

CHURCHFIELD AND PLAWFIELD INTERNAL DRAINAGE BOARD

At a Meeting of the Churchfield and Plawfield Internal Drainage Board
held at Saint Andrew's Methodist Chapel Hall, Outwell on Monday the 6th March 2017

PRESENT

S A Calton Esq (Chairman)
D J W Boyce Esq (Vice Chairman)
G D Boyce Esq
D Cowling Esq

P W Dorling Esq
K Harrison Esq
D J Lunn Esq
R Secker Esq

Miss Lorna McShane (representing the Clerk to the Board) was in attendance.

Apology for absence

An apology for absence was received from C J Crofts Esq.

B.954 Declarations of Interest

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

Mr D Boyce declared an interest as District Officer in agenda item 22.

Mr Lunn declared an interest in agenda item 28 as he is an adjacent landowner.

B.955 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 7th March and 24th June 2016 are recorded correctly and that they be confirmed and signed.

B.956 Clerk to the Board

a) Further to minute B.922, Miss McShane reported that Mr David Thomas had been appointed as Clerk to the Board and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

Miss McShane reported that the Chairman had authorised a donation of £100 towards the gift to mark Iain Smith's retirement and that Mr Smith had asked that his thanks be passed on to the Board for their generous contribution towards his retirement gift and would like it recorded that it had been a pleasure for him to serve the Board and that he wished it all the best for the future.

b) Changes to bank mandate

Further to minute B.943, Miss McShane reported that, as most of the invoices raised came through the engineering department, the Internal Auditor had advised that David Thomas should not be named on the bank account and that the Treasurer and Assistant Treasurer of the Middle Level Commissioners should be the officers authorised to make payments of authorised accounts and that in pursuance of minute B.943, the Chairman had authorised the appropriate changes to the mandate.

RESOLVED

- i) That the action taken be approved.
- ii) That the donation to mark the retirement of the Clerk to the Board, authorised by the Chairman, be approved.

B.957 Completion of the Annual Accounts and Annual Return of the Board – 2015/2016

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2016.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2016.

RESOLVED

- (i) That in accordance with the Accounts and Audit Regulations the minutes record that approval of the accounts was given on 24th June 2016.
- (ii) That the Chairman was authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2016.

B.958 Appointment of Chairman

RESOLVED

That S A Calton Esq be appointed Chairman of the Board.

Miss McShane reminded the Board that Barry Scott had given 46 years' service to the Board, having been a Member since July 1970 and Chairman since 1975. Members discussed ways in which to recognise this significant contribution.

RESOLVED

That appropriate arrangements be made to purchase a suitable gift(s) for Mr Scott and to arrange the presentation of such gift(s).

B.959 Appointment of Vice Chairman

RESOLVED

That D J W Boyce Esq be appointed Vice Chairman of the Board.

B.960 Election of Members of the Board

Miss McShane reported that, as the number of candidates for membership of the Board did not exceed the number of persons to be elected (eight), the following candidates were elected as Members of the Board for a period of three years from the 1st November 2016, viz:-

BOYCE Dale J W	BOYCE Glenn D
COWLING David	CUTTING Peter B
DORLING Peter W	LUNN David J
SECKER Robin	

Miss McShane also reported that due to Mr Scott not seeking re-election there was one vacancy on the Board.

B.961 Land Drainage Act 1991

Board Membership – Borough Council of Kings Lynn & West Norfolk

Miss McShane reported that the Borough Council of Kings Lynn & West Norfolk had re-appointed Mr S A Calton, Councillors C J Crofts, K Harrison and D J Pope to be Members of the Board under the provisions of the Land Drainage Act 1991.

B.962 Filling of vacancy

Consideration was given to the filling of the vacancy on the Board caused by the resignation of Mr Scott.

RESOLVED

That the Chairman contact Mr Paul Allen and that he be co-opted to the Board if he is prepared to do so.

B.963 Land north-east of Pingle Road, Upwell

Further to minute B.926:-

a) Mr C Tribe

Miss McShane reported that an application had been duly received from Mr Tribe and that byelaw consent was granted on the 15th March 2016.

b) Mr C J Wagner

The District Officer confirmed that Mr Wagner had filled the length of ditch adjacent to the culvert at point 30 and no further action was required.

B.964 Water Framework Directive

Further to minute B.927, Miss McShane reported that there had been no further developments, apart from Mr Paul Sharman being appointed as the IDB representative following the retirement of Mr Iain Smith, but advised that, due to the Environment Agency no longer being able to support it, the River Basin Liaison Panel had since been disbanded. She also reported that the Clerk was satisfied that there were other partnerships in place and would continue to update Members when required.

