

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

At a Meeting of the March Fifth District Drainage Commissioners
hosted at the Middle Level Offices, March on Tuesday the 7th April 2020

PRESENT

| | |
|-----------------------------|-----------------|
| T D Hopkin Esq (Chairman) | T E Alerton Esq |
| A Payne Esq (Vice Chairman) | P Beeton Esq |
| Miss E Alerton | M Cornwell Esq |
| G Hopkin Esq | |

Miss Lorna McShane (representing the Clerk to the Commissioners) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

Apologies for absence

Apologies for absence were received from Councillor J French, P Hayes Esq and J A Lilley Esq.

C.1107 Standing Orders

Miss McShane reported that to allow the Commissioners to modify the manner in which they hold meetings (for a temporary period) whilst special arrangements are in place to deal with COVID-19, Defra have agreed to the adoption of modified standing orders. The Commissioners considered the adapted set of the new model orders, as supplied by ADA, which include two extra clauses at the end of them which include a change to the way in which meetings are held to allow remote attendance.

RESOLVED

That the Commissioners approve in principle.

C.1108 Declarations of Interest

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

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

Mr and Miss Alerton declared interests in the planning applications (MLC Ref Nos 392 & 396) for The Wilkinson family.

C.1109 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the Commissioners held on the 9th April 2019 and 24th January 2020 are recorded correctly and that they be confirmed and signed.

C1110 Death of Mr Robert Jones

Miss McShane referred to the death of the former Chairman, Robert Jones, on Sunday the 18th August 2019.

The Chairman reminded Members that Mr Jones had been a Commissioner since January 1971 and had been Chairman from April 1989 to April 2019 and had been District Officer from 1989 to 2015.

The Commissioners observed a minutes' silence as a mark of respect for Mr Jones.

RESOLVED

That the Commissioners' appreciation of the services rendered by Mr Jones be recorded in the minutes.

C.1111 Appointment of Chairman

RESOLVED

That T D Hopkin Esq be appointed Chairman of the Commissioners.

C.1112 Appointment of Vice Chairman

RESOLVED

That A Payne Esq be appointed Vice Chairman of the Commissioners.

C.1113 Appointment of District Officer

RESOLVED

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

C.1114 Land Drainage Act 1991 Fenland District Council

Miss McShane reported that Fenland District Council had re-appointed Councillors Mrs J French and M Cornwell to be Commissioners under the provisions of the Land Drainage Act 1991.

Miss McShane also reported that Councillor Court had not been re-appointed.

C.1115 Water Transfer Licencing

Further to minute C.1029, Miss McShane reported that the relevant licences have been applied for for the MLC and associated Boards and that these were due to be validated before the

end of December 2019 and then the EA have 3 further years to determine them. She also advised that it was worth noting that the EA have confirmed that only MLC system to IDB transfers do not require a separate licence.

C.1116 Land at the Slamp

Further to minute C.1074, Miss McShane reported on several matters at the Slamp which needed to be brought to the attention of the Commissioners. The land at the Slamp is owned by the Commissioners and is let on a 5 year 'Farm Business Tenancy' agreement to the Middle Level Commissioners.

- a) An application for consent for the erection of a fence and gate on the access road to North Creek Pumping Station had been made and this application is minded to be granted, subject to the provision of a more detailed plan from the applicant showing the position of the fence and the gate and the provision of a key to the lock on the gate which would enable the Commissioners to gain access to the access road to North Creek Pumping Station.
- b) Complaints had been received from a third party about a number of residential boats and project boats which were being moored along the bank of the land leased from the Commissioners to the Middle Level Commissioners. The complainant was concerned that the boats were there without consent and was particularly concerned about the untidy state these boaters were leaving this area of land and that items ancillary to the boats were being stored on the banks, including firewood, bicycles, litter and rubbish.
- c) Work has been carried out on the kart track by the site owner Frances Thomas Limited. The kart track had been levelled off and there had been some trespass on the land owned by the Commissioners and material spread on this area of land.
- iv) The complainant had also raised the matter of the gate on to the Slamp being on land within his ownership and although the complainant was not making an issue of it, it needed investigation.

RESOLVED

- i) That the Commissioners continue with the tenancy agreement and that there should be no increase in the level of rental.
- ii) That the application for the fence and gate at North Creek Pumping Station be approved subject to the provision of plans and providing more information about the position of the fence and gate and the Commissioners being provided with a key for access to North Creek Pumping Station.
- iii) That letters be sent to the owners of boats that are moored along the Middle Level Commissioners' leased land and to ask the boat owners to remove the items being stored on the bank.
- iv) That the Chairman and the Middle Level Commissioners' Operations Engineer carry out a site visit to view the ditch which forms the boundary between the kart track and that the Commissioners' land be reinstated with a ditch to create a natural boundary.
- v) That the Assistant Clerk/Solicitor be authorised to investigate the complaint about the position of the gate to the Slamp.

C.1117 South Creek Pumped System

Further to minute C.1075, the Chairman reported that it had been agreed at the last meeting that the South Creek pumped system be monitored and reviewed and was carried out. The Chairman also expressed some concern about contamination from a nearby vehicle spraying business with contaminated sand being blown into the watercourse.

RESOLVED

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

C.1118 Erection of 2 storey rear extension and porch (MLC Ref Nos. 379, 384 & 427) – Mr L Johnson & Mrs G Clarke

Further to minute C.1081(ii), Miss McShane reported that contact had been made with the new property owner by writing via the occupier. On receipt of this letter from the Commissioners' solicitor the current owner confirmed that he was aware of the planning permission granted in 2016 but this had not been implemented and if the development did proceed he was willing to obtain consent if needed. The Consulting Engineer had forwarded copies of the relevant forms to the owner and suggested a site visit to discuss the issues regarding this proposed development to clarify the position which would be arranged by the Consulting Engineer.

RESOLVED

That the position regarding this development be noted.

C.1119 Erection of cold storage building (MLC Ref No. 455) – March Cold Store

Further to minute C.1081(vii), Miss McShane advised that the Consulting Engineer had received no further correspondence from the applicant or the applicant's agent concerning this development. However, a recent visit to the site had confirmed that the re-development of this site did not appear to have commenced. The Engineer will continue to monitor the site and will take further action as necessary should the construction of the cold store building be commenced.

C.1120 Erection of 30 dwellings (max) east of Berryfield, Berryfield, March (MLC Ref Nos. 392 & 396

Further to minutes C.1081(iv) and C.1106, Miss McShane referred the Commissioners to the Consulting Engineer's Report and advised that an application for a discharge consent had been received from the applicant's consultant MTC Engineering (Cambridge) Ltd (MTC). Upon receipt of this application the Consulting Engineer undertook an internal consultation with the Commissioners and it was decided that a Special Meeting should be held to discuss the matter before proceeding with this application. The Special Meeting was held on the 24th January 2020 and it was resolved that the Planning Engineer should attend the forthcoming Fenland District Council Planning Committee meeting to represent the Commissioners and Councillor Cornwell attend the meeting to represent residents within his ward and the following points should be raised at the meeting:-

- a) The road should not be used for attenuation purposes.

- b) The water table in the area is already high, therefore in an extreme event the water tanks under the road may not have the capacity envisaged.
- c) Ownership and maintenance of the discharge pipe are of concern, together with whether the pipe is of an adequate size.
- d) There would be additional costs incurred to discharge any increased run-off i.e.- drain maintenance and pumping costs and most of these costs would have to borne by Fenland District Council ratepayers.
- e) The Developers were given the opportunity to meet with the Commissioners to discuss their proposals some 5 years ago, but never responded.

The Middle Level Commissioners' Planning Engineer represented the Commissioners at the Planning Committee meeting on the 29th January 2020 and advised on the Commissioners' position highlighting the issues that were raised at the Special Meeting. However, having heard representations about the development the Planning Committee approved the application.

Prior to the Planning Committee meeting the Commissioners were consulted internally and were in favour of the application for discharge consent being refused for the reasons stated at the meeting held on the 24th January 2020.

Miss McShane advised that a renewed application was anticipated from the applicant's agents.

RESOLVED

That the Planning Engineer continue to progress with Developers to achieve suitable arrangements for drainage and those arrangements be reported back to the Commissioners for further comment before Discharge Consent be issued,

C.1121 Clerk's Report

Miss McShane advised:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

One option for future Board arrangements discussed at the second and third meetings was the subject of a briefing paper.

That a fourth Chair's Meeting was held on the 26th November 2019.

The meeting commenced with a presentation with slides covering the lottery funded 'Fens Biosphere' bid. This UNESCO designation would have no statutory backing but instead aims to draw attention to the unique nature of the area. Good practice sharing would be facilitated and a framework of support for positive action developed. The idea is to frame the application around the Cambridgeshire peat lands and the IDB districts which provide a network of interconnecting watercourses. As this designation would not lead to a set of actions which would be enforced but could have a positive impact on the area the Board were asked (at this stage) to consider giving its approval in principle to the bid.

RESOLVED

That the Commissioners approve support for the Biosphere bid in principle

Health and Safety discussions followed and it was agreed that the new arrangement with Cope Safety Management was working well.

The future vision for the MLC and IDBs was discussed and is covered as a separate agenda item.

