NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board held at the Middle Level Offices, March on Thursday the 31st May 2018

PRESENT

A Edgley Esq (Chairman)
S Edgley Esq (Vice Chairman)
T B Edgley

S P Graves Esq P Murphy Esq T Scott Esq

M Smalley Esq

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

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 Councillor Mrs F S Newell, D G Collett Esq, and J Edgley Esq.

B.987 Declarations of Interest

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

B.988 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 1st June 2017 are recorded correctly and that they be confirmed and signed.

B.989 Appointment of Chairman

RESOLVED

That A Edgley Esq be appointed Chairman of the Board.

B.990 Appointment of Vice Chairman

RESOLVED

That S Edgley Esq be appointed Vice Chairman of the Board.

B.991 Election of Board Members

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

COLLETT David G EDGLEY Stephen
COLLETT Geoffrey Phillip EDGLEY Trevor B
EDGLEY Arthur GRAVES Stephen Peter

EDGLEY James SCOTT Trevor

SMALLEY Michael

(NB) Councillors Mrs F S Newell and P Murphy are also Members of the Board as the nominees of Fenland District Council under the provisions of the Land Drainage Act 1991.

Miss Ablett reported that she had been informed that Councillor D Green had resigned from Fenland District Council.

B.992 Resignation of Mr G Collett

Miss Ablett referred to a letter of resignation from Mr G P Collett dated 18th April 2018 informing Members of his resignation.

RESOLVED

That the Board's appreciation of the services rendered by Mr Collett be recorded in the minutes and conveyed to him together with their best wishes for the future.

B.993 Vacancy in Membership

Consideration was given to the filling of the vacancy in the membership of the Board caused by the resignation of Mr Collett.

RESOLVED

That the Chairman be authorised to approach Luke Edgley with a view to filling this vacancy.

B.994 Water Transfer Licences

Further to minute B.954, Miss Ablett 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. She 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 Board.

B.995 Illegal Discharge – Cambridge Property Group

Further to minute B.967, the Chairman reported that he had spoken with the Clerk that morning who had advised that whilst the buildings were empty and hence the toilets etc were not being used, there was little the Board could have done that would have been likely to get a positive F:\Admin\BrendaM\Word\Nightlayers\mins\31.5.18

result on the issue of discharge consent. However, now that the buildings were occupied the situation had changed and the Clerk believed it was the right time for the Board to renew its efforts in order to obtain payment.

The Chairman advised that the Clerk had confirmed that letters were being sent to all concerned, including the new occupiers.

B.996 Drove 22, Carters Bridge

Further to minute B.968, Miss Ablett reminded Members of the request by Abbots Ripton Farming Company Ltd to consider installing a slacker at Drove 22, required because the area was prone to flooding, and of the resolution approved at last year's meeting.

Mr Smalley advised that the water levels had been kept low for part of the year, which had made a difference and there had therefore not been any issues this year. He was satisfied that keeping the levels down like this would assist with alleviating any problems going forward.

RESOLVED

That the water levels continue to be kept lower over the winter and the situation monitored.

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

<u>B.997 Association of Drainage Authorities – Further Research on Eels</u>

Further to minute B.966(d), the Board considered making a further contribution towards the research on eels.

RESOLVED

That the Board contribute an additional £100 towards further research on eels for 2018/2019.

B.998 Consulting Engineers' Report

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

Nightlayers I.D.B.

Consulting Engineers Report – May 2018

Weed Control and Drain Maintenance

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

A Roundup herbicide application was applied early in the growing season to the Board's Campole drain, reach 19-21-22-23-24-25-26-27, to control vigorous growths of watercress and other emergent aquatic vegetation. A second, follow-up application of Roundup was required later in the year to the Campole Drain and the Northern and Southern spur drains, reaches 2-12-15 and 4-13-29-30-31, prior to the programmed machine cleansing.

A recent joint inspection of the Board's drains has been undertaken with the Chairman. This reveals that most drains remain in a generally satisfactory condition and are being maintained to a good standard.

