenging the proposed fee, in view of the position that the end user, the abstractor, was already paying a licence fee to the Environment Agency, and also detailed the proposition that Internal Drainage Boards could become the Licencing Authority and the position of the Middle Level Board concerning this.

#### B.182 Bank at Thurlands Drove, opposite Willow End

Further to minute B.142, Mr Hill reported that, following the last meeting, the Clerk had written to Norfolk County Council Highways but as yet no response had been received. The Vice Chairman confirmed that no signs had been erected. The District Officer considered the problem was due to Sat Nav directions and that, currently, it was not such an issue.

## RESOLVED

That the Board continue to monitor the position.

### B.183 Removal of fly-tipped tyres

Further to minute B.144(iv), Mr Hill referred to the Environment Agency's letter dated 30<sup>th</sup> March 2017.

The District Officer reported that the Hundred of Wisbech IDB had removed some tyres from a District drain, some of which Fenland District Council had collected but, unfortunately, some had ended back in the drain again. Mr C Hartley considered that the main problem was when fly-tipping occurred close to the District Council boundary, with Fenland District Council and Norfolk County Council passing the responsibility to each other. Mr Boyce reported that fly-tipping was also a serious problem in the Churchfield & Plawfield district. The Vice Chairman asked that Mr Sutton convey the Board's thanks to Fenland District Council's Rapid Response Team for the work they were doing.

### B.184 Consulting Engineers' Report

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

## Needham & Laddus I.D.B.

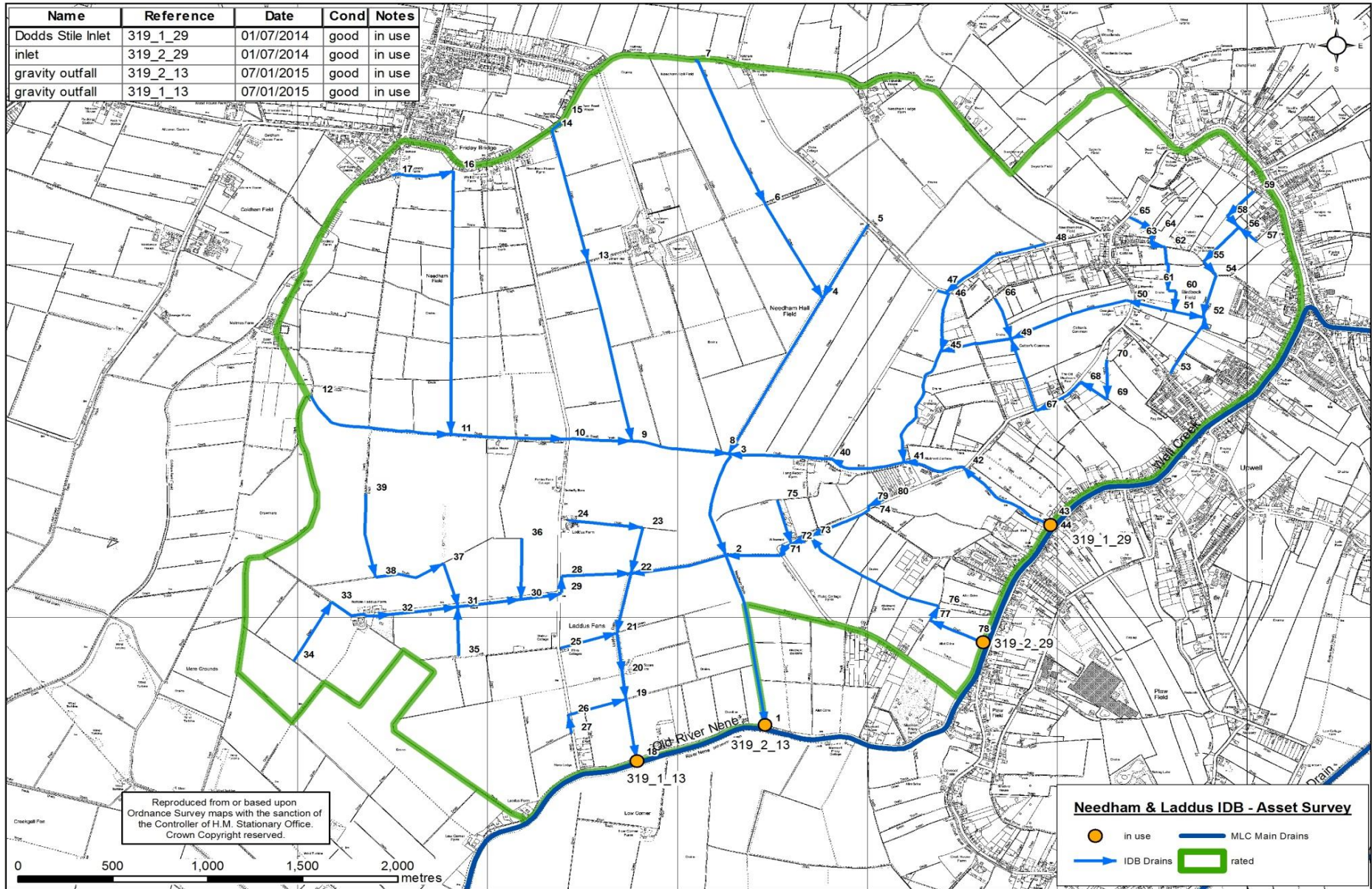
### Consulting Engineers Report – April 2017

