

## UPWELL INTERNAL DRAINAGE BOARD

At a Meeting of the Upwell Internal Drainage Board  
held at the Lamb & Flag Public House, Welney on Monday the 22<sup>nd</sup> January 2018

### PRESENT

K Goodger Esq (Chairman)	R S Measns Esq
P Clabon Esq (Vice Chairman)	D J Pope Esq
H G Bliss Esq	J Quail Esq
R D Gladwin Esq	N R Russell Esq
C F Hartley Esq	P Russell Esq
J E Hartley Esq	B Scott Esq
S Hartley Esq	D Scott Esq

Miss Samantha Ablett (representing the Clerk to the Board) and Mr Carl Nunn (District Foreman) were in attendance. Mr W Sutton attended for part of the meeting.

The Chairman welcomed Mr Paul Russell who was attending his first meeting of the Board.

The Chairman enquired whether ALL Board members were happy for the meeting to be recorded. All members were in agreement.

### Apologies for absence

Apologies for absence were received from Mrs V M Spikings, C J Crofts Esq, G W Gowler Esq, A Quail Esq and P M Tegerdine Esq.

### B.1676 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.

Messrs J and S Hartley declared an interest in agenda item 19

Mr Gladwin declared an interest in the planning application (MLC Ref Nos 409, 412 & 414) for P J Farms Ltd.

### B.1677 Confirmation of Minutes

Miss Ablett reported that at the inspection and meeting held on the 19<sup>th</sup> June 2017, at which there had not been a quorum, those Members present had decided to continue with the inspection, and the discussions and points raised were included as a record only.

With reference to minute B.1675, Inspection of District, where reference had been made to Holes Drove this should be Hale Drove.

RESOLVED

That, subject to the amendment, the Minutes of the Meeting of the Board held on the 10<sup>th</sup> May 2017 and the record of the Inspection held on the 19<sup>th</sup> June 2017 are recorded correctly and that they be confirmed and signed.

B.1678 Appointment of Chairman

RESOLVED

That K Goodger Esq be appointed Chairman of the Board.

B.1679 Appointment of Vice Chairman

RESOLVED

That P Clabon Esq be appointed Vice Chairman of the Board.

B.1680 Election of Members of the Board

Miss Ablett reported that Mr Hill had emailed the Chairman advising that the declaration of membership of the Board following the election process had included Mr J B Fletcher in error, Mr Fletcher had failed to return a signed nomination paper and was therefore not eligible to stand for election.

The Clerk had subsequently written to Mr Fletcher apologising for the error in the notice of election to membership of the Board and explained the reasons why he was ineligible to stand for election.

Miss Ablett reported that, as the number of candidates for membership of the Board did not exceed the number of persons to be elected (twenty), the following candidates were elected as Members of the Board for a period of three years from the 1<sup>st</sup> November 2017, viz:-

BLISS Harold Gabriel	MEANS Roger S
CLABON Patrick	QUAIL Alan
GLADWIN Roger David	QUAIL Jonathon
GOODGER Kenneth	RUSSELL Nigel Raymond
GOTT Richard	RUSSELL Paul
GOWLER Gregory William	SCOTT Barry
HARTLEY Christopher Fred	SCOTT Daniel
HARTLEY John Edward	TEGERDINE Peter Michael
HARTLEY Steven	WALKER N Verden M

The Clerk also reported that Mr P Hartley did not seek re-election and there were currently two vacancies on the Board.

(NB) – Councillors C Crofts and D Pope and Mrs V M Spikings are also Members of the Board as the nominees of the Borough Council of Kings Lynn and West Norfolk and Councillor W Sutton is also a member of the Board as the nominee of Fenland District Council under the provisions of the Land Drainage Act 1991.

### B.1681 Amendments to the Constitution

Further to minute B.1641(ii), the Chairman advised of the procedures that were necessary to amend the Constitution, as had been provided by Miss McShane, the Solicitor/Assistant Clerk.

The Chairman reported that at present the Board were allowed to have 20 elected Members and the Council representation, which was calculated proportionately, amounted to 4. He advised that he and the Vice-Chairman proposed reducing the number of elected members by 2.

Mr Gladwin wondered whether a reduction of 2 members was sufficient to justify the work involved and proposed reducing the numbers by 3.

Mr Pope advised that in view of the ever decreasing number of farmers within the Boards District he proposed reducing the number by 4 to allow for this and to prevent any further amendments to the Constitution being necessary.

Mr Sutton joined the meeting at this point, apologised for his late attendance, and declared an interest in any planning matters as a member of Fenland District Council and any matter involving the Middle Level Commissioners.

Members enquired whether there would be any costs involved with amending the Constitution. Miss Ablett advised that any cost would be minimal as the work necessary would fall within the remit of the Clerk's work on behalf of the Board. If any external advice was required and charged then this would be payable by the Board.

Mr Sutton confirmed that if that was the case he was satisfied and would agree with Mr Pope's proposal to save any future changes.

The Chairman asked for a vote as 3 proposals had been put forward. A show of hands confirmed that the number of elected Members should be reduced by 3 to 17.

### RESOLVED

- i) To amend the Boards Constitution and to reduce the number of elected Members by 3 to 17.
- ii) That in view of the above, no action be taken to fill the current vacancies in the Membership of the Board.

### B.1682 Water Framework Directive

Further to minute B.1642, Miss Ablett advised that there was nothing further to report at the present time.

### B.1683 Water Transfer Licences

Further to minute B.1643, Miss Ablett referred to a letter received from ADA dated the 27<sup>th</sup> October 2017 and to the Clerk's response to Defra.

Miss Ablett reported that Defra had now issued the Government response to the Consultation on Water Transfer Licences, which ended in January 2017, and it appears that, from the 1<sup>st</sup> January 2018, Defra will require Boards that transfer water from Main River to District Drains to obtain a

licence. She advised that the licence fee will be £1,500 which would cover a 12 year period, however no inter-district IDB transfers will be caught by the licencing regime. At the moment Defra have said the details to be contained in the licence will be flexible and that only if there is significant risk to water quality will a lot of detail be required in the licence. Only basic detail will be required where there is no risk to water quality and the environment.

