

## **NEEDHAM AND LADDUS INTERNAL DRAINAGE BOARD**

At a Meeting of the Needham and Laddus Internal Drainage Board  
held at the Crown Lodge, Outwell on Tuesday the 21<sup>st</sup> April 2020

### **PRESENT**

J F Martin Esq (Chairman)	P E Hartley Esq
J H Fenn Esq (Vice Chairman)	C N T Rose Esq
S A Calton Esq	W Sutton Esq
M E Fenn Esq	P M Tegerdine Esq
C F Hartley Esq	P W West Esq

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

### **Apologies for absence**

Apologies for absence were received from Councillors D J W Boyce and K Harrison.

### **B.278 Standing Orders**

Miss McShane reported that to allow the Board 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. Members 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 Board approve in principle.

### **B.279 Declarations of Interest**

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

Mr M Fenn declared an interest in any matters concerning the District Officer.

Councillor Rose declared an interest in minute no. B.308.

Mr Hartley and Councillor Sutton declared an interest (as a Member of the Middle Level Board) and Mr J Fenn declared an interest (as an employee of the Middle Level Commissioners) in matters concerning the Middle Level Commissioners.

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

B.280 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the Board held on the 23<sup>rd</sup> April 2019 are recorded correctly and that they be confirmed and signed.

B.281 Appointment of Chairman

RESOLVED

That J F Martin Esq be appointed Chairman of the Board.

B.282 Appointment of Vice Chairman

RESOLVED

That J H Fenn Esq be appointed Vice Chairman of the Board.

B.283 Appointment of District Officer

RESOLVED

That M E Fenn Esq be appointed District Officer to the Board during the ensuing year.

B.284 Election of Board Members

Miss McShane reported that, as the number of candidates for membership of the Board did not exceed the number of persons to be elected (twelve), the following candidates were elected as Members of the Board for a period of three years from the 1<sup>st</sup> November 2019, viz:-

BROWN Tom	MARTIN James Frederick
FENN Jonathan Hugh	SCANTLEBURY Nick
FENN Michael Edward	SCOTT John William
GILES Alan	SCOTT Michael
HARTLEY Christopher F	TEGERDINE Peter Michael
LANKFER Peter Edward	WEST Paul Walton

Miss McShane also reported that Messrs Samuel and Simon Hartley did not seek re-election to the Board and that Mr Dan Matthews had resigned from the Board as he was no longer employed by Farmcare Ltd and Mr Nick Scantlebury had been appointed as his replacement.

RESOLVED

That Mr Nick Scantlebury be co-opted to membership of the Board.

B.285 Land Drainage Act 1991  
Board Membership

- a) Further to minute B.248, Miss McShane reported that Fenland District had re-appointed Councillor W Sutton to be a Member of the Board under the provisions of the Land Drainage Act 1991.
- b) Miss McShane reported that the Borough Council of Kings Lynn and West Norfolk had re-appointed Councillors D J W Boyce, S A Calton, C J Crofts and K Harrison and appointed Councillors J Kirk and C N T Rose to be Members of the Board under the provisions of the Land Drainage Act 1991.

Miss McShane also reported that Councillor Pope had resigned from the Council.

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The Chairman welcomed Mr Lankfer and Councillor Rose who were attending their first meeting of the Board.

B.286 Water Transfer Licencing

Further to minute B.217, 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.

B.287 Clerk's Report

Miss McShane advised:-

i) COVID-19 Actions

That following the instructions given by government on 23<sup>rd</sup> March the following list of actions have been taken (this list is not exhaustive);

- Arrangements were made for all MLC staff to have the facility to work from home. This included access to email, and in most cases full remote access to work computers. This was implemented and fully operational by Wednesday 25<sup>th</sup> March.
- MLC operatives continue to attend work but in a more restricted manor following NHS guidelines.
- A skeleton rota to ensure that the office phones are manned has been put in place, post is received and processed and letters sent out where necessary.
- Other temporary arrangements have been implemented to help support the continued operation of the office whilst the COVID-19 government restrictions remain in place, this includes allowing more flexible hours of work, allowing access to the office as and when required to collect or deposit papers making arrangements for the post to be collected and delivered to a safe location outside the office.
- A licence to run video conferencing meeting was obtained and arrangements made to hold meetings by telephone and/or video. Chairmen were contacted at each stage as government advice emerged.
- A policy statement was issued via the MLC website stating the actions the MLC were taking.