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

No further correspondence or communication have been received from the local residents at Thurlands Drove (Upwell Common), following the drain improvement works undertaken by the Board in conjunction with Freebridge Housing in 2015. The District Officer has reported that 'grey water' is entering the Board's system from the private culvert at Point 80 which is situated directly in front of the row of residential properties. The Environment Agency has been informed of the matter, and no feed-back or other information has been received from them to date.

# Barrier plea to crackdown on flytippers



Above and inset: The tyres and rubbish illegally dumped in Back Lane, Outwell. Photos: SUPPLIED

**By AMY COLLETT**  
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**Residents fed-up with flytipping in a Fenland village are prepared to dip into their own pockets to help tackle the issue once and for all.**

People living in Outwell want barriers to prevent unauthorised vehicular access installed in Back Lane – and will help pay towards the cost.

The lane has been blighted by flytipping problems for more than a year, but parish, borough and county councils say they are unable to act as it's on private land.

There are huge piles of tyres dumped on the side of the lane and in dykes, plus furniture and rubbish, and following Storm Doris last month, there are now black bin bags filled with broken roof tiles.

One resident, who did not wish to be named, said: "Flytippers are ruining the village and the problem is getting worse. I've contacted the parish, borough and county councils but they all say they can't do anything as it's private land."

"They ought to just clear it and find out who owns the land later."

The resident said it was not possible to flytip in Back Lane without the use of a vehicle, so the installation of access barriers would solve the problem.

"The residents round here would even contribute towards the cost if the landowner said they'd do it," she said.

West Norfolk Council said flytipping on private land is a "major issue", which can cost

landowners thousands of pounds to clear.

It also said local authorities can only clear flytipping on public land.

Coun Ian Devereux, the council's Cabinet member for environment, added: "Flytipping is not a victimless crime. If it happens on public land it ultimately costs the tax payer to clear it up. If it happens on private land, then the landowner has to pay."

"We will and do assist landowners who report fly tips to us and will, where the quality of evidence is strong enough, prosecute offenders."

"Whilst we will do what we can to investigate and prosecute flytippers, householders and businesses can also help by making sure they take responsibility for disposal of any waste they create."

Fly-tipped tyres and other debris reported to the Board at its last annual meeting along reach 53-52-54, Robbs Chase drain in Upwell, have remained a contentious issue for over a year now, and have recently attracted newspaper coverage. It remains an unfortunate fact that as the tyres are dumped on privately owned land, both the Borough and Parish councils are adamant it is not within their remit or responsibility to foot the bill for their clearance or disposal. The tyres remain on site at the time of reporting.

Other fly tipped tyres dumped within the Board's Molls Drove Drain, reach 47-48, at the end of last year along were removed using the Hundred of Wisbech herder arm fitted with a grab, and placed on the adjacent roadside verge, where they were eventually removed from site by Fenland District Council's Rapid Response Team.

Fenland Citizen Wednesday 8 March 2017



Fly-tipped tyres following removal from the Board's Drain along reach 47-48, Molls Drove

Following discussion at the Board's last meeting, and subsequent discussion with the Chairman, the Board's position remains unchanged regarding funding the disposal costs of tyres at Robbs Chase, which may set a precedent for future disposal costs to be borne by the Board. However, as the Chairman agrees, the Board will continue to undertake removal of tyres and other non-hazardous fly-tipped material as and when necessary from Board's drains, to prevent blockages and localised flooding.

Following last year's annual meeting, and with the Board's approval bank trimming and reprofiling works were undertaken along the Laddus Bank Drain to the west of Point 11. With the Chairman's prior agreement a side access culvert was installed within the privately maintained ditch mid-point along the re-profiled length. The culvert installation will give improved access for the Board's contractors both in terms of annual flail mowing and programmed machine cleansing works in the future

A joint inspection of the district was undertaken pre-harvest last year to ascertain the Board's requirements for herbicide application and machine cleansing works. The inspection revealed that although some drains contained substantial growths of filamentous algae (Cott), and some dense stands of emergent and vigorous submerged aquatic vegetation, the majority were found to be in a satisfactory condition. With the Chairman's approval herbicide application and machine cleansing programmes were arranged.



Please refer to the plan on the following page indicating the reaches where machine cleansing was deemed necessary to retain the Board's drains in a satisfactory condition.

