

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the March Fifth District Drainage Commissioners
held at the Middle Level Offices, March on Tuesday the 10th April 2018

PRESENT

Miss E Alerton
T E Alerton Esq
M Cornwell Esq
S R Court Esq

Mrs J French
P G Hayes Esq
T D Hopkin Esq
A Payne Esq

Mr Robert Hill (representing the Clerk to the Commissioners) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

In the absence of the Chairman and the Vice Chairman, Mr T Hopkin was appointed as Chair of the meeting.

Apologies for absence

Apologies for absence were received from G Hopkin Esq, R G Jones Esq and J A Lilley Esq.

C.1022 Declarations of Interest

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

Mr Hopkin declared an interest in District Officer matters and the planning application (MLC Ref No 408) for St Johns College, Cambridge.

Mr and Miss Alerton declared interests in agenda items 22 and 23 and the planning application (MLC Ref Nos 392 & 396) for The Wilkinson family.

C.1023 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 11th April 2017 are recorded correctly and that they be confirmed and signed.

C.1024 Appointment of Chairman

RESOLVED

That R Jones Esq be appointed Chairman of the Commissioners.

C.1025 Appointment of Vice Chairman

RESOLVED

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

C.1026 Appointment of District Officer

RESOLVED

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

C.1027 Land Drainage Act 1991
Fenland District Council

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

C.1028 Land at the Slamp

Further to minute C.987, Mr Hill reminded the Commissioners of the 5 year 'Farm Business Tenancy' agreement with the Middle Level Commissioners to hire the land at the Slamp for the annual rent of £200.

In response to Mr Cornwell, Mr Lakey informed the Commissioners of the location of the Slamp land.

Mrs French reported that Cambridgeshire County Council have programmed to re-surface the roadway to the Slamp land.

RESOLVED

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

C.1029 Water Transfer Licences

Further to minute C.989, Mr Hill referred to a letter received from ADA dated the 27th October 2017 and to the Clerk's response to Defra and also to the fact that licencing of water transfers came into force on the 1st January 2018. He advised that, as a licence is only required for transfers from EA main river and no inter-IDB transfers require licencing, this new arrangement will not directly impact the Commissioners.

C.1030 The installation of palisade security fencing at the Commissioners' 2 pumping stations

Further to minute C.990, Mr Hill referred to the Land Registry Title plan.

The District Officer reported that, since the last meeting, the relationship with the occupier has improved and a good working relationship was being established.

RESOLVED

That no palisade security fencing be installed at this time.

C.1031 South Creek Pumped System

Further to minute C.991, the District Officer reported that there had been no problems arising from the pipes.

Mr Lakey reported that there appeared to be a vehicle spraying business in the area which had been sand blasting, with the potential for the used contaminated sand to be blown into the adjacent watercourse.

Mrs French advised that she would report this initially to Fenland District Council's Environmental Health department.

RESOLVED

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

C.1032 Potential Amalgamation with March Third DDC

Further to minute C.1003, Mr Hill reported that the matter had been discussed at both the March Third and March Sixth DDC meetings last year and both had approved to be involved in any future discussions.

RESOLVED

That the Chairman and Vice Chairman be authorised to hold a meeting with the Chairmen and Vice Chairmen of March Third and March Sixth DDCs, and report back to the next meeting of the Commissioners.

C.1033 Consulting Engineers' Report

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

March Fifth D.D.C.

Consulting Engineers Report – March 2018

Weed Control and Drain Maintenance

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

The summer district inspection indicated that the majority of the Commissioners' district drains were in a satisfactory condition and being maintained to a good standard. However, the inspection highlighted sporadic stands of aquatic vegetation throughout the Foxglove Way gravity system and Flagrass Hill drains, reach 33-34-35-36-37. With the District Officer's approval these reaches were included in the annual herbicide application programme.

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

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

North Creek Pumped System

The Commissioners' drains within the North Creek area are in a generally satisfactory condition. Sporadic stands of reed and aquatic vegetation are evident in reach 21-22 adjacent to the sewer works and the Flagrass Hill drains, reach 28-29-30-31-32. It is recommended these reaches are treated with an early season application of Roundup herbicide and inspected again during the proposed summer inspection for any re-infestations that may require a second herbicide application.