- Consultation with ADA on more or less a daily basis were undertaken in the first few weeks encouraging them to take proactive action. Of value to us (and as called for) ADA have been able to secure IDBs 'Key Worker' status and have obtained approval from Defra to move to web/telephone conference meetings.

ii) Middle Level Commissioners and Administered Boards Chairs Meeting

That a fourth Chair's Meeting was held on the 26<sup>th</sup> 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 Board 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 10<sup>th</sup> 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.

iii) Future Meeting Agendas

That as meeting agendas are getting larger, to include more information to meet legal requirements and ensure members are well informed on issues that might concern them in their role as a Board Member, the Middle Level Commissioners are considering moving close to a paperless arrangement. It is therefore proposed that (for those members that have given email addresses) we will issue the agenda in electronic PDF format. The email will ask for confirmation of receipt of the document but will offer to issue a paper duplicate, but only upon request. The aim of this change is to reduce paper wastage, reduce cost and to reduce the carbon footprint of the office.

## RESOLVED

That the Board noted the position and approved receiving future agendas in electronic format.

iv) Association of Drainage Authorities

a) Annual Conference

That the 82<sup>nd</sup> Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 13<sup>th</sup> 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 11<sup>th</sup> November 2020.

### RESOLVED

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

#### c) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association was held on Tuesday the 3<sup>rd</sup> 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 2<sup>nd</sup> March 2021.

d) Further Research on Eels

Further to minute B.193(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 Board contribute £50 per year for the next 2 years towards further research on eels.

e) 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.

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

That a consultation took 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) and was submitted and approved by the Government. These authorities will come 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. Again this will 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 included representation from one or both county councils. To reflect the changes, membership of all three RFCCs have been varied.

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

vi) 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-in-aided works to progress during this time on a hold-the-line basis.

RESOLVED

That the Board approve in principle.

vii) 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.

viii) 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.

The Board noted the position regarding the discussions on future amalgamation and that most IDBs were happy to continue with their current arrangements and the Board had no further comment to make on this matter.

B.288 Consulting Engineers' Report, including planning and consenting matters

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

## **Needham & Laddus I.D.B.**

### **Consulting Engineers Report – March 2020**

#### **Weed Control and Drain Maintenance**

The weed control and drain maintenance strategy generally accorded with the programme approved by the Board at its last annual meeting.

