

## **CHURCHFIELD AND PLAWFIELD INTERNAL DRAINAGE BOARD**

At a Meeting of the Churchfield and Plawfield Internal Drainage Board  
held at the Crown Lodge Hotel, Outwell on Monday the 4<sup>th</sup> March 2019

### **PRESENT**

D J W Boyce Esq (Vice Chairman)  
P Allen Esq  
D Cowling Esq

P B Cutting Esq  
K Harrison Esq  
R Secker Esq

Miss Samantha Ablett (representing the Clerk to the Board) was in attendance.

Miss Ablett reported that the Chairman had given his apologies for this meeting

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In the absence of the Chairman, the Vice Chairman took the Chair.

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

### **Apologies for absence**

Apologies for absence were received from G D Boyce Esq, S A Calton Esq, Councillor C J Crofts, P W Dorling Esq, D J Lunn Esq and D J Pope Esq.

### **B.1039 Declarations of Interest**

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

Mr D Boyce declared an interest as District Officer in minute no. B.1056.

### **B.1040 Confirmation of Minutes**

### **RESOLVED**

That the Minutes of the Meeting of the Board held on the 5<sup>th</sup> March and 29<sup>th</sup> June 2018 are recorded correctly and that they be confirmed and signed.

### **B.1041 Completion of the Annual Accounts and Annual Return of the Board – 2017/2018**

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31<sup>st</sup> March 2018.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2018.

## RESOLVED

- (i) That in accordance with the Accounts and Audit Regulations the minutes record that approval of the accounts was given on 29<sup>th</sup> June 2018.
- (ii) That the Chairman was authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2018.

### B.1042 Election of Board Members

Miss Ablett reported that the term of Office of the elected Members of the Board would expire on the 31<sup>st</sup> October 2019 and submitted the proposed Register of Electors applicable to the 2019 election.

## RESOLVED

That the Register be approved.

### B.1043 Resignation of Board Member

Miss Ablett reported that having given his apologies for this meeting, Peter Dorling had also advised the Chairman that, following a double heart bypass, he felt that it was time for him to step down. She advised that Mr Dorling had been a member of the Board since 1977.

## RESOLVED

That the decision of Mr Dorling be received with regret and that the Board's appreciation of his services to the District be recorded in the minutes and conveyed to him together with their best wishes for the future.

### B.1044 Vacancy in Membership

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

Mr Allen reported that Mr Dorling had advised that Mr Andrew Robb may be interested in becoming a member.

## RESOLVED

That Mr Andrew Robb be invited to become a Member of the Board if he is prepared to do so.

### B.1045 Presentation to Mr Scott

Further to minute B.1002, Miss Ablett reported that an engraved whiskey decanter had been presented to Mr Scott in recognition of his services to the District as Chairman.

#### B.1046 Fountain Frozen Foods

Further to minute B.1005, Miss Ablett reported that the Assistant Clerk had confirmed that the maintenance specification did not appear to have been sent to Mr Lawrence. However, having recently emailed the specification to Mr Lawrence, the Assistant Clerk had then tried to speak with him, but it appears that he no longer works solely from the Upwell site. The Assistant Clerk had subsequently spoken with Clive Himsworth, the Commercial Director at Fountain Frozen Foods, who has confirmed that he will look into the matter.

#### RESOLVED

That the Assistant Clerk update the Chairman/Vice Chairman when a response is received from Mr Himsworth.

#### B.1047 Contraventions of Byelaws

##### a) Planted Conifers – Orchard Barns, Small Lode, Upwell

Further to minute B.1017(a), Miss Ablett reported that in December 2017 Mr Fitzpatrick had agreed to remove the conifers but advised that he could not comply within 14 days. Following the initial contact with Mr Fitzpatrick, an email together with photographs had been received from Mrs Fitzpatrick on 10<sup>th</sup> March 2018 asking why the conifers had to be moved.

Miss Ablett reported that this email had not been responded to and enquired what action the Board wished to take.

The Vice Chairman advised that as the conifers were within the 9 metre byelaw strip they must be removed, especially in view of this being an important stretch of drain.

#### RESOLVED

That Mr & Mrs Fitzpatrick be written to again advising that the conifers must be removed from the access strip within 2 months or further action would be taken by the Board.

*[Post meeting note – The District Officer telephoned the Middle Level offices on 5<sup>th</sup> March to advise that the conifers have been moved; therefore no further action is required]*

##### b) Infilling of Ditch – “Arc Rouge”, Lowside, Outwell

Further to minute B.1017(c), Miss Ablett reported that Councillor Crofts first submitted the original consent application, together with the appropriate fee, on the 12<sup>th</sup> February 2018. On the 21<sup>st</sup> February he had been advised that he needed to supply further information within 28 days but when nothing further was received consent was refused.

The Chairman, Vice-Chairman and the Clerk to the Board met Councillor Crofts on site on the 12th December 2018 to discuss the works that would be needed to satisfy the Board requirements.

Miss Ablett reported that she was unaware whether the works had been completed and the Vice Chairman and Members were also unable to clarify the situation.

Miss Ablett advised that in order for consent to be granted another application, including all the necessary information and the appropriate fee, is required to be submitted. If the Board

is able to confirm that all works have been completed to their satisfaction then consent could be granted.

The Vice Chairman felt that the Board must be seen to be consistent and therefore the necessary works must be carried out and the consent application made.

#### RESOLVED

That Councillor Crofts be informed that the works agreed to at the site meeting must be actioned and that a new application for consent must be made to the Board.

*[Post meeting note – The Chairman emailed the Middle Level offices on 5<sup>th</sup> March to advise that, in an email to him dated 27<sup>th</sup> February, Councillor Crofts had enclosed photographic evidence showing that the work has been carried out. The Chairman confirmed that the work has been carried out to the Board's satisfaction and a new application for retrospective consent should be requested from Mr Crofts].*

#### B.1048 Updating IDB Byelaws

Further to minute B.1016(e), Miss Ablett reported that as this matter affects all Boards, and to ensure efficiency and to minimise costs, work on revising the Byelaws has been held until all Boards administered by the Middle Level Commissioners have determined their wishes. Now that this objective has been achieved work is commencing and a bulk submission of revised Byelaws will be submitted for consideration by Defra accordingly.

