

## MANEA AND WELNEY DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the Manea and Welney District Drainage Commissioners  
held at the Lamb and Flag Public House, Welney on Wednesday the 14<sup>th</sup> February 2018

### PRESENT

J E Heading Esq (Chairman)	M E Heading Esq
C M Barnes Esq	P Jolley Esq
N Cook Esq	Mrs A J Langley
C J Crofts Esq	C W Sears Esq
C F Hartley Esq	R M C Sears Esq
J H Hawes Esq	W Sutton Esq

Mr Robert Hill (representing the Clerk to the Commissioners) was in attendance.

The Chairman welcomed Commissioners to the meeting.

### Apologies for absence

Apologies for absence were received from M Buckton Esq, M D R Fairey Esq, P D Hawes Esq and N V M Walker Esq.

### C.723 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 any of them.

Councillor Sutton declared an interest in any planning matters as a member of Fenland District Council.

### C.724 Confirmation of Minutes

With reference to minute B.C.722, Ouse Washes Section 10 Reservoir Inspection, where reference had been made to Nicholas Oldfield this should be Nicola.

### RESOLVED

That, subject to the amendment, the Minutes of the Meeting of the Commissioners held on the 14<sup>th</sup> June 2017 are recorded correctly and that they be confirmed and signed.

### C.725 Appointments – 2018/2019

#### a) Appointment of Chairman

### RESOLVED

That J E Heading Esq be appointed Chairman of the Commissioners.

b) Appointment of Vice Chairman

The Chairman reported that the Vice Chairman had contacted him to advise that, due to his ongoing illness, he did not consider he could continue as Vice Chairman of the Commissioners.

He added that the Vice Chairman had been a great support to him and to the Commissioners generally and that he would be writing to thank him for his services both personally and on behalf of the Commissioners.

Having given the matter consideration, the Chairman wished to propose Mr R M C Sears as Vice Chairman of the Commissioners, which was seconded by Mr P Jolley.

RESOLVED

That R M C Sears Esq be appointed Vice Chairman of the Commissioners.

c) Appointment of Finance Committee

RESOLVED

That the Finance Committee be constituted as follows, viz:-

C J Crofts Esq	P Jolley Esq
J E Heading Esq	Mrs A J Langley
R M C Sears Esq	

C.726 Bank mandate

RESOLVED

That, in addition to Mr J E Heading, Mr R M C Sears be authorised to sign cheques and authorise payments on behalf of the Commissioners.

C.727 Land Drainage Act 1991

Mr Hill reported that Fenland District Council had re-appointed Councillors M Buckton and W Sutton to be Commissioners under the provisions of the Land Drainage Act 1991.

C.728 Water Transfer Licences

Further to minute C.701, Mr Hill referred to a letter received from ADA dated the 27<sup>th</sup> October 2017 and to the Clerk's response to Defra.

Mr Hill reported that Defra had now issued the Government response to the Consultation on Water Transfer Licences, which ended in January 2017, and it appears that, from the 1<sup>st</sup> January 2018, Defra will require Boards that transfer water from Main River to District Drains to obtain a licence. He advised that the licence fee will be £1,500 which would cover a 12 year period, however no inter-district IDB transfers will be caught by the licencing regime. At the moment Defra have said the details to be contained in the licence will be flexible and that only if there is significant risk to water quality will a lot of detail be required in the licence.

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

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

#### RESOLVED

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

#### C.729 Ouse Washes Section 10 Reservoir Inspection

Further to minute C.702, Mr Hill referred to briefing notes from the Environment Agency dated August, September and October 2017.

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

#### C.730 Ouse Washes Landscape Partnership Scheme

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

He reported that an extensive biodiversity study had been commissioned by Cambridgeshire ACRE last year which included twenty two of the Manea and Welney DDC watercourses. Information on this was given in the appendix and it was noted that the full survey results could be found online.