On member training, after discussion, it was agreed that members would benefit from training on 'communications and engagement' as it was felt that Boards generally had challenges in getting messages across to the public.

The only other item covered in any detail was in relation to Board agendas and minutes. It was resolved that the Chairs supported the move to reducing the amount of paper leaving the MLC offices and it was also agreed, for reasons of efficiency, that Chairs be provided with an action points list as soon as practical after the meetings but in advance of issuing draft minutes.

That a fifth Chair's Meeting was held on the 10th March 2020.

Topics discussed included health and safety, effective communications with the public, the move to electronic agendas, consideration of the level of planning information included in reports, planning fees and the work of WRE.

ii) Association of Drainage Authorities

a) Annual Conference

That the 82nd Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 13th November 2019.

The conference was very well attended and the speakers this year were:-

Stuart Roberts - Vice President National Farmers' Union – an arable and livestock farmer who has also worked for Defra and Flood Standards Agency – who shared his views on the need for more radical and bold thinking on flood risk management and the supply of water for agriculture.

Bryan Curtis – Chair Coastal Group Network – Chartered Engineer and a member of CIWEM and ICE.

Bryan is Chairman of the Coastal Group Network. This is a network of Councils, Ports, Government bodies who provide a collective voice for the coast and management of the shoreline.

Robin Price – Interim Managing Director – Water Resources East (WRE)

Water Resources East is a partnership from a wide range of industries including water energy, retail, the environment, land management and agriculture who are working in collaboration to manage the number of significant risks to the future supply of water in the East of England. The NFU and ADA (via the David Thomas) have membership on the Board of WRE.

The conference was introduced by Robert Caudwell who asked all present to mark their appreciation of the work being done in the north east of England to respond to and manage the impacts of the floods. He stated his opinion that warnings at previous ADA conferences over the lack of river maintenance had fallen on deaf ears and that the flooding taking place at the time was clear evidence of the need to better balance capital investment with maintenance spending. He then went on to outline ADA's intention to lobby all parties throughout the general election. This included sharing the 7-point plan detailed below;

1. Long term investment horizons in the face of climate change challenges

Flood risk management delivers enduring benefits and authorities involved need to be able to plan ahead financially over multiple years and need to receive a sensible balance of capital and revenue funding, spread across the river catchments, in order to find efficiencies through climate change adaptation and resilience, and attract business investment.

2. Promote co-operation and partnership working to manage the water environment and reduce flood risk

Close cooperation between flood risk management authorities, water companies, communities, business and land managers needs the continued strong support of government to deliver adaptive and resilient flood risk maintenance and similar activities more efficiently and affordably.

3. Total catchment management

Total catchment management is now the widely accepted approach to managing our water and now is the time to increase and empower local professionals and communities to manage and operate these catchments together.

4. Sustainable drainage systems (SuDS)

The next government needs to fully implement Schedule 3 of the Flood & Water Management Act 2010, to ensure future development can keep pace with the challenges of the changing climate, by ensuring that SuDS are maintained over the lifetime of a development.

5. Support local governance in flood and water level management decision making

In some parts of England there is an appetite for greater local maintenance delivery on watercourses and flood defence assets than that currently afforded from national investment. This can be achieved via the careful transfer of some main river maintenance to local bodies or the expansion of areas maintained by those local bodies, such as Internal Drainage Boards, where there is local support and transitional funding.

6. Local Government Finances

It is vital that Special and Local Levy funding mechanisms for drainage, water level and flood risk management continue to be part of this funding landscape to maintain the democratic link with local communities affected.

7. Brexit: Ensuring a resilient regulatory framework for the water environment

The next government needs to provide clear policy messages about how they wish to make the delivery of environmental improvements to the water environment easier and more effective as we transition from European legislation such as the Water Framework Directive.

Unfortunately, because the conference was held during the pre-election period sometimes known as Purdah, which restricts certain communications during this time, there were no representatives available from the Environment Agency or Defra which significantly restricted the debate on flood risk management, funding and maintenance issues. However, there was considerable support from the floor of the conference for the view that lack of maintenance had significantly contributed to the recent problems with the River Don and the flooding of Fishlake village.

Officers of the Association were re-elected, including Lord De Ramsey as President and Robert Caudwell as Chairman.

Subscriptions to ADA would be increased by 2% for the following year.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 11th November 2020.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association for any Commissioner 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 was held on Tuesday the 3rd March 2020.

The meeting format was as per the 2019 conference with a workshop in the morning and the Conference in the afternoon. Topics covered were control of invasive species, water resources, planning and effective communications with the wider public.

That the date of the next meeting is Tuesday the 2nd March 2021.

d) Good Governance Guide for Internal Drainage Board Members

That ADAs workshops were well attended and are helping to deal with the questions being raised by Defra following the Audit Commission Report which criticized aspects of IDB governance. At least one member of this Board attended one of the two local workshops in the area and hence the Board will be able to record in the IDB1 Defra return that training has been provided on Governance. In addition to governance Defra appear to expect over time that training will be given for the following; Finance, Environment, Health, safety and welfare and Communications and engagement. The Board may wish to consider an order of priority for future training and a timetable for delivery.

e) Further Research on Eels

Further to minute C.1002(e), ADA have advised that the valuable research work being carried out by Hull University on eels and eel behaviour in pumped catchments will be continuing for at least another two years. ADA consider that the financial support to the project to date provided by the IDBs has been positive and noted by the regulator (EA), leading to positive engagement on finding practical solutions at pumping station sites. They therefore consider that it would be useful if IDBs could consider whether they would be willing to continue their annual contributions to this research over that period.

RESOLVED

That the Commissioners contribute £100 per year for the next 2 years towards further research on eels.

f) Emergency Financial Assistance for Internal Drainage Boards

That whilst in East Anglia we have not had the unprecedented levels of rainfall which have occurred further north and in the west of the county in recent years this by no means equates to there being no risk of it occurring here. ADA have written to DEFRA seeking to formalise a mechanism for IDBs providing support to the EA in a major event to recover costs. An update will be given should there be any substantive movement from DEFRA on this matter as a result of this request.

iii) Environment Agency consultation on changes to the Anglia (Central) RFCC

That a consultation is taking place on the constitution of three RFCCs following a formal proposal for two new unitary authorities to be formed in Northamptonshire (West Northamptonshire and North Northamptonshire) has been submitted to the Government for consideration. If approved these authorities would coming into existence on the 1 April 2020.

In Buckinghamshire the decision to create a single unitary authority replacing the existing five councils has been made by the Government, subject to Parliamentary approval. It would come into existence on the 1 April 2020.

Each new authority will be a unitary authority, delivering all local government services in their respective areas, including their functions as a Lead Local Flood Authority (LLFAs).

The membership of Thames RFCC, Anglian (Central) RFCC, and Anglian (Northern) RFCC currently includes representation from one or both of the existing county councils. To reflect the changes proposed the membership of all three RFCC will need to be varied before 1 December 2019.

At the same time to better reflect a catchment-based approach it is proposed to change the name of Anglian (Central) RFCC to Anglian (Great Ouse) RFCC. ADA has stated that it supports the naming revision.

iv) Tactical Plans for the Fens Agreement

That the Environment Agency have set up a multi-partner group (FRM for the Fens) to steer work on developing strategic plans for managing flood risk in the lower Great Ouse

catchment. This work is considered necessary to address the impacts of population growth and climate change, which are particularly relevant in this area. The EA is requesting approval to the approach being taken in principle and follows the letter sent in January 2019. The perceived value of this work is that it pre-apportions the benefits (land and property which would flood if not defended) so that applying for grant should be more straight forward and the amount of grant possible clearer. This should give increased certainty and clarity and resolves the issue of double counting benefits where for example a property is protected from flooding by both EA and IDB assets. Work on developing the strategy could take up to 15 years though and the proposal also therefore includes a mechanism for allowing grant-aided works to progress during this time on a hold-the-line basis.

RESOLVED

That the Commissioners approve in principle

v) Water Resources East (WRE)

That the Middle Level Commissioners' Chief Executive has been appointed as ADA's area representative on the Board of WRE. He will act as spokesman for IDBs who have an interest in the future management and provision of water in the East of England. This is particularly important as government consider plans to make the area more resilient and as the impacts of climate change start to bite in an area of rapid housing growth.

vi) Vision for the Future of Boards administered by the MLC

That Members will be aware that the Chair's meetings hosted by the MLC has had an item on the agenda for the last few meetings on future planning of administration and delivery of operations for the Board's collectively. As part of this process it has been agreed that members thoughts should be sought on what they envisage the collective future can and should look like to ensure the most resilient, delivery focused approach that can be achieved. Members should when developing their vision of water management in the fens in 2030 consider the challenges of maintaining representation, improving financial resilience, reducing duplication of work, the potential for cost savings, advantages and disadvantages of the various options available, the impacts of technology and sharing of resources and knowledge.

The general feeling of the Boards so far was that they recognised there could be problems with Boards and the need to amalgamate possibly ten years down the road but most seemed to be happy to continue with their current arrangements. However, this should remain under review and where appropriate amalgamations between Boards supported.

C.1122 Consulting Engineers' Report, including planning and consenting matters

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

March Fifth D.D.C.