Miss Ablett advised that this agenda item was incorrect as the Board had resolved to consider the draft Byelaws for approval at this meeting.

The Assistant Clerk had subsequently advised that the draft Byelaws, to include compliance with the environmental regulations, would be included for the Board's consideration and approval in the agenda for the next meeting in March 2020.

#### RESOLVED

That the draft Byelaws be presented to the Board, prior to their submission to Defra.

#### B.1049 Policy Statement

The Board reviewed and approved their Policy Statement which had been updated following the publication of the National Audit Office (NAO) report on IDBs in March 2017.

#### RESOLVED

That the revised Policy Statement be adopted.

#### B.1050 Requirements for a Biosecurity Policy

Further to minute B.1022, the Board considered their Biosecurity Policy.

## RESOLVED

That the Biosecurity Policy be adopted.

### B.1051 Clerk's Report

Miss Ablett advised:-

#### i) Middle Level Commissioners and Administered Boards Chairs Meeting

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

Matters raised included:-

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

That a second Chair's meeting was held on the 17<sup>th</sup> October 2018 and that discussions centred around meeting Health and Safety legislative requirements and the possible options for increased efficiency in delivery of IDB/DDC services. Outline detailed proposals on the latter are to be brought before the next Chair's meeting for consideration.

#### ii) Applications for byelaw consent

That the following applications for consent to undertake works in and around watercourses have been approved and granted since the last general meeting of the Board:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date consent granted</u>
Mr J Hubbard	Piping and filling of 6 metres of private watercourse - Church Drove, Outwell	14 <sup>th</sup> March 2018
Mrs A Woodhouse	Piping and filling of 12 metres of Board's watercourse between Points 2 and 5 along Back Drove, Upwell	24 <sup>th</sup> April 2018
Mr R Clutterham	Piping and filling of approximately 9 metres of Board's district watercourse between Points 7 and 8 Stonehouse Lane, Upwell	9 <sup>th</sup> July 2018

## RESOLVED

That the action taken in granting consent be approved.

iii) Association of Drainage Authorities

a) Annual Conference

That the 81<sup>st</sup> Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 14<sup>th</sup> November 2018 and had been well attended with the main speakers being Sue Hayman MP, Shadow Secretary for Environment Food and Rural Affairs, Robert Hössen crisis management expert from the Netherlands, John Curtin, Executive Director of Flood and Coastal Risk Management at the Environment Agency and David Cooper Deputy, Director for Flood and Coastal Erosion Management at Defra.

Sue Hayman Affairs spoke about her first-hand experience of flooding in Cumbria, the impact of flooding on mental health, building on flood plains and river management without environmental change and funding.

Robert Hössen gave a presentation on how incident management is organised and dealt with in the Netherlands.

John Curtin gave a presentation on the effects of climate change and referred to the government's discussions regarding the likelihood, impact and severity of climate change.

David Cooper referred to the 25 year environment plan and to various Government publications made in 2018, which can be viewed online.

That the Officers had been re-elected, subscriptions would be increasing by 2% for the following year and the Conference marked the launch of the Good Governance Guide for Internal Drainage Board Members.

That the Conference also marked the first presentation of the Chairman's award which were presented to Ian Russell from the Environment Agency for his work on Public Sector Co-operation Agreements and to Cliff Carson, former Environmental Officer of the Middle Level Commissioners and the Boards, for his work which was instrumental in changing views concerning conservation.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 13<sup>th</sup> November 2019.

RESOLVED

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

c) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association will be held on Tuesday the 12<sup>th</sup> March 2019 and the fact that the administration of this branch has now passed to the Middle Level Commissioners.

d) Good Governance Guide for Internal Drainage Board Members

That, at the Annual Conference last November, ADA launched the publication of the Good Governance Guide for IDB Board Members. It provides Members with a comprehensive guide to their role as water managers servicing the local communities. The document has been produced with the financial support of Defra and will provide Members with knowledge to help expand their grasp of the role, and how best to execute their responsibilities on the Board.

That in March and April 2019, ADA will be running a series of free workshops in relation to Good Governance at which ADA hope to see as many Board Members as possible.

The nearest workshops for this area are:-

- Marriott's Warehouse, Kings Lynn (19<sup>th</sup> March)
- Deafblind UK Conference Centre, Peterborough (28<sup>th</sup> March)

That there is also a workshop in London at the CIWEM Venue Farringdon (3<sup>rd</sup> April) for those who cannot attend a local workshop.

That a copy of the Guide for each Member has been included with this agenda and can be downloaded from the ADA website.

iv) External Bodies Conservation Initiatives

That there are two projects which may have an impact on the Board:-

a) The New Life on the Old West project being led by Cambs ACRE which aims to improve public understanding of the unique nature of biodiversity in the Fens and to deliver improvements on community green spaces and the ditch network. At the time of report the project has received a £100k grant to develop the project to the point at which a further £3/4 million grant bid will be made to support delivery.

b) The Cambridgeshire Fens Biosphere, Heritage Lottery have provided £10,000 of funding to research what would be necessary to bring Biosphere Reserve status to the Fens. This project is being led by the Wildlife Trust with support from Cambs ACRE. If successful, this would lead to a new UNESCO designation. This would be a non-statutory designation which records the unique nature of the area.

v) Catchment Strategy

That the EA, LLFA, IDBs and other partners are co-operating in a piece of work which is looking at the pressures on the catchment from a development and climate change perspective. The aim will be to develop proposals which will guide and inform discussion makers.

vi) Water Resources East Group Meeting

That the Middle Level Commissioners are setting up a Committee to discuss how they can work more closely with Anglian Water and other partners to ensure that the management of water and the quantity taken from the River Nene can be maximized in stressed years.