Mr Hill further reported that the group had met on the 17<sup>th</sup> March and 12<sup>th</sup> September 2017 and the items covered included issues on badgers and the bank slips their activity had caused, the dredging of the 100 foot, where the dredged material had been used to repair the Cradge bank and, agitation Dredging at Stow Bridge. Mr Hill added that, after significant delays, the Environment Agency had finally received the MMO licence for a dredging pilot on the River Great Ouse. This scheme had been due to start several years ago but had suffered a number of setbacks. The Environment Agency advises that they will now start working with their procurement team to revisit the original tender documents and are expecting to carry out work between October/November/December 2018. They will also be sharing any recent data from their routine centreline bathymetric survey which is used to monitor the silt movements year on year within the tidal river corridor. One other matter which was covered in detail was the concern over the increasing close proximity of Floating Pennywort for which an action plan was being formulated at the September meeting

The Chairman reported that he had served on the Management Board of the Scheme and that this had been a five year programme with £1m lottery funding.

Mrs Langley queried whether it was known if any instances of woody nightshade had been recorded on the study. The Chairman considered that the study was in relation to water born plants within the watercourse and not on the bank side.

C.731 Association of Drainage Authorities  
Further Research on Eels

Further to minute C.683(e)(ii), the Commissioners considered making a further contribution towards the research on eels.

RESOLVED

That the Commissioners approve the recommendation of the Finance Committee to contribute an additional £250 towards further research on eels for 2018/2019.

(NB) – The Chairman declared an interest as a Director of ADA.

C.732 Knyverton House, Wisbech Road, Manea

Further to minute C.703, the Chairman reported that a byelaw application had recently been received for this site.

RESOLVED

That the Chairman be authorised to take any action he considers necessary in dealing with the byelaw application.

C.733 Consulting Engineers' Report

The Commissioners considered the Report of the Consulting Engineers and the recommendations of the Finance Committee, viz:-

## Manea & Welney D.D.C.

### Consulting Engineers Report – January 2018

#### Pumping Stations

Other than the matters previously reported or described below, 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.

Emergency signage is ready and will be fitted in the next few weeks.

#### Glenhouse - Future Electrification

The Commissioners have previously expressed concern over the Eel Regulations, being triggered by improvements/refurbishment of the Glenhouse Pumping Station such as electrification. 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.

#### Pumping Hours

<i>Hours Run</i>	<i>Glenhouse</i>	<i>Purils Bridge</i>
No1 14 Jan 2017 – 17 Jan 2018 =	152	166
No2 14 Jan 2017 – 17 Jan 2018 =	43	159
No3 14 Jan 2017 – 17 Jan 2018 =	76	
No4 14 Jan 2017 – 17 Jan 2018 =	152	
<b>Total 14 Jan 2017 – 17 Jan 2018 =</b>	<b>423</b>	<b>325</b>
No1 14 Jan 2016 – 14 Jan 2017 =	101	94
No2 14 Jan 2016 – 14 Jan 2017 =	253	147
No3 14 Jan 2016 – 14 Jan 2017 =	172	
No4 14 Jan 2016 – 14 Jan 2017 =	96	
<b>Total 14 Jan 2016 – 14 Jan 2017 =</b>	<b>622</b>	<b>241</b>
No1 14 Jan 2015 – 13 Jan 2016 =	219	121
No2 14 Jan 2015 – 13 Jan 2016 =	166	367
No3 14 Jan 2015 – 13 Jan 2016 =	177	
No4 14 Jan 2015 – 13 Jan 2016 =	203	
<b>Total 14 Jan 2015 - 13 Jan 2016 =</b>	<b>765</b>	<b>488</b>

#### Internal Consultation with the Commissioners

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 only one, for a site within the District Council's area, had informatives 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 it wishes the Middle Level 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 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 19 new development related matters have been received and, where appropriate, dealt with since the last meeting:

<b>MLC Ref.</b>	<b>Council Ref.</b>	<b>Applicant</b>	<b>Type of Development</b>	<b>Location</b>
547	17/00790/O	Mr & Mrs Symons	Residence	Wisbech Road, Tipps End
548	F/YR17/0397/F	Ms S Edwards	Residence (Conservatory)	Charlemont Drive, Manea
549	17/00701/F	Mr & Mrs Sturgess	Retreat Centre	Main Street, Welney*
550	F/YR17/0476/F	ICIS Consulting Ltd	Residence (Extension)	Days Lode Road, Fodder Fen, Manea,
551	F/YR17/3070/COND	Matthew Homes	Residential (57 dwellings)	Teachers Close, Manea*
552	F/YR17/0558/F	Mr S Nunn	Residence	Station Road, Manea
553	F/YR17/0570/F	Mr P Rolfe	Residence	East Street, Manea
554	F/YR17/0635/AG1	Mr D Cole	Agricultural	Valentine Close, Manea
555	F/YR17/0653/F	Mr Keene	Residence (Extension)	Straight Road, Manea
556	F/YR17/0647/F	Mr & Mrs R Giles	Residence	Hibblings Row, Manea
557	F/YR17/3100/COND	Matthew Homes	Residential (57 dwellings)	Teachers Close, Manea*
558	F/YR17/0681/AG1	Mr S Wright	Agricultural	Fallow Corner Drove, Manea
559	Pre-app enquiry	Client of JPP Consulting	Residential (17 dwellings)	Main Street, Welney
560	F/YR17/0848/F	Mrs J Grieves	Residence (Extension)	Purls Bridge Drove, Manea
561	F/YR17/0875/O	Mr E Barnes	Residential (15 dwellings)	Park Road, Manea*
562	F/YR17/0863/F	Mr H Westgate	Residence (Garage)	Westfield Road, Manea
563	F/YR17/0900/F	Mr S Wright	Agricultural	Fallow Corner Drove, Manea
564	17/01702/PACU3	Norfolk County Council	Residence	March Road, Tipps End, Welney
565	F/YR17/1205/F	Mr D Pressland	Residence (Annexe)	High Street, Manea

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

Developments that are known to propose direct discharge to the 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.

Some of the above are likely to discharge treated effluent into the Commissioners' system either via private treatment plants or Manea 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.

- *Conservatory at Charlemont Drive, Manea – Ms S Edwards (MLC Ref No 548)*
- *Residence at Hibblings Row, Manea – Mr & Mrs R Giles (MLC Ref No 556)*
- *Extension at Purls Bridge Drove, Manea – Mrs J Grieves (MLC Ref No 560)*
- *Agricultural at Fallow Corner Drove, Manea – Mr S Wright (MLC Ref No 563)*

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 4 dwellings with attached garages at land north east of 9 Park Road, Manea Road, Manea – Mr E Barnes (MLC Ref Nos 431, 438 & 485)*
- *Erection of 5 dwellings involving of existing dwelling and outbuildings at 35 Westfield Road, Manea – Mr S Wilson (MLC Ref Nos 474 & 479)*
- *Erection of a 3 storey 5 bed dwelling involving partial demolition of existing shed at land north of 55 Station Road, Manea – Mr G Wallis (MLC Ref Nos 481 & 486)*

**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.**

*Residential development (Delilah Close) involving demolition of existing buildings at International House, Station Road, Manea - Mr J Daniels (MLC Ref No 365) & Homestead Development Company Ltd (MLC Ref Nos 386 & 436)*

Further to the last meeting it is understood that the owners of the properties have formed a “Management Company” with each dwelling having a director on the Company.

All the management and maintenance of this development will be undertaken by the Company with any costs incurred being paid by it, the funds being provided by the dwelling owners.

The Title of the communal land belongs to the Company and access shall be available across it for the Commissioners and their operatives to reach the Commissioners’ Drain adjacent to the site.

In order to guide further discussions and resolve the current position it would be beneficial to confirm the following:

- The frequency and timing of access to the drain, spoil disposal etc and the payment of any subsequent additional costs involved.
- Whether there should be a legal agreement between the Commissioners and the Company in this respect.

**The Commissioners’ opinion and further instruction on the above is requested.**



*Erection of 26 dwellings at land west of 49-49A High Street, Manea - Cole Properties (Manea) Ltd (MLC Ref Nos 415 & 471)*