However, sporadic stands of reed and emergent aquatic vegetation are evident throughout the Main Pump Drain (reach 1-2-3) and the Nightlayer's Fen Drain (reach 6-5-4-3-14-15). It is recommended that the affected reaches be treated with an application of Roundup herbicide, followed by light machine cleansing post-harvest this year.

Dislodged Concrete Culvert pipe Reach 15-18



The District inspection highlighted a partial collapse of the culvert in the Board's drain on reach 15-18. A section of pipe appears to have become dislodged and has fallen into the watercourse on the downstream side. Water flows are not currently being restricted, but the culvert pipe will require attention when the contractor's machine is in the area carrying out programmed machine cleansing works.

A provisional sum has been included in the estimated costs to re-instate the culvert with a reinforced concrete bagged headwall. The site will be continually monitored for any further deterioration until the culvert repair has been undertaken.



Campole Drain Subsidence, Reach 22-23

It was also noted that there is an area of bank subsidence on reach 22-23 of the Campole Drain, in close proximity to the revetment works carried out last year. Board members will be aware that historically the Campole Drain has been susceptible to movement and subsidence of the side sloping banks. Significant toe piling work has been required in the past to maintain the bank profile. The recent inspection highlights that much of this old piling work is now beginning to fail as the timber revetment reaches its end of life period. In order to maintain the channel to an acceptable standard it is recommended that the worst affected lengths are prioritised for re-piling works. It is also suggested that in order to extend the

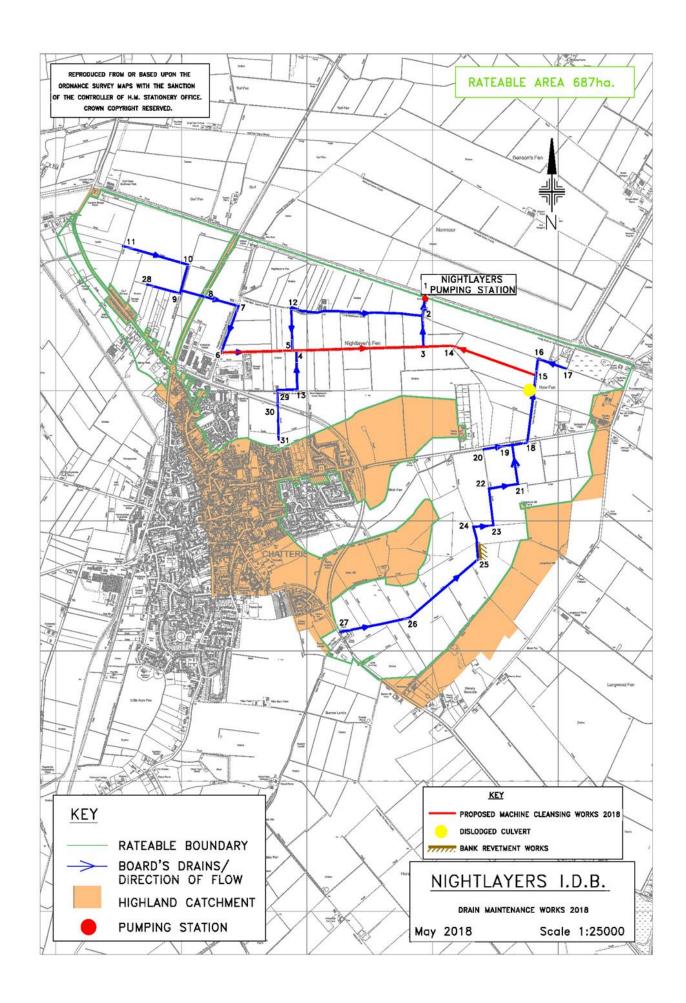
life span of newly installed revetments, a third row of timber piles are installed along the worst affected lengths in an attempt to reduce surcharge loading and prevent any further deterioration of the bank profile. A provisional sum has been included in the estimate to allow for the proposed works to be completed this year.