Bank subsidence was caused at Point 10 (Laddus Bank drain), by Anglian Water Services flushing a water main along Laddus Drove, allowing water to flow back into the adjacent Board's drain in an uncontrolled manner. The necessary bank slip repair works were undertaken by the Board's contractor prior to the Christmas break. Anglian Water Services admitted liability for the bank slippage and agreed to meet the cost of the repair works in full on a re-chargeable basis

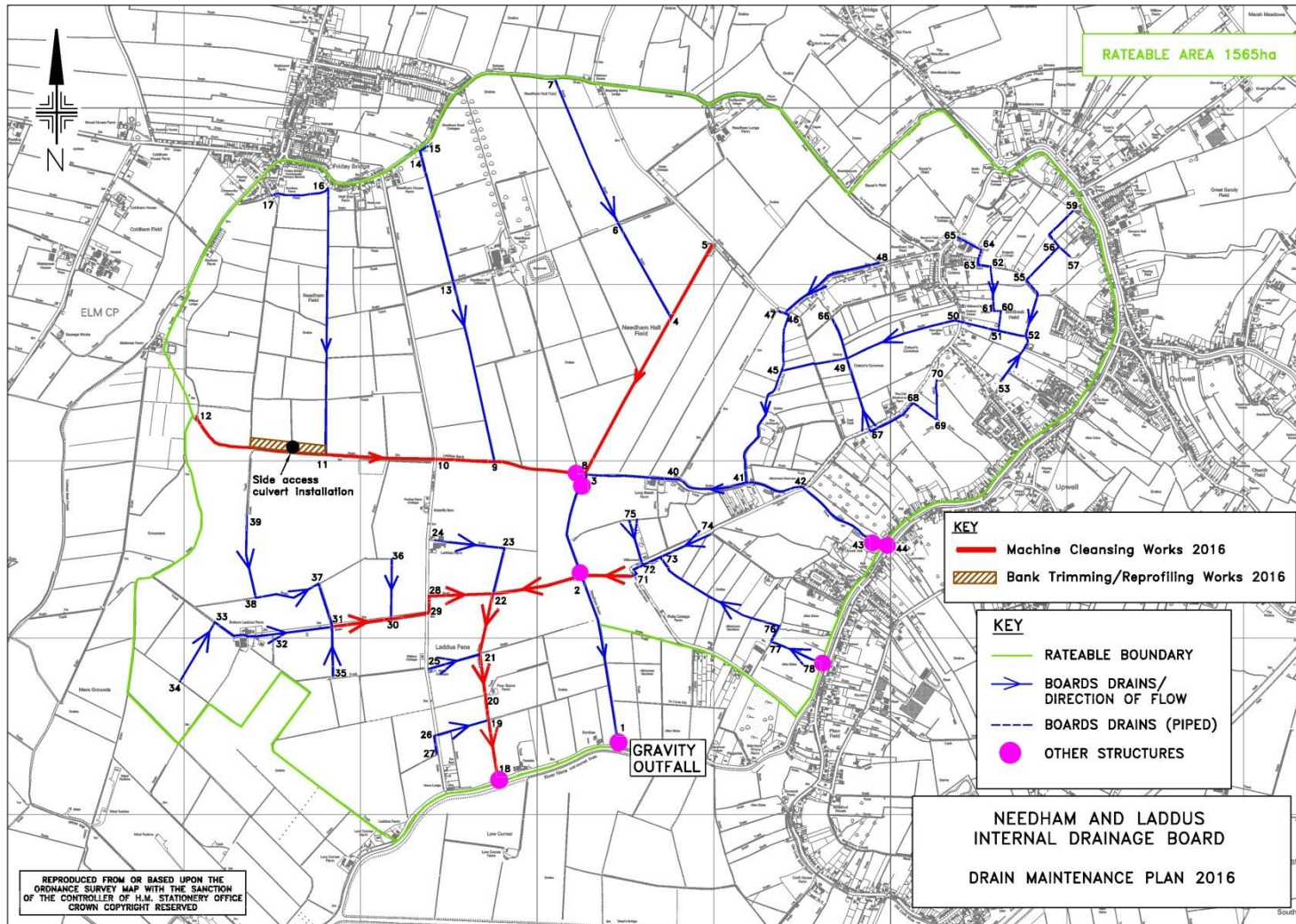
With the Chairman's approval, a summer inspection will be undertaken again later this year, when aquatic weed growth is more readily visible. A provisional sum, based on previous years' expenditure, has been allocated within the Board's estimated costs, for works that are likely to be required. It should be noted that last year's machine cleansing requirement was relatively light in comparison to previous years, and hence a higher estimated sum has been allocated to cover this year's anticipated machine cleansing work.

The Board may wish to take this opportunity to consider and discuss its future herbicide application, flail mowing and cott raking requirements, in light of the fact that Hundred of Wisbech IDB has recently lost its employee and sold its herder mowing machine to a local agricultural contractor. At the time of compiling this report, (mid-March), it is unclear if the contractor will be available or have the capacity to undertake this Board's flail mowing and weed clearance requirements later this year. A supplementary report will be provided to members at the Board's meeting regarding this matter.