B.1052 Consulting Engineers' Report, including planning and consenting matters

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



## **Churchfield & Plawfield I.D.B.**

### **Consulting Engineers Report - February 2019**

#### **Planning Applications**

In addition to matters concerning previous applications, the following 31 new development related matters have been received and, where appropriate, dealt with since the last meeting:

<b><i>MLC Ref.</i></b>	<b><i>Council Ref.</i></b>	<b><i>Applicant</i></b>	<b><i>Type of Development</i></b>	<b><i>Location</i></b>
553	18/00171/RM	Mr & Mrs S Lunn	Residence	Blunts Orchard Drive, Upwell
554	18/00167/F	Mr & Mrs P Woollard	Residence	Church Drove, Outwell
555	18/00265/RM	The Hollies (Upwell) Ltd	Residence	Orchard Gardens, Upwell
556	18/00190/F	Anfoss Ltd	Residence (Extension)	Townley Close, Upwell
557	18/00176/F	Mr G Wilkinson	Residence (Barn conversion)	Low Side, Upwell
558	18/00326/RM	Mrs L Connolly	Residence	Blunt's Orchard Drive, Upwell
559	18/00365/RM	Mr A Clarke	Residence	Blunt's Orchard Drive, Upwell
560	18/00393/F	Starr Developments	Residence	New Road, Upwell
561	18/00036/F	Mr G Diffey	Residential (4 plots including Barn conversions)	School Road, Upwell
562	18/00520/RM	Mr & Mrs Rawsley	Residence	Blunt's Orchard Drive, Upwell
563	18/00505/F	Mr & Mrs Clingo	Residence	Pinfold Lane, Upwell
564	18/00590/RM	Mr & Mrs A Yeoman	Residence	Orchard Gardens, Upwell
565	18/00540/RM	West Norfolk Homes Ltd	Residence	Blunt's Orchard Drive, Upwell
566	18/00651/F	Ms A Alexander	Residence (Extension)	Well Creek Road, Outwell
567	18/00953/F	Miss E Rigby	Residence (Extension)	Green Road, Upwell
568	18/00954/F	Miss J Watts	Agricultural (Machinery Store)	New Road, Upwell
569	18/00801/F	Mr R Knevitt	Residence (Barn conversion)	Church Drove, Outwell
570	18/01012/F	Mrs H Matthews	Residence (Extension)	Low Side, Upwell
571	18/01217/RM	Mr P Stead	Residence	Orchard Gardens, Upwell
572	18/01229/RM	Mr & Mrs Wiles	Residence	Orchard Gardens, Upwell
573	18/01346/RM	Mr D Clarke	Residence	Blunt's Orchard Drive, Upwell
574	Enquiry	Client of Ben Hornigold	Residence (Extension)	Well Creek Road, Outwell
575	18/01391/F	Mrs Alexander	Residence (Extension)	Well Creek Road, Outwell
576	18/01547/RM	Mrs L Connolly	Residence	Blunt's Orchard Drive, Upwell
577	18/01548/F	Mr J Vickers	Kennels (Dog breeding)	Well Creek Road/Baldwins Drove, Outwell
578	18/01487/RM	M & A Developments	Residence	Orchard Gardens, Upwell
579	18/01980/O	Starr Developments	Residential (5 plots)	Townley Close, Upwell
580	18/01467/F	Mrs Satt-Cunningham	Residence (Extension)	Baptist Road, Upwell
581	18/00137/PREAPP	Mr R Parnell	Residential (4 plots)	Dovecote Road, Upwell
582	18/02153/RM	Mr S Waite	Residence	Orchard Gardens, Upwell

583	18/02136/F	Mr & Mrs J Mills	Residence (Extension)	Well Creek Road, Outwell
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***Planning applications ending 'RM', 'REM' or 'RMM' relate to reserved matters  
Planning applications ending 'PREAPP' relate to Pre-Application enquiries***

From the information provided it is understood that all the developments propose to discharge surface water to soakaways, infiltration devices and/or Sustainable Drainage Systems (SuDS). The applicants have been notified of the Board's requirements.

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

- Mr & Mrs A Yeoman (see below)
- Miss E Rigby - Residence (extension) at Green Road, Upwell (MLC Ref No 567)

No further correspondence has been received from the applicants or the applicants' agents concerning the following developments and no further action has been taken in respect of the Board's interests.

- *Residential development of redundant commercial land to provide 4 new dwellings on land south of 31 School Road, Upwell – Mr D Masters (MLC Ref Nos 445 & 536)*
- *Proposed residential development on land to the south of Plawfield, Back Drove, Upwell – Fountain Developments (Anglia) Ltd (MLC Ref No 505)*
- *Developments at Fountain Foods Ltd, New Road, Upwell – Fountain Foods Ltd/Anglia Growers (MLC Ref Nos 405, 421, 436, 472 & 543)*
- *Residential development and new access at land east of New Road, south of Townley Close and north of Listers Road, Townley Close, Upwell – Messrs S & J Bradley (MLC Ref Nos 498 & 513)*

**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.**

*Bungalow, side extension and new garage at 28 Well Creek Road, Upwell – W Buzzard (MLC Ref No 188) & Ms A Alexander (MLC Ref Nos 566, 574 & 575)*

Planning applications were submitted to the Borough Council for the erection of a side annex extension to the existing dwelling and the erection of a new garage for which permission was subsequently granted.

In the absence of a “best practice” solution a compromised solution had to be reached. Following consideration of several options it was considered that, in view of the small size of the site, the installation of a rain water harvesting unit and an infiltration device both designed to store the 1% Annual Exceedance Probability (AEP) event (1 in 100 year event) with a 40% climate change allowance would be acceptable. Whilst not ideal it is hoped that any high rainfall events will be balanced within the harvesting unit with a regulated discharge ensuring that the infiltration device does not become surcharged.

A planning application for the erection of an agricultural building was submitted to the Borough Council in May. The application was subsequently granted permission subject to the imposition of conditions, none of which were relevant to the Board, at the end of July.

Some brief discussion was held with the applicant's agent, Trundley Design Services, clarifying a potential discharge contribution fee associated with the proposal. However, a discharge consent application has yet to be received.



In respect of the larger site it has been noted, whilst travelling past the site, that development within the Board's 9.0m wide maintenance access strip may have occurred. It is left to the Board's discretion how it wishes to deal with this matter.

*Four semi-detached dwellings at 72 Small Lode, Upwell – Colville Construction Ltd (MLC Ref No 446)*

Assistance was given to the owners of these properties following the failure of the developer to meet his requirements when the properties were originally built.