ADA's position has been that they were reasonably happy with the licencing, but wanted an exemption for IDBs from paying the fee as the Boards get no income from Main River to IDB extractions.

On behalf of the Middle Level Commissioners and IDBs, the Clerk had written to Sarah Hendry, Policy Director for Floods and Water at DEFRA, requesting further information, expressing his disappointment with the lack of engagement with IDBs and with the implementation of the changes being made with virtually no notice.

## RESOLVED

That the Chairman and the Clerk be authorised to take any actions considered necessary in relation to this matter.

### B.1684 Environment Agency – Precepts

Miss Ablett reported that the precept for the financial year 2018/2019 included an increase of 1.5% on last year's precept of £51,198.

### B.1685 Public Sector Co-operation Agreements

Miss Ablett reported that Boards which may wish to offer to undertake works for the Environment Agency on a cost recovery basis could do so if they entered into a Public Sector Co-operation Agreement (PSCA). She advised that this agreement did not require Boards to carry out works but did facilitate it and that Meetings were being held with those Boards fronting onto Main River to see if they consider value in entering into a joint agreement.

### B.1686 Ouse Washes Section 10 Reservoir Middle Level and South Level Barrier Bank works

Further to minute B.1646, Miss Ablett referred to Briefing notes from the Environment Agency dated August, September and October 2017.

Miss Ablett reported that works on this Environment Agency scheme needed to meet the legal requirements of the Reservoirs Act commenced this year and were part of a three year programme. She added that it was worth noting that these works, which due to the nature of the location have to fit in with ecological timing constraints, were slightly behind programme but that it should be possible to address this over the next two years.

### B.1687 Ouse Washes Landscape Partnership Scheme

Miss Ablett referred to a letter received from Cambridgeshire Acre dated 1<sup>st</sup> May 2017.

She reported that an extensive biodiversity study had been commissioned by Cambridgeshire ACRE last year which included eleven of the Upwell IDB watercourses. Information on this was given in the appendix and it was noted that the full survey results could be found online.

#### B.1688 Planning Application Fees

Further to minute B.1647(ix), Miss Ablett reported that the Board could only charge applicants fees where the applicant had contracted a service. For this reason the Middle Level Commissioners encouraged pre and post application consultations, which if entered into are paid for by the applicant. Where the Middle Level Commissioners are corresponding with the applicant to protect the Board's interests and no such contract exists a legitimate invoice cannot be issued to the applicant.

#### B.1689 Worlds End Farm, Nordelph

Miss Ablett advised that due to the confidential nature of the issues concerning this item, it was necessary to pass a formal resolution to exclude the public.

#### RESOLVED

That in pursuance of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting when the above matters are being considered by reason of the confidential nature of the business to be transacted.

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#### B.1690 Rallingham Hall Farm, Three Holes

Further to minute B.1674, Miss Ablett tabled a map and advised that consent applications had only been dealt with in the past regarding two entrances/culverts and that no record was held regarding the entrance in question.

The Chairman advised that previously when the Board had its own digger and driver they were happy to assist with the maintenance of culverts. However, as this was no longer the case, the Board considered they were only responsible for culverts belonging to them and it was the responsibility of the landowners to maintain their own culverts.

The Chairman confirmed that as the culvert in question related to the entrance into the farm and the road was a private road, he had discussed this with Mr S Hartley.

#### RESOLVED

That maintenance of culverts not owned by the Board were the responsibility of the landowner.

(NB) - Messrs J and S Hartley declared an interest when this item was discussed.

#### B.1691 Inspection of District

Further to minute B.1675,

a) Hale Drove, Old Croft River Drain

The Chairman reminded Members of the maintenance works required on a section of the Old Croft River behind the houses on the opposite bank from Mr Morgan's land. He confirmed that the Board had received the full support of the Manea and Welney District Drainage Commissioners in relation to the joint maintenance and that a letter had recently been sent to Mr Morgan regarding the access required and requesting the removal of a number of trees within the byelaw strip.

b) Infill Redundant Structure

The Chairman referred to the redundant structure under the road along the Sixteen Foot River at the Old Bedlam pump house and advised that at the inspection the Board had agreed to fill the tunnel. As the structure posed a risk to the integrity of the road, he advised that any work had been left until a response was received from Norfolk County Council Highways Department in respect of a contribution to the necessary work.

RESOLVED

That the Clerk contact Norfolk County Council Highways Department to enquire whether, in view of the threat to the integrity of the road, any contribution to the infilling of the redundant structure would be forthcoming.

c) Complaints received from Mr & Mrs Matthews

The Chairman reported that Mr and Mrs Matthews had formally written to the Board advising of their concerns regarding the general condition of the exterior of Bedlam Bridge pumping station and the access road and this was to be discussed under the next agenda item.

B.1692 Bedlam Bridge Pumping Station

The Vice Chairman referred to the e-mail from Mr and Mrs Matthews and reported on the condition of the exterior of the pumping station.

He had obtained a quote in the sum of £12,500 for re-cladding the pumping station and advised of the other options available to the Board. These included rendering the building at a cost of approximately £5,000, but due to the poor condition of the brickwork any rendering would potentially flake off, re-painting the building, which could cost in the region of £2,000, or leaving it as it stands.

The Vice Chairman further reported that the door to the entrance of the pumping station needed replacing as it was not secure and the door on the opposite side was not in a good condition either.

Members discussed the various options. The Chairman advised that as the Board were obtaining planings to repair the roadway to Nordelph Pumping Station some of these could be utilised to also level the driveway at Bedlam Bridge Pumping Station.

RESOLVED

i) That the Clerk respond to Mr and Mrs Matthews advising that no major works would be carried out to the exterior of the pumping station building at this time, but that the Board

would continue to look at other options; that planings would be delivered to level the driveway and the pile of silt would be removed.

ii) That the door to the entrance of the pumping station be replaced with a steel door and the opposite door be removed and blocked up.