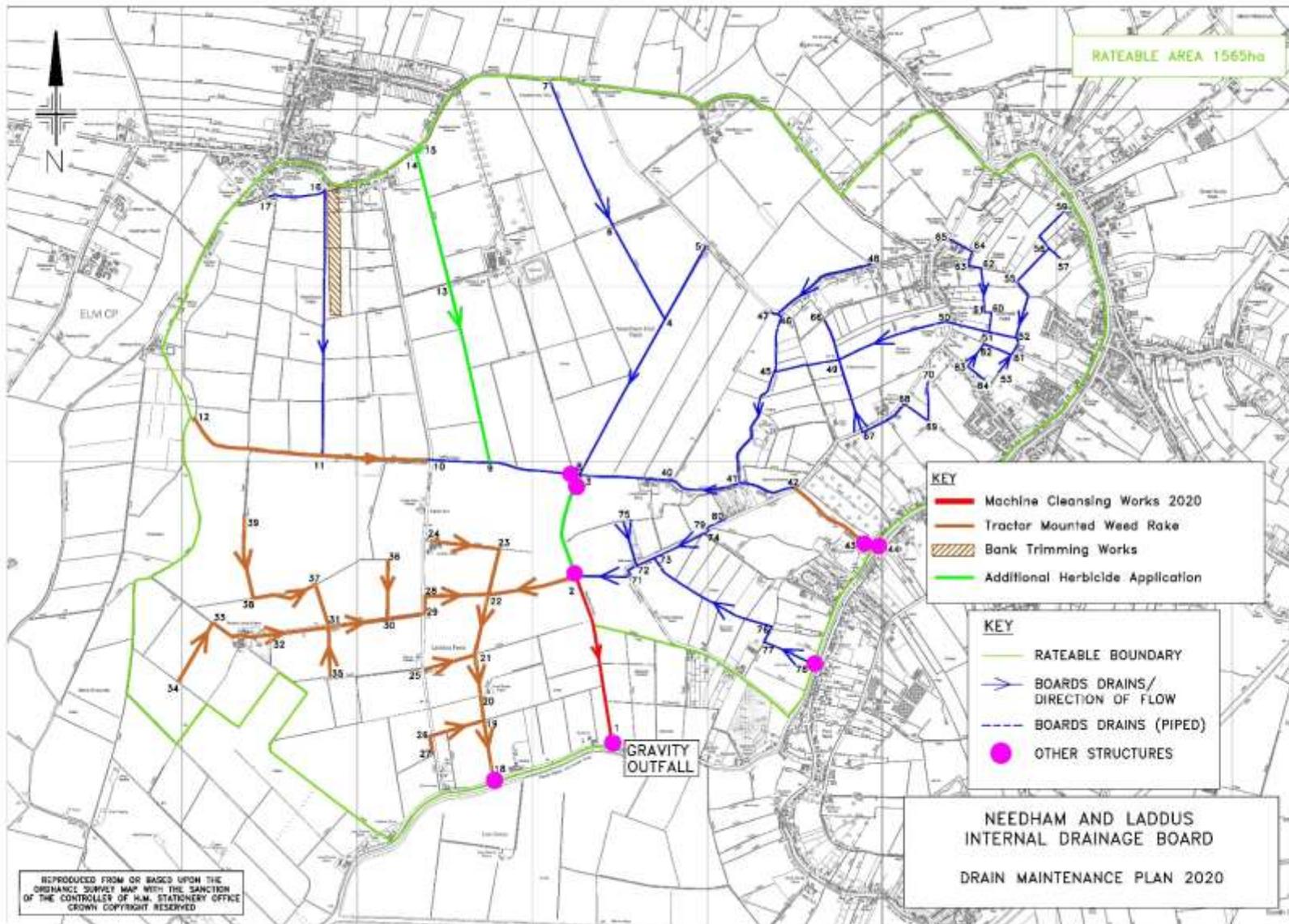
The machine cleansing and revetment works to the Dodd's Stile Drain, reach 44-45, that the Board approved at its 2018 meeting, were postponed due to a significantly wet end to last year. At the time of compiling this report it was anticipated that the ground conditions would improve enough to allow the works to have been completed before the Board's annual meeting. It seems now inevitable that the works will have to be delayed until the current Coronavirus (COVID-19) restrictions are lifted.

A joint inspection of the District was undertaken pre-harvest last year to ascertain the Board's requirements for herbicide application and machine cleansing works. The inspection revealed that although some drains contained substantial growths of filamentous algae (Cott) and some dense stands of emergent and vigorous submerged aquatic vegetation, the majority were found to be in a satisfactory condition. It was noted that the main outfall channel, reach 1-2, had more substantial areas of cott growth and, with the Chairman's approval, the machine cleansing was arranged and carried out following the harvest of the adjacent crops. Works programmes were also discussed and agreed for a herbicide application and contracted weed raking, utilising a tractor mounted flail arm fitted with a weed basket, where it was deemed necessary.

It was also noted that the north east part of reach 11-16 had a break in the previous brassica crop, due to a tenancy change. This break allowed an access window in which to carry out the bank trimming works to the unnecessarily steep bank profile. This was the last remaining section of bank trimming required to complete both sides of reach 11-16, an area that had previously suffered from unstable banks due to the steep bank profile.

Please refer to the plan on the following page indicating the reaches where machine cleansing was deemed necessary to retain the Board's drains in a satisfactory condition.