*Residential development consisting of twenty six properties, site access and internal road - Maxey Grounds & Co (MLC Ref No 479); Reserved Matters Applications: plot 1 – Mr L Willis (MLC Ref No 541); plot 2 – Mr Clarke (MLC Ref Nos 559 & 573); plot 3 - Mr & Mrs Wiles (MLC Ref No 542); plot 4 – Mr & Mrs Lunn (MLC Ref No 553); plot 5 – Mr & Mrs Rawnsley (MLC Ref No 562); Affordable housing for plots 6, 7, 10, 11 and 13 – The Hollies (Upwell) Ltd (MLC Ref No 516); plot 8 – Mr P Stead (MLC Ref No 571); plot 9 – Mr G Thomas & Miss Fitzpatrick (MLC Ref Nos 529, 538 & 548); plot 12 – Mr S Waite (MLC Ref No 582); plot 13 – The Hollies (Upwell) Ltd (MLC Ref No 555); plot 15 – M & A Developments (MLC Ref No 578); plot 16 – Mr & Mrs Yeoman (MLC Ref No 564); plot 17 – Mr & Mrs Wiles (MLC Ref No 572); plot 23 – Mrs L Connolly (MLC Ref Nos 558 & 576); plot 24 – West Norfolk Homes Ltd (MLC Ref No 565); plot 25 – Dr N Walters (MLC Ref No 584) on land to the south of 21 to 42 St Peters Road Upwell*

Planning applications have been submitted to the Borough Council who have subsequently granted permission and several plots are complete or at an advanced stage. There had however been no real progress until recently in respect of resolving the surface water disposal issues associated with this site.

The Board will recall that an entry on the Local Land Charges Register (LLCR) had previously been requested, however, discussions with a "one off" developer of one of the plots advised that during the purchasing process no advice was given on the problems associated with the site or the entry on the LLCR by either the land agent, the architect or the solicitors involved. In an effort to combat this, entries on the LLCR have been extended to cover all those sites where individual planning applications have been sought.

In response to an enquiry concerning the LLCR entry on a fully developed site the developer was advised that the design of the infiltration devices does not meet either national or the Board's requirements.

The issues identified were:

1. The design document provided advises that the infiltration device has been designed for 10% AEP (1 in 10 year) event. Current national advice requires a 1% AEP (1 in 100 year) event for a six hour event but the Board requires the developer to design for the worst case 1% AEP event.
2. Contrary to the contents of the NPPF no allowance has been made for the impacts of climate change. The Board requires an allowance of at least 40% to be included.
3. No details of the trial pit size, ground conditions and depth of the water table have been supplied as part of the infiltration testing. All of these are required for the appropriate design of an infiltration device.

This reinforces concerns that surface water disposal using infiltration is not being designed correctly and is unlikely to operate efficiently in the long term particularly during high rainfall events.

The developer was further advised that:

The Board recognise that it is in the interests of all parties to resolve this matter and to assist have provided guidance on what is required, see the section entitled 'Standard Advice to Applicants for Planning Permission' and associated documentation available on our website at <http://www.middlelevel.gov.uk/consents>. In addition and as we discussed, we can offer more detailed site specific advice and assistance, subject to our costs being reimbursed, through our Post-application Consultation process, again as detailed on our website.

A response from the developer has yet to be received.

The Board is asked what further action it may wish to be taken in respect to this matter.

*Re-development of existing bus garages at D Hircock, School Road, Upwell – Messrs W Hircock, L Pears & C Parsons (MLC Ref No 512)*

Further to the last meeting it is understood that the re-development of this site has commenced. An “advisory letter” concerning the failure to meet the Board’s requirements is currently being prepared.

*Residential development on land north west of Townley Close, New Road, Upwell – Mr & Mrs M Starr (MLC Ref No 523) & Starr Developments (MLC Ref No 540)*

Members will recall from previous meeting reports, including the Supplementary Report dated February 2016, that this site was identified within the Borough Council's Site Allocations & Development Management Policies (SADMP) public consultation document as "G.104.1 Land north/west of Townley Close, Upwell".

During May 2018 the site was the subject of a second infiltration device check which it failed. The Clerk to the Board was advised that it is likely that infiltration devices are not viable on the site and the Borough Council was advised, at the time of planning, that the site may be undevelopable. We have received no further information/details.

A planning application for five properties was submitted to and subsequently granted planning permission by the Borough Council subject to the imposition of conditions.

In view of the problems experienced elsewhere within the Board's catchment and the precedent previously set, the Board may consider that an entry on the LLCR should be requested.

*Construction of a new highway access and associated culvert at 167 New Road, Upwell – Pro Edge Plant Hire (MLC Ref No 537)*

Further to the last Board Report the applicant has now employed ESP Limited as its consultant to prepare and submit a revised application for byelaw consent.

The Board's concerns regarding this section of its system have been expressed. During discussions, ESP Ltd suggested that an "oversized" pipe (1.5m diameter) would be adequate. However, ESP has been advised that such an application would need to be supported by suitable and appropriate hydraulic modelling to ensure that the proposal will not have a detrimental effect on the Board's system.

It is understood that the byelaw consent application is imminent but has not yet been received.

*Residential development on land to the east of Main Road, Three Holes – Fountain Construction (Anglia) Ltd (MLC Ref No 539 & 540)*

Further to the last Board meeting it is noted that the development of these plots is at an advanced stage.



Self-certification forms have been received. A response to the applicant's agent advising that the number of dwellings exceeds the maximum scale of development for the self-certification procedure and suggesting the use of the Infiltration Device Checking Service procedure would be an alternative option is currently being prepared.

### **Water filled channel adjacent to Upwell Health Centre, Townley Close, Upwell**

During May a resident raised concern about the depth of water within the private open watercourse that serves the Upwell Health Centre. It is understood that there was no resultant flooding of buildings and that the water level fell after a few days.



Photograph of the private open watercourse at Upwell Health Centre

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

No further correspondence has been received from the Borough Council concerning the 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.*

It is understood that the Borough Council adopted its latest Level 1 SFRA during November. It can be viewed at the following link:

[https://www.west-norfolk.gov.uk/downloads/download/82/flood\\_risk\\_assessment](https://www.west-norfolk.gov.uk/downloads/download/82/flood_risk_assessment)

## **Flood Risk Management Trainees**

As part of closer partnership working, training has been given to junior members of Cambridgeshire County Council and Peterborough City Council staff and an undergraduate studying for a FRM degree under the EA foundation scheme. The main purpose of the training was to give the candidates a better and broader understanding of water level and flood risk management and also how the Commissioners and IDBs operate.