#### B.1693 Future replacement of the Board's tractor

The Vice Chairman reported that as the Boards existing tractor was now 6 years old and had carried out 5,000 hours of work he considered it was probably the right time to trade it in for a newer model. He advised that 4 quotes had been obtained, 2 of which were for new tractors and 2 for used tractors and explained the options available.

Members enquired how the purchase would be financed. Miss Ablett advised that provided the Board continued to raise a similar rate, and assuming that all the asset replacement fund was utilised, the Board would have sufficient funds to purchase the tractor.

The Vice Chairman stated he would prefer to purchase the tractor using a 0% purchase agreement, if this could be arranged, so that the Board had funds available should any unforeseen problems arise.

After some discussion the Board agreed to purchase a new tractor from G & J Peck Ltd at a cost of £47,000 net of VAT (£75,000 cost less £28,000 trade in). The basis of the decision was that this quote included a 3 year warranty, was cheaper than two of the other quotes and only slightly more than a quote provided for a used tractor.

#### RESOLVED

That the Board purchase a tractor for £47,000 net of VAT, after part exchange, using a 0% purchase agreement, which the Chairman or Vice Chairman be authorised to sign on behalf of the Board, or, if a 0% agreement could not be arranged, from existing funds.

#### B.1694 Consulting Engineers' Report

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

## Upwell I.D.B.

### Consulting Engineers Report – January 2018

#### Pumping Stations

##### Pumping Station Inspections

Other than matters reported to the Board's February meeting or described below only routine maintenance has been carried out.

The following items were reported as requiring action at the last inspection visit:

##### Cock Fen

1. Concern was raised that the overhead line was frayed and likely to fail. The District Officer agreed to contact UK Power Networks.
2. No 1 flap valve was broken and sticking open.
3. Alternator 2 was found to be faulty.
4. Rev counter fault noted on Pump No 2.
5. Oil pressure gauge on Pump Nos 1 & 2 read out of limit (over pressure) when engines run.
6. It was recommended that battery isolators be fitted and that the chargers be changed to smart chargers to increase battery life.

##### Nordelph

The metering issue previously reported was taken up by SSE with UKPN and a site visit between the parties took place during November; the following email was received from Anglia Farmers on this matter:

I have just received the response from the visit that happened yesterday, the crucial paragraphs are as below:

At some point in the past two years the fuses have been downgraded to 200A with a 160A 'smart meter' fitted.

SSE wants our fuses to grade with their meter, and this we can do, but it is a small chargeable activity.

However there was some concern about the fuse grading on 'your side' of the meter as your fuses within the switch panel are also 160A and there is no guarantee that your fuses would blow before ours.

Clearly there was some concern that should this scenario occur, and it being out of hours, that we could not respond as quickly as you in getting the site up and running.

Should this be a significant consideration then a CT metering arrangement would need to be fitted at some considerable cost and disruption.



I am hoping that having also had a representative on site that you are already aware of this and that there are some options

Firstly to review and see if a lower fuse could be used on your side of the meter i.e. in the switch panel

Failing that it is a choice of accepting the caveat that UKPN may not be able to get site up and running as quickly if their 160A fuses failed before yours or an investment in a CT upgrade at some considerable cost / disruption

Not sure any of these are ideal however they do seem to have spelled out what needs to happen one way or another – I would appreciate your thoughts on how you would like to proceed as I will be expecting an update call from UKPN to follow through on the complaint.

Or indeed if you have any further questions or anything that needs clarification to help with any decision.

The MLC response to this was as follows:

The Upwell IDB paid a contribution for the installation of a suitably sized supply when the station was originally constructed, no increase in power requirements have been changed since that time.

We cannot accept the caveat that UKPN may not be able to get site up and running as quickly if their 160A fuses failed before ours, also as there would be no discrimination between the cutout fuses and ours this would not comply with the requirements of the **IEE Wiring Regulations** (BS 7671).

Therefore as the Upwell IDB has made no changes to their supply requirements I consider that SSE/UKPN should be responsible for any costs involved in a CT metering upgrade.

As a result of the MLC email the following response was received:

**Subject:** RE: MPAN 1014572333330 Electric supply to 17366, Upwell IDB, Nordelph Pump Stn, Silt Road Nordelph, DOWNHAM MARKET, Norfolk, PE38 0BW

Thank you for the email detailed below. As the supplier, SSE agree with the two options you have outlined to our customer regarding making the supply fit to have a working meter installed, downgrading the fuse to 160A or the customer applying for an upgrade to a CT supply. It is useful to gain an understanding of why customer's installations were originally provided with fuses greater than the recognised current rating of meter. However what was usual practice in 1972 is not considered a safe practice now and SSE are unable to carry out our regulatory duty to bill the customer accurately because the meter is not deemed safe to be installed.

It is the customer's responsibility to meet the costs of any upgrade in supply. As the customer has not changed the usage of the site since its installation, the customer is clearly unhappy to pay to have their supply upgraded, or the fuse downgraded with the risk of the site being off supply. SSE would hope that UKPN could come to some arrangement with the customer to provide the required upgrade to make the supply fit for a meter change, without the customer having to meet an excessive cost.

If this situation cannot be resolved quickly, SSE will be forced to explain to the regulator why we are unable to bill this customer accurately and escalate the matter through our DCUSA representative.



**Nathan Pitsch**  
Customer service advisor

Further developments are awaited from the parties concerned.

#### Padgetts Corner

As has been previously reported the pump has become noisy with a rattle/knocking which could be due to a bearing fault or ingestion of a foreign object and the pump continues to be monitored.

#### Upwell Fen

1. The flap valve is badly corroded and jammed open and is non-operational.
2. Chequer plate around pump discharge is corroded and becoming unsafe.
3. The gearbox oil level was found to be low and the District Officer will top it up accordingly.