Consulting Engineers Report – March 2019

Weed Control and Drain Maintenance

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

Prior to last year's mowing season commencing, the Commissioners' flail mowing contractor, Mr J Steward, informed the Chairman he would not be available to undertake the Commissioners' requirements. With the Chairman's prior approval Harrison Agricultural Contractors were approached on the Commissioners' behalf and duly appointed to take on all of the Commissioners' mowing requirements, including the reaches previously managed by Messrs Ashman.

Harrison Agricultural Contractors have indicated that they are available to undertake the Commissioners' flail mowing requirements again for the ensuing year. A sum for the completion of flail mowing district drains has been included within the estimate.

Following approval at last year's annual meeting, remedial works to the structure at Point 35 were carried out during the programmed machine cleansing works, to prevent any further seepage into the Commissioners' system. The existing timber guillotine door was removed with the assistance of the contractor's excavator and new hardwood boards installed to provide a seal between the Commissioners' pumped drains and the Middle Level system.



Storm damaged tree in the Foxglove Way area

The wet winter and well documented storms experienced recently led to a substantial tree falling across the Commissioners' drain in the Foxglove Way area. Historically there had been several enquires to the Middle Level offices with regards to ownership and liability if the tree was to fall, however the Commissioners only have powers in relation to drainage and use these to

ensure the water flow is not obstructed in any way. Due to the damage caused to the local Housing Association tenant's vehicles and a perceived potential hazard if the remaining standing part of the tree was to fail, the Housing Association took on the responsibility and removed the fallen tree and the remaining standing tree to prevent any further issues at the site.



Bank Slip, reach 36-37

The recent wet conditions had also caused a small slip to the western bank of reach 36-37, narrowing the channel and preventing the flow of water. With the Chairman's prior approval approximately 20m of fir pile and toe board revetment works were installed to return the channel to the intended profile. Reach 36-37 has an unnecessarily steep bank on the western side and following the revetment works a second, subsequent, slip occurred. With the

adjacent landowner's co-operation and with the Chairman's approval it was considered that the best course of action (to prevent any further deterioration) would be to trim the side slope of the bank, reducing the bank surcharge and increasing the stability.

The pre-harvest district inspection indicated that the majority of the Commissioners' district drains were in a satisfactory condition and being maintained to a good standard. However, as with most years, the inspection highlighted sporadic stands of aquatic vegetation throughout the Flaggrass Hill drains, reach 33-34-35-36-37 and with the District Officer's approval these reaches were included in the annual herbicide application programme.

Following previous years' requirements and with the Commissioners' approval, the Commissioners' drains immediately upstream of North and South Creek pumping stations, reaches 1-2-3 and 20-21, were included in the annual machine cleansing programme. This action was deemed necessary in an attempt to reduce the mass of aquatic weed required to be manually cleaned from the pumping station weedscreen. It is recommended both reaches be included again in this year's machine cleansing programme.

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

North Creek Pumped System

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

Aquatic vegetation was also evident in reach 21-23-24-25-26 and as part of the annual machine cleansing programme, it is recommended that the affected drains are treated with an application of Roundup herbicide, followed by machine cleansing, once the adjacent crops have been harvested.



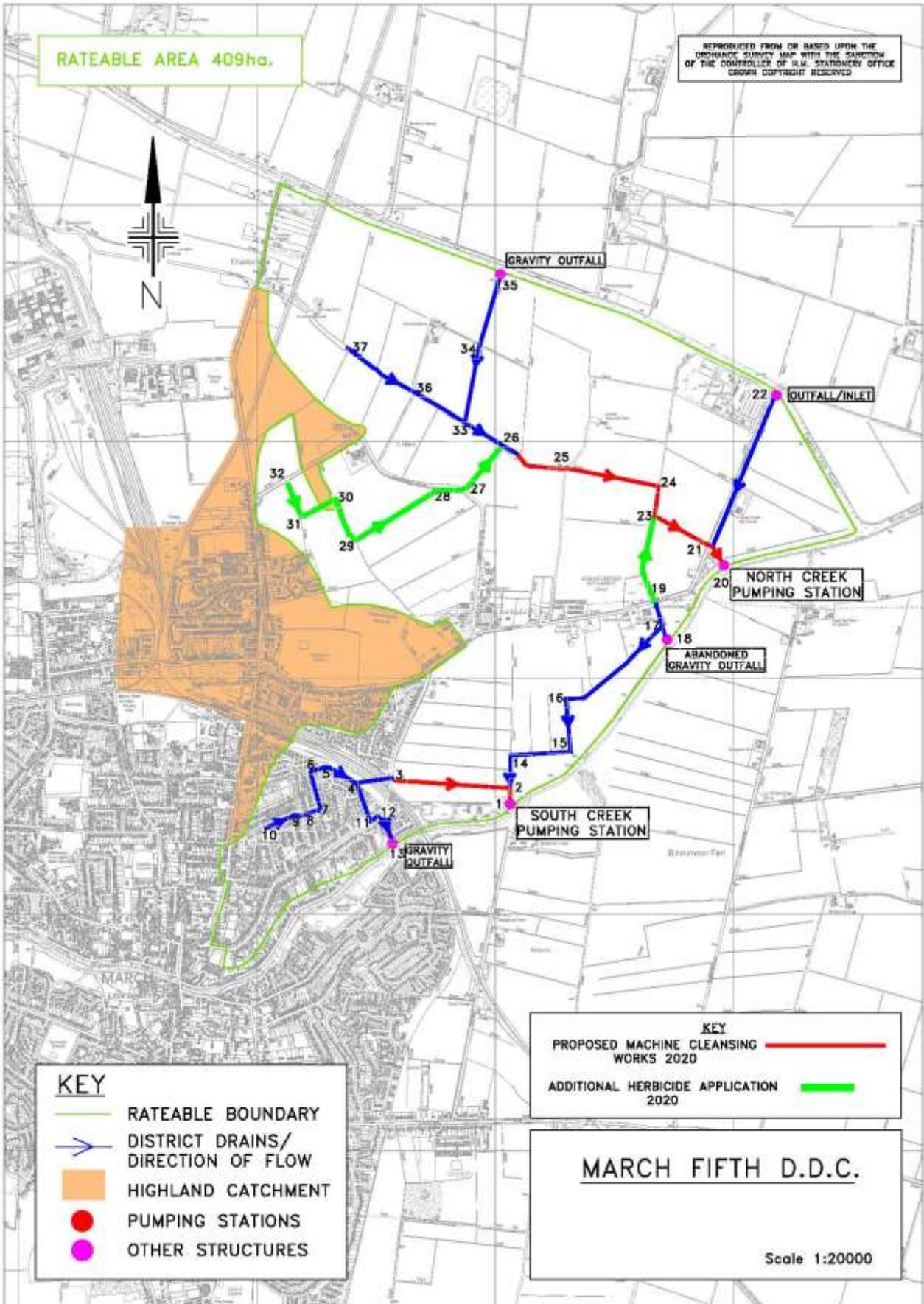
Reach 21-23

South Creek Pumped System

The recent inspection indicates the Commissioners' drains within the South Creek area are currently in a good condition. Historically district drains in the South Creek area have been prone to late occurring infestations of submerged weed growth, most notably semi-buoyant Rigid Hornwort (*Ceratophyllum demersum*). As mentioned previously reach 1-2-3 will be included in the machine cleansing programme to prevent future issues with large accumulations of aquatic weed at the manually cleaned weedscreen.

Creek Road/Newlands Avenue/Foxglove Way – Gravity System

Regular visual inspections of drains in the Foxglove Way area have been undertaken during the last season. Pleasingly, the inspections have identified minimal amounts of domestic and household debris being fly-tipped into the Commissioners' watercourse. Sporadic stands of invasive aquatic vegetation continue to recolonise drains in this area and it is recommended that this area is included in the early season herbicide application and checked again during the proposed summer inspection.



The estimated costs of this year's recommended Weed Control and Drain Maintenance works are shown below, please refer to the previous plan for locations. A provisional sum has also been included within the Commissioners' budget to allow for any emergency machine cleansing, bank slip repair or culvert clearance works required later in the season.

Estimated costs of recommended Weed Control and Drain Maintenance works:

| North & South Creek Pumped System | | | | £ | £ |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----|------|------------------|
| 1. | Flail mowing of District drains | Item | Sum | | 2600.00 |
| 2. | Application of Roundup to control emergent weed and reed | Item | Sum | | 800.00 |
| 3. | Machine cleanse reach 1-2-3 | 600 | m @ | 1.20 | 720.00 |
| 4. | Machine cleanse reach 20-21 | 100 | m @ | 2.00 | 200.00 |
| 5. | Machine cleanse reach 21-23-24-25-26 | 1150 | m @ | 1.50 | 1725.00 |
| 6. | <u>Provisional Item</u> Allowance for any culvert clearance, bank slip repair, emergency or additional machine cleansing that may be deemed necessary later in the year | Item | Sum | | 1000.00 |
| 7. | Fees for inspection, preparation and submission of report to the Commissioners, arrangements and supervision of herbicide applications and maintenance works | Item | Sum | | 950.00 |
| TOTAL | | | | | £7,995.00 |

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

Pumping Stations

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

In accordance with the request at the last meeting a new chain and lock were fitted to the gate at The Slamp, Creek Road, March.