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

			£
<b><u>Provisional Sum</u></b>			
Allow sum for Roundup application to Board's drains where it is required	Item	Sum	700.00
Allow sum for Machine Cleansing and Weed /Cott removal from Board's Drains	Item	Sum	6500.00
<b><u>Estimated Sum</u></b>			
Flail mowing Board's Drains	Item	Sum	5000.00
<b><u>Provisional Item</u></b>			
Allow for emergency machine cleansing Culvert clearance or bank slip repair works	Item	Sum	2000.00
Fees for inspection, preparation and submission of report to the Board, arrangement and supervision of herbicide applications and maintenance works	Item	Sum	<u>1300.00</u>
<b>TOTAL</b>			<b>£ 15,500.00</b>

Orders for the application of herbicides by the MLC are accepted on condition that they will not be held responsible for the failure or efficacy of any 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 Board is therefore asked if it 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 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 22 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>
316	Enquiry	Mrs E Mohony	Insurance information	Thurlands Drove, Upwell
317	16/00343/F	Mrs C Barrett	Residence (Extension)	Isle Bridge Road, Outwell
318	16/00208/OM	Mr E Broad	Residential (22 dwellings)	Pius Drove, Upwell
319	16/00407/F	Mr M George	Residence (Extensions)	Basin Road, Outwell
320	16/00428/O	BCKLWN	Residential (2 dwellings)	Isle Bridge Road, Outwell
321	16/00292/RM	Fountain Construction (Anglia) Ltd	Residential (2 dwellings)	Pius Drove, Upwell
322	16/00464/O	Renham Services Ltd	Residential (9 dwellings)	Whetstone Way, Outwell
323	16/00434/F	Hereward Services	Residential (4 dwellings)	Basin Road, Outwell
324	16/00366/F	Mrs P Gray	Residential (2 dwellings)	Rectory Road, Outwell
325	F/YR16/0318/AG1	Martin & Sons (March) Ltd	Agricultural	Laddus Drove, Friday Bridge
326	F/YR16/0365/F	Mr & Mrs Hartley	Residence (Extension)	Thurlands Drove, Upwell
327	16/01005/F	Saxondale Properties Ltd	Retail	Town Street, Upwell
328	16/01007/RM	Fountain Construction (Anglia) Ltd	Residential (2 dwellings)	Pius Drove, Upwell , Norfolk
329	16/01059/CU	Mr N George	Leisure	Isle Road, Outwell*

330	16/01312/F	Mr C Robinson	Residence (Garage and store/hobby room and gym)	Thurlands Drove, Upwell
331	16/01450/RM	Mr D Cuckow	Residential (3 dwellings)	Robbs Chase, Outwell
332	16/01413/F	Mr J Faiers	Residence	Basin Road, Outwell
333	16/01400/O	Hereward Services	Residential (4 dwellings)	Basin Road, Outwell
334	16/01785/RM	P B Construction Ltd	Residential (4 dwellings)	Pius Drove, Upwell
335	16/01782/F	Mr J McElligot	Stables	Molls Drove, Outwell
336	F/YR16/1140/F	Mr & Mrs C Robinson	Residence (Extension)	Laddus Drove, Friday Bridge
337	16/00181/PREAPP	Mr Elliott	Residence	Pius Drove, Upwell

***Planning applications ending 'OM' relate to outstanding matters***  
***Planning applications ending 'RM' or 'RMM' relate to reserved matters***  
***Planning applications ending 'CU' relate to change of use***  
***Planning Applications ending 'PREAPP' relate to pre-application enquiries***