As previously reported the starter fuse switch is leaking current. With the switch off 18Vac can be detected on L2 & L3 (zero when incomer is off). This level of leakage is not dangerous but could become significant at any time. Several other components are in a poor condition and obsolete.

As an order has now been placed for weedscreen cleaning equipment for this site and there being little space to accommodate the new weedscreen cleaner controls in the building the Chairman authorised the replacement of the existing pump control components incorporating the weedscreen cleaner controls at an additional cost of £3,575.

#### **Automatic Weedscreen Cleaning Equipment**

##### Cock Fen & Upwell Fen

In accordance with the instructions received at the Board's last meeting, to proceed with installation of automatic weedscreen cleaners at Cock Fen and Upwell Fen, and having eventually obtained approval from the EA for a Public Works Loan an order was placed with Stainless Metalcraft in August. Fabrication and construction of the machines and weedscreens is progressing with installation programmed for mid-February, however this will be subject to weather and site access conditions.

## **Internal Consultation with the Board**

The process of “internal consultation” between the Commissioners 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 is working well and will be continued and reviewed at a later date.

## **Planning Procedures Update**

### ***Informatives on Decision Notices***

Despite positive steps being taken a review of the decisions that have been made on the planning applications listed below, has identified that none had informatives advising the applicants of their separate legal obligation to comply with the requirements of the Board’s Byelaws and the Land Drainage Act.

It is left to the Board’s discretion whether it wishes the Commissioners to make a formal response to the Councils concerned directly on its behalf, or whether it requests that its Council representatives ensure that such informatives are requested.

### ***Planning Agents Training Day***

Having identified engagement issues between “Developers” and the Commissioners and Associated Boards a Training Day was held in late October. Approximately 50 invitations were sent out to a cross section of interested parties representing developers, agents and consultants and including all the LPA areas that we deal regularly with. Council Officers were also invited. The event was oversubscribed with twenty-five people attending but several others are on a ‘short list’ if another similar event is held.

The event was well attended and feedback suggests the event was well received. The format of the event was to inform those attending of the unique nature of the area, where the IDBs fit into the development process, what the issues are, and how the Middle Level Commissioners deal with them.

Analysing the figures very crudely 46% of attendees were agents; 34% consultants; 18% developers and less than 1% council officers. The areas covered were 37%, predominately consultants, all the LPAs; 45% Fenland and 18% West Norfolk. There was no specific representation from Huntingdonshire District, East Cambs District, South Cambs District, or Peterborough City Councils.

## **Planning Applications**

In addition to matters concerning previous applications, the following 9 new development related matters have been received and, where appropriate, dealt with since the last meeting:

<b>MLC Ref.</b>	<b>Council Ref.</b>	<b>Applicant</b>	<b>Type of Development</b>	<b>Location</b>
456	17/00820/F	Mr R Willis	Residence (Extensions)	Birchfield Road, Nordelph
457	17/01024/PACU3	Mr & Mrs R Johnson	Residence	Silt Road, Three Holes
458	17/01117/F	Mrs T Sandford	Residence (Extension)	Main Road, Lakes End
459	F/YR17/0515/F	Mr & Mrs J Piggott	Residence (Games room)	Upwell Road, Christchurch
460	17/01223/PAGPD	Mr B Smith	Residence (Extension)	Mudds Drove, Three Holes
461	17/01281/F	Anglia Growers	Agricultural	Silt Road, Nordelph
462	Pre-app enquiry	Client of JPP Consulting	Residential (17 units)	Main Street, Welney*
463	17/01171/F	Mr P Sorrell	Residence (Extension)	Thorpe Terrace, Nordelph
464	17/01702/PACU3	Norfolk County Council	Residence	March Road, Tipps End

***Planning applications ending 'PACU' relate to household permitted regulations notification  
Planning applications ending 'PAGPD' relate to prior approval matters***

Developments that are known to propose direct discharge surface water into 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.

Some of the above are likely to discharge treated effluent into the Board's system either via private treatment plants or Christchurch Water Recycling Centre (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 a house with detached carport on land south west of The Rectory, Church Road, Christchurch – The Ely Diocesan Board of Finance (MLC Ref No 269) & Mr & Mrs Mannion (MLC Ref Nos 309, 313 & 366) & Dr & Ms Mannion (MLC Ref No 416)*
- *Erection of single-storey side extension and formation of pitched roofs to existing flat roofs of existing pavilion to form village hall/pavilion and formation of car park (MLC Ref Nos 312, 319 & 376) & Erection of a single-storey building for use as Village Hall involving demolition of existing Village Hall at the Bowling Green, Upwell Road, Christchurch - Christchurch Parish Council (MLC Ref No 411)*
- *Residential development involving demolition of existing hall and buildings at Christchurch Memorial Hall, Church Road, Christchurch - Mr W Poole (MLC Ref Nos 350 & 374)*

- *Demolition of Horsa building and erection of a building to be used as a kitchen and dining hall, ancillary accommodation with revised parking layout at Townley Primary School, Crown Road, Christchurch – Client of Gleeds Building Surveying Ltd (MLC Ref No 449) & Cambridgeshire County Council (MLC Ref No 453)*
- *Erection of up to 16 no dwellings at CFC Disposals Ltd, Upwell Road, Christchurch, – CFC Disposal Ltd (MLC Ref No 454)*
- *Change of use of agricultural building to a dwelling house at Lode Hall, Silt Road, Three Holes – Mr & Mrs Johnson (MLC Ref No 455)*

**In view of the absence of recent correspondence and any subsequent instruction from the Board it will be presumed, unless otherwise recorded, that the Board is content with any development that has occurred and that no further action is required at this time.**

*Erection of 4-bed dwellings and formation of access road at land north of playing field Upwell Road, Christchurch - Christchurch Parish Council (MLC Ref Nos 342 & 362); Mr M Simonds, (MLC Ref No 397) & Messrs G & K Baxter & D Smith (MLC Ref No 414)*

Mr Simonds has installed a permanent access using the agreed pipe size and has removed the original field access which now ensures unrestricted flow along the roadside watercourse.