South Creek Pumped System

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

cleansing programme to prevent future issues with large accumulations of aquatic weed at the manually cleaned weedscreen.

Creek Road/Newlands Avenue/Foxglove Way – Gravity System

Regular visual inspections of drains in the Foxglove Way area have been undertaken during the last season. Pleasingly, the inspections have identified minimal amounts of domestic and household debris being fly-tipped into the Commissioners' watercourse. The previously reported bank subsidence, reach 5-6, has been monitored throughout the year and has not deteriorated any further. The recent joint district inspection highlighted sporadic stands of reed and aquatic vegetation

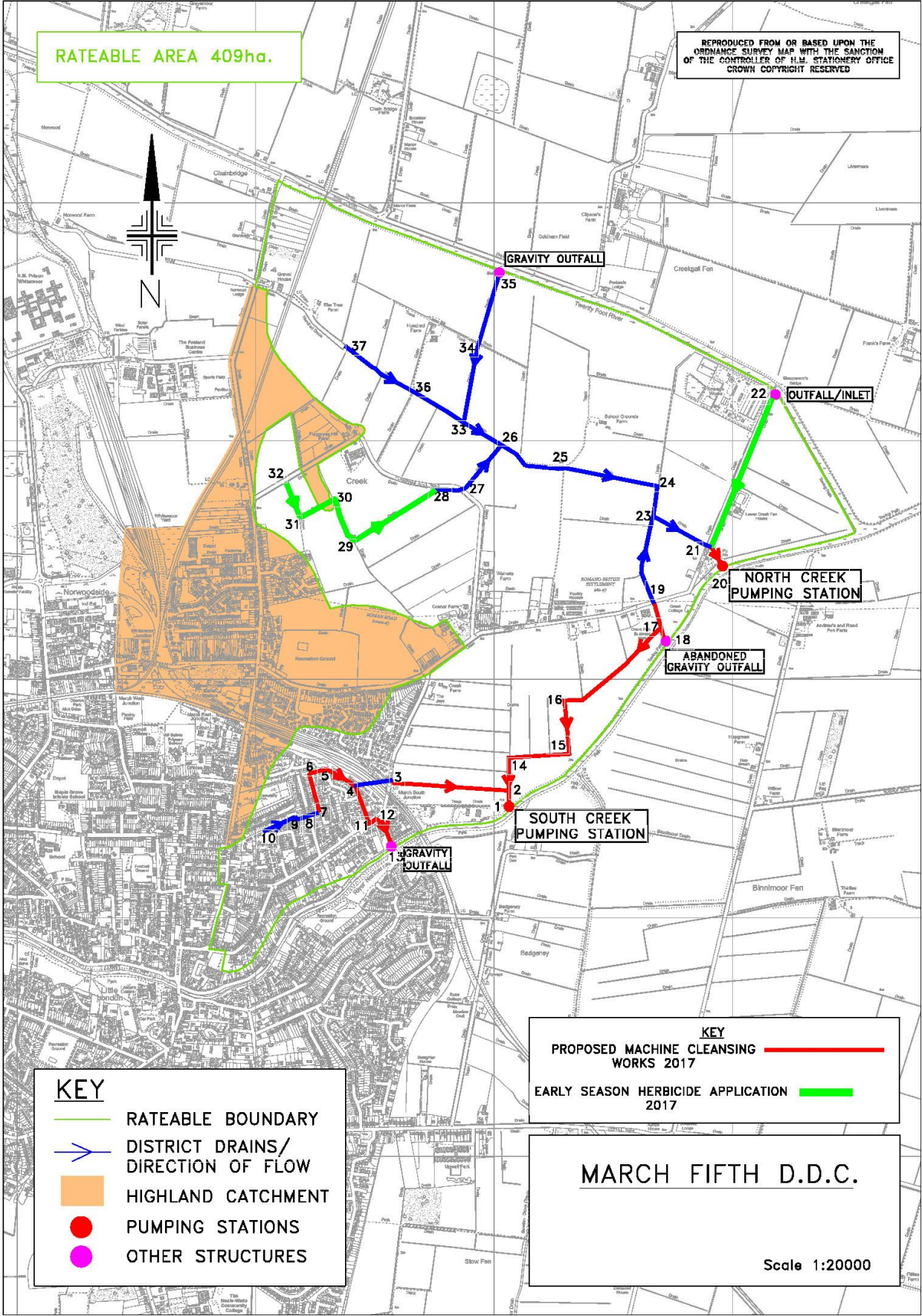


Bank movement on Reach 5-6

throughout the drains in this area. It is therefore recommended that the system is treated with an application of Roundup herbicide, followed by machine cleansing as soon as the ground conditions are suitable. It is also recommended that the area of bank subsidence on the south side of reach 5-6, is battered back and re-profiled to remove the unnecessarily steep side slope. The most cost-effective solution for the Commissioners would be timing the re-profiling works with the machine cleansing of the adjacent watercourse.

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

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



Recommended Weed Control and Drain Maintenance works:

North & South Creek Pumped System				£	£
1.	Flail mowing of District drains	Item	Sum		2600.00
2.	Application of Roundup to control emergent weed and reed	Item	Sum		800.00
3.	Machine cleanse reach 1-2-3	600	m @	1.20	720.00
4.	Machine cleanse reach 20-21	100	m @	2.00	200.00
5.	Machine cleanse reach 2-14-15-16-17-18-19	1250	m @	1.00	1250.00
6.	Creek Road/Newlands Avenue/Foxglove Way – Gravity System Machine Cleanse 13-12-11-4-5-6-7-8-9-10	1000	m @	2.50	2500.00
7.	Bank Trimming Reach 5-6	Item	Sum		500.00
8.	<u>Provisional Item</u> Allowance for any culvert clearance, bank slip repair, emergency or additional machine cleansing that may be deemed necessary later in the year	Item	Sum		1000.00