B.965 Water Transfer Licences

Further to minute B.928, Miss McShane reported that ADA had met with Defra officials, including Sarah Hendry, on the 11th October to discuss the Water Transfer Licences and it appeared that the Minister was keen to avoid over regulation. ADA had proposed certain points to Defra, including that ADA would hold one licence for the industry or that the opportunity should first be given for the information which the Environment Agency allege that they do not have to be provided other by regulation but perhaps through a form similar to the present IDB1. Defra officials had, it was understood, agreed to consider these proposals.

Miss McShane gave a brief update on the current position in relation to proposed licensing changes and made it clear that unnecessary bureaucracy and unfair charging would be resisted.

B.966 Fountain Frozen Foods

Further to minute B.929, Miss McShane referred to the notes Iain Smith had made of the site meeting held on the 18th May 2016; and advised that a specification for the maintenance works had now been prepared and a chasing letter sent to Norfolk County Council on the issue of piping the length of drain just upstream of the Fountain Foods entrance.

RESOLVED

That the Board approve the specification for the maintenance works and it be sent to Mr Lawrence at Fountain Frozen Foods

B.967 Laurel hedge on the brink of the Board's drain along Back Drove

Further to minute B.933(iii), Miss McShane reported that the District Officer had confirmed that the laurel hedge had been removed.

B.968 Construction of a bridge at Small Lode

Further to minute B.933(iv), Miss McShane reported that the District Officer had confirmed that the bridge constructed across the drain between Points 30 and 31 had been removed.

B.969 Consulting Engineers' Report

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

Churchfield & Plawfield I.D.B.

Consulting Engineers Report - February 2017

Asset Survey

As an essential part of our work in seeking to reduce flood risk, the Middle Level Commissioners (MLC) have surveyed all MLC and third party owned penetrations through MLC river banks and embankments and recorded and uploaded these to our GIS (Geographical Information System). The condition and likely continuing use or otherwise of these penetrations (generally pipes or culverts) has been assessed. Below is a table of those recorded as being owned by or the responsibility of the Board. Where an asset's condition is recorded as requiring attention, an increased flood risk is likely to exist and the Board is asked to consider carrying out suitable remedial works. Where an asset is redundant but currently in a reasonable condition it is recommended that the Board consider putting plans into its future programme to remove it or otherwise carry out works that will ensure that there can be no future risk of a leak through the bank. **As part of the Board's system is also embanked, the Board should consider a like assessment of its own embankments to assure itself of their integrity and ascertain the need for any work, whether by the Board or a third party, which may be similarly required.** Should the Board wish for a similar exercise to be carried out on their own district assets this can also be arranged. Such a survey would assist the Board with future budgeting in ensuring that smaller but strategically/locally important assets such as culverts, slackers and adjustable and fixed weirs are not overlooked.

Eel Regulations

The latest guidance suggests that spending of FCRM money on schemes just to facilitate eel movements will not be required. However, plans for improvements, modifications or replacement of structures which have been identified as a barrier to movement should be seen as a trigger for considering such works. There is a further test to be included and that is one of proportionately, ie the additional cost of eel passage should not be disproportionate to the overall scheme cost.

The IDBs and ADA have been pushing for further research to better understand eel movement and explore all options in relation to providing methods which would allow the mature (silver) eels to escape closed systems and hence travel to their breeding sites in the most cost effective manner. ADA has asked if IDBs would join with the EA in funding this project and so far the response has been positive. The Board is therefore asked if it would wish to offer some financial support over one or two years. Other Boards have committed between £50 and £1000 for either one or two years.

Development within the Floodplain

The floodplain, its definition, derivation and extents have been an issue not only for the Commissioners and associated Boards but other IDBs since its introduction. This has become of more concern since the elevated importance of the Sequential Test in the National Planning Policy Framework (NPPF).

The matter of development within the floodplain has been discussed at several sites within our areas of interest, and the Clerk to the Commissioners/Boards has advised that the definition and extents of a “floodplain” are matters for the planning authority to resolve with the relevant authority who prepared the hazard map, be it the Environment Agency (EA) for its various flood maps, the Local Planning Authority (LPA), for its SFRA, and/or the Lead Local Flood Authority (LLFA) for its SWMP. It is acknowledged that whilst there may be specific issues relating to future proposed aspects of development within our catchment we will not oppose it simply because it is within the floodplain. The Commissioners/Boards have policy statements, available on the Middle Level website, which set out the Standard of Protection (SoP) that they will seek to provide, floodplain or not.