As the Board's annual meeting falls during the early part of the growing season, a District inspection will be required during the summer months to accurately identify maintenance requirements. A provisional sum, based on previous years' expenditure, has been allocated within the Board's estimated costs, for works that are likely to be required.



Harrison Agricultural Contractors have indicated that they are available to undertake the Board's flail mowing and tractor mounted bucket requirements for the ensuing year. A sum for the completion of flail mowing District drains has been included within the estimate.

The extent of the corrosion to the steel culvert pipe at the gravity outfall, Point 1, has been discussed previously at annual meetings. Other Drainage Boards in the local area have opted for installation of a sleeve system to support and prolong the life of their "armco" corrugated steel pipe sections. However this does reduce the diameter of the outfall, and hence the volume of water that would flow through the pipe, significantly and the installation can prove to be troublesome and still require de-watering the culvert. Another alternative, that could be considered would be the removal of the existing culvert and its replacement with either a twin-wall plastic pipe to match the dimensions of the existing culvert, or the installation of 2no culvert pipe sections that would increase capacity over that of the current culvert, which was installed over 40 years ago, thus providing a longer-term solution. With several projects of a similar nature currently being tendered for and awarded to different contractors, it has been possible to get an indicative price for the culvert replacement of an estimated £150-£160K. The Board may wish to take this opportunity to discuss its options and how it may wish to proceed with this issue.

The estimated cost of this year's recommended weed control and drain maintenance works is as follows:

£

**Provisional Sum**

Allow sum for Roundup application to Board's drains where it is required	Item	Sum	700.00
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Allow sum for Machine Cleansing and Weed /Cott removal from Board's Drains	Item	Sum	7500.00
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**Estimated Sum**

Flail mowing Board's Drains	Item	Sum	6000.00
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**Provisional Item**

Allow for emergency machine cleansing, culvert clearance or bank slip repair works. Removal of fly tipped materials.	Item	Sum	2000.00
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Fees for inspection, preparation and submission of report to the Board, arrangement and supervision of herbicide applications and maintenance works	Item	Sum	1300.00
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**TOTAL £ 17,500.00**

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## **Planning Consultation**

Further to the last Board meeting the Clerk to the Board has received invitations and attended meetings held by both Fenland District and King's Lynn & West Norfolk Borough (KL&WN) Councils Developers Forum and the latter's Inter-Agency Flood Group.

The Clerk to the Board attends Inter-Agency Working on Flood & Water Group meetings at the Town Hall in King's Lynn. At the last meeting he raised the issue of minor developments (less than 10 houses) not having adequate safeguards in place where infiltration (soakaway) drainage is proposed, as no authorities are prepared to accept responsibility for checking the adequacy of designs or to police their effective implementation. This matter has now been added to the agenda for future meetings. There was also a challenge made to the legality of the requests being made by the Middle Level Commissioners to place notes on the Land Charges Registry. This has resulted in KL&WN Council ceasing adding any such notes. Interestingly the stance being taken by Fenland District Council differs from this and it has advised that it holds notes on file which are passed on whenever a Land Charges Registry enquiry is made. In this way it can rightly assert that the notes are not on the Registry but are held separately.

Therefore, in order to allow for this arrangement to become more settled and able to work efficiently and in harmony a specific meeting with KL&WN Council to discuss development control related issues as requested in item (ii) of Minute B.1052 Consulting Engineers' Report, including planning and consenting matters has recently occurred.

The meeting was primarily in relation to a five-plot development that is progressing at Townley Close, Outwell, in the neighbouring Churchfield and Plawfield IDB. However, many of the issues involved will also relate to developments in the Upwell/Outwell and wider local area within West Norfolk.

The meeting was attended by KL&WN Council's Senior Planner, Principal Planner & Water Management Officer and Assistant Director Environment & Planning together with the Commissioners' Planning Engineer and Steve Calton, Chairman of two (and a member of other) IDBs within West Norfolk.