9.	Fees for inspection, preparation and submission of report to the Commissioners, arrangements and supervision of herbicide applications and maintenance works	Item	Sum		950.00
TOTAL					£10,520.00

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

Pumping Stations

Only routine maintenance has been carried out since the last meeting and the pumping plant at each of the stations is mechanically and electrically in a satisfactory condition.

Insurance

The Commissioners’ new insurer AXA/HSB now includes Engineering Insurance cover for sudden and unforeseen breakdown of pumping plant. However, two recent claims were made by local IDBs and were rejected as AXA/HSB considered that the pumps should have been removed for service

on a 5 yearly frequency, this is currently being contested by the MLC and the company's further consideration is awaited.

Hours Run

North Creek Hours Run March 2017 - March 2018 = 66

North Creek Hours Run March 2016 - March 2017 = 52

North Creek Hours Run March 2015 - March 2016 = 28

North Creek Hours Run March 2014 - March 2015 = 160

North Creek Hours Run Feb 2013 - March 2014 = 82

South Creek Hours Run March 2017 – March 2018 = 157

South Creek Hours Run March 2016 – March 2017 = 121

South Creek Hours Run March 2015 – March 2016 = 110

South Creek Hours Run March 2014 – March 2015 = 337

South Creek Hours Run Feb 2013 - March 2014 = 193

Eel Regulations

The Commissioners have previously expressed concern over the Eel Regulations. National IDB/EA meetings have been held and it is hoped that new, more appropriate evidence-led guidance, focussed on pumping stations, will be issued. However, this may take a year or two to complete.

Internal Consultation with the Board

The process of “internal consultation” between the Middle Level Commissioners and the Commissioners (usually, but not always, with the Chairman and/or District Officer) to seek the Commissioners’ comments and thus aid the decision-making process, is generally 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 recently been made has identified that very few informatives are being added to Decision Notices advising the applicants of their separate legal obligation to comply with the requirements of the Commissioners’ Byelaws and the Land Drainage Act.