In short, the Commissioners and associated Boards do not agree with the generic content of the NPPF and argue that “The Fens” is a special case and should be considered as such.

The main purpose of an IDB is to aim to manage flood risk up to an appropriate SoP. Above this SoP there will be a residual flood risk which must be accounted for.

Changes to Planning Procedures Update

The responses from these procedures have been positive and will continue for the foreseeable future, to be reviewed at a later date.

Pre- and Post-Application Consultation

Despite an increase in the number of planning applications being processed and planning enquiries received it appears that the number of Pre- and Post- Application Consultation discussion requests has reduced over previous years. The reason for this is unknown but as detailed later in this report “developers” are failing to maximise the benefits of this procedure and Boards are failing to encourage its use and thus are incurring unnecessary additional costs which could be paid by the developer.

Notes/Informatives on planning decision notices

Following a concern raised by one of the Boards administered by the Commissioners, a brief review of a random, yet representative, sample of planning application Decision Notices made by the Huntingdonshire District Council (HDC) that have primarily been granted in the last two years has been undertaken.

Many of the relevant decisions within HDC's area made during 2016, and to a lesser degree during 2015, relate to the Prior Approval of agricultural building to dwellings or Prior Notification applications which, on the whole, do not include conditions or refer to notes/informatives possibly because of the nature of the application. In a similar manner most of the other decision notices found did not, with a few exceptions, include notes/informatives either.

As a result a letter was sent during December to all the planning authorities that the Commissioners deal with, both directly and on behalf of its administered Boards, requesting that the use of informatives could be (re-) introduced on future notices "in order to make applicants aware of other consents which may be required in addition to Planning Consent and prevent them being in breach of the Boards' Byelaws"

It is understood that the principle of using notes/informatives on Planning Decision Notices is based on the Court of Appeal which remarked following the case of *Slough Borough Council v Secretary of State for the Environment and Oury* [1995] "The general rule is that, in construing a planning permission, regard may only be had to the permission itself, including the reasons stated for it."

The decision and its reason(s) is the primary document, with the informatives no more than non-binding additional information which lack a statutory basis. Planning Conditions, on the other hand, may impose mandatory requirements for the carrying out of development and have statutory authority.

The purpose of a note in respect of a condition is to provide the applicant with further information and an informative is to provide relevant guidance to the applicant without having to impose relevant conditions. The Planning Circular 11/95: use of conditions in planning permission advises how these can be used to bring the applicants' attention to certain matters, such as, reminding an applicant to obtain further planning approvals and other consents but should not establish mandatory requirements with which an authorised development must comply.

However, it is further understood that there are a limited number of exceptions to this rule which could lead to a challenge to the permission which may result in a decision being "quashed" but this is outside of our interest on this occasion.

Local Land Charges Register (LLCR)

As previously advised requests are made to the Local Planning Authority (LPA), when relevant, to make an entry on the LLCR to highlight that the requirements of the relevant authority have not been met. This process is providing results, particularly within the Fenland District Council (FDC) area, but enquiries from other LPAs are low, however, these areas of interest are smaller than that of FDC and feature smaller urban areas.

Previously enquiries were only received from local Solicitors but more recently enquiries are also being sought from independent search providers who offer specialist conveyancing services, such as Index Property Information, who undertake local authority searches, drainage and water reports, environmental reports etc.

Whilst researching and processing such enquiries have cost and time implications it protects the parties involved and is believed to have been a significant contributing factor in moving forward a long standing issue associated with the Cardea development at Stanground to the west of the Commissioners' catchment.

Treated effluent discharges from Anglian Water Services (AWS) Water Recycling Centres (WRC) or from the Public Sewerage System

Developers are becoming increasingly aware of the Supreme Court's decision that any connection to a public sewer under Section 106 of the Water Industry Act 1991 or agreement to construct a public sewer under Section 104 of that Act also requires our consent where our systems would be affected. Therefore, in addition to any permission from the LPA, the EA and AWS, the consent of the Board/Commissioners is also required for the acceptance of any increased flows or volumes to our system. Such consent will not be given unless we consider that the discharge can be properly dealt with within our system and the costs of accommodating that discharge are met.