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

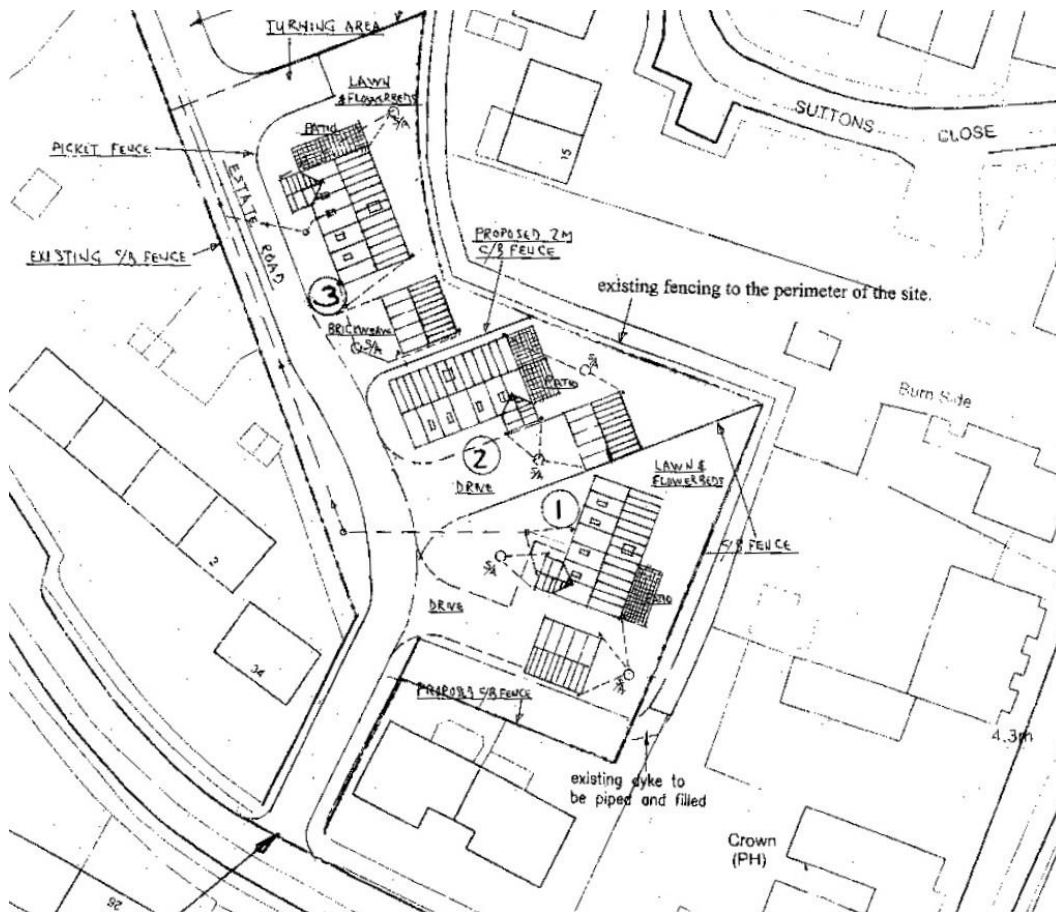
*Residential development at Doug Clarke Produce, Basin Road, Outwell – Doug Clarke Produce Ltd (Collmart Growers and Circle Anglia) (MLC Ref Nos 156, 190, 218, 221, 247, 268 & 296)*

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 Boards' interests.

*Residential development on land at 34 Isle Bridge Road, Outwell - Mr D Cuckow (MLC Ref Nos 203, 210, 309 & 331)*

Further to previous Board meeting reports, a Reserved Matters planning application was submitted to the Borough Council in August, and subsequently approved in November.

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



Extract from  
 the Grahame  
 Seaton  
 Design Ltds  
 Drawing No  
 16/7/2002/1  
 Rev A

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

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

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

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

*Residential development at Fenland House, Town Street, Upwell – Fen Regis Trophies Ltd (MLC Ref Nos 233, 239 & 280) & Demolition of existing warehouse, erection of new food store to rear with associated parking at Fen Regis House, 9 Town Street, Upwell – Saxondale Properties Ltd (MLC Ref No 327)*



Members will recall that this site forms land that had previously received outline planning consent for the creation of four new dwellings (MLC Ref No 280) in April 2014. However, further to the last meeting a planning application was submitted to the Borough Council in May to redevelop this redundant site as a food store.

The Design and Access Statement prepared by the applicants agent, Aegis Architects, advises that:

“The parking, and servicing areas will utilise porous asphalts and specialist base aggregates to act as an integrated sustainable drainage solution that reduces the risk of flooding by managing surface water at the source.”