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

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

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

1)	Roundup applications to control emergent aquatic weed and reed growth in District Drains	Item	Sum		1200.00
2)	Allow sum for machine cleansing Main Pump Drain Reach 1-2-3	n 400m	@	1.20	480.00
3)	Allow sum for machine cleansing Nightlayer's	400111	•	1.20	400.00
	Fen Drain Reach 6-5-4-3-14-15	2600m	@	1.20	3120.00
4)	Provisional Item Re-instate culvert, Reach 15-18	Item	Sum		1200.00
5)	Provisional Item Bank revetment works on Campole Drain Reach 22-23	Item	Sum		1100.00
			Carried fo	orward	7100.00



		В	rought forward	7100.00
6)	Allow sum for emergency machine Cleansing Cott removal, culvert clearance works in Board's Drains	Item	Sum	1500.00
7)	Flail mowing district drains	Item	Sum	2500.00
8)	Fees for inspection, preparation and Submission of report to the Board, Arrangement and supervision of herbicide Applications and maintenance works	ltem	Sum	1000.00
		TOTAL		£12,100.00

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

Pumping Station

Other than as reported below only routine maintenance has been carried out since the last meeting and the Station's pumping plant is considered to be in a satisfactory condition.

Weedscreen Cleaner

During January it was reported that the cleaner hoist cables were tangled and the grab was hanging at 30 degrees to horizontal, a visual inspection revealed the left-hand rope had come off its drum and was caught up in the timing mechanism. Also, a slack rope roller/arm was missing, the right-hand rope lifting eye was touching the winch drum and the timing belt had come off its sprockets.

No timer is present on the slack rope function and on being triggered the machine raise back up to tension the ropes and then continue with its cycle.

In order to prevent damage occurring in the future CWE quoted to upgrade the machine with Broken Rope sensors. The upgrade was to include both PLC & HMI software to the latest release which also incorporates a Tec-Reel spring count. The broken rope sensor would be triggered when the machine either has a broken rope or severe slack cable and the machine would come to an immediate stop and require operator intervention.

However, on checking the machines PLC, CWE found that no additional inputs were available and we are awaiting their response on the availability of an additional input card for this obsolete PLC.

CWE are currently trialing an improved grab which may be more efficient at removing rapid blockages of the weedscreen that occur at certain times of the year, however currently there is little weed in the system to allow the trial to be conclusive.

At last year's meeting it was requested that possible GiA improvements be considered in order to reduce the blockages. This could be carried out by installing a wider screen to reduce the intake velocity, which would be constructed in front of the existing weedscreen. This would require significant piling works, together with an additional weedscreen cleaner as the existing unit could not be modified to serve both the new intake and the existing diesel pump weedscreen.

The cost of such a project would be considerable probably in excess of £200k and in order to gain GiA a business case would have to be developed to prove there would be a significant reduction in flood risk to the protected properties. Such works may also trigger the requirements of the Eel Regulations.

Pumping Hours

	Total hours run May 16 – May 17	Total hours run May 17 – May 18
No 1 electric	264	533
No 2 diesel	59	13

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

Insurance

The Board's 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.

Eel Regulations

Following sustained pressure from the IDB sector, notification has been received that a paper was presented to the EA Executive Directors' Team proposing some changes to their current regulatory process. It is understood that Executive Directors supported the recommendations in the paper and that work is now underway to establish how the EA will transition the changes and what this means in the interim for operators such as IDBs.

In line with what IDBs have been calling for, there is to be a new approach identifying the best achievable eel protection (BAEP), in terms of what is technically feasible and generally affordable. The EA also proposes to change when and where it applies its eel cost benefit analysis tool; how it considers affordability of eel protection at individual sites; and how it balances costs with risk to eel at individual sites. The EA will also investigate where there are opportunities to revise its current programming approach to optimise outcomes for eel. Finally, it will work with sector leads in developing new guidance and processes.

However, it is important to note that the EA will not be in a position to introduce its new regulatory approach until it has developed all of the new, interdependent, components of the process which the EA advise will take up to 12 months.