Feedback from both the candidates and internally has been positive and it is hoped that this opportunity can be offered again when the opportunity arises.

## **Flood Risk Management (FRM) for the Fens Technical Group**

The EA has recently commenced the FRM for the Fens Project to determine the best way of managing future flood risk. As a result a technical group has been formed, including representation from the Middle Level Commissioners.

The project was discussed at the EAs Large Projects Review Group (LPRG) meeting in November. The LPRG stated that all partners who seek future Flood Risk Management Grant-in-Aid (GiA) funding but do not share its data for the Baseline Report are likely to be denied, or capped to 45%, as they will not be able to demonstrate a strategic approach.

The project is currently at the data collection stage and details of the Board's system and any hydraulic models are being collated to inform the successful consultant, who will be appointed in February, to progress Phase 1 of the project.

A letter from the EA has been issued to the Chairman and a copy follows for your information. This included a copy of the "elevator pitch", used by the EA to provide some background to the project. Please note that the extent of the geographical area shown has recently been amended.



Letter to Chairman  
Internal Drainage Boards  
Middle Level Offices  
85 Whittlesey Road  
March  
Cambs  
PE15 0AH

**Our ref:** ENV0000678C  
**Your ref**  
**Date:** 15 January 2019

Dear Chairman

### **Flood Risk Management for the Fens**

Between Local Internal Drainage Boards and the Environment Agency, we are modern day custodians of arguably the richest legacies of flood risk and drainage management in the country. I am sure you and your Board are really proud, like I am, to have a responsibility for critical infrastructure within a landscape that is hugely important for the economy, communities, food, farming and the natural environment.

The future of the Great Ouse Fens is something I am passionate about and with IDB clerks and engineers we are starting a partnership and collaborative approach to their future flood management. This letter summarises where we are and some of the important steps ahead. We really need your ideas, enthusiasm, advocacy, support and knowledge about this fantastic part of the country.

In recent years flood and drainage management in the Fens has been undertaken in somewhat of a piecemeal approach and reactive manner. With climate change projections and many of our assets coming to the end of their design life, we now collectively need to take a more strategic and long term approach. This will enable us all to maximise financial leverage and present a stronger more considered investment case to funding bodies.

Flood risk management for the Fens is a project set up to consider what the future flood risk management choices for the Great Ouse Fens could look like. This will help us develop a strategic approach together that will underpin and frame all flood and coastal risk management investment in the Fens moving forward. This is a key requirement of Defra's partnership funding policy (see attached note).

The attached document provides further details about the project, including the details of those flood risk management organisations involved in the Technical Group. David will hopefully have already briefed you on this work and will be your primary engagement link as the project moves forward.

Supported by the Anglian (Central) Regional Flood & Coastal Committee and with the help of the Technical Group, we have recently secured a funding package and obtained financial approval for Phase 1 of the project. The main products of this phase includes:

- A baseline report to gain a shared understanding of all land drainage and flood risk management assets, the economics, government grant eligibility level and partnership funding challenge for all sources of flooding. *This will be presented in a similar way to the Great Ouse Tidal River Baseline Report (we can provide a copy if you don't already have one) Anticipated delivery date Feb 2020.*
- Visualisation tools to showcase the findings of the baseline report in a way that informs and excites a wide variety of audiences. *Anticipated delivery date late 2020 after the baseline report to share key messages from the report.*

For Phase 1 we have not sought financial contributions from individual IDBs within the Great Ouse Fens, however the success of the work and effective use of the funding we have secured is hugely dependent upon the timely provision of asset and financial data from all Risk Management Authorities. Since July 2018, we have been working as part of the Technical Group on the specification and provision of this data.

We are aiming to appoint consultants for Phase 1 by early February 2019 and we are keen to have this data before then. Therefore it is vital that we have your support in helping your clerks and engineers to provide this information in a timely manner and by the 21 January 2019.

This will enable the project to move forward efficiently avoiding abortive costs, and help us to continue to support your IDB in seeking FCRM Grant in Aid (GiA) for individual investments. If we have gaps or deficiencies in the data then we will not be developing a strategic approach and are unlikely to be successful in maximising FCRM GiA funding for future projects.

Alongside Phase 1 we also collectively need to start to plan for Phase 2 of this work. Phase 2 is likely to start in approximately 5 years' time and most likely be a strategic options appraisal, to identify the choices for medium and long term flood risk management in the Fens.

Amongst the many benefits of this work, it will help us all better inform, influence and justify the source, nature and levels of funding required to



evolve and manage flood and drainage infrastructure over the medium and long term. The scope and governance arrangements for Phase 2 will all need to be developed and agreed collaboratively and there is no presumption that the Environment Agency will lead.

Initial estimates from similar projects are that Phase 2 may cost in the region of £10 million to £15 million, and significant levels of partnership funding will be needed to be sourced to unlock and complement FCRM GiA. Therefore an investment strategy will be developed in parallel to Phase 1. Your Board may want to consider sooner rather than later how they choose to plan for this.

In the short term, whilst the strategic work is progressing, we all still need to continue to invest in the flood and drainage infrastructure within the Fens, without prejudicing any medium and long term choices. To frame this and support investment decision making in being as effective and efficient as possible, through the Technical Group we are also developing tactical plans for the Fens. These are looking at how we apportion benefits across respective infrastructure and apply these to upcoming investments. Once these are ready it may be useful to present to your Board.

It is a really interesting and exciting time with all this work. I hope you and your Board are supportive of the approach. If you have any questions or would like further information then please contact David, myself or our Project Executive, Claire Bell ([Claire.Bell@Environment-Agency.gov.uk](mailto:Claire.Bell@Environment-Agency.gov.uk)).

Yours sincerely

**Paul Burrows**  
MCIWEM CWEM CEnv

Flood & Coastal Risk Manager for East Anglia Area (Great Ouse catchment inc North West Norfolk coast)

Mobile: 07824 431597  
[paul.burrows@environment-agency.gov.uk](mailto:paul.burrows@environment-agency.gov.uk)

## The Strategic Approach for Flood and Coastal Erosion Risk Management Projects

### Supplementary Local Guidance Version 1

In both Defra Policy Statements (Appraisal of Flood and Coastal Erosion Risk Management June 2009 and Partnership Funding May 2011) demonstrating and evidencing a strategic approach to flood or coastal erosion risk is a requirement for every project, to ensure value for money for Flood and Coastal Erosion Risk Management Grant in Aid (FCERM GiA).