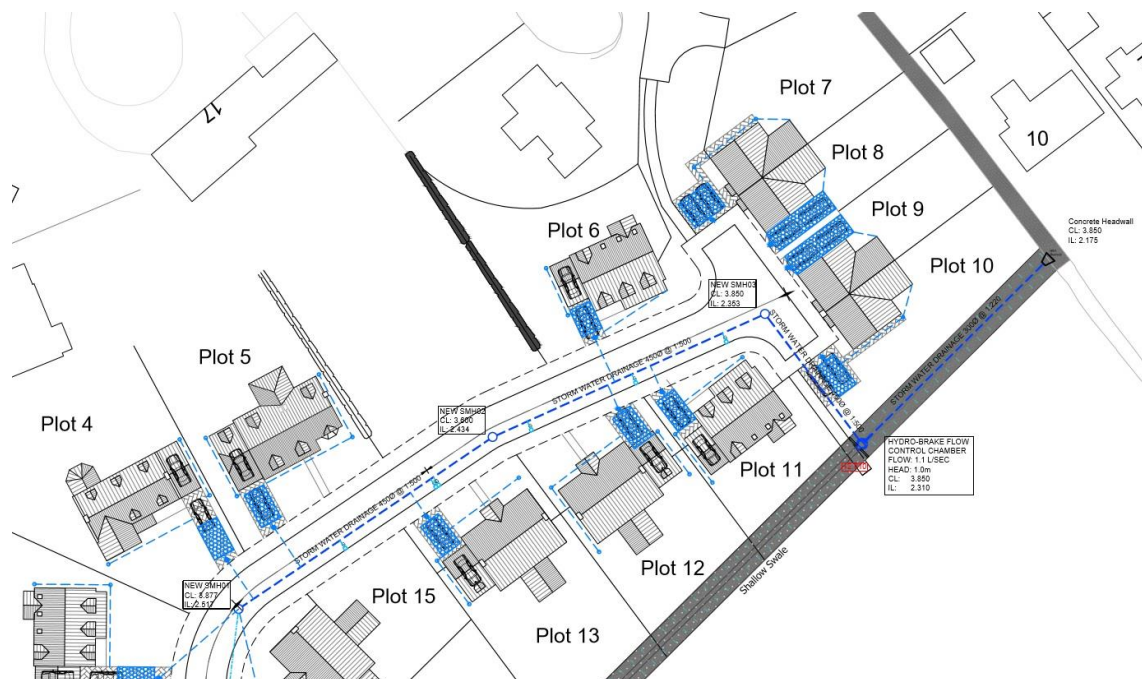
Further to the last meeting the application for discharge consent for Phase 1 of this development (Plots 1-5 St Nicholas Close) was recommended for approval in early May.

*Erection of 14 dwellings; comprising; 2 x 3 storey 5/6 bed, 1 x 3 storey 5 bed, 5 x 2 storey 4 bed and 6 x 2 storey 3 bed with associated garaging at Station Road, Manea – Mr Short and Mr Fox (MLC Ref Nos 446, 449 & 482)*

Further to the last report an informal enquiry was received from a property owner concerning the piping and filling of the roadside “swale”. As this is outside of the rateable area this is a matter for the County Council in its role as the LLFA.

*Erection of 15 dwellings on land east of 11 - 21 Park Road, Manea - Mr E Barnes (MLC Ref Nos 525 & 561)*

Following the refusal of the original planning application in September 2016, a revised application was submitted to the District Council in September 2017.



**Extract from Peter Humphrey Associates Ltd's Site Plan Drawing Number 5068/01H**

An attenuated surface water drainage strategy has been submitted to support the application with a discharge into the private watercourse forming the eastern boundary of the site.

Further involvement will be required as development of the proposal is progressed and the Commissioners' consent may be required.

*Residential development, garages, associated parking, the formation of allotments, public open space, and a new access on land west of Teachers Close, Manea - Portman Developments (MLC Ref No 453), Client of Woods Hardwick (MLC Ref Nos 514 & 538) & Matthew Homes (MLC Ref Nos 545, 551 & 557)*

Two applications for the discharge of planning conditions including surface water disposal related issues have been submitted to the District Council since the last meeting.

Following positive engagement with the applicant, post-application consultation discussions with the applicants' consultant have concluded that the discharge from the balancing pond, that will serve the site during 1%, 3.33% and 1% AEP rainfall events will be lower than the pre-development equivalents. As a result, neither discharge consent nor the associated contribution are required for surface water disposal.

However, the applicant has been advised that this assumes that:

- (i) The attenuation facility is constructed and the control device installed in accordance with the design documents supplied and, unless agreed with the Commissioners in writing, that this remains unchanged for its lifetime.
- (ii) Adequate arrangements have been made and that such maintenance is undertaken as and when required; that the works are regularly inspected and assessed to ascertain its condition and serviceability; that the results of such inspections and assessment are recorded and that such records are made available to the Commissioners on demand.