Planning Applications

In addition to matters concerning previous applications, the following 23 new development related matters have been received and, where appropriate, dealt with since the last meeting:

<i>MLC Ref.</i>	<i>Council Ref.</i>	<i>Applicant</i>	<i>Type of Development</i>	<i>Location</i>
497	16/00009/CM	Norfolk County Council	Education	Upwell Primary School, School Road, Upwell
498	16/00053/OM	Mr S & J Bradley	Residential (19 dwellings)	East of New Road, south of Townley Close and north of Listers Road, Townley Close, Upwell*
499	16/00037/CU	Mr & Mrs P Scott	Domestic	Small Lode, Upwell*
500	16/00337/O	Mr & Mrs Singfield	Residence	Small Lode, Upwell
501	16/00165/OM	Mr J Brighty	Residential development (15 dwellings)	St Peters Road, Upwell*
502	16/00447/O	Mr M Starr	Residential (2 dwellings)	Small Lode, Upwell
503	16/00347/F	Mr G Diffey	Residential (3 dwellings)	School Road, Upwell
504	16/00548/AG	Mr G Voutt	Agricultural	Stonehouse Road, Upwell
505	16/00632/F	Fountain Developments (Anglia) Ltd	Residential (4 dwellings)	South of Plawfield, Back Drove, Upwell
506	16/00748/RM	Mr & Mrs S Ripley	Residence	Church Drove, Outwell
507	16/00735/F	Mr C Baddeley	Residence (Extension)	Church Drove, Outwell
508	16/00922/F	Unique Homes Ltd	Residence	St Peters Road, Upwell
509	16/01041/F	Fountain Developments (Anglia) Ltd	Residential (4 dwellings)	Croft Road, Upwell

510	16/00669/O	Mrs Turco	Residence	Green Road Upwell
511	16/01182/F	Mr G Wyatt	Residential (Annex)	Church Drove, Outwell
512	16/01490/F	Messrs W Hircock, L Pears & C Parsons	Residential (4 dwellings)	School Road, Upwell
513	16/01480/O	Messrs S & J Bradley	Residential (7 dwellings)	East of New Road, south of Townley Close and north of Listers Road, Townley Close, Upwell
514	16/01476/O	Mr R Gooch	Residential (3 dwellings)	Low Side, Upwell
515	16/01608/F	Mr C Morton	Agricultural	Stonehouse Road, Upwell
516	16/01753/RM	The Hollies (Upwell) Ltd [Mr T Davies]	Residential (5 dwellings)	St Peters Road, Upwell
517	16/01752/F	Client of Holt Architectural Ltd	Equestrian	Green Road, Upwell
518	16/01749/F	Client of Holt Architectural Ltd	Residence	Green Road, Upwell
519	16/01792/F	Mr G Diffey	Residential (3 dwellings)	School Road, Upwell

Planning applications ending 'CU' relate to change of use

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.

Developments at Fountain Foods Ltd, New Road, Upwell – Fountain Foods Ltd (MLC Ref Nos 405, 421 & 436)

No further correspondence has been received from the applicant or the applicant's agent concerning this site and the Board's interests.

Further to the Board's resolutions, Item (iii) B.865 Fountain Frozen Foods, made at its 2014 meeting, and Item B.929 Fountain Frozen Foods, made at its 2016 meeting, no further instruction has been received from the Board and no action has been taken in respect of the Board's interests.

However it has been noted, in passing, that contravention of the Board's Byelaws continues and has been exacerbated by further development of the site.

We take the opportunity to remind the Board of the current illegal issues in respect of both surface water and byelaw related issues at this location.

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

Re-development of The Red Hart Inn, Main Road, Three Holes – Elgood & Sons Ltd (MLC Ref No 415)

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

Conversion and Extension of Traditional Farm Buildings to Create Single Unit of Residential Accommodation at Former Agricultural Buildings off Baptist Road, Upwell – Mr P Dorling (MLC Ref No 428)

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

In the absence of any further information it is not known whether this development was commenced or requires the Board's consent.

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.

Dwelling on land adjacent to 145 Croft Road, Upwell – Mrs S Elmer (MLC Ref Nos 431 & 443) and Mr & Mrs Cooper (MLC Ref Nos 469)

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

Dwelling at corner of Croft Road and Main Road, Upwell – Mr P Watson (MLC Ref Nos 432 & 444)

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

Developments at Kevley, 52 Baptist Road, Upwell - Kevley Marketing (Mr K Curson) (MLC Ref Nos 437 & 441)

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

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.