Catchment Flood Management Plans (CFMPs) and Shoreline Management Plans (SMPs) form the large scale holistic view of risk management requirements at the catchment or coastal process scale, beneath which more detailed strategies, and the local scale risk management activities should be developed.

Primarily, all schemes seeking FCERM GiA allocation should be in line with or compliment any overarching strategic plan such, for example, the Great Ouse CFMP.

*"SMPs or CFMPs will have collected information on the economic, environmental and social assets at risk, the defences or coast protection works that are in place and identified preferred policies. The SMP or CFMP will also have engaged with stakeholders and you may be able to draw some information from the results. Early links need to be made with SMPs or CFMPs and strategies (where applicable) as they may have already identified key issues and broad solutions (in CFMPs these are called generic responses). It is essential to link the problem back to the policy as defined in the SMP or CFMP (and for schemes, to the description of the strategy, where available) to ensure continuity is not lost. Any conflicts between the description of the problem for your project and the recommendation of the SMP or CFMP (or strategy) will need to be highlighted and reconciled before you can progress further." - Flood and Coastal Erosion Risk Management Appraisal Guidance, 2010.*

The meaning of a 'strategic approach' is described throughout the FCERM Appraisal Guidance, March 2010, mainly in Chapter 3. It needs to include consideration of wider factors such as the economic, environmental, recreational and social factors that may affect or be affected by the proposed investment opportunity. These wider factors will then subsequently influence the selection of investment options to manage or mitigate the flood or coastal erosion risks. At the early stages of appraisal a wide range and broad portfolio of options should be identified, such as a change in pumping regimes, storage options and combining flood cells and assets for example. These options should be appropriate to the scale and type of project being undertaken.

Any strategic evaluation should be done as early as possible when planning a FCERM project. Findings should be evidenced within the business case, however, as this is produced much later than the initial project submission is submitted to the Environment Agency (through PAFS) it may be required that evidence of a strategic approach be made available to the Environment Agency on request in advance of the programme refresh. Failure to submit such evidence on request, will result in the maximum grant rate for the scheme being reduced to 45%.

*"Where there is not a clear strategic approach setting out how benefits are apportioned to individual investments within a system of assets, the maximum grant rate allowable will be reduced to 45%. This means that all risk management authorities, including internal drainage boards, could receive up to 100% grant levels. The reduced grant rate, relevant for all risk management authorities, helps preserve value for money in cases where investments may only score well because benefits are being double-counted." – Partnership Funding Policy 2011*

It is understood that there is a significant variation in the types of schemes which may be eligible for FCERM GiA funding. Therefore, it is reasonable to expect that the attention given to investigating a strategic approach should be proportional to the size of the scheme. Therefore, for smaller schemes (affecting a lower number of outcome measures and/or seeking a smaller sum of funding) a discussion of how a scheme aligns with a strategic approach may suffice. This could be evidenced, for example in notes accompanying a PAFS submission or captured within meeting minutes held in the early planning stages. Similarly, a larger scheme will require a more substantial demonstration. Any such scheme should be able to include, or reference any strategic analysis prior to PAFS submission or annual programme refresh.

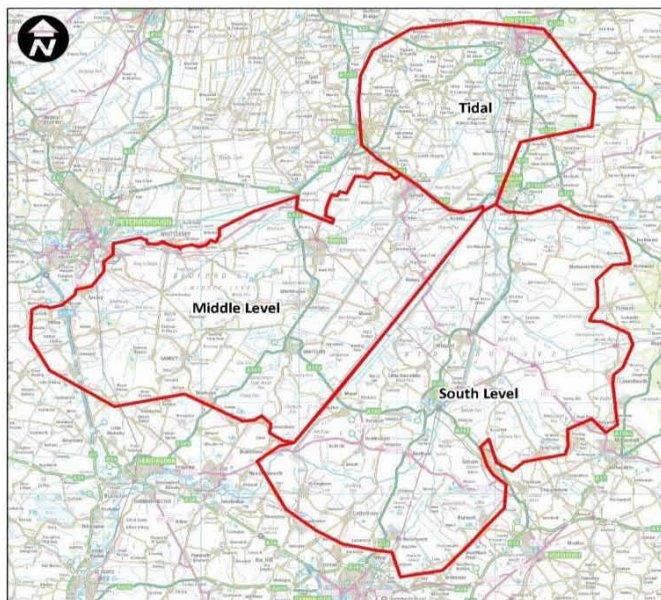
This guidance reinforces the Defra Policy Statements ([Appraisal of Flood and Coastal Erosion Risk Management June 2009](#) and [Partnership Funding May 2011](#)), if these National policies change in the future, this guidance will be amended accordingly.



## Flood risk management for the Fens – planning together for a sustainable flood risk future

‘Flood risk management for the Fens’ is a project that has been set up to plan the best way of managing future flood risk in the Great Ouse Fen Area. We are currently in the **first phase** of this project which is developing a shared understanding of the situation and challenges for managing flood risk (from all sources) in the Fens.

A Technical Group (TG) has been formed of organisations (see below) who have **flood risk assets**, or represent those with assets, in the geographical area that has been defined as the Great Ouse Fens.



We are **working together** to set out all the data about flood risk in the area outlined – defining who is managing flood risk, asset maintenance costs and potential available Flood Risk Management Grant in Aid (Government funding). This will identify any difference in **investment needs versus available funding**.

The most important outcome for the first phase of work is for the TG to have a **shared understanding** of the issues and challenges for managing flood risk in the Fens, and to have a **shared ownership** for taking action to overcome these issues.

Pressures on the Fens will come from many sources including, for example, climate change causing sea level rise affecting the Tidal River and the systems discharging into it, and catchment pressures from housing and infrastructure growth.

Following this initial data gathering phase, which we hope to complete in the next 18-24 months, we will produce a **joint project plan** for the next phase of work. The outcome of Phase 2 will be to produce a jointly owned strategic plan reviewing all options that could manage flood risk in the Fens, taking in to account climate change and sea level rise and recommending actions that will be the best/ most appropriate way of managing flood risk in the Fens over the next 50-100 years.