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 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 only four 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 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 32 new applications have been received and dealt with since the last meeting:

MLC Ref.	Council Ref.	Applicant	Type of Development	Location
732	F/YR17/0309/F	R R Angood & Son	Agricultural	New Road, Chatteris*
733	F/YR16/1078/F	Mr I Benney	Residence Agricultural	High Street, Chatteris
734 735	F/YR17/0463/F F/YR17/0527/F	Nightlayer Leek Co Ltd FRW (UK) Ltd	(Storage building) Residence	Dean Drove, Chatteris* George Way, Chatteris
736	F/YR17/0602/F	Mr I Benney	Residence	High Street, Chatteris
736	F/YR17/0602/F	Mir i Benney		High Street, Chatteris
737	F/YR17/0686/RM	Mr G Munns	Residential (up to 3 plots)	Doddington Road, Chatteris
738	F/YR17/0650/F	Mr & Mrs Felce	Residence (Extension)	New Road, Chatteris
739	F/YR17/0649/F	Mr K Barrett	Residence (Extension)	St Martins Road, Chatteris
740	F/YR17/0775/F	ALS Food & Pharmaceutical	Store/Office	Medcalfe Way, Chatteris*
741	F/YR17/0796/PNH	Mrs T Baker	Residence (Extensions)	Wenny Court, Chatteris
742	F/YR17/0822/F	Mrs J Furlong	Residence	Pound Road, Chatteris
743	F/YR17/0811/F	N & M Hobbs	Garden centre	Doddington Road, Chatteris
744	F/YR17/0902/F	Mr & Mrs Ager	Residence (Extension)	Willey Terrace, Chatteris
745	F/YR17/0891/F	Mrs C West	Residence (Extension)	The Elms, Chatteris
746	F/YR17/0928/RM	FRW (UK) Ltd	Residence	Doddington Road, Chatteris
747	F/YR17/0971/F	Mr S Bristow & Ms S Storey	Residence (Extension)	The Elms, Chatteris
748	F/YR17/1006/F	Mr K Shepherd	Residence	Curf Terrace, Chatteris
749	F/YR17/1063/F	Cambridgeshire Fire & Rescue Services	Fire Station (Extension)	Station Street, Chatteris*
750	F/YR17/1106/F	Dr & Mrs P McKen	Residence (Extension)	St Martins Road, Chatteris
751	F/YR17/1124/F	Mr Robertson	Residence	Bridge Street, Chatteris
752	F/YR17/1157/F	Mr T Mannion	Residential (10 plots)	High Street/Slade Way, Chatteris
753	F/YR17/1195/O	Ms C Morley	Residential (up to 4 plots)	Wenny Road, Chatteris
754	F/YR17/1229/RM	Produce World Ltd	Warehouse/Office	Fenton Way, Chatteris
755	F/YR17/1240/F	J A Investments	Residential (6 plots)	Bridge Street, Chatteris
756	F/YR18/0007/F	Mr M Prior	Residence	East Park Street, Chatteris
757	F/YR18/0092/CERTP	Chatteris Tennis Club	Leisure	New Road, Chatteris
758	F/YR18/0117/F	Chatteris Development Ltd	Residential (4 Plots)	Railway Lane, Chatteris

759	F/YR18/0110/F	Nightlayer Leek Company	Agricultural	Dean Drove, Chatteris
			Residence including	
			Hay Store/Horsebox	
760	F/YR18/0119/F	J Stannard & M Northfield	Garage & Stables	Horseway, Chatteris
761	F/YR18/0256/F	N & M Hobbs	Garden centre	Doddington Road, Chatteris
762	F/YR18/0269/F	Mr H Luetzow	Residence	New Road, Chatteris
763	F/YR18/0317/F	Mr S Grainger	Leisure	New Road, Chatteris

Planning applications ending 'RM', 'REM' or 'RMM' relate to reserved matters
Planning applications ending 'PNH' and 'PACOU' relate to household permitted regulations notification
Planning applications ending 'CERTP' relate to Certificate of Lawful Use (Proposed)

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

Some of the above are likely to discharge treated effluent into the Board's system via Nightlayers Water Recycling Centre (WRC).

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.