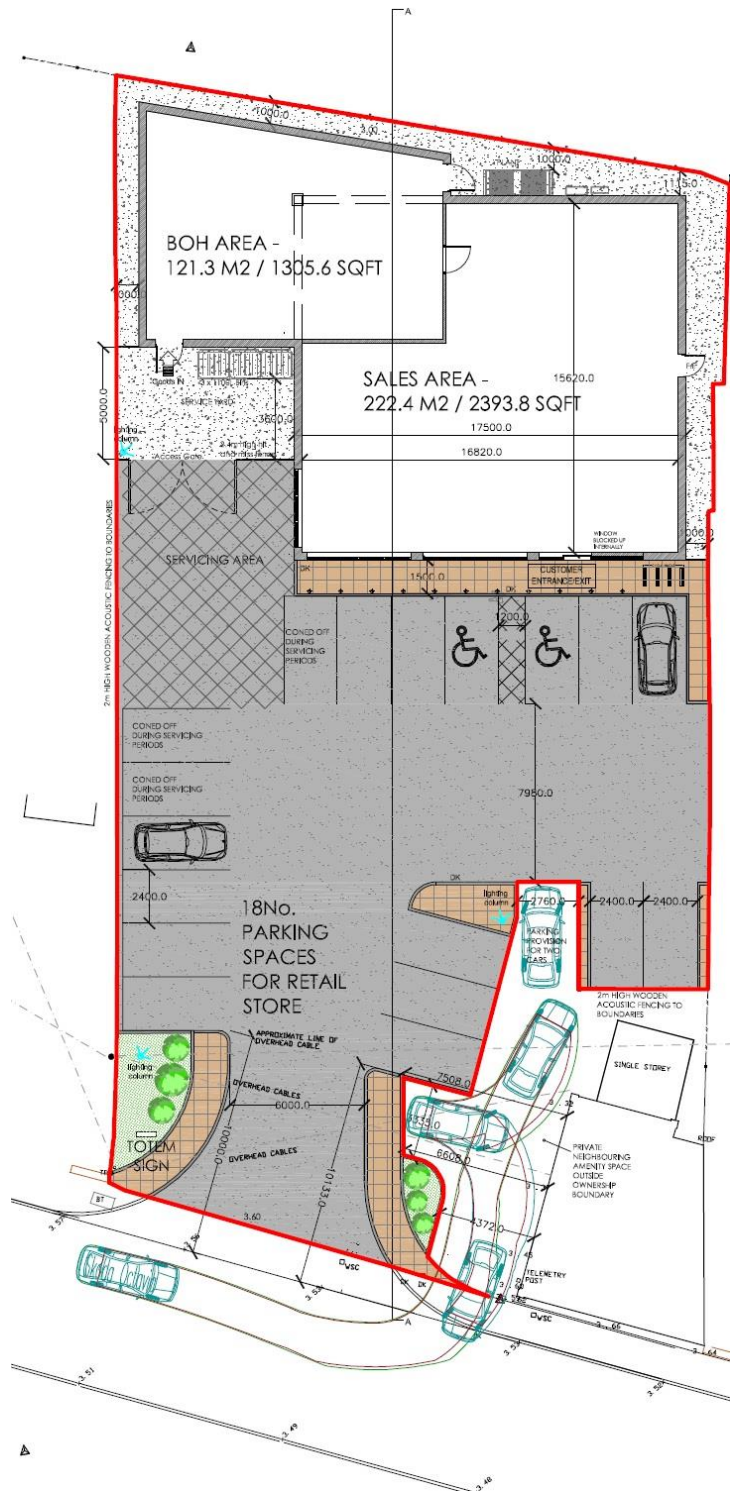
Whilst such devices may work efficiently during low rainfall events the local high groundwater table may adversely affect its operation during the winter or high rainfall events. It should be noted that for such devices, the specification is quite demanding, the materials are not readily available locally and are comparatively expensive. Strict quality control is required to ensure that the efficiency of the device is not compromised by the incorrect use of materials and poor workmanship.

In order for permeable pavement to work efficiently and remain in optimum condition for its lifetime it must be well maintained on a regular basis. If this does not occur, the surface and joints will quickly become blocked with oil, sediments, detritus and other substances. Another long-term problem is the sealing of the surface and/or re-paving with non-porous materials when the surface fails.

Planning permission, subject to the imposition of conditions, was granted in September.

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

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



Extract from the Aegis Consultancy Groups Drawing No AA-509-003G Site Layout plan

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

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 Board's interests.

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

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

*Residential development on land east of Pius Drove, Upwell – Mr G Brown (MLC Ref No 315) & P B Construction Ltd (MLC Ref Nos 334)*

Further to the last meeting planning permission for four dwellings, as opposed to the nine applied for, was granted subject to the imposition of conditions.

A Reserved Matters application was subsequently submitted to the Borough Council by P B Construction Ltd in mid-October and was granted permission in mid-December.

Both this application and the other application along Pius Drove by Fountain Construction, please see MLC Ref No 328 below for more details, are managed by **Anglia Building Consultants** (ABC). ABC requested the return of the discharge consent applications.

For this application, we have unfortunately not received any correspondence regarding the proposed soakaways for this site.

*Residential development for 22 dwellings at land on the east side of Pius Drove, Upwell – Mr E Broad (MLC Ref No 318)*

This planning application for a residential development on the current Organic Farm/Nursery was submitted to the Borough Council in February 2016.

In respect of domestic surface water disposal, the Design and Access Statement prepared by the applicant's agent, Peter Humphrey Associates (PHA), advises that surface water disposal will be via:

“Connection to new soakaways in rear garden.”

However, members will note from the extract below that an attenuation pond is shown within a Public Open Space but the point of discharge is not identified. No reference is made to highway drainage.

It is understood that this planning application was withdrawn by the Borough Council in September due to the applicant's failure to respond to the Article 5(2) Notice served by the Borough Council within the specified time period.



**Extract from PHAs Drawing No 5421-01b**

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

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

*Outline application for construction of 9 dwellings at Whetstone Way, Outwell – Renham Services Ltd (MLC Ref No 322)*

This planning application for an extension to Whetstone Way was submitted to the Borough Council in early March.

As the Borough Council has declared that it now has a five year deliverable housing supply it considered that paragraph 49 of the NPPF is no longer engaged and given that the site is located outside the development boundary, and thus in the countryside as identified by the Council's Policy documents, the applicant withdrew the application which would otherwise have been recommended for refusal.