The TG will work closely with the Environment Agency’s Lincolnshire and Northamptonshire Partnerships and Strategic Overview Team who are progressing a similar project for the Lincolnshire Fens, but at different timescales.

The TG understands that there are **many different areas of interest** within the Fens, and a lot of groups and individuals will be interested in the work of the project.

At this stage in the project, there is a very **strong focus on the flood risk management challenges** – specifically focusing on current flood risk management assets. We will keep interested stakeholders updated with the progress of this stage of the project and **our work will be overseen by the Anglian Central Regional Flood and Coastal Committee**.

The TG is aware of the importance of linking Phase 1 outputs to other projects shaping the future of the Fens landscape.

### Flood risk management for the Fens Project

Phase 1  
Data gathering  
and collective  
ownership

Phase 2  
High level  
action plan /  
strategy

Phase 3  
onwards  
Phased action  
plans



Ely Group of Internal Drainage Boards



middle level  
commissioners



Norfolk County Council



## **General Advice**

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

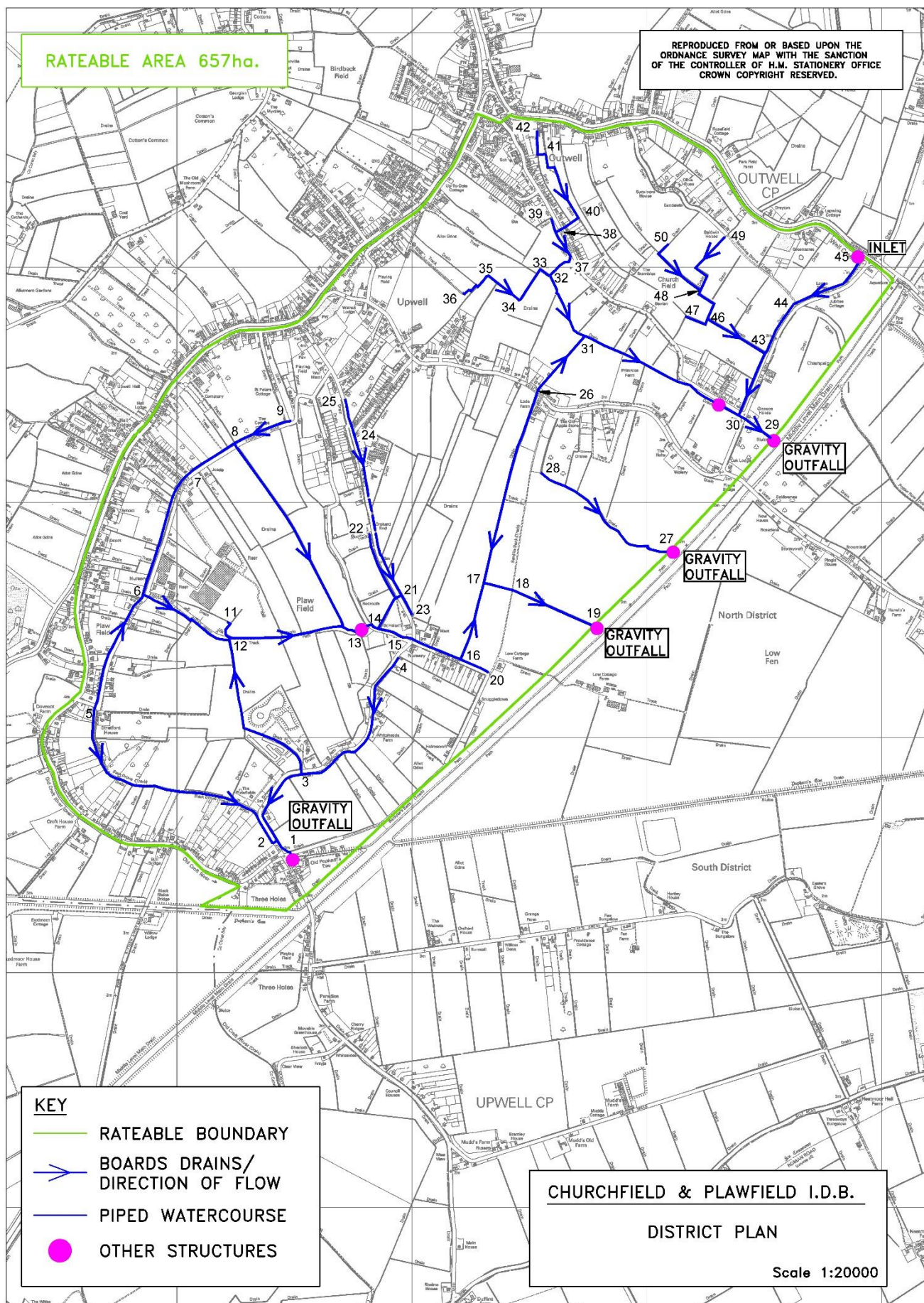
- (a) Robert Clutterham – An application for byelaw consent to pipe and fill nine metres of district watercourse between Points 7 and 8 along Stonehouse Lane, Upwell to provide vehicular access was recommended for approval.
- (b) Illegal infilling of a ditch at 'Arc Rouge', Lowside, Outwell. The Chairman and Chief Engineer met the owner of 'Arc Rouge', Lowside, Outwell, (Councillor Chris Crofts), and agreed the work that is required to be undertaken to comply with the Board's requirements. An application for consent will be submitted to formalise the situation.

Consulting Engineer

15 February 2019

Churchfield & Plawfield I.D.B (306)\Reports\February 2019





Residential development consisting of 26 properties, site access and internal road on land to the south of 21-42 St Peters Road, Upwell – Various developers (MLC Ref Nos. 479,516,529,538,541,542,548,553,555,558,559,562,564,565,571,572,573,576,578,582 & 584)

The Board noted that entries on the Local Land Charges Register had been requested to cover all those sites where individual planning applications had been sought and the response by the Consulting Engineer, to a developer, advising that the design of the infiltration devices did not meet either national or the Board's requirements.

Members agreed that surface water disposal using infiltration was not being designed correctly and was unlikely to operate efficiently in the long term.

The Consulting Engineer had suggested that a meeting with the Borough Council, the Chairman and Vice-Chairman may be the next step to try and resolve the issues, however this would be at a cost to the Board.