- Residence (Extension) at Victoria Street, Chatteris Mr & Mrs Hitch (MLC Ref No 721)
- b. Residence at Curf Terrace, Chatteris Mr K Shepherd (MLC Ref No 725)
- Residence (Extension) at Willey Terrace, Chatteris Mr & Mrs Ager (MLC Ref No 728)
- Residence (Extension) at Cricketers Way, Chatteris Mrs M Bevens (MLC Ref No 729)
- e. Agricultural building at New Road, Chatteris R R Angood & Son (MLC Ref No 732)
- f. Residence (Extension) at New Road, Chatteris Mr & Mrs Felce (MLC Ref No 738)
- g. Residence (Extension) at Willey Terrace, Chatteris Mr & Mrs Ager (MLC Ref No 744)

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 workplace homes Mr G Collett (MLC Ref Nos 370 & 551) & Midland Ventures Ltd (MLC Ref No 492) and Erection of up to 3no dwellings at land south west of (Womb Farm) Doddington Road [George Way], Chatteris - Mr G Collett (MLC Ref No 726)
- Residential development with associated landscaping, open space and infrastructure at land east of Wenny Road, Chatteris - Cannon Kirk (UK) Homes (MLC Ref Nos 535 & 698) and Client of Cannon Consulting Engineers (MLC Ref Nos 667 & 676)

- Erection of 20 dwellings comprising; 8 x 2-bed and 11 x 3-bed houses, 1 x 3-bed bungalow and garages at land south of Tern Gardens, Chatteris Construct Reason Limited (MLC Ref No 563)
- Erection of a 3-storey block of 6 x flats comprising of 4 x 2 bed and 2 x 1-bed flats involving the demolition of existing building at 26 Bridge Street, Chatteris - Mrs R Jinks (MLC Ref 588 & 683) & Green Deal Construction Ltd (MLC Ref 708)
- Erection of 8 houses comprising of 1 x 4-bed detached, 6 x 3-bed semi-detached and 1 x 3-bed detached with garages at site of former 91 High Street, Chatteris – J A Investments (MLC Ref Nos 600 & 608)
- Residential development on land north and east of 209 New Road, Chatteris Client of Opus International Consultants (UK) Ltd (MLC Ref No 617), King Partnership Homes (MLC Ref Nos 617 & 620) & Langwith Construction (MLC Ref No 718)
- Proposed wind turbine, substation, transformer buildings and associated works on land west of Nightlayers Farm, Long Nightlayer's Drove, Chatteris - Client of Amazi Consulting Ltd (MLC Ref No 650)/Long Nightlayers Drove Renewables Ltd (MLC Ref Nos 651 & 657)
- Installation of a Biomethane Injection pipeline (to inject into the National Grid) involving the erection of an associated plant compound with 2.4m high boundary security fence and gates at Gas Pipeline for Anaerobic Digester Plant, Iretons Way, Chatteris Little Green Consulting Ltd (MLC Ref No 661) & Pretoria Energy (MLC Ref No 666)
- Erection of 7no single storey dwellings comprising of 6 x 3-bed with garages and 1 x 2-bed at land north of 35-45 New Road, Chatteris – Construct Reason Ltd (MLC Ref No 662)
- Extension & alterations to former Co-operative Store, Bridge Street, Chatteris Client of Stirling Maynard (MLC Ref No 675) & Aldi Food Stores (MLC Ref No 680)

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.

Development of land west off Fenton Way and east of Iretons Way, Chatteris – Client of Grounds & Co (MLC Ref No 560); Allpress Farms Ltd (MLC Ref No 566); R W Simpson Ltd (MLC Ref Nos 464 & 570) & Produce World (Chatteris) Ltd (MLC Ref Nos 659, 663 & 754)

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

Further to minute B.956 Consulting Engineers' Report item (vi) the issuing of the Advisory Notice was delayed but has now been issued.