If it is found that the surface water disposal system is not attenuating flows as required, the Commissioners reserve the right to treat the development as increasing the rate of flow or volume discharged and to require a discharge consent application to be made, together with the payment of the associated fee. In such a case, a request will be made to note the position on the Local Land Register until the matter is resolved to the Commissioners' satisfaction.

*Proposed residential development to the north west of The Grange and south east of New Road, Welney - Client of JPP Consulting (MLC Ref No 559)*

Following the submission of the appropriate form pre-application consultation discussions have commenced with JPP Consulting, the landowners' engineering consultant, concerning a potential residential development.

The site was highlighted within the Borough Council's Site Allocations and Development Management Policies Document, referred to as G113.2 Welney (formerly Site 376) Land off Main Street, Welney, which it was estimated had capacity for thirteen dwellings but it is understood that seventeen are currently being proposed. The existing culvert will be replaced by a box culvert to form the entrance to the estate road serving the site.

Due to the site's location beside the Old Croft River internal consultation has involved both the Commissioners' Chairman and the neighbouring Upwell IDB. Both parties have provided constructive and timely responses to enable the process to progress.

### ***Development Contributions***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Members will be aware that the statutory fee 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. ADA is taking this apparent disparity up with defra.

### ***A14 Upgrade***

The Bedford Group of IDBs advised that Ordinary watercourse consents in their 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, 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 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 and Chatteris WRCs and the LLFA has proposed gauges at Littleport and Doddington, presumably on WRCs.

However, an assessment of the proposed locations identified that highly responsive areas which have a history of flooding such as Bury Brook, southern Wisbech and the Swavesey area together with key transport routes, such as the A1, A14, A47, and the East Coast Mainline etc, have all seemingly been ignored. Given the recent and predicted increases in usage of these transport links, the pressures of growth will increase due to the relevant planning authority’s failure to meet its 5 year supply and the growth aspirations of the Combined Authority, for example, the M11 extension, duelling of the A47, the Wisbech Garden Town etc.

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

In respect of the Commissioners’ interests, sites at the following locations were suggested, Manea Town Lots WRC (MANTSM); Christchurch WRC (TEGLST) or Chestnut Avenue Pumping Station, Welney (WECASP).

### ***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.

### **Cambridgeshire and Peterborough Combined Authority**

The Middle Level Commissioners and associated Boards have been invited to a Workshop on the Cambridgeshire and Peterborough Non-Statutory Spatial Plan on 24 January.

### **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 Commissioners' 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 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.

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

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

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

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

### **General Advice**

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

- (a) Mr P Short – An application for byelaw consent to install 2 No. underdrains outfalls in the district drain between Points 36 and 37, off Station Road, Manea was recommended for approval.

- (b) Mr M Doggett – An application for byelaw consent to pipe and fill a private watercourse using a 600mm diameter pipe with concrete filled sandbagged headwalls was recommended for approval.
  
- (c) Meetings were held with the District Officer at Glenhouse Pumping Station to determine land ownership and the boundary between Glen House and the Board's Pumping Station.

Consulting Engineer

30 January 2018

Manea & Welney (317)\Reports\January 2018



## RESOLVED

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

That the Commissioners approve the recommendations of the Finance Committee:-

- ii) Planning Application – Delilah Close, Manea (MLC Ref Nos 386 & 436)

- a) That the Clerk check the original conditions in the consent documentation and, if required, enter into a legal agreement with the company for future maintenance operations.

- b) That the Chairman be authorised to deal with this matter should further action be required.

- iii) Planning application – Park Road, Manea (MLC Ref Nos 525 & 561)

That the Chairman discuss the matter further with the Planning Engineer.

### C.734 Public Sector Co-operation Agreements

Further to minute C.705, the Chairman reported on the recent meeting held with the Environment Agency, and the Chairmen of Manea & Welney DDC, Curf & Wimblington Combined, Sutton & Mepal, Swavesey and Upwell IDBs to discuss entering into a Public Sector Co-operation Agreement. This agreement facilitates (but does not require) Boards to do work on behalf of the Environment Agency and comes out of a clause in the Floods and Water Management which allows one public authority to do work for another in relation to many aspects of flood risk management on a cost recovery basis. It is proposed that the Commissioners enter into such agreement which will last five years.