Residential development consisting of twenty six properties, site access and internal road - Maxey Grounds & Co (MLC Ref No 479) & Reserved Matters Application: Affordable housing for plots 6, 7, 10, 11 and 13 – The Hollies (Upwell) Ltd (MLC Ref No 516) on land to the south of 21 to 42 St Peters Road Upwell

It is disappointing to advise that despite providing numerous responses to the Borough Council since 2013, particularly in response to the Site Allocations & Development Management Policies document (SADMP), see site reference G.104.4 in the Board's 2015 Supplementary Report, the Board's concerns have been ignored and outline planning permission was granted in June for this proposal which is for nearly twice the number of dwellings originally proposed.

Whilst, it is accepted that this site was not identified until early 2015, it is considered that, in view of similar responses in the area, the Borough Council were more than aware of the physical constraints of the Board's system and the resultant increased flood risk.

It is also disappointing to report that when consulted the County Council, in its capacity as the Lead Local Flood Authority [LLFA], (a statutory consultee on all planning applications for major development which includes where the number of dwelling houses to be provided is 10 or more), simply advised the Borough Council that "I can confirm that the County Council as Lead Local Flood Authority has no comments to make."

The permission was subject to several planning conditions including surface water disposal. A Discharge of Conditions application was submitted for the surface water element in September and this was subsequently partly discharged by the Borough Council in early December.

The Board was not consulted by either the applicant; the applicant's consultants, MTC Engineering (Cambridge) Ltd, Engineering Support Practice Ltd (ESP) and Bingham Hall Associates (BHA); or the Borough Council in reaching this decision. In the absence of a

formal request from the Board, a detailed review of the surface water facility has not been undertaken but, from a brief review, it is noted that both the Flood Risk Assessment, prepared by ESP, and the associated Drainage Statement, prepared by BHA, advise that:

- The roofs will be served by individual soakaways with permeable paving/shingle to drain private driveways, turning areas and footpaths
- The adoptable Highway will drain to a cellular soakaway (Option A), designed for the provide Standard of Protection of 1% AEP (1 in 10 year storm event) in accordance with NCC criteria, to be located within the public open space area or alternatively a new ditch connecting to an existing IDB drainage ditch (Option B).

In respect of exceedance flows it advises that:

“Exceedance flows are those in excess of the design storm event (ie > 1 in 100 + CC). Exceedance flows will be routed along the estate road towards either the highway soakaway or into the new ditch. Surcharging from the highway soakaway, for storm events in excess of the design storm event (10 years), will be directed into the public open space area which natural [sic] falls in a southerly direction towards the IDB maintained ditch.”

The Board is advised that the design supplied does not meet current design standards or the Board's requirements. Any events in excess of the 10% AEP event may result in unregulated overland flows discharging into the Board's system and no reference appeared to be made concerning the whole life funding, management and maintenance of the proposals. Therefore, in the absence of any further information it is considered that despite being served by a SuDS system the development may, during even relatively low rainfall events, receive increased flows into its system, the drainage facilities may be under multi-ownership, lack funding for appropriate long term maintenance and may detrimentally prejudice the local water level management systems, water, built and natural environment and increase flood risk to the Board's system and affect its operations.

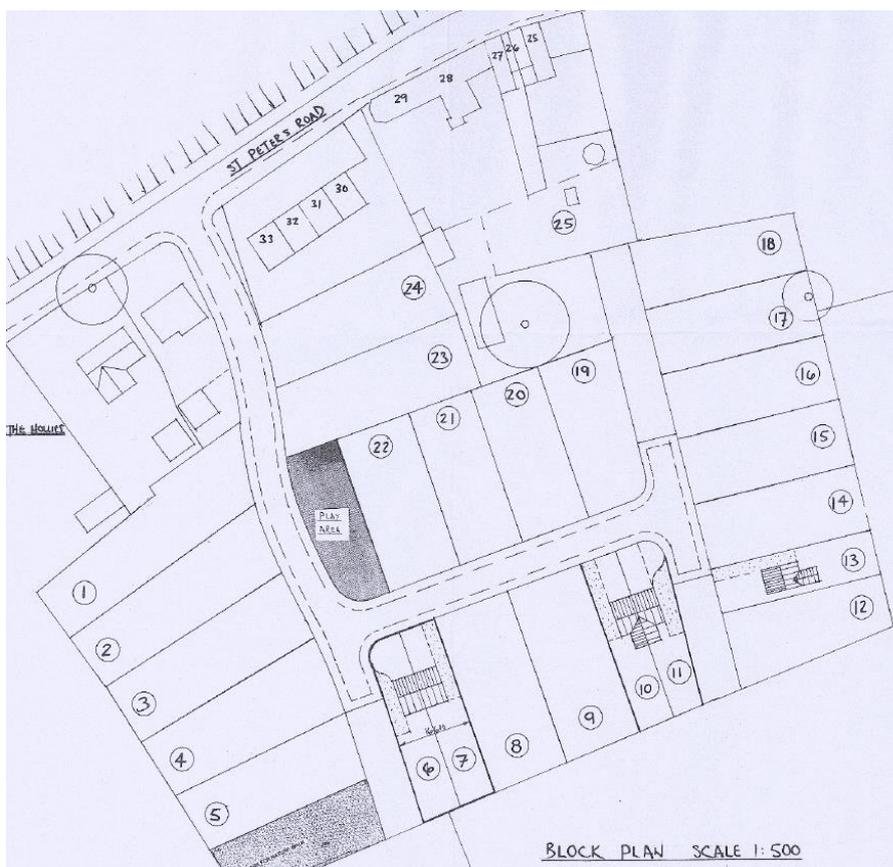
It is disappointing that the applicant, the applicant's agent/consultant and the Borough Council have not consulted the Board. Had this been undertaken a more sustainable, viable and appropriate solution could have been achieved which may also, in view of the proposed adjacent nature walk in the adjacent former orchard, have assisted in contributing to the Board's Biodiversity Action Plan, if the Board considered it appropriate.