During the meeting KL&WN Borough Council was reminded that in respect of planning applications no bespoke responses were supplied to the planning authority unless the Board has specifically instructed the Middle Level Commissioners to do so or it was the subject of a pre-/post application consultation with the Middle Level Commissioners. However, KL&WN Council was advised that the Commissioners and associated Boards do respond to strategic planning matters and had advised KL&WN Council of the respective Boards' concerns on several occasions but it was felt that these had been overlooked and allocations had subsequently been made.

Due to the topography and nature of the water level and flood risk management systems in the local area these allocations often raise issues which require resolution if the development is to meet the National Flood and Coastal Erosion Risk Management (FCERM) Strategy, more local strategies and policies ie Lead Local Flood Authority (LLFA) and Planning Authority, and the Boards' policies and requirements. Current national policy for resolving issues associated with new development is that "the developer pays" but the solutions can often be expensive to resolve, thus affecting the viability of the development, particularly for the minor, up to 999m<sup>2</sup> of floorspace 1-9 dwellings, and smaller major developments of, say 4,440m<sup>2</sup> between 10-40 dwellings, which is a particular issue in the local area. The solutions often require negotiation with relevant parties which can delay the completion of the development and may have financial implications on the developer and local economy and affect the Council's "growth" targets, particularly housing. In addition, most developers, agents and consultants do not have adequate local knowledge to provide these solutions and it is often necessary for the relevant IDB to intercede or be requested to assist. This can impact on the Board's limited resources, the expense of which is ultimately paid for by the ratepayer. The funding of solutions using Section 106 and/or Community Infrastructure Levy (CIL) was discussed and KL&WN Council advised that it was possible to submit a request for these but there are many parties bidding for small allocations of money.

KL&WN Council did point to the increased special levy rate income generated as a result of development and advised that it currently provides a large contribution to both the Middle Level Commissioners and associated Boards in the form of Special Levy.

## **Planning Applications**

In addition to matters concerning previous applications, the following 14 new applications and associated matters 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>
356	19/00397/F	Mr J Sawyer	Canine	The Cottons, Outwell
357	19/00508/F	Mr & Mrs K Davis	Residence (Extension)	Hall Bridge Road, Upwell
358	19/00857/O	Mr D Cuckow	Residence	Abbotts Court off Isle Bridge Road, Outwell
359	19/00868/F	Mr & Mrs J Smith	Residence (Extension)	Basin Road, Outwell
360	Enquiry	Cambridgeshire County Council	Wisbech Access Strategy	TBC
361	19/01434/O	Mr D Cuckow	Residence	Abbotts Court off Isle Bridge Road, Outwell
362	19/01620/F	Mrs J Riley	Equine (Loose boxes)	The Cottons, Outwell
363	19/01908/F	Mr & Mrs F Clarke	Feline (18 pen cattery)	Town Street, Upwell
364	Enquiry	Partner Construction	Residential (50 plots)	Isle Road, Outwell
365	19/01459/F	Mr N Mirchandani	Residence (Extension)	Town Street, Upwell

366	20/00038/F	Mr J Sawyer	Equine (Stables)	The Cottons, Outwell
367	20/00053/F	Dene Homes Ltd	Construction (Store)	Isle Road, Outwell
368	Enq	Chris Hughes	Wildlife ponds (2)	Thurlands Drove, Upwell
369	20/00126/RM	Welcombe Homes Ltd	Residence	Abbots Court off Isle Bridge Road, Outwell

***Planning applications ending 'RM', 'REM' or 'RMM' relate to reserved matters***

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

Mr F Clarke chose to use the infiltration device self-certification process for surface water disposal from an eighteen pen cattery at Town Street, Upwell (MLC Ref No 363) 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 Board's interests.