Residential development on land north west of Townley Close – Mr & Mrs M Starr (MLC Ref. No. 523) and Starr Developments (MLC Ref. No. 540)

The Board noted the Consulting Engineers comments regarding infiltration devices not being viable on this site and that no response had been received from the Borough Council in relation to the comments made.

Miss Ablett enquired whether, in view of the problems experienced elsewhere within the Board's catchment and the precedent previously set, the Board consider that an entry on the Local Land Charges Register should be requested.

#### RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) Residential development consisting of 26 properties, site access and internal road on land to the south of 21-42 St Peters Road, Upwell – Various developers (MLC Ref Nos.479,516,529,538,541,542,548,553,555,558,559,562,564,565,571,572,573,576,578,582 & 584)

That the Consulting Engineer be requested to arrange a meeting with the Borough Council, Chairman and Vice Chairman to discuss the issues further.

- iii) Residential development on land north west of Townley Close – Mr & Mrs M Starr (MLC Ref. No. 523) and Starr Developments (MLC Ref. No. 540)

That an entry on the Local Land Charges Register be requested and matters discussed further at the meeting to be arranged with the Borough Council.

#### B.1053 Capital Improvement Programme

Members considered the Board's future capital improvement programme and noted the inclusion of the refurbishment of Sullivans Dam. Members agreed to continue to monitor and keep under review the possible refurbishment of the culvert at Small Lode at Point 26.



## RESOLVED

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

### B.1054 District Officer's Report

The Board considered the Report of the District Officer.

The District Officer advised that, as a result of Anglian Water repairing the leaking sewer pipe at Points 35-36, the culvert had become blocked which would need to be rectified.

Following gradual deterioration of the embankment, the District Officer reported that it was now too dangerous for machines to travel along the access strip between Points 29-30, adjacent to Mr Wagner's embankment, to carry out maintenance works. He advised that levelling by some means was essential.

The District Officer reported that some nursery stock had been planted on the access strip between Points 48-49 and although not causing a problem at the moment he considered it may do so in the future.

## 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 2019/2020.
- iii) That a letter be sent to Anglian Water requesting that the culvert at Points 35-36 be unblocked.
- iv) That a letter be sent to Mr Wagner requesting that, following the slippage of the embankment, the access strip between points 29-30 adjacent to his embankment be levelled and that he be given 3 months to carry out the work or the Board will arrange for the work to be completed at his expense and seek to recover costs in Court.
- v) That a letter to be sent to John Clifton drawing to his attention that should the nursery stock planted within the access strip between points 48-49 prevent drain maintenance works from being carried out in future years, it may be necessary for them to be removed at that time.

### B.1055 Conservation Officer's Newsletter and BAP Report

Miss Ablett referred to the Environmental Officer's Newsletter, dated December 2018, previously circulated to Members.

Members considered and approved the most recent BAP report, together with the information sheet about Asian Hornet.

#### B.1056 District Officer Expenses

The Board gave consideration to the appropriate reimbursement of the out of pocket expenses for 2019/2020 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 2019/2020 be allowed, if substantiated by an invoice and that the Chairman be authorised to agree the final amount.
- ii) That the Board agree that a sum of up to £1,600.00 be allowed for the services of the District Officer for 2019/2020.
- iii) That the payment submitted for 2018/2019 in the sum of £2,268.55 be approved.

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

#### B.1057 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.1058 Environment Agency – Precepts

Miss Ablett reported that the Environment Agency had issued the precept for 2019/2020 in the sum of £2,769.14 (the precept for 2017/2018 being £2,637).

#### B.1059 Association of Drainage Authorities

##### a) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 2% in 2019, viz:- from £542 to £553.

#### RESOLVED

That the increased ADA subscription be paid for 2019

##### b) Future ADA Communications

Miss Ablett referred to a letter received from ADA dated 18<sup>th</sup> October 2018 and to the form included with the agenda.

In order to continue to receive communications from ADA in 2019, ADA required a completed form from each Member. The form could also be completed and returned electronically via the link at [www.ada.org.uk/communications](http://www.ada.org.uk/communications).

#### B.1060 Health and Safety

- a) Further to minute B.1020, the District Officer advised that there was nothing to report except to put on record that there have been no incidents or near misses since the last meeting.
- b) Miss Ablett reported that at the autumn Middle Level and Associated Drainage Board's Chairs meeting, a request was made to seek to either take on an additional employee or employ a contractor to specifically support the Drainage Board's to help them meet their legal Health and Safety requirements and also deliver the specified requirements of the Board's insurers who are calling for evidence that appropriate measures are in place to manage Health and Safety. Quotes are being sought but at this time costs are not available and of course the cost per Board is likely to be reflected by take up of any offer made.

The Board was therefore asked to consider if it was interested in this service offer and if the decision to finally commit can be delegated to a member or members of the Board.

#### RESOLVED

That the Chairman be authorised to take any necessary action.

#### B.1061 Annual Accounts of the Board – 2018/2019

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

#### B.1062 Defra IDB1 Returns

Further to minute B.1021, Miss Ablett referred to a letter received from Defra dated 24<sup>th</sup> April 2018 and to the completed IDB1 form for 2017/2018.

#### B.1063 Governance and Accountability for Smaller Authorities in England

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

#### B.1064 Review of Internal Controls

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

#### B.1065 Risk Management Assessment

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

#### B.1066 Transparency Code for Smaller Authorities

Miss Ablett reported that, as resolved at its' last meeting, the Board will continue with a limited assurance review and not take advantage of the audit exemption available for smaller public bodies with income and expenditure less than £25,000.

#### RESOLVED

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

#### B.1067 Exercise of Public Rights

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

#### B.1068 Payments

The Board considered and approved payments amounting to £8,015.58 which had been made during the financial year 2017/2018 (1<sup>st</sup> February to 31<sup>st</sup> March 2018) and £15,879.46 made during the financial year 2018/2019 (1<sup>st</sup> April 2018 to 31<sup>st</sup> January 2019).

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

#### B.1069 Expenditure estimates and special levy and drainage rate requirements 2019/2020

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2019/2020 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 18.43% and 81.57%.

#### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £21,926 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £4,040 and £17,886 respectively.
- iv) That a rate of 4.65p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £17,886 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.1070 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.1071 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Monday the 9<sup>th</sup> March 2020 at the Crown Lodge Hotel, Outwell.