Hours Run

| Pumping Station | March 2019– March 2020 | March 2018– March 2019 | March 2017– March 2018 | March 2016– March 2017 | March 2015– March 2016 |
|-----------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| North Creek | 89 (4477) | 62 (4388) | 66 | 52 | 28 |
| South Creek | 242 (2644) | 115 (2402) | 157 | 121 | 110 |

| Pumping Station | March 2014– March 2015 | February 2013– March 2014 |
|-----------------|---------------------------|------------------------------|
| North Creek | 160 | 82 |
| South Creek | 337 | 193 |

Planning Applications

In addition to matters concerning previous applications, the following 6 new applications have been received and dealt with since the last meeting:

| <i>MLC Ref.</i> | <i>Council Ref.</i> | <i>Applicant</i> | <i>Type of Development</i> | <i>Location</i> |
|-----------------|---------------------|--------------------------------------------------|----------------------------|-------------------------------------|
| 476 | F/YR19/0605/F | Mr G Davies | Residence | Creek Road, March |
| 477 | Enquiry | Cambridgeshire & Peterborough Combined Authority | Transportation | Elm Road/Flagrass Hill area, March* |
| 478 | F/YR19/0854/F | The Braza Club Ltd | Leisure (Extension) | Elm Road, March* |
| 479 | F/YR19/1010/F | Mr & Mrs Norton | Residence (Extension) | Shaftesbury Avenue, March |
| 480 | F/YR19/1028/F | March Braza Club | Residential (6 plots) | Elm Road, March |
| 481 | F/YR19/1050/F | Mr & Mrs Brooks | Residential (Extension) | Estover Road, March |

Developments that propose direct discharge are indicated with an asterisk. The remainder propose, where applicable and where known, disposal to soakaways, infiltration devices and/or Sustainable Drainage Systems (SuDS). The applicants have been notified of the Commissioners' requirements.

Mr G Bennett chose to use the infiltration device self-certification process for surface water disposal from the erection of a dwelling between 37 & 39 Norwood Road, March (MLC Ref No 438) and, in doing so, agreed that if the device was to fail in the future, he would be liable for discharge consent.

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

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

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

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

This development has been completed but the developer has not submitted the appropriate documentation required to meet the Commissioners' Byelaws and the Land Drainage Act. This matter is currently being pursued.

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

Further to item (ii) of the Commissioners' Minute C.1081 Consulting Engineers' Report, including planning and consenting matters, contact has been made with the property owner via the occupier.

On receipt of the letter from the Commissioners' Solicitor the current owner contacted the previous owners who advised that they were going to extend the property but getting consent from the IDB had proven problematic.

The current owner has confirmed that he was:

- (a) Aware of the planning permission granted in 2016 but this was not implemented.
- (b) Willing to obtain consent if needed.

Copies of the relevant forms have been issued to the owner and a site meeting to discuss these issues and clarify the position is currently being arranged.

Erection of 30 dwellings (max) east of Berryfield, Berryfield, March – The Wilkinson Family (MLC Ref Nos 392, 396 & 471)

An application for discharge consent was received from the applicant's engineering consultant, MTC Engineering (Cambridge) Ltd [MTC].

Conscious of the Commissioners' concerns the MLC Planning Engineer undertook an internal consultation with members and it was decided that a Special Meeting should be held to discuss the matter collectively before deciding on its next steps and the best way to proceed.

The Special Meeting was held on the 24th January and the following was resolved under Minute C.1106 Erection of 30 dwellings (max) east of Berryfield, Berryfield, March – The Wilkinson Family (MLC Ref Nos 392 & 396):

RESOLVED

- i) That the Planning Engineer attend the forthcoming Fenland District Council Planning Committee meeting to represent the Commissioners.
- ii) That Councillor Cornwell attend the meeting to represent residents within his ward.
- iii) That the following points be raised at the meeting:
 - a) the road should not be used for attenuation purposes.
 - b) the water table in the area is already high, therefore in an extreme event the water tanks under the road may not have the capacity envisaged.
 - c) ownership and maintenance of the discharge pipe are of concern, together with whether the pipe is of an adequate size.
 - d) there would be additional costs incurred to discharge any increased run-off i.e.- drain maintenance and pumping costs and most of these costs would have to borne by Fenland District Council ratepayers.
 - e) the Developers had had the opportunity to meet with the Commissioners to discuss their proposals some 5 years ago, but never responded.

The MLC Planning Engineer represented the Commissioners at the Planning Committee meeting held the following week on 29th January.

In accordance with the Public Participation Procedure, the Committee heard presentations from the local residents' representative; the MLC Planning Engineer; Cllr Mike Cornwell (representing his Ward but not as a member of the Commissioners) and Gareth Edwards, Director of Swann Edwards Architecture Limited, the applicants' agent.

Amongst other matters the local residents' representative advised that the residents were extremely concerned at the flooding risk to the development and highlighted that there had already been incidents of sewage coming out of drain covers on-site. He stated that should a flood or incident occur once the development is complete; the Council will be held accountable by residents.

The MLC Planning Engineer advised on the Commissioners' position highlighting the issues that were raised at the Special Meeting.

Cllr Cornwell stated that:

- “(a) Whilst the site is located within Flood Zone 1 it is immediately adjacent to a narrow strip of Flood Zone 2 which is followed by a larger expanse of Flood Zone 3, both of which are drained by the March Fifth Drainage Commissioners' existing infrastructure.
- (b) The site is considerably lower than Berryfield which is confirmed by the proposal to use a foul sewer pump to lift it to the level of the existing sewer.
- (c) The current site already suffers from very wet conditions and the current farmer is only able to grow crops that can be harvested before autumn and winter wetter seasons begins.
- (d) Increased and quicker run-off from the development will further add to this problem and lead to an increase in costs to the Commissioners as well as increased system demand and maintenance. He asked members to note that whilst the developer will initially make a substantial contribution towards this, if they are not managed correctly the Council and ultimately the tax payer will have to fund the additional costs.”

Gareth Edwards thanked members for the opportunity to speak in support of this application and explained that:

- “(i) Outline planning permission had been granted for 30 dwellings however this has now been reduced to 28 and following discussions, officers recommend approval of the application.
- (ii) The original application had included the allocation of S106 funding for open space however following a viability assessment this is no longer possible. Instead, the applicant is willing to contribute £10,000 to an off-site open space provision.
- (iii) The application is for traditional 3, 4 and 5 bedroom dwellings and the development will not appear out of scale to the existing development.”

He assured members that drainage proposals are underway and will form part of the application to discharge conditions following approval of this application.

The Committee Members only asked one question to the public participants and this related to the Section 106 allocation for an open space as raised by Mr Edwards.

During its deliberation on the Officer's Report, the subsequent Update and the presentations the Committee made, amongst other matters, the following relevant comments and received responses to their questions from the Council's staff:

- Councillor Benney raised concern in relation to the drainage issues and asked what can be done to ensure that the development benefits from the correct drainage system. David Rowen, the District Council's Development Manager, confirmed that there is a planning condition attached to the outline planning permission which requires a detailed surface water drainage scheme to be submitted and approved.
- David Rowen reminded members that the Reserved Matters approval sits under the original Outline Planning Permission and any controls in place under the Outline Planning Permission are still in existence. He added that it is not uncommon for planning permission to be granted where there are other outstanding statutory or legal approvals required. He stated that if Middle Level (sic) are not happy with the proposal, this can be dealt with separately under their regulations. He stated that officers are satisfied that the controls in respect of drainage are in place and it would be down to the applicant and consultants to design an appropriate scheme.
- Councillor Mrs Mayor stated that she is not comfortable with the drainage issues on-site and is further concerned that the off-site open space provision is not viable as open space is required closer to the development.
- Councillor Meekins stated that he has concerns in relation to drainage on the site and asked what the implications would be for refusing planning permission based on this. Nick Harding, the District Council's Head of Shared Planning, reminded members that drainage is not a matter for consideration as part of this planning application and conditions are already in place in the Outline Planning Permission to resolve this.

It was subsequently proposed by Councillor Sutton, seconded by Councillor Hay and decided that the application be APPROVED; as per officer's recommendation. Councillor Mrs Mayor abstained from voting.

A copy of the Meeting Minutes can be viewed on the District Council's website at

<https://www.fenland.gov.uk/localgov/mgAi.aspx?ID=2872>

Subsequent to the Committee Meeting the Commissioners' members were consulted internally and were in favour of the application for Discharge Consent being refused on the grounds stated at the Special Meeting held on the 24th January.

A suitable response advising on the Commissioners' decision is currently being prepared.

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

Further to the last meeting report the applicant submitted a planning appeal to the Planning Inspectorate in March 2019 following the refusal of its planning application by the District Council.

In accordance with item (v) of the Commissioners' Minute C.1081 Consulting Engineers' Report, including planning and consenting matters:

"That the Consulting Engineer be requested to respond to the appeal made by the applicant setting out the objections already made in respect of the planning application (MLC Ref No 408)."

A response based on the comments expressed at the Planning Committee was submitted to the Planning Inspectorate at the end of April.