- *Proposed 4No Semi-detached houses and garages at Sayersfield, Basin Road, Outwell – Mr & Mrs Pehl (MLC Ref Nos 289 & 291) & Dene Homes Ltd (MLC Ref Nos 300 & 301)*
- Outline application for construction of 9 dwellings at Whetsone Way, Outwell – Renham Services Ltd (MLC Ref No 322 & 338)

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

*Residential development on land at 34 Isle Bridge Road, Outwell - Mr D Cuckow (MLC Ref Nos 203, 210, 309, 331, 358, 361) & - Welcombe Homes Ltd (MLC Ref No 369)*

Further to the Board's 2017 Meeting Report two outline planning applications have been submitted for an additional plot to the previously approved three dwelling development referred to as Abbots Court.

The initial planning application (MLC Ref No 358) was registered by the Borough Council in May but was withdrawn in July. A subsequent planning application (MLC Ref No 361) was registered in August and granted planning permission in November. In January, a

further application, 20/00126/RM (MLC Ref No 369), was registered by the Borough Council from Welcome Homes Ltd.

It is proposed that surface water disposal from this dwelling will, like the other three dwellings, be via infiltration devices. However, given the poor permeability of the soil in the area, as discussed previously, and the lack of available space to locate such devices it is considered unlikely that they can be installed to meet current design guidelines.

**In view of the above, the Board may want to consider how it wishes to resolve this matter and its further instruction is requested on how it would wish to proceed.**

*Residential development at Fenland House, Town Street, Upwell – Fen Regis Trophies Ltd (MLC Ref Nos 233, 239 & 280) & Demolition of existing warehouse, erection of new food store to rear with associated parking at Fen Regis House, 9 Town Street, Upwell – Saxondale Properties Ltd (MLC Ref Nos 327, 342 & 351)*

Further to the last meeting work has commenced on-site but the documentation required to meet the Board's requirements has not yet been received.

This matter will be pursued with the applicant's agent when the current Coronavirus (COVID-19) working restrictions are lifted.

**Developments in the vicinity of Pius Drove, Upwell**

- (a) *Construction of a dwelling – Mr & Mrs P Bradley (MLC Ref No 311) and Reserved Matters application for proposed dwelling and garage at plot to the north west of Trevordale, Pius Drove, Upwell - Fountain Construction (Anglia) Ltd (MLC Ref No 341)*
- (b) *Residential development at land to the south east of Trevordale, Pius Drove, Upwell and Reserved Matters Application for construction of 2 dwellings and garages – Mr & Mrs P Bradley (MLC Ref Nos 314 & 344)*
- (c) *Residential development on land east of Pius Drove, Upwell – Mr G Brown (MLC Ref No 315) & P B Construction Ltd (MLC Ref No 334)*
- (d) *Residential development for 22 dwellings at land on the east side of Pius Drove, Upwell – Mr E Broad (MLC Ref No 318)*

- (e) *Residential development of 2 dwellings at Pius Drove, Upwell – Fountain Construction (Anglia) Ltd (MLC Ref No 328)*

Further to item (iv) of Minute B.255 Consulting Engineers' Report, including planning and consenting matters the following was sent to Fountain Construction (Anglia) Ltd:

“As you are aware there have been a number of developments along Pius Drove that have tried to utilise infiltration devices, however, due to the local geology, high ground water table and the absence of a suitable outfall these did not meet current local or national design standards and/or the Board's requirements.

After detailed conversations with property developers in the area it was agreed that the watercourse at the rear of the above site would be improved to a suitable standard. Following completion of the channel improvement works this watercourse was subsequently adopted by the Board and will be maintained by it until further notice.

With the exception of the above properties all the recent developments in the immediate area have, in accordance with standard procedure, paid a contribution fee to discharge surface water to the improved watercourse.

At its meeting, held in April, Needham & Laddus IDB requested that a letter be written to your company to advise that “the soakaway system was unapproved and could cause local flooding, and that the position could be rectified by utilising the Board's drainage system, for which there would be a development contribution payment required.”

If you would like to discuss this further or need further clarification please do not hesitate to contact us.”,

No subsequent correspondence has been received and, therefore, the Board's requirements have not been met.