**The Illustrative Layout included within the planning submission**

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

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

*Residential development of 2 dwellings at Pius Drove, Upwell – Fountain Construction (Anglia) Ltd (MLC Ref No 328)*

Following correspondence with **ABC**, the applicant's agent, a discharge consent application was submitted and reviewed, this did not meet the Board's minimum

validation requirements, and the agent was asked to provide the missing information. Instead of submitting the information the agent advised that consent was no longer required as his client had asked for surface water disposal to discharge to soakaways. Following internal consultation with the Vice-Chairman we advised the agent that whilst we would return the fee and application the Board would require appropriate evidence that soakaways are appropriate for the site, he agreed to this course of action. The application and contribution, minus the costs associated with processing the application, were returned to the applicant.

We have since received correspondence on the soakaways but the information supplied is inadequate and does not allow for a full and detailed assessment to be made. As a result of this an entry on the LLCR has been made and will remain there until the matter is resolved to the Board's satisfaction.

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

### **Cambridgeshire Flood and Water Supplementary Planning Document (SPD)**

***Note.** A Supplementary Planning Document (SPD) is a document that provides further details and/or guidance with reference to policies and proposals contained in a Development Plan Document (DPD) or Local Plan.*

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

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

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

### **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 Board's interests.

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

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

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

Further to the last meeting the MLC, on the Board's 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 Board.

(d) **Statement of Community Involvement (SCI) Consultation – Local Plan and planning applications**

This consultation document explained and sought comments upon the local planning system, the parties and processes involved, the method in which planning applications are made and considered and the means of consultation.

The response advised that the document was clear and succinct. However, the opportunity was taken to advise on the Boards status as a Non-Statutory consultee, consultation during the application process in respect of both the Flood risk and water level management and Biodiversity and protected habitats and species aspects. The use of the Boards Pre-/Post-Application process was encouraged.

## **Norfolk Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review.**

The purpose of the Review is to address the predicted shortfall in the quantity of silica sand extraction sites allocated in the Plan, by designating specific sites and areas of search which would be suitable to meet this shortfall.

It is predicted that around 750,000 tonnes of silica sand will be extracted from Norfolk per year and that no more than 1 or 2 additional specific sites will need to be allocated over the plan period (to 2026) to meet the shortfall.

A response made on behalf of the Commissioners and our relevant associated Boards, within Norfolk, in response to a public consultation held between 16 May and 27 June, advised that the above documents have been considered and the proposals were found to be outside the respective catchments and, therefore, no specific comments were made.

In December 2016 Norfolk County Council, in its capacity as the Mineral Planning Authority, formally submitted the Review to the Planning Inspectorate, to enable it to carry out an independent examination. The Planning Inspector's task is to consider the soundness of the document, based on the criteria set out in paragraph 182 of the NPPF, and will also consider whether the plan has been prepared in accordance with the Duty to Co-operate and meets the appropriate legal and procedural requirements.

The Hearing Sessions for the Examination will be held on 14-15 March 2017.

### **General Advice**

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

- (a) Mr P Bradley – An application for byelaw consent to pipe and fill a watercourse adjacent to Trevordale House in Pius Drove, Upwell was recommended for refusal as MLC had recently received an application for the construction of four houses on adjacent land that proposed to discharge surface water into the same watercourse.

Consulting Engineer

11 April 2017

N&L(319)\April 2017



The Vice Chairman reported that the structure on the Asset Survey map, Point 319-2-13, could be an issue due to a missing flap valve.

He also reported on the current position concerning Hundred of Wisbech IDB, and advised that their flail mowing would now be contracted out to Harrison Agricultural Contractors Ltd. He further advised that, having spoken to Nigel Harrison, he had confirmed his availability to carry out the Board's flail mowing in 2017, at the same rate paid in 2016, if required.

In view of these changes, Members considered the provision of flail mowing for 2017/2018 and agreed that Nigel Harrison was a reputable contractor.

With regards to the residential development at Pius Drove, Upwell (MLC Ref. No. 328), the Vice Chairman outlined the latest position. Mr Hill outlined the implications of the entry on the Local Land Charges Register

#### RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the Consulting Engineer be requested to provide a quotation for a full survey of the structure at Point 319-2-13 for consideration at the next meeting of the Board.
- iii) Weed Control and Drain Maintenance
  - a) That the recommendations contained in the Report be approved.
  - b) That Harrison Agricultural Contractors Ltd be requested to carry out the Board's flail mowing requirements for the coming year.
- iv) That the entry on the Local Land Charges Register concerning the planning application MLC Ref. No. 328 be retained and the Board monitor the position.

(NB) – Messrs C Hartley and Sutton declared interests (as Members of Hundred of Wisbech IDB) when this item was discussed.

(NB – Mr S M Hartley declared an interest in planning application (MLC Ref No. 326) for Mr and Mrs Hartley.

#### B.185 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.186 National Flood Resilience Review

Mr Hill 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.187 District Officer's Report

The District Officer reported that although most matters had been dealt with in the Consulting Engineers' report, there had been an issue with a landowner tipping a load of corn into a District watercourse to "feed the ducks". He had requested that the watercourse be cleared, with no response initially but was able to confirm that, currently, approximately three quarters of the channel had been cleared and that it was not causing a problem at the moment.