The Planning Inspector dismissed the appeal with the main issue being the effect of the development on the character and appearance of the area. The Appeal Decision did include the following:

"19. I have also had regard to the numerous representations received on the proposal which have included concerns relating to drainage, highway concerns (including traffic generation, highway safety, pedestrian footpaths and level crossing dwell times), loss of agricultural land, local infrastructure capacity, wildlife and ecology and loss of outlook.

20. Whilst all of these matters are material planning considerations, none of the matters raised provide a compelling reason why planning permission should be withheld, subject to the delivery of suitable mitigation measures which could be dealt with by means of planning conditions (and/or a legal agreement as appropriate) should I have been minded to allow the appeal."

NB: Emphasis added by the MLC.

In essence the Planning Inspector considers that the issue of drainage could be dealt with by imposing suitable planning conditions which highlights a lack of understanding of the processes involved in water level and flood risk management within the fenland environment.

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

The development of this site continues. The appropriate documentation required from the applicants in order to meet their duties under the Commissioners' Byelaws and the Land Drainage Act is being pursued.

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

Item (vi) of Minute C.1081 Consulting Engineers' Report, including planning and consenting matters stated:

"That the Consulting Engineer be requested to write to the persons concerned and to telephone Councillor Jan French to discuss all the information required, as soon as possible, in respect of the planning application (MLC Ref No 440)."

Unfortunately, due to a communication breakdown, it was not possible to contact Councillor French, but in response to an email concerning the post-application consultation procedure the applicant responded stating that:

- (a) it had not progressed the drainage strategy produced by its consultants and had instead installed crate based infiltration devices to provide surface water drainage from the new facilities.
- (b) foul water drainage had been connected to the existing adopted sewer system and that there was no resultant increase in this respect.

Detailed information in relation to the new facilities, and calculations to support the sizing of the infiltration devices were requested. Unfortunately, the response received was limited and insufficient to be able to check and confirm that the drainage arrangements are adequate and that the Commissioners' requirements have been met. A response to a subsequent request for further details issued in January, for which a response has yet to be received, is currently being pursued.

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

No further correspondence has been received from the applicant or the applicant's agents concerning this development and no further action has been taken in respect of the Commissioners' interests. However, it was noticed, whilst recently passing, that the re-development of this site does not appear to have commenced.

Erection of single-storey rear extension and relocation of external staircase to rear of existing building involving demolition of existing shed and removal of lorry container at March Braza Club, Elm Road, March – The Braza Club Ltd (MLC Ref No 478) & Erect 6no dwellings (2 x single storey 3-bed and 4 x 2-storey 3-bed) involving formation of a new access at land north of March Braza Club, Elm Road, March – March Braza Club (MLC Ref No 480)

Two planning applications have been submitted in respect of development at The Braza Club Ltd. These are:

- MLC Ref No 478 – This application is essentially for the removal of an existing shed and the erection of a small extension approximately 9.6m by 4.6m. As a result, a small increase in impermeable area may be created.

The District Council granted planning permission subject to the imposition of planning conditions, none of which are relevant to the Commissioners. However, a Drainage Advisory Note was included on the Decision Notice.

- MLC Ref No 480 – This application is for the erection of six dwellings on the Club's Bowls Green.

It is proposed that surface water disposal is to soakaways but it is considered unlikely that these proposals would meet the Commissioners' requirements.

At the time of writing the District Council's Public Access webpage advises that a decision is pending.

March to Wisbech Transport Corridor

Previously known as the Re-opening of the March to Wisbech Rail-line - Scheme No 398128 (Wisbech Rail) (MLC Ref No 477)

Further to the Commissioners' 2018 meeting report initial discussions have been undertaken with representatives from Mott MacDonald, the engineering consultant working on behalf of Cambridgeshire County Council (CCC), on behalf of the Risk Management Authority/Authorities (RMA) involved, initially involving generic guidance, advice on the respective assets, including the provision of a link to the Commissioners' District plan, on the Middle Level Commissioners' website, but also that;

- The Framework Schedule, referred to in the incoming letter, is an agreement between Mott MacDonald and CCC but does not appear to include the RMA involved.
- None of the RMA involved were listed as stakeholders in the "Project Management Group".
- Early engagement is encouraged and
- The consent of the respective RMA may be required under its Byelaws in respect of Board infrastructure and assets and also under various Acts including Section 23 of the 1991 Land Drainage Act.

More detailed layout plans were provided in early December and these were the subject of an internal consultation with the Chairman of the RMAs involved just before Christmas. The covering correspondence advised that:

"The proposals are currently at the Feasibility Stage and feature many unknowns, however some initial guidance has been given by us, but Mott MacDonald has been advised that a more definitive response will be made to them on the Boards behalf in the New Year. Therefore, I

shall be pleased if you will review and consider the relevant drawings and provide any comments that you may have. If there are any items that you consider inappropriate and that may place the proposals at risk please let me know.

During discussions with the Clerk he advised that the Board's respective policy statements advise that:

The Board will:

- (i) Co-operate and share information with relevant authorities in the exercise of their flood and costal erosion flood risk management functions.
- (ii) Seek to work with all relevant local organisations in carrying out its flood and costal erosion management functions and environmental obligations.

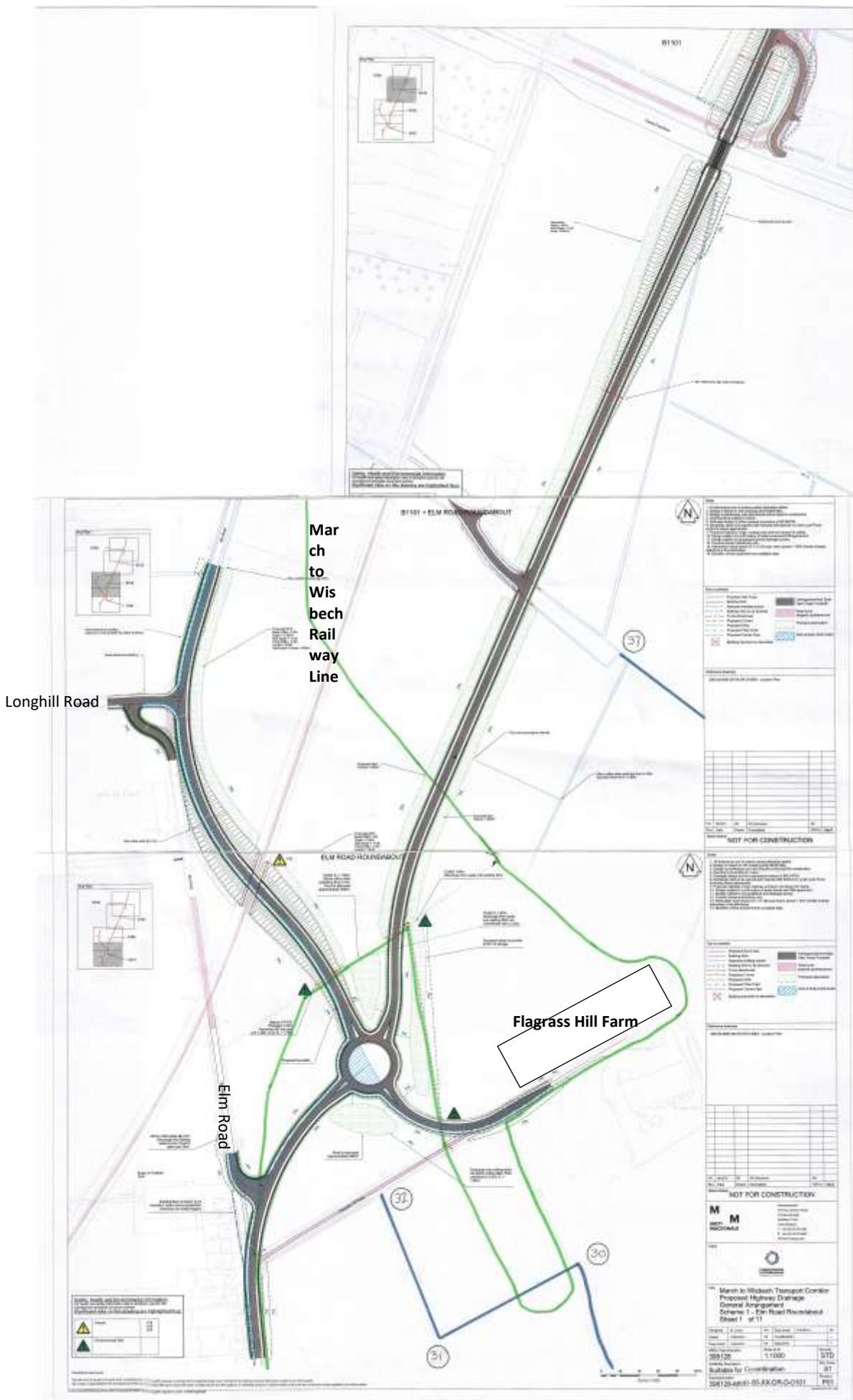
As a result, it is considered that any discussions will have to be at the relevant Boards expense and that it would be against the Boards own policy to insist that the project be the subject of a Pre-application consultation as previously suggested."

No responses appear to have been received in respect of this consultation.