Further to this a reserved matters application has been submitted for five affordable dwellings which were approved by the Borough Council in January.

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

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

In view of the above, the Board may consider it appropriate to make suitable representation and/or take appropriate action with the parties concerned. The Board's instruction is therefore requested in respect of this site.



**Extract from Grahame Seaton Design Ltds Drawing No 16/9/2008/2
showing the location of the affordable housing**

Construction of 19 dwellings and new access (MLC Ref No 498) & Construction of 7 dwellings (MLC Ref No 513) at land east of New Road, south of Townley Close and north of Listers Road, Townley Close, Upwell – Messrs S & J Bradley

Following the withdrawal of an outline planning application for nineteen dwellings, a revised planning application for five dwellings was submitted to the Borough Council in August.

In a similar manner to the St Peters Road site, discussed above, it is disappointing to advise that despite providing numerous responses to the Borough Council's Site Allocations & Development Management Policies document (SADMP), see site UPW2 Land south/east of Townley Close, Upwell in the Board's 2014 report and reference G.104.2 in the 2015 Supplementary Report, the Board's concerns have been ignored and outline planning permission was granted for this development in January.



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

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

Proposed residential development at 60 St Peters Road, Upwell – Mr J Brighty (MLC Ref No 501)

This planning application for the re-development of the potato distribution site with fifteen dwellings was withdrawn by the applicant's agent, Peter Humphrey Associates Ltd, in October.

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

Proposed residential development of 4 new dwellings at land south of Plawfield, Back Drove, Upwell – Fountain Developments (Anglia) Ltd (MLC Ref No 505)

This planning application, sited to the south of the junction of Back Drove and Townsend Road, was refused planning permission by the Borough Council in June.

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

Construction of 4 dwellings following demolition of existing bus garages at D Hircock, School Road, Upwell – Messrs W Hircock, L Pears & C Parsons (MLC Ref No 512)

This planning application for the re-development of the former bus depot dwellings was granted permission in December.

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

Development Contributions

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

King's Lynn & West Norfolk Local Plan

Further to the last meeting the Commissioners, on the Boards' behalf, have been consulted on and provided responses on the following documents:

(a) CIL Consultation 2016 – Draft Charging Schedule & Statement of Representation

In response to this consultation the Borough Council asked the Planning Inspectorate to undertake an Examination of its CIL Draft Charging Schedule which was formally submitted to the Examiner on 10 June 2016.

(b) Site Allocations & Development Management Policies document (SADMP) - Proposed Main Modifications to the SADMP Document

The consultation was the result of a number of issues raised as the result of an independent examination to decide whether the Plan is justified, effective and legally compliant.

(c) Call for Sites and Policy Suggestions Consultation

None of the consultation documents specifically involve the Board.

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

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

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

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

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

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

Internal Consultation with the Board

To ensure that our limited resources are maximised and to enable more timely responses to pre-/post-application consultation and applications for byelaw consent, and occasionally discharge consent, we have introduced a defined process of "internal consultation" between the 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.

Members are reminded that if a response, ideally in writing, has not been received within fourteen days from the request being issued then it is considered that the Board do not wish to comment and

are content for the Commissioners' staff to process and make a recommendation on the respective consent application/discussion procedure based upon information to hand.