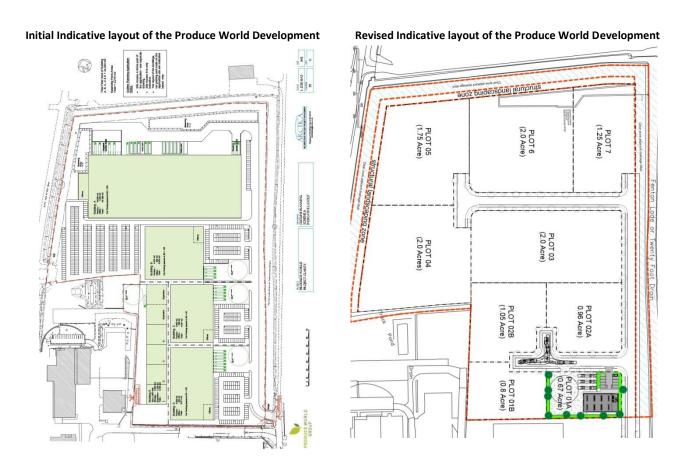
Phase 1 - Proposed Onion Store - Greenshoots Ltd

It is understood that this Phase is now complete.

Phase 2 (MLC Ref No 754)

Members will recall that initial discussions had been undertaken with the applicants' consulting engineer concerning relevant aspects of the site including surface water disposal, access to the "private" watercourses and the Board's Drain. However, the previously agreed layout has been amended and the Board has yet to be formally contacted about this. Therefore, it may be prudent to raise any concerns with the applicants' agent, Barker Storey Matthews, and the District Council at an early stage before the proposals become too far advanced and hence difficult to amend to meet the Board's requirements.

Therefore, in order to guide further discussions, it would be beneficial to receive the Board's opinion, further instruction and approval to initially write to the persons concerned in order to resolve any potential issues



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

Further to the last meeting report additional discussions have occurred in respect of this development but, according to Fenland District Council's Public Access web page, a decision on this site still remains pending.

The Board has yet to be formally contacted.

Developments at Medcalfe Way, Bridge Street, Chatteris – Eclipse Scientific Group (MLC Ref No 605) & ALS Food & Pharmaceutical (MLC Ref No 740)

Further to the previous discussions held circa 2013 for a larger development on this site, that never came to fruition, a planning application has been submitted to the District Council in July for a cold store and office area. Planning permission was granted in October.

The application form advises that surface water disposal will be to an existing watercourse.

Residential development involving demolition of existing buildings at 54 Bridge Street, Chatteris - City Dial Retirement Benefit Trust Scheme (MLC Ref No 634) & J A Investments (MLC Ref No 755)

This planning application for the erection of 5 x 3-storey 3-bed dwellings and 1 x 2-bed flat was granted permission in March this year subject to the imposition of conditions, including surface water disposal.

An informative was included on the Decision Notice.

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

Further to the last meeting the application for the disposal of treated effluent has been processed and recommended for approval.

Residential Development at land west of 9 Doddington Road, Chatteris – Mr George Munns (MLC Ref Nos 720 & 737)

Further to the last meeting the applicant submitted a Reserved Matters planning application to the District Council in July. This was subsequently approved in September.

Erection of 10 x 2-storey 3-bed dwellings including 1 x with detached single garage, 2 x with detached double carports on land north east of 81 - 87 High Street accessed From Slade Way, Chatteris - Mr T Mannion (MLC Ref No 752)

This planning application, submitted to the District Council in October, was withdrawn in January.

Erection of up to 4 x dwellings involving the demolition of existing dwelling and associated outbuildings at 14 - 16 Wenny Road Chatteris – Ms C Morley (MLC Ref No 753)

This planning application, for development on the north western side of Ellingham Gardens, was granted planning permission subject to the imposition of conditions, including surface water disposal.

An informative was included on the Decision Notice.

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 Board's interests.

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 Board's interests.

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 and 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)

The Middle Level Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards since the last 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, which concerns all of the Fens, has commenced. This 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.

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.

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 32 on the Agenda.

Members 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 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.

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; 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.

However, written advice was given to the LLFA in May 2017 concerning the open channel adjacent to The Pastures, off New Road, Chatteris.

Consulting Engineer

10 May 2018

Nightlayers(320)\Reports\May 2018

Mr Downes reported that at last year's meeting it was requested that possible Grant-in-Aided improvement works be considered in order to reduce blockages at the weedscreen.