The Chairman raised concerns over the condition of the Old Bedford River, which was currently at approximately 1/3<sup>rd</sup> of its design width with the Environment Agency carrying out maintenance works on approximately 1/10<sup>th</sup> of its length annually. He advised that he had discussed the maintenance of the Old Bedford River with the Chairman of Upwell IDB and was intending, in the near future, to have similar discussions with the Chairman of Sutton & Mepal IDB and to then hold a further meeting with the Environment Agency to discuss possible improvement works to the channel.

## RESOLVED

That the actions of the Chairman be approved, including putting an agreement in place.

### C.735 Pumping Stations

The Chairman reported that both pumping stations were working satisfactorily and referred to the proposal to replace two of the diesel engines at Glenhouse pumping station with electric units. He raised concerns that these works could, in view of the site, trigger the implications of the eel regulations, and that the Commissioners should ensure that they were fully aware of all possible implications before progressing any works.

## RESOLVED

That the Commissioners approve the recommendation of the Finance Committee to continue to monitor the position for the possible electrification of two pumps at Glenhouse pumping station.

### C.736 District Superintendent's wages, pension contributions and Future Labour Requirements

The Commissioners discussed the recommendations of the Finance Committee.

## RESOLVED

That the Chairman be authorised to review the matters further with the District Superintendent following the finalisation of the Middle Level Commissioners' pay award formula for 2018/2019.

### C.737 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

## RESOLVED

That the Commissioners approve the recommendation of the Finance Committee that the Capital Programme be agreed in principle and kept under review.

### C.738 District Superintendent's Report

The Commissioners considered the Report of the District Superintendent.

## RESOLVED

That the Report and the actions referred to therein be approved and that the Superintendent be thanked for his services over the preceding year.

### C.739 Environmental Officer's Newsletter

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

### C.740 Joint Maintenance of the Old Croft River – Upwell IDB

Mr Hill reported that the Commissioners had been contacted by the Chairman of Upwell IDB concerning some piling works on the Old Croft River which he intended carrying out under the joint maintenance agreement with the Commissioners. The estimated cost of the works was £3,000 but, due to the location, works would have to be carried out from the Manea and Welney side of the watercourse.

The Chairman confirmed that, having discussed the matter with the Chairman of Upwell IDB, he had agreed to give the full support of the Manea and Welney DDC to the carrying out of these works.

RESOLVED

- i) That the actions of the Chairman be approved.
- ii) That the Commissioners approve the recommendations of the Finance Committee that these works are carried out under the Joint Maintenance Agreement.

(NB) – Messrs Crofts, Hartley and Sutton declared interests (as members of Upwell IDB) when this item was discussed.

C.741 Maintenance Works in the District

The Chairman reported that the programmed works for 2017/2018 had been completed and it was proposed to continue the policy for 2018/2019.

He requested that should any Commissioner have concerns over a particular part of the District they should contact him.

C.742 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.743 Applications for byelaw consent

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

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Mr P Short	Installation of 2 no. field underdrain outfalls, outfalls. District Drain between points 36 and 37 - Station Road, Manea	13 <sup>th</sup> September 2017
Mr N M Doggett	Piping and filling of private watercourse - rear of 29 Teachers Close, Manea	13 <sup>th</sup> September 2017

RESOLVED

That the action taken in granting consents be approved.

#### C.744 Environment Agency – Precept

Mr Hill reported that the precept for the financial year 2018/2019 included an increase of 1.5% on last year's precept of £68,928.

#### C.745 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Mr Hill reported that the sum of £482.99 (inclusive of administration) had been received from the Environment Agency (£507.41 representing 80% of the Commissioners' estimated expenditure for the financial year 2017/2018 less £24.42 overpaid in respect of the financial year 2016/2017).