A Discharge Consent application received from Rural Designer Homes Ltd for the unregulated disposal of both treated effluent and surface water from Plot One, into the adjacent private open watercourse, has been received, processed and recommended for approval.

*Semi-detached dwellings adjacent to Harwin, Main Road, Three Holes – Curson Homes Ltd (MLC Ref Nos 382, 422, 432 & 440)*

The Board's District Officer has undertaken a site investigation and will inform the Chairman of his findings before the meeting.

*Erection of 4 dwellings with detached garages, comprising of 2 x 2-storey 4-bed dwellings and 2 x 3-storey 5-bed dwellings at the site of the former Shrub House, 46 Church Road, Christchurch – P J Farms Ltd (MLC Ref Nos 409, 412 & 414)*

Unfortunately, the processing of the submitted applications was delayed but responses have now been made to the applicant's consultant.

A complaint has been received from a resident of The Croft concerning the proximity of the access road to the rear of properties which is within the Board's maintenance access strip.

*Erection of 6 dwellings (Outline with all matters reserved) at land south west of Syringa House, Upwell Road, Christchurch - Mr J Stittle & Miss R Watson (MLC Ref No 437)*

Further to the Board's January 2017 meeting report this site has been the subject of a Planning Appeal in which the Planning Inspectorate approved the developer subject to the imposition of relevant planning conditions.

*Proposed residential development of 17 units to the north west of The Grange and south east of North Road, Welney – Client of JPP Consulting (MLC Ref No 462)*

Further to the April 2015 meeting report, pre-application discussions have recently commenced with representatives from JPP Consulting, the applicant's consulting engineer, concerning the potential residential development to the north west of The Grange and south east of New Road, Welney [Borough Council Site Allocations & Development Management Policies Ref. G113.2 Welney (formerly Site 376) Land off Main Street, Welney – 13 dwellings].

Because of the "shared" arrangements concerning the Old Croft River, both the Board's Chairman and the Chairman of Manea and Welney DDC have been asked to comment on the proposals received to date as part of the internal consultation process.

Discussions are at an early stage with the final layout yet to be agreed. No consents have yet been sought and are likely to be affected by the respective Board's requirements.

### ***Development Contributions***

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

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

#### ***Joint Norfolk Authorities Strategic Flood Risk Assessment (SFRA)***

**Note.** SFRA's are high level strategic documents and, as such, do not go into detail on an individual site-specific basis and are developed using the best available information at the time of preparation.

The Joint Authorities of Greater Norwich (Norwich City, Broadlands and South Norfolk), Great Yarmouth, King Lynn & West Norfolk BC, North Norfolk DC and the Broad Authority are undertaking a joint Level 1 SFRA to inform their new emerging Local Plans. Unfortunately, the unrealistic timescale for providing a response, presumably imposed by the Councils involved, and the need to respond to other time related matters meant that it has not been possible to participate in this process.

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

No further correspondence has been received from FDC concerning the Neighbourhood Strategy and no progress has occurred with its District Wide Level 2 SFRA.

### ***FDC Liaison Meeting***

A meeting attended by representatives from the Commissioners and FDC was held in November to improve working relations between the two authorities.

The actions arising from the meeting included:

- Development of a joint protocol/leaflet to clarify the inter-relationship between FDC, CCC (in its role as the LLFA), the Commissioners & associated IDBs and the EA in relation to flooding and surface water drainage for developers.
- The Commissioners to offer a seminar for “planners”.
- The Commissioners to review their approach to responding to planning applications with a focus on major schemes/Broad Concept Plans (BCP's).
- Meeting to discuss the potential tourism opportunities on our waterways perhaps initially focusing on March.
- Communication opportunities for FDC to promote/signpost the Commissioners' information and pre-application process or to join this up with its own processes.
- Investigate whether the FDC Local Validation List review can include requirements to benefit the Commissioners or drainage in general.

Another meeting is to be held in May this year.

## **Cambridgeshire Flood Risk Management Partnership (CFRMP)**

Three CFRMP meetings have been held since the May Board meeting. The main matters that may be of interest to the Board are as follows:

### ***The Great Ouse Tidal River Baseline report***

This EA document is complete and available in PDF format. The report sets out the status of flood risk management on the tidal River Ouse. One of the most critical/important maps highlights cost benefits in terms of GiA and other funding sources. The report also sets out issues going forward with regard to long term funding of managing the catchment.

### ***The Future Fenland Project***

Phase 1 of this EA project has commenced. The project is for the whole Fens so needs to include Lincolnshire and Northamptonshire. Phase 1 will take a couple of years to complete and will include Lincolnshire and Northamptonshire. Workshops for stakeholders are being held in January and March 2018. One of the aims of this Phase is to outline the total cost benefit analysis of maintaining the Fens.

Phase 2 will assess how the Fens may change in the future based on information from Phase 1. This may include considering changes in land uses and funding streams.

There are varying views on the future of the Fens and the development of the project. One of the concerns raised was the source of future funding for the management of the Fens and the conflicting views on how it should be managed.

### ***Programme Development Unit (PDU)***

This EA team will focus on helping partners deliver projects more efficiently. There are a number of large EA projects that the PDU will be involved with therefore a hierarchy of projects will need to be established to ensure clarity of their involvement.

### ***Flood risk activities: environmental permits (formerly flood defence consents)***

There is currently a proposal by the EA to raise the costs of permitting in stages from the current £170 minimum potentially up to £1441.

CCC has advised that the LLFA has also been involved in a similar process that has been forwarded to ADA for consultation.

Members will be aware that the statutory fee stated within the Land Drainage Act has, for many years, been only £50.00 which does not cover the real costs of processing such a consent.