It is left to the Commissioners’ discretion whether they wish the Middle Level Commissioners to make a formal response to the Councils concerned directly on their behalf, or whether they request that their Council representatives ensure that such informatives are requested.

Planning Agents Training Day

Having identified engagement issues between “Developers” and the Middle Level 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 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%, predominantly 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 15 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>
443	F/YR17/3027/COND	Solar Savings 4 U Ltd	Residential	St Johns Chase, March
444	F/YR17/0357/F	Mr & Mrs McFadden	Residence (Extension)	Cedar Close, March
445	F/YR17/0298/F	Mr John Woods	Residence (Extension)	Station Road, March
446	F/YR17/0461/F	Iron Works Gym	Leisure	Creek Fen, March
447	F/YR17/0607/F	Mr & Mrs A Spendelow	Residence (Extension)	Shaftesbury Avenue, March
448	F/YR17/0734/F	Mr D Mason	Residential (3 dwellings)	Creek Road, March
449	F/YR17/0834/F	Mrs C Upton	Residence (Extension)	Station Road, March
450	F/YR17/0851/F	Mrs E Edington	Residence (Extension)	Highfield Road, March
451	F/YR17/0827/F	Mr R Rawlinson	Residence	Creek Fen, March
452	F/YR17/1054/F	Mr D Mason	Residential (2 dwellings)	Creek Road, March
453	F/YR17/1055/F	Mr R Moore	Residence (Extension)	Creek Road, March
454	F/YR17/1142/PNH	Mr & Mrs Hayes	Residence (Extension)	Creek Fen, March
455	F/YR17/1147/F	March Cold Stores Ltd	Storage building	Marwick Road, March*
456	F/YR17/1230/F	Mr D Upton	Residential (2 dwellings)	Flaggrass Hill Road, March
457	F/YR18/0008/F	Mr R Towler	Residential (2 dwellings)	Creek Road, March

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

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

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

- *Extension at Station Road, March – Mrs C Upton* (MLC Ref No 449)
- *Extension at Highfield Road, March – Mrs E Edington* (MLC Ref No 450)
- *Residence at Creek Fen, March – Mr R Rawlinson* (MLC Ref No 451)

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 Commissioners' interests.

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

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

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

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

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

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

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

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

The last planning application Fenland District Council Ref No F/YR17/0042/O (MLC Ref No 439) was refused by the District Council for several reasons including “The site lies within Flood Zone 3 which is a high risk flood area”.

The application went to appeal but was dismissed by The Planning Inspector in February.

Erection of a 2-storey rear extension and porch to side of existing dwelling New Park, March – Mr L Johnson (MLC Ref Nos 379 & 384) & Mrs G Clarke (MLC Ref No 427)

Further to minute C.992 Consulting Engineers’ Report (ii) the applicant’s agents, Morton and Hall, were advised of the Board’s decision in an effort to resolve the situation.

Unfortunately, a revised byelaw application submission has not been received and a recommendation to refuse the original application was made to the Clerk to the Commissioners.

No further correspondence has been received from the applicant or the applicant’s agents concerning this site. A note on the Local Land Charges Register (LLCR) has been requested.

Residential development involving the demolition of existing dwelling at land west of Kinloss, St Johns Chase, March - Mr D Fisher & Executors of Mrs J Easter Deceased (MLC Ref No 393) & Solar Savings 4 U Ltd (MLC Ref Nos 424, 431 & 443)

A discharge of condition application, including access drainage, was submitted to the District Council in March and subsequently approved in September.

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

Following a period of inactivity the Middle Level Commissioners received correspondence from the District Council and Commissioners concerning the referral of the planning application to the Planning Committee at its February meeting with a recommendation to grant the permission.

The application was subsequently withdrawn from the meeting.

The applicant has been advised that additional work is considered to be required to address the concerns raised. These are primarily traffic related and do not refer to the Board's interests. Presumably, once this information has been provided it will be referred back to the Planning Committee.