A reduced scale montage of the relevant plans, showing the proposals that affect the Commissioners, is shown overleaf. Larger scale plans will be available at the meeting. The designs are currently at a preliminary stage and are subject to change. The current proposals feature several relatively small attenuation features and structures. It is suggested that the prospective final solution may depend upon several items some of which are outside of the Commissioners' control but it is suggested that one larger and appropriately placed feature would be of more benefit to the Commissioners and easier to maintain than the current proposals.

No subsequent correspondence has been received but it is understood that the latest report prepared by Mott MacDonald and outlining the next steps in transforming this project was presented to the Combined Authority at the beginning of March. Its contents have yet to be assessed.

Should the proposal proceed it would be beneficial, in order to aid further discussion, to receive the Commissioners' views on potential improvements to their systems in this area.



Cambridgeshire Flood Risk Management Partnership (CFRMP)

The Middle Level Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards since the last Board meeting. The main matters that may be of interest to the Board are as follows:

Future Meetings

Following the successful "joint" approach future meetings will involve both the Cambridgeshire Flood Risk Management Partnership (CFRMP) and Peterborough Flood & Water Management Partnership (PFLoW). The MLC are stakeholders in both partnerships.

Draft National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England

A public consultation on the draft FCERM Strategy for England document was held between May and June.

Members of the partnership generally considered that amongst other matters the consultation could have been more ambitious; sought greater RMA involvement; and that surface water flooding should have been included.

Following the consideration of the responses it is intended to publish the final national FCERM strategy for England in 2020.

Local FRM Strategy

Both the Cambridgeshire and Peterborough Strategies are due to be reviewed soon and may be a joint Cambridgeshire and Peterborough response.

The Environment Agency's Joint Assurance Group

This group provides support to the RMAs on the delivery of Grant-in-Aid (GiA) funded projects and meets on a monthly basis to discuss business cases.

Partnership members generally agreed that it would be beneficial to understand what the EA, in its role as the approval body, would like to see in business cases and requested suitable good examples that could be used as guidance.

The EA advised that:

- (i) The lack of sharing of suitable business case examples may be for GDPR/commercially sensitive/economic reasons and advised that whilst the EA cannot 'circulate' these, other RMA can.

- (ii) Due to the specialist nature of projects within The Fens it may not be possible to find enough suitable projects.

Property Flood Resilience Pathfinder Project

A £700k grant bid was made by a consortium of LLFAs. Confirmation of a successful bid is awaited.

Further details on the project can be found in Flood Resilience Community Pathfinder Evaluation Final Evaluation Report October 2015.

Further details can be found at the following link:

<https://www.gov.uk/government/news/29-million-extra-funding-to-boost-action-on-making-homes-more-resilient-to-floods>

Riparian Responsibilities

In order to raise awareness of and instigate discussion on an issue that causes difficulties for RMAs, including the Boards, primarily due to increased workload and costs, the County Council's Flood Risk and Biodiversity Team prepared an "Issues and Options Briefing Note" seeking changes to current practices that are inefficient and create inconsistency across the county in the use of public resources to address the issues associated with riparian assets. The document is currently being considered by the Regional Flood and Coastal Committee.

Cambs County Council Capitally Funded Highway Drainage Schemes

Schemes have been assessed and prioritised based upon level of flooding reported, ie high priority is property flooding or risk to life, low priority is highway only flooding and will be developed to provide estimated costs and prioritised to be delivered to available budget. There is an annual highway drainage budget of £1m, which needs to cover all staff, investigation, design and construction costs and, therefore, not all the schemes will be delivered in the current financial year.

The majority of investigation and design is delivered through Skanska or its supply chain, and managed by the County's Highways Projects team. Priority and funding are confirmed by its Asset Management team.

There are currently 22 schemes ongoing within the County, six of which are within the Fenland district but none are within the Board's area.

District Council Strategic Flood Risk Assessment (SFRA) & Water Cycle Study (WCS) documents

Most of the SFRA and WCS documents are considered old and have not been updated as initially intended. All will require reviewing as supporting evidence when the respective District Council's Local Plans are updated.

A 'joint' County-wide document was suggested but was not considered possible due to the differing states of the various Local Plans across the County.

No reference was made to the funding arrangements for the provision of the updated documents.

Good Governance for Internal Drainage Board Members

In March and April 2019 ADA ran a series of five Good Governance Workshops for IDB Members. The recordings from these events will be available as a series of training modules via the ADA website later in 2019.

A copy of the slides used at the presentation can be found at the following link:

https://www.ada.org.uk/wp-content/uploads/2019/04/Good_Governance_Workshop_Slides_2019.pdf

Public Sector Co-operation Agreements (PSCA)

Following a problem encountered within North Level District IDB which required close liaison with Peterborough City Council, in its role as the Highway Authority, the possibility of arranging PSCAs with IDBs and Councils was raised but has not yet been concluded.

Updates on Highways England (HE) Scheme

The former areas 6 and 8 now form the East Region and the new term contractor is Ringway. The previous short-term Asset Support Contracts (ASC) have been replaced by a 15-year Road Investment Strategy (RIS) contract in order to ensure a consistent long-term approach.

Anglian Water Services Limited (AWSL) Price Review 2019 (PR19)

OFWAT like what is being proposed but not the associated costs. AWSL contends that it is trying to be "proactive and not reactive". **Note: In order to reduce charges on its customers AWSL currently appears reluctant to incur any unnecessary additional costs beyond what it is obliged to accept.**

Requests have been made for suitable applications to be submitted to its project funding programme. It is hoped that a meeting with AWSL's Flood Partnership Manager will be arranged soon.

Fenland Flooding Issues Sub-group

Meetings were held in April and October, no new “wet spots” have been identified within the Commissioners’ district.

The next meeting is due to be held during April.

Fenland District Council (FDC)

FDC Liaison Meeting

A meeting was held at the end of March. Issues discussed included navigation related matters, notes on the LLCR, the Wisbech Garden Town, the FRM for The Fens project, the Future High Street Fund bid for March etc.

Another meeting is currently being organised.

Emerging Local Plan

Fenland District Council is preparing a new Local Plan which, when adopted, will replace the current Fenland Local Plan (May 2014). The Local Plan is an important document which will “determine what the district will look like in the future and how it will become an even better place to live, work and visit.”

‘Live’ Timetable for Production of the Fenland Local Plan (October 2019)

| No. | Stage | Description | LDS Target | Actual dates |
|-----|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Consult on a Sustainability Appraisal (SA) scoping report | The SA scoping report sets out the sustainability objectives proposed to be used to appraise the economic, social and environmental effects of the emerging Local Plan policies. The SA scoping report is subject to consultation. | N/a | Consultation 11 th October to 21 st November 2019 |
| 2 | Public participation (Regulation 18) | Opportunity for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage may involve one or more public consultation rounds. We intend two rounds for the new Local Plan. | October 2019 & May 2020 | Issues and Options Consultation Document Cabinet 18th September Consultation 11 th October to 21 st November 2019 |
| 3 | Pre-Submission Publication (Regulation 19) | The Council publishes the Local Plan which is followed by a 6 week period when formal representations can be made on the Local Plan. | February 2021 | |
| 4 | Submission (Regulation 22) | The Council submits the Local Plan to the Secretary of State together with the representations received at Regulation 19 stage. | May 2021 | |
| 5 | Independent Examination Hearing | Held by a Planning Inspector into objections raised on the Local Plan. | From the day it is ‘submitted’ | |
| 6 | Inspector’s Report | This will report whether if the Plan is ‘Sound’ or ‘Not Sound’. The Inspector may make recommendations to make the plan ‘Sound’. | January 2022 (estimate – could be earlier or later, and subject to the examination) | |
| 7 | Adoption of DPD (Local Plan) | Final stage, the Council will formally need to adopt the Local Plan and it will then be used in making planning decisions. | February 2022 (estimate - could be earlier or later, and subject to the examination) | |

Issues & Options Consultation

Between 11 October and 21 November 2019, the Council undertook a Public Issues & Options Consultation, held a 'Call for Sites' exercise, requested nominations for Local Green Spaces, and invited views on the Sustainability Appraisal Scoping Report.

The consultation was in a questionnaire type format most of the content of which did not directly relate to navigation, water level and flood risk management matters or questions are not relevant to our duties and functions.

Where the questions raised were not specifically relevant to us but may be related to issues upon which we would like to make a remark we made a "comment".

Question 8: Renewable Energy

A comment was made concerning the location of the nearest appropriate grid connection and the potential detrimental effect that the export cable/main connecting into it may cause for example, channel crossings, transport routes and associated remedial works, the formation/uprating/reconstruction of access culverts/roads, and other works to accommodate specialist construction machinery and associated infrastructure the impacts of which are not generally considered as part of the planning process.

Question 11: Minimise Carbon Losses from Wider Activities

Should the Local Plan:

11a) Set out a specific policy on the loss of peat-based soils, and the carbon impacts of it?

Guidance was given concerning the Lowland Agricultural Peat Taskforce when launched by Defra and the East Anglian Fens peat pilot managed by Natural England.

Question 12: Other Proposals to Reduce Greenhouse Gas Emissions & Question 22: Transport

12b) Should the Local Plan make provision of cycle and footways, which are designed in a way so that they become the natural choice to use for short journeys, rather than the car?