The District Officer also reported discoloured water in the New drain at the Common, which the Environment Agency had investigated. He considered that the low rainfall experienced had not yet flushed the system.

### RESOLVED

- i) That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the position at the New drain at the Common be monitored and the District Officer contact the Environment Agency if happens again.

### B.188 Environmental Officer's Newsletter and BAP Report

Mr Hill referred to the Environmental Officer's newsletter dated December 2016, previously circulated to members.

Members considered and approved the most recent BAP report.

### B.189 District Officer's Fee

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

### RESOLVED

- i) That the Board agree that the sum of £1,522 be allowed for the services of the District Officer for 2017/2018.
- ii) That the District Officer be thanked for his services over the preceding year.

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

### B.190 State-aided Schemes

Consideration was given to the desirability of undertaking further State-aided Schemes in the District and whether any future proposals should be included in the capital forecasts provided to the Environment Agency.

### RESOLVED

That no proposals be formulated at the present time.

### B.191 Environment Agency – Precepts

- a) Mr Hill reported that the Environment Agency had issued the precept for 2017/2018 in the sum of £5,916 (the precept for 2016/2017 being £5,829).
- b) Local Choices Precept

Further to minute B.151, Mr Hill referred to the Environment Agency's newsletter dated October 2016.

### B.192 Rate arrears

Consideration was given to writing off rate arrears amounting to £0.35.

Mr Hill tabled a plan from the Rates Department showing two parcels of land for which it was proving difficult to find the occupiers for rating. Members were unable to identify the current occupiers of the land.

### RESOLVED

- i) That the arrears be written off.
- ii) That the Clerk write to the Land Registry to ascertain the owner/occupier of the area of land queried by the Rates Department.

### B.193 Association of Drainage Authorities

- a) Annual Conference

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

### RESOLVED

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

- b) Annual Conference of the River Great Ouse Branch

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

- c) Subscriptions

Mr Hill referred to minute B.154(c) and an e-mail received from ADA dated the 16<sup>th</sup> December 2016. He reported that ADA had agreed to accept a membership subscription from the Board for 2016 at 2015 levels, viz £510 net, and that the Clerk had been advised that the subscription for 2017 will be £536.

### RESOLVED

That the requested ADA subscription for 2017 be paid.

d) Floodex 2017

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

e) Further Research on Eels

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

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

RESOLVED

That the Board contribute £50 per year for two years towards further research on eels.

B.194 Governance of Water Level Management in England

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

B.195 Health and Safety Audits

Mr Hill 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.

Mr Hill 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.196 Cambridgeshire and Norfolk Flood Risk Management Partnership Update

Further to minute B.156, Mr Hill 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.197 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.198 Potential Changes in Rating Valuation

Mr Hill 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 1<sup>st</sup> April 1988 with non-agricultural hereditaments being valued at the "average acre" rate, calculated by reference to pre-1988 development within the District of the individual Board. The current legislation does however require that properties that existed before 1<sup>st</sup> April 1988 are valued according to their old rateable values, records for which may no longer exist and this causes problems for IDBs which are looking to extend their boundaries and particularly where there are proposals to create new IDBs. Mr Hill 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 Mr Hill 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.199 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 31<sup>st</sup> March 2016.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2016.

### B.200 Governance and Accountability for Smaller Authorities in England

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

### B.201 Budgeting

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

### B.202 Review of Internal Controls

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

### B.203 Risk Management Assessment

The Board considered and expressed satisfaction with their current Risk Management Policy.

### B.204 Exercise of Public Rights

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

### B.205 Annual Governance Statement – 2016/2017

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

### RESOLVED

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

### B.206 Payments

The Board considered and approved payments amounting to £44,315.98 which had been made during the financial year 2016/2017.

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

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

(NB) – The Vice Chairman and District Officer declared an interest in the payment made to M E Fenn & Son.

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

### B.207 Annual Accounts of the Board – 2016/2017

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

## RESOLVED

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

### B.208 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 Mr Hill that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 42.35% and 57.65%.

## RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £32,103 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £13,594 and £18,509 respectively.
- iv) That a rate of 5.40p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
  - a) That a Special levy of £15,859 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.
  - b) That a Special levy of £2,650 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

### B.209 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.210 Date of next Meeting

Members considered a letter from the Chief Executive of the Borough Council of Kings Lynn & West Norfolk dated the 19<sup>th</sup> July 2016 concerning the Board meeting dates and the setting of drainage rates and special levies.

RESOLVED

That no change be made to the meeting date and that the next scheduled Meeting of the Board be held on Tuesday the 24<sup>th</sup> April 2018.

B.211 Ralstonia Solanacearum – Brown Rot

In response to the Chairman, the Vice Chairman outlined the current position concerning Potato Brown Rot and the designation of the Sixteen Foot River.