The drainage related submission information has been reviewed and summarised as follow:

1. Phases one and two are just within the highland of the district. Any further phases will most likely be in the rateable area. The basin described below is partly within the rateable.
2. The Cannon Consulting FRA indicates that large shallow infiltration basin designed for 1% AEP (1 in 100 year event) plus 30% climate change will be used. This is a suggestion in the FRA produced for this stage and is not final.
3. It is assumed for this design there will be 2.6ha of impermeable area for the site, this is 65% of the whole site.
4. Swales will also be utilized on site to convey water to the basins. Permeable paving is also suggested for the private hardstanding.
5. Any overflows/flood water from channels and the swales should be directed towards the basins.
6. It is suggested that maintenance would be undertaken by a private maintenance company or could be adopted by Anglian Water. Preferably we would want Anglian Water to adopt the system as private maintenance companies can "hit and miss" and there are issues over ownership and long term funding.
7. The trial pits used to derive the infiltration rates were not spread across the whole site. They were also extrapolated from very little data and should not be used for design purposes.
8. MicroDrainage considers the basin to be at flood risk during the 1% AEP (1 in 100 year) event.
9. The current design would not be acceptable and proper site investigation with tests completed to BRE 365 without extrapolation would have to be completed before any further consideration of the system could take place.

A response raising these concerns suggesting a way forward to protect the Commissioners' interests is currently being prepared.

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

Planning permission was granted subject to the imposition of conditions, with none relating to surface water disposal. However, an informative was added to the Decision Notice advising the applicants of their separate legal obligation to comply with the requirements of the Commissioners' Byelaws and the Land Drainage Act.

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

Further to the last meeting some additional information provided by the applicant's agent has been reviewed. Initial comments are:

1. The surface water is only limited to 5 l/s not the full greenfield rate, as the report advises limiting it to greenfield rate is not achievable. Therefore, a discharge consent on a pro rata basis will be required.
2. The foul water will be disposed of via a treatment plant and discharged into the drain on the southern boundary, this will also require the Board's consent.
3. It is hard to comment on the system with certainty at this point as the design is only preliminary and detailed design has not occurred. Also, the Microdrainage calculations are only estimates as well.
4. In the report there is one outfall for the surface water and the foul water. The outfall, according to the report, needs Section 23 consent.
5. The boreholes used in Appendix E are for the prison and, therefore, the results are only partially relevant to the site.
6. The maintenance schedule in Appendix I does not go far enough as ownership and long term funding is not detailed.

Erection of a cold storage building including plant rooms, 6no loading docks, 14no vehicle charging points, 2no condensers and new hardstanding at Marwick Road, March - March Cold Stores Ltd (MLC Ref No 455)

The development is for a large cold store building with an attenuated discharge into the Commissioners' highland catchment.

A consent application for an attenuated discharge was received in January. Unfortunately, the application did not meet the Commissioners' minimum validation requirements. The

applicant was advised of the position and given the opportunity to provide the additional information required.

However, this information was not received and a recommendation was made to the Clerk to the Commissioners to refuse the application.

Cambridgeshire Flood Risk Management Partnership (CFRMP).

The Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards at meetings held since the last meeting. The main matters that may be of interest to the Commissioners 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. A workshop for stakeholders was held in January and a further one will be held during 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.

Cambridgeshire County Council (CCC) has advised that the Lead Local Flood Authority (LLFA) has also been involved in a similar process with ADA. A response has been prepared by ADA and for more detail see item 35 on the Agenda.

embers will be aware that the statutory fee for obtaining consent 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.

Cambridgeshire County Council – Flood and Water Team – Ordinary watercourse consents have been considered and issued when required.

The Bedford Group of IDBs has advised that Ordinary watercourse consents in its area were not originally considered with protected provisions in the Development Control Order (DCO), a planning document. A legal agreement was subsequently agreed that reflects the IDBs' byelaws and protected provisions.

It is understood that the EA had a similar situation at Peterborough on a Main River, even though it was a stakeholder in the project.

IDBs are reminded that they are not Statutory Consultees in such consultations but do need to be aware of forthcoming schemes in order to protect their interests.

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 Regional Flood & Coastal Committee (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 EA 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 uses 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 Middle Level 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 gauges to the Commissioners’ area are at March WRC (EA gauge) and the Middle Level Commissioners’ Office.