## **Rain Gauges Project**

**Note.** *The Official Journal of the European Union (OJEU - previously called OJEC, the Official Journal of the European Community) is the publication in which all tenders from the public sector which are valued above a certain financial threshold according to EU legislation, must be published. The legislation covers organisations and projects that receive public money, such as Local Authorities, NHS Trusts, MOD, Central Government Departments and Educational Establishments.*

The Eastern RFCC area (largely Norfolk, Suffolk and Essex) will be joining this Central RFCC project which is likely to be Project Managed by the EA.

The gauges will be located on secure and accessible Environment Agency or Anglian Water Services Ltd (AWSL) structures, such as water recycling centres (WRCs), and the Botanical Gardens in Cambridge.

It is intended that information from the rain gauges will be for the use of all partners for flood investigations etc with all sites available via telemetry using a web interface, possibly with three levels of membership – Administrator, Partners and the Public - and associated viewing rights within the web interface with the latter only seeing “local” information. This interface will be based on the software that AWSL already use for its existing rain gauges and combined sewer overflows (CSOs). The data will not be directly compatible with EA data however a widget will be developed for this purpose. Discussion/negotiations are ongoing with the Met Office regarding a data swap.

The size of the project is causing delays but draft OJEU tender documents, a business case and inter LLFA and AWSL legal agreements are currently being drafted.

As members of the CFRMP, the Commissioners have been asked to comment on the proposed location of rain gauges. The LLFA advises that the proposed new gauges have been chosen because they are adjacent to major areas of population and known “wet spots”. The nearest rain gauge to the Board’s area is at March WRC and the LLFA has proposed gauges at Littleport and Doddington, presumably on WRCs.

However, an assessment of the proposed locations identified that highly responsive areas which have a history of flooding such as Bury Brook, southern Wisbech and the Swavesey area together with key transport routes, such as the A1, A14, A47, and the East Coast Mainline etc, have all seemingly been ignored. Given the recent and predicted increases in usage of these transport links it is expected that the pressures of growth will increase especially given the growth aspirations of the Combined Authority, for example, the M11 extension, duelling of the A47, the Wisbech Garden Town etc.

Therefore, a response made by the Commissioners on both their and the Board's behalf emphasised that transport corridors (and not just urban development) must be included in this project and suggested alternative AWSL structures that should be considered.

In respect of the Board's interests sites at the following locations were suggested:

- Manea Town Lots WRC (MANTSM) or Christchurch WRC (TEGLST) or Chestnut Avenue Pumping Station, Welney (WECASP)
- Friday Bridge Water Tower or Friday Bridge Pumping Station (FRBNSP) or Back Lane off Pious Drove Pumping Station Upwell (UPBLSP)

### ***Strategic Flood Risk Planning Advisor***

Funded by the Local Levy the EA has employed a Strategic Flood Risk Planning Advisor on a two year contract. The role will include providing input to LPA's Local Plans (most of which, within Cambridgeshire, are currently approaching completion) and highlighting flood mitigation opportunities within strategic development proposals.

### ***Integrated FRM PhD research project***

A PhD researcher at the Flood Hazard Research Centre (FHRC) Middlesex University is working on integrated flood risk management within Cambridgeshire with the aim of understanding the connectivity between different networks (such as the RFCC, CFRMP, catchment partnerships, local resilience forums, enterprise partnerships) and to see how these influence the integration of different FRM objectives (preventing new risk, reducing existing risk and managing residual risk) and other wider sustainable development objectives. She met with representatives of the Middle Level Commissioners on 5 January to discuss their role; the role of IDBs and partnership working, amongst other things.

### **Fenland Flooding Issues Sub-Group**

Following the extreme rainfall event experienced within March during August 2014, a March Flood Investigation Sub-Group was formed. The meetings associated with this investigation have proven beneficial to all the stakeholders involved and may lead to the resolution of many historical issues and, as a result, the responsibilities of the Sub-Group were extended to cover any local flooding issues within the District Council's area. There are currently no issues within the Board's catchment.

### **General Advice**

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

- (a) Noel Crawford – An application was received and approved for consent to pipe and fill a private watercourse at Syringa House, Upwell Road, Christchurch. The applicant had originally filled the watercourse without consent, preventing runoff from the road. Since receiving consent, the landowner has installed a perforated pipe to take the road water and also pick up any ground water in the immediate area.
  
- (b) Mr J M Lesniak – An application for consent to pipe and fill a private watercourse to the rear of Coombe House, Cock Fen Road, Lakesend was recommended for approval.

Consulting Engineer

8 January 2018

Upwell (331)\Reports\Jan 2018

The Chairman and the District Foreman raised concerns that maintenance reports were not being received when carried out throughout the year, which resulted in details of works required only being identified when the Consulting Engineer's report was included in the meeting papers. Miss Ablett advised that maintenance reports were generally attached to purchase invoices when sent to the Chairman for authorisation. The Chairman requested that, in future, all maintenance reports be sent not only to him, but also to the Vice Chairman and the District Foreman.

Members discussed the points highlighted in the Consulting Engineers report in connection with Cock Fen, Upwell Fen and Padgetts Corner pumping stations and the District Foreman advised that most matters had either been dealt with or were being monitored.

It was thought that to increase battery life at Cock Fen pumping station, battery isolators should be fitted and the charges changed to smart chargers.

The District Foreman reported that the door and door frame at Upwell Fen pumping station were rotting.

The Chairman reported that a quotation had been received in the sum of £3,575 to replace the existing pump control panel at Upwell Fen pumping station with a composite panel incorporating the weedscreen cleaning equipment controls. He confirmed that as an order had been placed for the weedscreen cleaning equipment he had authorised the replacement.

Miss Ablett reported that in October it was generally thought that the Bank of England would be increasing the bank lending rate and, after discussion with the Chairman, it had been agreed to draw the loan down so as to secure the interest rate at the time and protect the Board from any increase in interest rates that may have applied when the loan was required. She confirmed that the loan had been received in November 2017.

Mr N Russell enquired whether the Board paid for the Consulting Engineers' time when attending meetings.

## RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That all maintenance reports be sent to the Chairman, the Vice Chairman and the District Foreman.
- iii) That battery isolators be fitted and chargers changed to smart chargers at Cock Fen pumping station.
- iv) That the chequer plate around the pump discharge at Upwell Fen pumping station be replaced when the automatic weedscreen cleaner was installed.
- v) That the door and door frame at Upwell Fen pumping station be replaced at the same time as the door at Bedlam Bridge pumping station.
- vi) That the actions of the Chairman in authorising the replacement composite panel and the loan for the weedscreen cleaning equipment at Upwell Fen pumping station be approved.
- vii) That the Clerk advise the Chairman whether the Consulting Engineers' time for attending meetings is paid for by the Board and the Chairman to report back to the next meeting.

B.1695 Site of former Shrub House, 46 Church Road, Christchurch – Planning Application F/YR15/0104/F

Miss Ablett advised that due to the confidential nature of the issues concerning this item, it was necessary to pass a formal resolution to exclude the public.

RESOLVED

That in pursuance of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting when the above matters are being considered by reason of the confidential nature of the business to be transacted.

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B.1696 District Foreman's Report

The Board considered the Report of the District Foreman.

The District Foreman reported that the roadway leading to Nordelph pumping station, off Silt Road was in need of repair and as the Board no longer had an excavator he would require some assistance. He advised that, as Norfolk County Council had two tenants who used the road for access, a previous arrangement had been made with the Council whereby they would supply 1 load of gravel, every 2 years, to assist with the repairs to the roadway. However only 1 load had ever been received. The District Foreman enquired whether the Board could request that the Council deliver 2 loads of ballast to assist with the work.

RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the Clerk write to Norfolk County Council referring to the arrangement regarding the upkeep of the roadway leading to Nordelph pumping station, off Silt Road, and request delivery of two loads of ballast to enable the necessary repairs to be carried out.
- iii) That the Chairman and Vice Chairman be authorised to engage a contractor to assist the District Foreman with the repairs to the roadway leading to Nordelph pumping station, off Silt Road.

B.1697 Environmental Officer's Newsletter

Miss Ablett referred to the Environmental Officer's Newsletter, which had previously been circulated to members.

B.1698 District Labour  
Board's Employee Wages

The Board gave consideration to the Board's employees' wages.

RESOLVED

That the wages of the Board's employee be increased by the Middle Level Commissioners' pay award formula for 2018/2019 from 1<sup>st</sup> April 2018, as indicated on the Supplementary Schedule, until further notice.

(NB) – The District Foreman left the room when this item was discussed.

B.1699 Applications for byelaw consent

Miss Ablett reported that the following applications for consent to undertake works in and around watercourses had been approved and granted since the last general meeting of the Board, viz:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Mr S Jackson	Formation of engineered access culvert up to 12m long with bagged concrete headwalls – Green Lane	26 <sup>th</sup> July 2017
Noel Crawford	Piping and filling of 20 metre length of private watercourse – Syringa House	26 <sup>th</sup> October 2017
Mr J M Lesniak	Piping and filling of a private watercourse	8 <sup>th</sup> November 2017

RESOLVED

That the action taken in granting consents be approved.

B.1700 Determination of annual values for rating purposes

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

**UPWELL IDB**Determination of Annual Values for Rating purposes

April 2018

2018-2019

		Transfer value to Special Levy - £475.895 per hectare	<u>Area</u> (Hectares)	<u>Agricultural</u>  <u>Land</u>	<u>Special Levies</u>		<u>TOTAL</u>
					<u>Fenland</u>	<u>BKL&amp;WN</u>	
		Opening Values (£)	4336.472	<b>712,242</b>	<b>91,297</b>	<b>134,485</b>	<b>938,024</b>
		Opening %		75.93%	9.73%	14.34%	100.00%
<u>Location</u>	<u>Reason for change.</u>						
Mr P M Russell	Old Bedford River Bank	To bring in line with MLC rates	7.772	697			
Rochester Farms	Off Silt Road Nordelph	Change use to domestic dwellings	-0.314	-51		149	98
Total determinations			4343.93	646	0	149	98
		Closing Values (£)		<b>712,888</b>	<b>91,297</b>	<b>134,634</b>	<b>938,819</b>
		Closing %		75.93%	9.72%	14.34%	100.00%

## RESOLVED

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

Miss Ablett advised that due to the confidential nature of the issues concerning this item, it was necessary to pass a formal resolution to exclude the public.

## RESOLVED

That in pursuance of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting when the above matters are being considered by reason of the confidential nature of the business to be transacted.

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### B.1701 Rate arrears

Consideration was given to writing off rate arrears amounting to £20.40.

## RESOLVED

That the arrears be written off.

### B.1702 Contribution from Developer

With reference to minute B.272(b), Miss Ablett reported that a contribution towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent had been received.

### B.1703 Association of Drainage Authorities

Miss Ablett reported:-

a) Annual Conference

That the 80<sup>th</sup> anniversary Annual Conference of the Association had been held at the ICE building in Westminster on Thursday the 16<sup>th</sup> November 2017 and had been well attended with speakers including Dr Therese Coffey MP, who spoke on future challenges, local accountability and the excellent work and the strength of IDBs amongst other things. Councillor Derek Antrobus spoke about his experiences in Salford where the Council had turned spatial planning on its head by considering environmental assets before looking at provision for housing need, which allowed for more sustainable growth. Sir James Bevan followed and stated that he was a fan of IDBs and supported the transfer of watercourse maintenance through de-maining where there was a local desire for this. He also confirmed



that dredging was important and would remain within the EA's programme and that £22M had been spent on this in the last financial year. The Conference also marked the stepping down of Henry Cator as ADA's chairman. He has been replaced by Robert Caudwell who has a background in farming in Lincolnshire and who is keen to see partnership working across catchments develop to provide a holistic answer to flood risk and drought management.

b) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association would be held in Prickwillow, Ely on Tuesday the 6<sup>th</sup> March 2018.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 1% in 2018, viz:- from £823 to £832.