General Advice

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

- (a) Charles Tribe – An application for consent for the installation/repair of a field underdrain in the district drain between Points 29 and 30 was recommended for approval.

- (b) Scott Racey – An application for consent to replace an existing culvert with a 12 metre long and 900mm diameter pipe with concrete bagged headwalls was recommended for approval.

Consulting Engineer

10 February 2017

Churchfield & Plawfield I.D.B (306)\Reports\February 2017

With regards to the development at St Peter's Road, Upwell (MLC Ref Nos 479 and 516), Members expressed concern at the lack of response from developers following representations made by the Board on flooding issues arising from the additional surface water from new developments.

RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) Residential development at St Peter's Road, Upwell (MLC Ref Nos 479 and 516)

That the Consulting Engineers continue to make representations to the parties concerned with regard to the drainage issues associated with this development and the need to obtain the Board's consent if the development is progressed.

B.970 Capital Improvement Programme

Members considered the Board's future capital improvement programme and noted that although provision could be made for capital improvements it was difficult to determine when a culvert would need to be replaced.

RESOLVED

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

B.971 National Flood Resilience Review

Miss McShane referred to the publication of the above review by the Government in September 2016 and to the response from ADA and drew attention to the lack of reference to the SUDS issue, which still remained unsatisfactory.

B.972 District Officer's Report

The Board considered the Report of the District Officer.

The District Officer reported that the burst water main at Point 30, left unattended for several weeks, had washed soil from the embankment and silt into the culvert causing considerable damage on either side of the culvert.

Members noted that there was a possible problem at point 2 which may need piling works and that flailing of only one side of the drain between Points 3 and 12 had occurred.

RESOLVED

- i) That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the necessary drainworks notices be sent and the District Officer be authorised to obtain quotations and organise the maintenance works for 2017/2018.

- iii) That, upon receipt of the District Officer's report on the damage caused by the burst water main at Point 30, the Consulting Engineers be requested to write to Anglian Water to report this damage.
- iv) That the Consulting Engineers be requested to look at the possible problem at point 2.
- vi) That, because of the growth of brambles, both sides of the drain between Points 3 and 12 needed to be cut.

B.973 Environmental Officer's Newsletter and BAP Report

Miss McShane referred to the Environmental Officer's Newsletter dated December 2016, previously circulated to Members.

Members considered and approved the most recent BAP report.

The Chairman reported that he had attended a recent presentation by the Environment Officer which he had found very informative and encouraged Members to attend future presentations.

B.974 District Officer Expenses

The Board gave consideration to the appropriate reimbursement of the out of pocket expenses for 2017/2018 incurred by the District Officer on the Board's behalf.

RESOLVED

- i) That the Board agree that reasonable out of pocket expenses incurred by the District Officer for 2017/2018 be allowed, if substantiated by an invoice and that the Chairman be authorised to agree the final amount.
- ii) That the payment submitted for 2016/2017 in the sum of £1,758.02 be approved.

(NB) – Mr D J W Boyce declared a financial interest when this item was discussed.

B.975 State-aided Schemes

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

RESOLVED

That no proposals be formulated at the present time.

B.976 Applications for byelaw consent

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

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
C J Tribe	The installation/repair of 1 no field underdrain outfall between points 29 & 30 – Glencoe House, Chalk Road, Outwell	15 th March 2016
Mr and Mrs M Cooper	The construction of an outfall pipe for the discharge of surface water and treated sewage effluent – Main Road/ Townsend Road, Three Holes	14 th March 2016
Scott Racey	The construction of a culvert not exceeding 12m in length in the Watercourse – Stonehouse Road, Upwell	28 th July 2016

RESOLVED

That the action taken be approved.

B.977 Environment Agency – Precepts

a) Miss McShane reported that the precept for 2017/2018 had been increased by 1.5% to £2,598 (the precept for 2016/2017 being £2,560).

b) Local Choices Precept

Further to minute B.938, Miss McShane referred to the Environment Agency's newsletter dated October 2016.

B.978 Determination of annual values for rating purposes

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

RESOLVED

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

B.979 Rate arrears

Consideration was given to writing off rate arrears amounting to £20.39.

RESOLVED

That the arrears be written off.

B.980 Contribution from Developers

With reference to minute B.185(iii), Miss McShane reported that the following contribution 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 M Cooper	£683.82 (g)
	£615.53 (n)

B.981 Association of Drainage Authorities

Miss McShane reported:-

a) Annual Conference

Miss McShane reported that the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 16th November 2017.