In respect of the Commissioners’ interests the District Council suggested a rain gauge within the town itself, on Anglian Water’s facility off Creek Road (MRCCSM), near River Down.

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 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. An interview attended by the Chief Executive and Planning Engineer was held with the researcher on 5 January to discuss their roles and the role of IDBs and partnership working, amongst other things.

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.

No further action has been taken in respect of the Commssioners’ interests.

FDC Liaison Meeting

A meeting attended by representatives from the Middle Level 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 Middle Level Commissioners and associated IDBs and the EA in relation to flooding and surface water drainage for developers.
- The Middle Level Commissioners to offer a seminar for “planners”.
- The Middle Level 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 Middle Level 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 Middle Level Commissioners or drainage in general.

Another meeting is to be held in May this year.

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 Commissioners’ catchment.

March Neighbourhood Plan 2015-2030

The March Neighbourhood Plan was formally adopted by the District Council on 2 November 2017 following a successful examination, subject to some modifications, and referendum.

Re-Opening of The March – Wisbech Railway

The first meeting of the Cambridgeshire and Peterborough Combined Authority (CPCA) agreed the allocation of funding the Wisbech Garden Town, which includes the re-opening of the rail link.

Known as “Governance of Railway Investment Projects” (GRIP), this is the third of eight stages essential in managing the risks and costs associated with the project. This stage investigates all the engineering options and their cost by assessing potential options and selects the most appropriate one to deliver.

Consulting Engineer

22 March 2018

March Fifth (314)\Reports\March 2018

In response to Mr Cornwell, Mr Hill outlined the issues with regards to the engineering insurance cover and that the Commissioners would be updated following the outcome of the discussions with the insurers.

With regards to the planning procedure update, Mrs French reported that she would take this matter up with the new portfolio holder for planning at Fenland District Council.

In response to Miss Alerton, Mr Lakey detailed how the Middle Level Commissioners' Planning Engineer liaises with the Commissioners with regards to planning applications.

With regard to the planning applications (MLC Ref Nos 315, 316, 335, 344, 347, 351, 354, 358, 360, 374, 380, 386 392, 396, 400 and 432), the Commissioners requested that the Middle Level Commissioners' Planning Engineer monitor the position, as it is anticipated that revised applications will be submitted which could impact on the District system and it was important that the Commissioners position be protected; particularly in relation to applications Nos 392, 396, 344 and 400).

With regard to the planning applications for Mr L Johnson (MLC Ref Nos 379 & 384) and Mrs G Clark (MLC Ref No 427) for the erection of a 2-storey rear extension and porch at New Park, March, the Commissioners considered that every effort should be made to protect their byelaw distance with regards to the pipeline and that the Middle Level Commissioners' Planning Engineer should send a strongly worded letter concerning this to Fenland District Council, the applicant and the applicant's agent.

The Commissioners discussed in detail the planning application for 95 dwellings at Estover Road, March for St Johns College, Cambridge (MLC Ref No 408) and raised concerns over potential further development in the area and the implications of this on the District drainage system.

RESOLVED

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

ii) Weed control and drain maintenance

That the maintenance works contained within the Report be undertaken.

iii) That the Consulting Engineer be requested to write a strongly worded letter to Fenland District Council, the applicant and the applicant agent's in respect of the planning applications (MLC Ref Nos 379, 384 and 427).

iv) That the Consulting Engineer be authorised to represent the Commissioners in all matters in relation to the planning application (MLC Ref No 408) and be authorised to attend any meetings regarding this to represent the Commissioners.

C.1034 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

RESOLVED

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

C.1035 District Officer's Report

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

C.1036 Environmental Officer's Newsletter and BAP Report

Mr Hill referred to the Environmental Officer's Newsletter, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report, together with the information sheets about floating pennywort.

Mr Hill referred to Cliff Carson's recent health issues and that he was now back at work and had recently filmed a piece on otters which was due to be shown on the BBC Spring Watch programme towards the end of the month. He reported that Cliff was due to retire at the end of June and that the process to find his replacement was in hand.