**In view of the above, the Board may want to consider how it wishes to resolve this on-going matter and its further instruction is requested on how it would wish to proceed.**

*Residential development on land west of Tikka Chef, Isle Road, Outwell – Beech Property Investments Ltd (MLC Ref No 347) & Partner Construction (MLC Ref No 364)*

Further to the last meeting an enquiry has been received from Partner Construction for the erection of approximately fifty dwellings. Some initial guidance was issued together with the suggestion that any further discussion would need to be as part of the pre/post-application consultation procedure. To date no further correspondence or instruction has been received.

## **Fenland District Council (FDC)**

### ***FDC Liaison Meeting***

A meeting was held at the end of March 2019. 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 <sup>th</sup> October to 21 <sup>st</sup> 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 <sup>th</sup> October to 21 <sup>st</sup> 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 the requested information has been supplied.

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

***Local Plan review 2016-2036***

In delivering development that supports the economy and housing for current and future generations, the Borough Council needs to balance this with the need to protect and enhance the environment.

The Local Plan for the Borough currently consists of the Core Strategy (adopted in 2011) and the Site Allocations and Development Management Policies Plan (SADMP) (adopted in 2016).

These two documents have been reviewed and combined to create a new draft document which identifies a strategy and detail for delivering growth in the Borough, identifying where development should be located and how it should be delivered up to 2036.

The draft Local Plan review was published for an eight week public consultation period from 4 March to 29 April 2019.

The document was considered and a response was submitted to the Borough Council on behalf of both the Middle Level Commissioners and our associated Boards (for whom we provide a planning consultancy service) within West Norfolk. The response included comments on consultation during the planning process and flood risk design.

The relevant Borough Council's web page advises that the submitted comments and suggestions are being reviewed with another version of the plan being issued for further consultation in line with its [Local Development Scheme \(LDS\)](#) "to take place towards the end of the year/earlier next year."

**Local Plan review Programme 2019-2022**

Local Plan Documents	2019				2020				2021				2022		
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Local Plan review	B / C	C / D	D	D	D	D	D/E	E	F			G	G	H	J

	Key Stages of Local Plan Preparation	Regulation
A	Sustainability Appraisal Scoping Report Consultation (2016)	
B	Development of options – on-going engagement on issues and emerging options	
C	Publish and Consult on draft Local Plan	Regulation 18
D	Pre-Submission plan development	
E	Pre-Submission publication and consultation	Regulation 19 & 20
F	Submission of document to Secretary of State	Regulation 22
G	Examination (Including Hearing Sessions)	Regulation 24
H	Receipt of Inspectors Fact Check Report	
I	Receipt of final Inspector's Report	Regulation 25
J	Adoption	Regulation 26

**Upwell Neighbourhood Plan 2018 – 2038**

Both the draft and revised versions of the plan have been considered as part of public consultations held between 5 April – 24 May and 18 November – 13 January.

The plan is very Upwell centric and the response made by the Middle Level Commissioners on the Board's behalf was generic. Items of interest to the Board include the Natural Environment, flood risk and prevention and maintenance of flood defences.

**Norfolk County Council**

**Minerals & Waste Local Plan**

Norfolk County Council is preparing a Norfolk Minerals and Waste Local Plan Review, to consolidate its three Development Plan Documents (DPD), including the Site Specific Allocation DPD referred to in the Board's April 2017 meeting report, into one Local Plan, and ensure that the policies within them remain up-to-date and to extend the plan period to the end of 2036 to ensure consistency with the other plans being developed by the Local Planning Authorities in Norfolk.

The National Planning Practice Guidance (NPPG) states that most local plans are likely to require updating in whole or in part at least every five years and this requirement was incorporated into the adopted Minerals and Waste Core Strategy.

A public consultation on the draft Preferred Options document took place over a six week period from 18 September until 30 October. The County Council has reviewed the responses received and these, together with the other relevant documents, can be viewed on the County Council's webpage.

A response made on behalf of the Middle Level Commissioners and our relevant associated Boards, within West Norfolk, in response to a public consultation, advised that the document had been considered and the proposals were found to be outside the respective catchments and, therefore, no specific comments were made.

## **Cambridgeshire County Council (CCC)**

### ***Cambridgeshire Statement of Community Involvement (SCI) document***

No further correspondence has been received in respect of this document.