RESOLVED

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

b) Annual Conference of the River Great Ouse Branch

Miss McShane reported that the Annual Conference of the River Great Ouse branch of the Association would be held in Prickwillow, Ely on Tuesday the 7th March 2017.

c) Subscriptions

Miss McShane referred to minute B.939(c) and to an e-mail received from ADA dated the 16th December 2016 and reported that the Board last paid a subscription of £510 in 2015 and that she has been advised that the subscription for 2017 will be £536.

RESOLVED

That the Board do not join ADA for 2017 and review the position in 2018.

d) Floodex 2017

Miss McShane reported that Floodex 2017 will be held at The Peterborough Arena on the 17th and 18th May 2017.

e) Further Research on Eels

Miss McShane referred to an e-mail received from ADA dated the 15th November 2016 and the research specification from the Environment Agency regarding the eel research proposed over the next 2 years.

Members discussed the ongoing eel research and the request from ADA seeking contributions and considered that as they did not operate any pumping stations it was unnecessary for the Board to make a contribution.

RESOLVED

That no contribution be made towards the eel research.

B.982 Health and Safety Audits

Miss McShane drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and reminded Members of the arrangements with Croner and that if the Board had any issues they could seek advice from Croner via the Middle Level Commissioners.

Miss McShane reported that the Middle Level Commissioners had put together a pack consisting of a practical guide, templates and examples relating to health and safety requirements, which they hoped would assist Boards with their health and safety responsibilities. The Chairman confirmed he had recently taken receipt of this documentation to assist with risk assessments.

B.983 Norfolk Flood Risk Management Partnership Update

Further to minute B.941, Miss McShane reported that there was nothing further to report from the Partnership.

B.984 Authorisation to appear in court to obtain distress warrants

RESOLVED

That under the provisions of section 54 of the Land Drainage Act 1991, in addition to Mr R Hill and Miss S Ablett, Miss Lorna McShane be authorised generally to institute or defend on behalf of the Board proceedings in relation to a drainage rate or to appear on their behalf in any proceedings before a Magistrates' Court for the issue of a warrant of distress for failure to pay a drainage rate.

B.985 Potential Changes in Rating Valuation

Miss McShane reported the consideration presently being given by ADA and Defra to possible changes in the way in which drainage rates and special levies may be calculated in future. She advised that the present system, under the Land Drainage Act 1991 and the Internal Drainage Board (Finance) Regulations, provides for agricultural property to be valued at a notional rental value for that property as at 1st April 1988 with non-agricultural hereditaments being valued at the "average acre" rate, calculated by reference to pre-1988 development within the District of the individual Board. The current legislation does however require that properties that existed before 1st April 1988 are valued according to their old rateable values, records for which may no longer exist and this causes problems for IDBs which are looking to extend their boundaries and particularly where there are proposals to create new IDBs. Miss McShane understood however, that, at present, Defra are unlikely to progress the issue urgently and that some further consideration will have to take place before any change is proposed. In addition, as a change to primary legislation would be required, Parliamentary time would have to be found for this. At this stage Miss McShane wished therefore to simply alert the Board to these discussions and further reports will no doubt be made to the Board in the future should legislative amendment be proposed.

B.986 Annual Accounts of the Board – 2016/2017

Miss McShane reported that in accordance with the Accounts and Audit Regulations, Internal Drainage Boards' accounts were required to be approved by resolution on or before 30th June.

B.987 Governance and Accountability for Smaller Authorities in England

Miss McShane 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 2016.

B.988 Review of Internal Controls

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

B.989 Risk Management Assessment

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

B.990 Transparency Code for Smaller Authorities

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

B.991 Exercise of Public Rights

Miss McShane 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.992 Payments

The Board considered and approved payments amounting to £3,545.57 which had been made during the financial year 2015/2016 (1st February to 31st March 2016) and £22,506.67 made during the financial year 2016/2017 (1st April 2016 to 31st January 2017).

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

B.993 Expenditure estimates and special levy and drainage rate requirements 2017/2018

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2017/2018 and were informed by Miss McShane 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 18.49% and 81.51%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £21,172 be raised by drainage rates and special levy.
 - i) 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 £3,914 and £17,258 respectively.
 - iv) That a rate of 4.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
 - v) That a Special levy of £17,258 be made and issued to the Borough Council of Kings Lynn and West Norfolk 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.994 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.995 Date of next Meeting

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

RESOLVED

That no change be made to the meeting date and that the next Meeting of the Board be held on Monday the 5th March 2018.