RESOLVED

That the Commissioners make a contribution towards a gift for Cliff Carson's retirement and that the Middle Level Commissioners' Treasurer be authorised to make a contribution in line with that of other Boards.

C.1037 District Officer's Fee

The Commissioners gave consideration to the District Officer's fee for 2018/2019.

RESOLVED

That the Commissioners agree that the sum of £800 be allowed for the services of the District Officer for 2018/2019.

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

C.1038 State-aided Schemes

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

RESOLVED

That no proposals be formulated at the present time.

C.1039 Environment Agency – Precepts

Mr Hill reported that the precept for 2018/2019 had been increased by 1.5% to £1,968 (the precept for 2017/2018 being £1,939).

C.1040 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Mr Hill reported that the sum of £118.43 (£1,729.46 less £1,611.03 paid on account) (inclusive of supervision) had been received from the Environment Agency based on the Commissioners' actual expenditure on maintenance work for the financial year 2016/2017 together with the sum of £1,648.30 in respect of 80% of the Commissioners' estimated expenditure for the financial year 2017/2018.

(b) Further to minute C.1000, Mr Hill referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

That the position be kept under review.

C.1041 Determination of annual value for rating purposes

The Board considered the recommendation for the determination of annual value for rating purposes.

RESOLVED

- i) That the determination 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 appeal against the determination.

C.1042 Rate Arrears

Consideration was given to writing off rate arrears amounting to £11.02.

RESOLVED

That the arrears be written off.

C.1043 Association of Drainage Authorities

Mr Hill reported:-

- a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Wednesday the 14th November 2018.

RESOLVED

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

b) Annual Conference of the River Great Ouse Branch

On the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 6th March 2018 and the fact that the administration of this branch has now been passed to the Middle Level Commissioners.

Mr Hill advised that the new members elected to the Branch's Executive Committee included the Middle Level Commissioners' Operations Engineer, Jonathan Fenn and the Chairman, Marc Heading who was appointed Vice Chairman (with Harry Raby of the Bedford Group being appointed Chairman). He added that the agreed aim of this reworked branch will be to be more pro-active and accordingly it was expected that the Executive Committee will meet periodically to discuss catchment wide issues and will then report back to the Branch at its Annual Conference on what it has achieved over the year.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 1% in 2018, viz:- from £536 to £542.

RESOLVED

That the increased ADA subscription for 2018 be paid.

d) Liability of Board Members

Mr Hill referred to, and the Commissioners noted, a Guidance Note received from ADA dated the 28th 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.

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

e) Updating IDB Byelaws

Mr Hill referred to a letter received from ADA dated the 20th October 2017.

Mr Hill 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 powers in relation to environment matters. To do this it will be necessary to update the current Byelaws in line with the standard model byelaw published in October 2012.

RESOLVED

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

f) Floodex 2019

That Floodex 2019 will be held at The Peterborough Arena on the 27th and 28th February 2019.

C.1044 Capital Programme Strengthening and Delivery

Mr Hill referred to, and the Commissioners noted, the slides presented by the Environment Agency at the Great Ouse IDB and EA Strategic Group meeting on the 19th April 2017.

C.1045 Middle Level Commissioners and Administered Boards Chairs Meeting

Mr Hill reported that a meeting of the Chairmen of all of the Middle Level Commissioners' administered Boards met on the 8th March 2018 to discuss the challenges facing Boards. Innes Thomson, Chief Executive of ADA, spoke on the arrangements adopted by other Boards around the country.

Matters raised included:-

- 1) Advantages, disadvantages and barriers to amalgamation.
- 2) Future meetings and the opportunity for Boards to request items be added to the agenda.
- 3) Reviewing Board membership numbers.
- 4) Frequency of Board meetings.

C.1046 Member training and the appointment of a Health and Safety Officer

Mr Hill 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 Commissioners 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 Commissioners participate in any training organised through the Middle Level Commissioners.

C.1047 Defra IDB1 Returns

Mr Hill reported on the proposed changes to the Annual Defra IDB1 Returns.