(b) Further to minute C.681, 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.746 Contributions from Developers

Mr Hill reported that the following contributions towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent had been received, viz:-

<u>Contributor</u>	<u>Amount</u>
Mr and Mrs K Edwards	£300.00
Mr D Cole	£1,631.53 (gross) £1,468.38 (nett)

#### C.747 Association of Drainage Authorities

Mr Hill reported:-

a) Annual Conference

That the 80<sup>th</sup> anniversary Annual Conference of the Association had been held at the ICE building in Westminster on Thursday the 16<sup>th</sup> November 2017 and had been well attended with speakers including Dr Therese Coffey MP, who spoke on future challenges, local accountability and the excellent work and the strength of IDBs amongst other things. Councillor Derek Antrobus spoke about his experiences in Salford where the Council had turned spatial planning on its head by considering environmental assets before looking at provision for housing need, which allowed for more sustainable growth. Sir James Bevan followed and stated that he was a fan of IDBs and supported the transfer of watercourse maintenance through de-maining where there was a local desire for this. He also confirmed that dredging was important and would remain within the EA's programme and that £22M had been spent on this in the last financial year. The Conference also marked the stepping down of Henry Cator as ADA's chairman. He has been replaced by Robert Caudwell who

has a background in farming in Lincolnshire and who is keen to see partnership working across catchments develop to provide a holistic answer to flood risk and drought management.

b) Annual Conference of the River Great Ouse Branch

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

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 1% in 2018, viz:- from £609 to £616.

RESOLVED

That the increased ADA subscription be paid for 2018.

d) Liability of Board Members

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

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 20<sup>th</sup> 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 the regulating of the effects of the environment. To do this it will be necessary to update the current Byelaws in line with the standard model byelaw published in October 2012.

Mr Hill reported that although the Commissioners' Byelaws had been updated in February 2016 and should contain all the necessary environmental conditions, they should be reviewed to ensure that they complied with current requirements.

RESOLVED

That the Clerk review the Commissioners' Byelaws to ensure compliance with current requirements.

(NB) – The Chairman declared an interest as a Director of ADA

### C.748 Capital Programme Strengthening and Delivery

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

### C.749 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 discuss the matter further with the Clerk and be authorised to take any further action as he considers necessary.
- ii) That the Commissioners participate in any training organised through the Middle Level Commissioners.

### C.750 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 31<sup>st</sup> March 2017 the IDB1 return was amended and additional information requested, such as details of board membership, attendance at meetings, whether elections are held and confirmation that the complaints procedure is accessible from the home page on an IDB's website. This information will enable Defra to gather more data in relation to IDBs.

For 2018 the IDB1 form will be further expanded. The additions were developed in co-operation with the Environment Agency, ADA and invited IDB representatives including David Thomas on behalf of the Middle Level Commissioners. The inclusion of items within the form which would either be difficult to report on or provide information which collectively would be of

little value have been resisted and the new IDB1 form should, as a result, allow Defra to gain a much clearer insight into what IDBs deliver annually. It is hoped that this in turn will assist with raising further the profile of IDBs.

#### C.751 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 are asked to confirm that they are 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.752 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 25<sup>th</sup> May 2018.

#### RESOLVED

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

#### C.753 Payments to 31<sup>st</sup> December 2017

The Commissioners considered and approved payments amounting to £126,889.50 which had been made between the 1<sup>st</sup> April and the 31<sup>st</sup> December 2017.

(NB) – The Chairman, Messrs Hartley, M Heading and Sutton declared an interest (as Members of the Middle Level Board) in the payments made to the Middle Level Commissioners.

#### C.754 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 30<sup>th</sup> 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.755 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 31<sup>st</sup> March 2017.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2017.

#### C.756 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 year period 2018/2019 to 2020/2021.
- c) The Commissioners approved the Audit Strategy and Audit Plan.

#### C.757 Appointment of External Auditor

Further to minute C.631(b), 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.758 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.759 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.760 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 72.32% and 27.68%.

The Chairman reported that the Finance Committee had recommended setting a 38.0p in the £ rate.

### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £179,959 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 £130,081 and £49,878 respectively.
- iv) That a rate of 38.0p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
  - a) That a Special levy of £31,101 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
  - b) That a Special levy of £18,777 be made and issued to the Borough Council of Kings Lynn and West Norfolk.
- 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.761 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.762 Date of next Meeting

RESOLVED

That the next Meeting of the Commissioners be held on Wednesday the 6<sup>th</sup> June 2018 at 9.00am.