He advised that the problem with the blockages could be resolved by installing a wider screen, which would be constructed in front of the existing weedscreen. He further advised this would require significant piling works, together with an additional weedscreen cleaner, as the existing unit could not be modified to serve both the new intake and the existing diesel pump weedscreen.

Mr Downes noted that the costs for provision of a new weedscreen, piling works and a new automatic weedscreen cleaner would be in the region of £200,000 and that, as the Board protects a large number of houses, together with the sewage works, there was a possibility of obtaining Grantin-Aid for the works. A Business case however would have to be developed to prove there would be a significant reduction in flood risk to the protected properties, which would cost in the region of £7,000 to produce. He also warned that such works may also trigger the requirements of the Eel Regulations, which would mean replacing the pumps with fish friendly pumps, although it may be possible that the Grant-in-Aid may cover some or all of this. Mr Downes enquired whether the Board wished to proceed with the development of a Grant-in-Aid Business case.

Members discussed whether Anglian Water should be approached requesting their support to the scheme, which would assist with the application and also for a contribution to the scheme if 100% Grant-in-Aid is not received.

With regards to the development of land west of Fenton Way and east of Iretons Way, Chatteris (MLC Ref Nos 464, 560, 566, 570, 659, 663 & 754), Miss Ablett reported that the previously agreed layout relating to Phase 2 of the development had been amended but the Board had not been formally contacted about this. She enquired whether the Board wished for the Planning Engineer to write to the applicants' agent, Barker Storey Matthews and the District Council, to raise any concerns before the proposals become too far advanced and hence difficult to amend to meet the Board's requirements.

RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) Weed Control and Drain Maintenance

That the recommended works be undertaken.

- iii) That a Business case be developed in relation to a Grant-in-Aid application for installation of a new automatic weedscreen cleaner and a wider weedscreen.
- iv) That the Clerk approach Anglian Water with regard to a contribution towards the cost, if 100% Grant-in-Aid was not received, as this will benefit them also, and in any event to request their support for the application as this may assist with it being successful.
- v) <u>Development of land west of Fenton Way and east of Iretons Way, Chatteris –</u> (MLC Ref Nos 464, 560, 566, 570, 659, 663 & 754),

That the Planning Engineer write to the persons concerned in order to resolve any potential issues that may arise from the amended layout.

vi) That the Planning Engineer be requested to write to the Local Councils regarding informatives on decision notices

B.999 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

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

B.1000 District Officer's Report

The District Officer reported that it had been a quiet year in relation to pumping with few problems encountered and that most relevant matters had already been covered in the Consulting Engineer's Report. He confirmed that the drains were in good order and there had been no problems with the pumps.

The District Officer advised that there had been an issue with the alarm and that ADT Security were called out to resolve the problem, which they did eventually, but at a cost to the Board. He had subsequently requested that the Middle Level Commissioners query the charge on the basis that it was due to a faulty wire, which he considered should be covered under the agreement. Miss Ablett confirmed that an email had been sent and that the Chairman would be kept informed.

Mr S Edgley enquired whether, if the alarm was not required for insurance purposes, it was necessary to have a maintenance agreement, especially when a charge is made for each call out. He suggested that it may be better not to pay for a maintenance agreement and just pay for any call out charges, when the alarm does fail.

RESOLVED

- i) That the Officer be thanked for his services over the preceding year.
- ii) That the Clerk contact ADT Security regarding the maintenance agreement for the alarm to enquire of the cost of call outs, both with or without a maintenance agreement in place, and the details be sent to the Chairman. The Chairman to be authorised to take any action he considers appropriate in relation to the maintenance agreement for the alarm.

B.1001 Environmental Officer's Newsletter and BAP Report

Miss Ablett referred to the Environmental Officer's newsletter, previously circulated to members.

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

The Chairman advised that Cliff Carson was due to retire at the end of June and enquired whether the members wished to contribute to a retirement gift.

RESOLVED

That the Board make a £100 contribution towards a gift for Cliff Carson's retirement.