The response advised that, where possible, footpaths, cycleways, street lighting, and/or other street furniture should be positioned outside of any protected watercourse and the associated maintenance access strip.

Question 13: Design and Amenity

13c) Are there any specific local issues which need to be addressed through design policies?

Issues specifically referred to were the retention of on-site open watercourses and the provision of adequate maintenance strips beside water level and flood risk management systems, including protected watercourses, within the development's design.

Question 14: Optional Standards

14a) Do you think the Local Plan should include any of the following optional standards (subject to need and viability testing)? If so why?

ii) Water efficiency of new homes

The implementation and management, including enforcement, of water efficiency measures for residential, business and other users of potable water. Proposals should include suitable schemes which minimise the need to abstract water from the Main River system to ensure that it is available for other potential water resource uses ie agricultural irrigation, biodiversity, navigation, leisure and tourism etc.

Question 16: Gypsy and Travellers & Question 17: Park Homes and Houseboats

16b) What other suitable locations for Gypsy and Traveller pitches are there?

17) Is there a need for moorings for houseboats or sites for caravans in Fenland? Any evidence to support your comments would be welcome, or suggestions as to how such need could be identified in Fenland

In respect of the Middle Level Commissioners' interests, comment was made that in addition to the normal caravans and "bricks and mortar" sites, suitable locations may need to be considered for "house boats".

Question 24: Natural Environment

How do you think the Local Plan should protect and enhance biodiversity and the natural environment?

The Conservation Officer advised that the Plan should include recreational and wildlife spaces being created as part of new residential developments and the incorporation of relevant biodiversity measures.

Question 26: Flood & Water Management

Do you have any views on how new development could reduce flood risk?

Our comments included but were not limited to the following:

- The extent of the Environment Agency's (EA) Indicative Floodplain and the constraint that this imposes on "growth" in the District.
- All relevant development proposals must be discussed with the relevant RMA including the appropriate Internal Drainage Board at the earliest opportunity, preferably at the pre-application stage.
- In addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy to demonstrate that:
 - (a) Suitable consideration has been given to the disposal of both surface and treated waste water flows and should detail any mitigation required;
 - (b) Appropriate arrangements have been made for developments adjacent to watercourses; and
 - (c) Issues of long-term ownership, funding and maintenance of the water level and flood risk management system are addressed.
- All proposals should have regard to the guidance and byelaws of the relevant RMA including the Internal Drainage Boards. Where appropriate the contents of hydraulic models and studies, such as the Middle Level Strategic Study must be considered.

Question 27: Any Other Issues

Is there anything else you would like to raise – has anything been missed, or are there any general comments you would like to make?

It was suggested that the retention and improvement of the rivers, their settings and associated corridors in the District for navigation, environmental, leisure and tourism through the provision of related facilities together with the provision of a Water Space Strategy should be considered.

Question 28: Your Priorities

28b) Please identify any other top priorities.

The response advised that the Middle Level Commissioners and associated Boards'/Commissioners' priorities were:

- To fund, maintain, protect and improve existing and make further provision of viable and appropriate water level and flood risk management infrastructure and systems to reduce the likelihood of harm to people and damage to the economy, environment and society.
- The implementation and management including enforcement of water efficiency measures for residential, business and other users of potable water.
- The retention and improvement of the rivers, their settings and associated corridors in the District for navigation, environmental, leisure and tourism through the provision of related facilities.
- To maintain, protect and improve the existing and make further provision of net gains to achieve environmental benefits to the waterways in the district.

Question 29: Neighbourhood Planning

The Council was advised that the "Neighbourhood Area" designation should not unduly affect the Middle Level Commissioners and associated Boards/Commissioners adding that even though a neighbourhood area may have been designated, compliance with the provisions of the appropriate Acts and the relevant RMA's byelaws would still be required.

Level 1 SFRA & WCS documents

Royal Haskoning DHV has been appointed to update the Level 1 Strategic Flood Risk Assessment (SFRA) and Water Cycle Study (WCS) for Fenland District Council as part of the evidence for the new Local Plan.

An Inception Meeting has been held and an information request is currently being processed.

Flood Risk Management (FRM) for the Fens Technical Group [previously reported as the Future Fenland Project]

The Middle Level Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards on the Technical Group since the last Board meeting.

An article detailing the project was included on page 16 of the Summer edition of the ADA Gazette. This can be found at <https://flickread.com/edition/html/index.php?pdf=5d1efbbc0a48b#16>

The project is further discussed under a separate Agenda item.

General Advice

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

- (a) Francis Thomas Ltd – An application was received for consent to erect a gate and fencing within the Commissioners' 9 metre maintenance strip and across the access road to North Creek Pumping Station along the main drain at The Kart Track, Creek Road, March. The purpose of the gates and fence is to prevent unauthorised access to the kart track premises. The Clerk will discuss this under a separate Agenda item.

Consulting Engineer

23 March 2020

March Fifth (314)\Reports\March 2020

Weed Control and Drain Maintenance

The Engineer reported that maintenance and drainworks carried out last year were in accordance with the recommendations approved by the Commissioners at their last annual meeting. Harrison Agricultural Contracting had indicated that they were available to undertake the Commissioners' flail mowing requirements again for the ensuing year and a sum for the flail mowing of District drains had been included within the estimates. The Engineer reported that as per the approval at last year's annual meeting remedial works to the structure at Point 35 had been carried out during the programmed machine cleansing works to prevent any further seepage into the Commissioners' system. The storms in the winter had led to a substantial tree falling across the Commissioners' drain in the Foxglove Way area and works to remove this tree had been carried out by the Housing Association in the area. The Engineer also reported that the recent wet conditions had also caused a small slip in to the western bank of reach 36-37 narrowing the channel and preventing the flow of water. With the Chairman's prior approval approximately 20m of fir pile and toe board revetment works were installed to return the channel to its' intended profile. The pre-harvest district inspection had indicated that the majority of the Commissioners' district drains were in a satisfactory condition and were being maintained to a good standard. However, as with most years, the inspection highlighted sporadic strands of aquatic vegetation between reaches 33-37 and these would be included in the annual herbicide application programme.

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

The Engineer reported that this development had been completed but the Developer had not submitted the appropriate documentation required to meet the Commissioners' Byelaws and the Land Drainage Act and that the matter was being pursued by the Engineer.

Outline with one matter committed detailed as access in relation to 95 dwellings at land north of 75-127 Estover Road, March – St Johns College, Cambridge (MLC Ref No. 408)

The Engineer reported that further to the last meeting the applicant had submitted a planning appeal to the Planning Inspectorate in March 2019 following refusal of planning permission by Fenland District Council. In accordance with the Commissioners' decision the Consulting Engineer responded to the appeal made by the applicant setting out the objections already made in respect of the planning application to the Planning Committee. The Planning Inspector had now made a decision and dismissed the appeal with the main issue being the effect of the development on the character and appearance of the area.

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

The Engineer reported that the development of this site was continuing and he was seeking the appropriate documentation required from the applicants in order to meet their duties under the Commissioners' Byelaws and the Land Drainage Act.

Regeneration of playing field to include rection of a single-storey pavilion, formation of a car park; netball courts/multi-games use courts; hardstanding for external terrace and walkdways, siting of 2 x storage containers; erection of a 4.5m high mesh fencing bounding both the football pitch and netball court and the rection of 4 x 8.0m high lighting columns to car park and footpaths; 6 x 10.0m high floodlights to netballs courts and 6 x 15.0m high floodlights to

football pitch at Playing Field, Estover Road, March – Estover Playing fields 2015 CIC (MLC Ref No. 440)

The Engineer reported that the applicant had advised that they had not progressed the drainage strategy produced by its consultants and had instead installed crate based infiltration devices to provide surface water drainage from the new facilities and the foul water drainage had been connected to the existing adopted sewer system and there was no resultant increase in the discharge.

Detailed information in relation to the new facilities and calculations to support the sizing of the infiltration devices were requested and a request for further information about the drainage arrangements was currently being pursued.

Erection of a single-storey rear extension and relocation of external staircase to rear of existing building involving demolition of existing shed and removal of lorry container and erection of 6 no. dwellings (2 x single storey 3-bed and 4 x 2-storey 3-bed) involving formation of a new access road at land north of March Braza Club, Elm Road, March – The Braza Club Ltd (MLC Ref Nos. 478 & 480)

Two planning applications had been submitted in respect of a development at the Braza Club:-

MLC Ref No. 478 – This was for the removal of the existing shed. The District Council had granted planning permission subject to the imposition of planning conditions, none of which were relevant to the Commissioners, however a Drainage Advisory Note had been included on the Decision Notice.

MIC Ref No. 480 – This application was for the erection of 6 dwellings on the Clubs' Bowls Green and it was proposed that surface water disposal would be to soakaways but it was considered unlikely that these proposals would meet the Commissioners' requirements. The current position on this application was that planning permission was pending a decision by the Local Planning Authority.

March to Wisbech Transport Corridor
Previously known as the re-opening of the March to Wisbech Rail-line

The Commissioners noted the Engineer's update on this matter and the request for any further comments on these proposals to be sent to the Consulting Engineers.