He 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.

Mr Hill reported that for the year ended 31st 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.

C.1048 Requirements for a Biosecurity Policy

Mr Hill reported that, from 2018, Board's will be required to advise (through the IDB1 returns) whether they have in place a Biosecurity Policy. This is considered necessary following increased concern over the spread of alien invasive weeds from one waterbody to another, possibly through the use of contracted or shared plant which can carry elements of such plants if not properly cleaned after being moved from contaminated locations. ADA have stated that they support the principle of having a policy in place and, conscious that for most boards the policy requirements will be identical, they are producing a model document. The Commissioners were asked to confirm that they were content to adopt a policy as long as it is suitable and will not include overly onerous steps which might restrict their activities.

RESOLVED

That the draft policy be reviewed by the Commissioners at their next meeting.

C.1049 The General Data Protection Regulation (GDPR)

Mr Hill referred to the Guidance Note on the implementation of the GDPR and that all organisations must become fully compliant by the 25th May 2018.

RESOLVED

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

C.1050 Charging for Environmental Permits

Mr Hill reported on the consultation on charging for Environmental Permits which closed on the 26th January 2018. It is suggested within the consultation that charging should be designed to recover costs and as such there may be significant increases in the charges for obtaining Environment Agency permits for some IDB activities which require such consents. ADA have responded on behalf of the industry and their response is available on their website, www.ada.org.uk/2018/01/ada-responds-environment-agency-charge-proposals-2018.

C.1051 Completion of the Annual Accounts and Annual Return of the Commissioners – 2016/2017

- a) The Commissioners considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2017.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2017.

C.1052 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 1st April 2017.

C.1053 Budgeting

Mr Hill referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2018.

C.1054 Review of Internal Controls

- a) The Commissioners considered and expressed satisfaction with the current system of Internal Controls.
- b) The Commissioners considered and approved the appointment of Whiting & Partners as Internal Auditor for the three period 2018/2019 to 2020/2021.
- c) The Commissioners approved the Audit Strategy and Audit Plan.

C.1055 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with their current Risk Management Policy.

- b) The Commissioners considered and approved the insured value of their buildings.

C.1056 Appointment of External Auditor

Further to minute C.971, Mr Hill referred to the decision by the Commissioners to join the Sector Led Auditor Appointment Body for the appointment of the External Auditor and that the Smaller Authorities' Auditor Appointments (SAAA Ltd) had formed for this purpose. He reported that they had now confirmed the appointment of PKF Littlejohn to carry out the external audit of the Commissioners for a five year period commencing with the financial year 2017/2018.

C.1057 Transparency Code for Smaller Authorities

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

RESOLVED

To continue with a limited assurance review as has been carried out in previous years.

C.1058 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.

C.1059 Annual Governance Statement – 2017/2018

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31st March 2018.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31st March 2018.

C.1060 Payments 2017/2018

The Commissioners considered and approved payments amounting to £28,767.05 which had been made during the financial year 2017/2018.

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

C.1061 Anglia Farmers

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

Mr Hill reported that the contract with Anglia Farmers ceases on the 30th September 2018 and 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.

Mr Hill further advised that, although the Clerk was able to recommend to the Commissioners 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 the Commissioners' decision and should they wish to be removed from the buying group then it would be the Commissioners' responsibility to negotiate its own separate electricity contract with a supplier.

Mr Hill reported that the Chairman had agreed for the Commissioners to remain with Anglia Farmers.

RESOLVED

That the actions of the Chairman be approved and 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.

C.1062 Annual Accounts of the Commissioners – 2017/2018

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31st March 2018 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31st March 2018.

C.1063 Expenditure estimates and special levy and drainage rate requirements 2018/ 2019

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2018/2019 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 11.30% and 88.70%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £16,598 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £1,875 and £14,723 respectively.

- iv) That a rate of 3.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £14,723 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Commissioners be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

C.1064 Display of rate notice

RESOLVED

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

C.1065 Date of next Meeting

RESOLVED

That the next Meeting of the Commissioners be held on Tuesday the 9th April 2019.