B.1002 District Officer's Fee

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

RESOLVED

- i) That the Board agree that the sum of £3,740 be allowed for the services of the District Officer for 2018/2019.
- ii) That, in future years, an increase in accordance with the Middle Level Commissioners' award be made to the District Officer.

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

B.1003 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.

As previously resolved a Business case is to be developed in relation to a Grant-in-Aid application for the installation of a new automatic weedscreen cleaner and larger weedscreen.

RESOLVED

That a Business case be developed in relation to a Grant-in-Aid application for the installation of a new automatic weedscreen cleaner and a wider weedscreen

B.1004 Environment Agency – Precepts

Miss Ablett reported that the Environment Agency had issued the precept for 2018/2019 in the sum of £3,132 (the precept for 2017/2018 being £3,085).

B.1005 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- a) Miss Ablett reported that the sum of £2,526.70 (inclusive of supervision) had been received from the Environment Agency (£2,959.54 representing 80% of the Board's estimated expenditure for the financial year 2017/2018 less £432.84 overpaid in respect of the financial year 2016/17.
- b) Further to minute B.928(b), Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

RESOLVED

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

B.1006 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.

B.1007 Rate Arrears

Consideration was given to writing off rate arrears amounting to £1.65.

RESOLVED

That the arrears be written off.

B.1008 Contribution from Developers

With reference to minute B.181, 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 volume had been received.

B.1009 Association of Drainage Authorities

Miss Ablett 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 Member 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.

Miss Ablett 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). She 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) <u>Subscriptions</u>

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) <u>Liability of Board Members</u>

Miss Ablett referred to, and the Board 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.

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) <u>Updating IDB Byelaws</u>

Miss Ablett referred to a letter received from ADA dated the 20th 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 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 for consideration by the Board at their next meeting.

f) New Model Policy Statement

Miss Ablett referred to the publication of the new model Policy Statement issued in late April 2018 by ADA.

RESOLVED

That the Clerk be requested to draft a new Policy Statement for consideration by the Board at their next meeting.

g) Floodex 2019

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

B.1010 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 19th April 2017.

B.1011 Middle Level Commissioners and Administered Boards Chairs Meeting

Miss Ablett 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.

B.1012 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 Vice Chairman be appointed Health and Safety Officer.
- ii) That the Board participate in any training organised through the Middle Level Commissioners.

B.1013 Defra IDB1 Returns

Miss Ablett referred to a letter received from Defra dated the 24th April 2018 and 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 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 cooperation 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.1014 Requirements for a Biosecurity Policy

Miss Ablett 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 Board 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 Board at their next meeting.

B.1015 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 25th May 2018.

RESOLVED

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

B.1016 Charging for Environmental Permits

Miss Ablett 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.

B.1017 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 31st March 2017.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2017.

B.1018 Governance and Accountability for Smaller Authorities in England

Miss Ablett referred to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1st April 2018.

B.1019 Budgeting

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

B.1020 Review of Internal Controls

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

B.1021 Risk Management Assessment

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

b) The Board reviewed and approved the insured value of their buildings.

B.1022 Appointment of External Auditor

Further to minute B.940, Miss Ablett referred to the decision by the Board 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. She reported that they had now confirmed the appointment of PKF Littlejohn to carry out the external audit of the Board for a five year period commencing with the financial year 2017/2018.

B.1023 Exercise of Public Rights

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

B.1024 Annual Governance Statement 2017/2018

The Board 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 Board, for the financial year ending 31st March 2018.

B.1025 Payments

The Board considered and approved payments amounting to £45,240.39 which had been made during the financial year 2017/2018.

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

B.1026 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 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.

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 the Board's 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.

Miss Ablett 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.

B.1027 Annual Accounts of the Board – 2017/2018

The Board 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 Board, for the financial year ending 31st March 2018.

B.1028 Expenditure estimates and special levy and drainage rate requirements 2018/2019

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2018/2019 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 21.14% and 78.86%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £22,924 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £4,846 and £18,078 respectively.
- iv) That a rate of 3.75p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £18,078 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levy referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.1029 Display of rate notice

RESOLVED

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

B.1030 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Thursday the 30th May 2019.