Francis Thomas Ltd

The Engineer reported that an application had been received for consent to erect a gate and fencing within the Commissioners' 9 metre maintenance strip and across the access road to North Creek Pumping Station along the drain at the Kart Track, Creek Road, March. The purpose of the gates and fence was to prevent unauthorised access to the kart track premises and the Engineer reported that this consent had not yet been granted as a more detailed plan was required and that it was a condition of the consent that a key to be provided to the Commissioners in order that they can maintain access to North Creek Pumping Station.

RESOLVED

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

ii) Weed control and drain maintenance

That the maintenance works contained within the Report be undertaken.

iii) That the actions of the Chairman in approving the works to reinstate the profile of the channel between reaches 36-37 be approved.

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

That the Commissioners were content with the development that has occurred and no further action was required.

C.1123 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

RESOLVED

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

C.1124 District Officer's Report

The District Officer provided a report to the Commissioners and this was noted and approved.

C.1125 Conservation Officer's Newsletter and BAP Report

Miss McShane referred to the Conservation Officer's Newsletter, dated December 2019, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report.

C.1126 District Officer's Fee

The Commissioners gave consideration to the District Officer's fee for 2020/2021.

Miss McShane referred to the Middle Level Commissioners' pay award indicator which was 2.91%.

RESOLVED

That the Commissioners agree that the sum of £823.00 be allowed for the services of the District Officer for 2020/2021.

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

C.1127 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.

Update on the EA grant-in-aid position

Miss McShane reported that the EA undertook a 'refresh' of its grant allocation schedule and optimised it to increase the likelihood of meeting the government outcome measure targets. As part of this some schemes were deferred in favour of those which could be delivered within the next two years with certainty and the programme has, as a consequence, become financially oversubscribed. This effectively means that there will be little or no chance of receiving grant for any new schemes between now and 2021 (at the earliest). This date marks the end of the six-year funding commitment and whilst it is understood that the EA are pressing hard to have another six-year settlement and, if agreed to by treasury, for this to be larger than the previous one to help address the increasing investment required to tackle climate change driven impacts. At this point in time we do not know what will happen and changes could be made in any event to the funding model, what outcome targets are or the process of securing grant. What is clear is that the further ahead that IDBs collectively plan their investment needs the more likely whatever grant is available will be accessible by them.

To plan for future investment needs it may be timely to carry out an asset survey of the Boards' pumping stations and similarly, as it is four years since these assets were valued for insurance reasons, it is also considered worthwhile revising the rebuilding estimates to reflect construction cost inflation.

RESOLVED

- i) That no proposals be formulated at the present time.
- ii) That the Consulting Engineers be requested to undertake an asset survey and recalculate the pumping station valuations.

C.1128 Environment Agency – Precepts

Miss McShane reported that the Environment Agency had issued the precept for 2020/2021 in the sum of £2,118.00 (the precept for 2019/2020 being £2,066.06).

C.1129 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

Miss McShane reported that the sum of £1,049.96 (inclusive of supervision) had been received from the Environment Agency (£1,536.56 representing 80% of the Commissioners' estimated expenditure for the financial year 2019/2020 less £486.60 overpaid in respect of the financial year 2018/2019).

C.1130 Association of Drainage Authorities
Subscriptions

Miss McShane reported that it was proposed by ADA to increase subscriptions by approximately 2% in 2020, viz:- from £553 to £565.

RESOLVED

That the increased subscription be paid for 2020.

C.1131 Boat on Mooring at 2 Riverdown, March

Miss McShane reported that a request had been made to the Commissioners and the Middle Level Commissioners regarding the mooring of a boat at 2 Riverdown which was longer than the mooring and overhung almost as far as the Commissioners' outfall. Miss McShane referred to a meeting that the Clerk and the Assistant Clerk had held with the owner of the boat in connection with his request to moor in this position. The Chairman reported that no water comes from that outfall. Miss McShane reported that a Land Registry search had revealed that most of the land, including down to the river, was included in an Open Space agreement and was in the ownership of Fenland District Council from when the houses in Riverdown were developed.

RESOLVED

That, in principle, the Commissioners had no objection to this request and a letter be sent to the owner granting a temporary permission for a mooring stipulating that should access be needed to the outfall for operational purposes then he be required to remove the boat.

C.1132 Determination of annual value for rating purposes

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

RESOLVED

- i) That the determination recommended be adopted by the Commissioners.
- 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 Commissioners in connection with any appeal against the determination.

C.1133 Rate arrears

Consideration was given to writing off rate arrears amounting to £30.68.

RESOLVED

That the arrears be written off.

C.1134 Health and Safety

Further to minute C.1090:-

a) Miss McShane reported that quotes were sought and a letter sent to the Chairman on the 25th April 2019 advising that it had been agreed at the Chairs meeting to enter into a 3 year contract with Cope Safety Management with the annual payment being split between the Boards. Assuming all Boards joined the arrangement, the cost to the Board would be £200 per annum. However it was understood that, particularly in the first year or so, extra support may be needed and this could be provided at a day rate of £500 or at an hourly rate of £85 for part days.

Miss McShane advised that the Chairman had confirmed that the Commissioners wished to be included in the arrangement with Cope Safety Management.

RESOLVED

That the actions of the Chairman be approved.

b) The Chairman referred to the reports received from Cope Safety Management following their visits to the District on the 8th August 2019 and the 18th February 2020 and that arrangements had been put in place to replace the handrails at North Creek and South Creek Pumping Station; one of which had been damaged by a contractor and would be replaced by the contractor and the other the Middle Level Commissioners' Consulting Engineer was to arrange its' replacement.

Miss McShane reminded the Commissioners that they are responsible for ensuring they are compliant with all Health and Safety legislation and are adequately insured. In view of this, all points for action raised by its' Health and Safety consultant must be implemented so as to avoid the Commissioners' insurance policy from becoming invalid.

c) Miss McShane referred to the ADA Internal Drainage Boards' Health, Safety & Welfare Survey 2018.

C.1135 Completion of the Annual Accounts and Annual Return of the Commissioners – 2018/2019

a) The Commissioners considered the comments of the Auditors on the Annual Return for the year ended on the 31st March 2019.

RESOLVED

i) That, after fully considering the internal controls put in place by their appointed administrators and the checks carried out by their appointed internal auditors, the Commissioners were satisfied that, in all significant respects, the internal control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the authority.

ii) That the present policies concerning risk management, budget monitoring and insured value of properties are adequate for the size of the business and that they be continued.

iii) That the Clerk and responsible financial officer review the internal audit strategy with the internal auditor to ensure the most appropriate method is in place to ensure the Commissioners continue to comply with the Internal control objectives to a standard adequate to meet the needs of the authority.

b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2019.

C.1136 Defra IDB1 Returns

Miss McShane referred to the completed IDB1 form for 2018/2019 and to the letter from the Minister and Annual report summary and analysis received from Defra dated August 2019.

C.1137 Budgeting

Miss McShane referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2019.

C.1138 Review of Internal Controls

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

C.1139 Risk Management Assessment

a) Miss McShane reported that it was necessary every 4-5 years to consider the formal Risk Register and in between times to judge the risks when considering the Consulting Engineer's and other reports and when setting budgets and rates/special levies. She advised that these risks had been analysed by the use of the Risk Matrix and added that, although the risk registers for IDBs very rarely changed, they would/could change over time and it was important for Boards to consider formally and that consideration was due this year.

The Commissioners considered their Risk Register.

RESOLVED

That the Risk Register be approved and kept under review and the policy to review risk between formal reviews be continued.

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

C.1140 Transparency Code for Smaller Authorities

Miss McShane reported that, as resolved at its last meeting, the Commissioners 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.

C.1141 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.

C.1142 Annual Governance Statement – 2019/2020

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31st March 2020.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31st March 2020.

C.1143 Payments 2019/2020

The Commissioners considered and approved payments amounting to £21,831.27 which had been made during the financial year 2019/2020.

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

C.1144 National Savings & Investments - Change of Signatories

RESOLVED

That Mr D Thomas, as Clerk to the Commissioners, and Mr T D Hopkin, as Chairman, be the authorised signatories of the National Savings Investment Account and that the account of the March Fifth District Drainage Commissioners with National Savings and Investments be changed accordingly.

C.1145 Annual Accounts of the Commissioners – 2019/2020

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31st March 2020 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31st March 2020.

C.1146 Expenditure estimates and special levy and drainage rate requirements 2020/2021

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2020/2021 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 11.02% and 88.98%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £16,933 be raised by drainage rates and special levy.
- iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £1,866 and £15,067 respectively.
- iv) That a rate of 3.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £15,067 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Commissioners be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

C.1147 Display of rate notice

RESOLVED

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

C.1148 Date of next Meeting

RESOLVED

That the next Meeting of the Commissioners be held on Tuesday the 6th April 2021.

C.1149 Pipe at Point 30

Mr Alerton reported on a pipe leading from the Berryfield development at Point 30 and that he had carried out a site visit to the area and the outfall was blocked with a bag of rubbish. He also referred to a pipe lying across the field which drains surface water and it was unknown who owned this pipe.

RESOLVED

That the photograph taken by Mr Alterton be sent to the District Officer for further investigation.