RESOLVED

That the increased ADA subscription be paid for 2018.

d) Liability of Board Members

Miss Ablett referred to, and Members noted, a Guidance Note received from ADA dated the 28<sup>th</sup> September 2017 which summarised the issue of when Members of an Internal Drainage Board may be held personally liable for actions which they take in that capacity.

Miss Ablett advised that the Board had management liability insurance in place, which was in respect of claims made as a result of a wrongful act against members of the Board arising from the management and operations of the Board and that the cover attached was £5,000,000.

e) Updating IDB Byelaws

Miss Ablett referred to a letter received from ADA dated the 20<sup>th</sup> October 2017.

Miss Ablett reported that most of the IDBs in the area have a set of Byelaws which were made under Section 34 of the Land Drainage Act 1976 for the secure and efficient working of the drainage system in their area.

Defra have now suggested that the Byelaws which have been adopted by IDBs should be updated to include within their purpose the regulating of the effects of the environment. To do this it will be necessary to update the current Byelaws in line with the standard model byelaw published in October 2012.

The Chairman reported that he had spoken with Miss McShane, the Solicitor/Assistant Clerk, regarding adding an additional Byelaw to the effect that any material in an IDB drain obstructing the watercourse and any foreign matter deposited on the banks by a Contractor was the responsibility of the Landowner and not the Board.

RESOLVED

That the Clerk be requested to draft new Byelaws to include compliance with the environment regulations, and the additional Byelaw, for consideration by the Board at their next meeting.

### B.1704 Capital Programme Strengthening and Delivery

Miss Ablett referred to, and the Board noted, the slides presented by the Environment Agency at the Great Ouse IDB and EA Strategic Group meeting on the 19<sup>th</sup> April 2017.

### B.1705 Member training and the appointment of a Health and Safety Officer

Miss Ablett reported that ADA has been encouraging member training for a number of years and Defra will, from 2018, require Boards to report upon any training that has been provided to members. This was to be reported by way of an entry on the IDB1 forms and the listed topics on this form are; Governance, Finance, Environment, Health, safety and welfare, Communications and engagement, amongst others. The Board may wish to pick an area where they consider specific tailored training is pertinent for it in a given year or alternatively might ask that the Middle Level Commissioners arrange some joint training with other Boards which they are happy to do.

On Health and Safety, after reviewing arrangements for a number of Boards, it has become clear that it would be helpful if Boards could appoint a member to be in charge of Health and Safety matters. This person would take overall responsibility for Health and Safety supported by Croner through the Middle Level Commissioners. This will help provide clarity going forward as ultimately it is the Boards' role to ensure that sites, equipment and working practices are as safe as can be reasonably expected. Whilst IDBs have an enviable record on safety and much that is needed is likely to already be in place, the HSE would probe the organisational structure should a reportable accident occur and would take a dim view if clarity on the lines of responsibility were unclear.

### RESOLVED

- i) That the Chairman be appointed Health and Safety Officer.
- ii) That the Clerk advise the Chairman of the types of training available and of any costs attributable to such training and that this be included as an agenda item for the next meeting.

### B.1706 Defra IDB1 Returns

Miss Ablett reported on the proposed changes to the Annual Defra IDB1 Returns.

She advised that the IDB1 form is completed each year in accordance with the Land Drainage Act 1991 and is submitted to Defra, the Environment Agency and to each Council which pays an IDB Special Levy. The form provides information on such items as income, expenditure, a policy delivery statement, the bio-diversity action plan, asset management and governance matters.

Miss Ablett reported that for the year ended 31<sup>st</sup> March 2017 the IDB1 return was amended and additional information requested, such as details of board membership, attendance at meetings, whether elections are held and confirmation that the complaints procedure is accessible from the home page on an IDB's website. This information will enable Defra to gather more data in relation to IDBs.

For 2018 the IDB1 form will be further expanded. The additions were developed in co-operation with the Environment Agency, ADA and invited IDB representatives including David Thomas on behalf of the Middle Level Commissioners. The inclusion of items within the form which would either be difficult to report on or provide information which collectively would be of little value have been resisted and the new IDB1 form should, as a result, allow Defra to gain a

much clearer insight into what IDBs deliver annually. It is hoped that this in turn will assist with raising further the profile of IDBs.

#### B.1707 The General Data Protection Regulation (GDPR)

Miss Ablett referred to the Guidance Note on the implementation of the GDPR and that all organisations must become fully compliant by the 25<sup>th</sup> May 2018.

#### RESOLVED

That Miss Lorna McShane, Solicitor and Assistant Clerk be appointed the Board's Data Protection Officer.

#### B.1708 Completion of the Annual Accounts and Annual Return of the Board – 2016/2017

- 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 2017.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2017.

#### B.1709 Anglia Farmers

The Board considered their contractual arrangements with Anglia Farmers for the supply of electricity.

Miss Ablett reported that the contract with Anglia Farmers ceases on the 30<sup>th</sup> September 2018. Should the Board choose not to renew its contract, they would be required to give notice by the end of January.

She advised that, in view of the problems encountered over the past 15 months with the operation of the contract, a report had been sent to all Chairmen.

Miss Ablett further advised that, although the Clerk was able to recommend to the Board that they remain with Anglia Farmers for a further contract period, usually 18 months to 2 years, during which time the service provided by them will be monitored, it was a Board decision and should they wish to be removed from the buying group then it would be the Board's responsibility to negotiate its own separate electricity contract with a supplier.

#### RESOLVED

That the current arrangements be continued for a further contract period, during which time the service provided by them, in relation to the running of the contract, be monitored.

#### B.1710 Expenditure/ Estimate Update

The Board considered the Estimate Update for 2017/2018.

RESOLVED

That the update be approved.

B.1711 Date of next Meeting

Miss Ablett reminded Members that the next Meeting of the Board will be held on Wednesday the 9<sup>th</sup> May 2018.