### ***2019 revision of the Local Validation Guidance List & Local Validation Check List for planning applications for the County Council's own development & for waste development***

A report detailing the proposed revisions and the public responses which included responses from various interested parties including the Commissioners, several Parish and Town Councils, and various County Council departments went before the County Council on 16 May.

A copy of the report can be found on the Council's webpage by using the following link and searching for "Review of the Local Information Requirements for the Validation of Planning Applications":

[https://cmis.cambridgeshire.gov.uk/ccc\\_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/232/Committee/8/Default.aspx](https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/232/Committee/8/Default.aspx)

However, the relevant items, as far as the Commissioners and relevant associated Boards are concerned, are summarised below.

#### **"3.0 CONSULTATION RESPONSES**

3.10 Middle Level Commissioners – Middle Level Commissioners have made a number of comments:

1. The contents of the Middle Level Commissioner's response of 2017 remain relevant.
2. The Commissioners are pleased to note that the reference in the introduction on page 2 of the 2019 LVL Guidance notes to the use of relevant and competent technical specialists and encourage this.
3. The commissioners and associated boards promote meaningful preapplication advice and work with CCC colleagues to ensure that any issues concerning flood risk, water level management, navigation and environmental issues are dealt with prior to the planning

application process, which offers more certainty in the decision making process. The Middle Level Commissioners would be pleased if applicants and/or agents could be advised to contact the Middle Level Commissioners for advice within their jurisdiction. A web site link is given to their pre- and post-application procedure: <https://middlelevel.gov.uk/consents/>.

4. The Commissioners request that applicants and/or agents are reminded that should planning approval be given by Cambridgeshire County Council, to remind the applicant(s) agent(s) that any matters requiring consent under the requirements of the Land Drainage Act, the Highways Act, the Water Industry Act, the Flood and Water Management Act and/or the Middle Level Act 2018, which relates to navigation related issues, must be complied with before any work is commenced on site.
5. It is requested that any drawings that are submitted to County Council be to a recognised engineering scale including a scale bar and advice on what size of paper the drawing should be printed on.
6. The Commissioners are pleased to note that the reference in the introduction on page 2 of the 2019 LVL Guidance notes to the use of relevant and competent technical specialists and encourage this.
7. The Biodiversity Survey and Report (Paragraph 4) includes reference to the Middle Level Biodiversity Manual (2016), on page 5 - this remains current on 10 April 2019.
8. The Statement of Sustainable Design and Construction (Paragraph 5) includes or the provision of both a foul drainage strategy and water conservation strategy, on pages 6 and 7. This is supported but it is suggested that the latter should be applied County wide and not just applied to the South Cambridgeshire District Council's area.
9. The Flood Risk Assessment (Paragraph 7) gives a list of application types that is appropriate to provide a Flood Risk Assessment for. The last bullet point (on page 8) refers to developments of: "Less than 1 hectare within flood zone 1 which has critical drainage problems as notified by the Environment Agency." Unless the area is identified within a Preliminary Flood Risk Assessment) the Environment Agency are unlikely to be involved. Drainage is the responsibility of several stakeholders, including Internal Drainage Boards and your Council's Flood Risk and Biodiversity Team. The latter are more likely to be aware of and have to resolve "critical drainage problems". It is reassuring to note and we applaud the inclusion of a reference and a link to our "Planning Advice and Consent Documents" webpage on page 9.
10. Additional Plans and Drawings (including cross-sections where required). (Paragraph 22), the inclusion of the section detailing other plans and drawings and suggesting suitable scales for these is noted and supported."

#### "4.0 Consideration of the Consultation responses

##### 4.10 Middle Level Commissioners –

1. Noted with thanks. No changes required.
2. Pre application advice - References to Middle Level guidance will be retained, so no changes required.
3. References to Middle Level guidance are retained and it is recommended that the Middle Level Commissioners are added to the list of other bodies who provide pre-application advice.
4. Consent under the requirements of the Land Drainage Act is covered when necessary by informative at decision stage.
5. Drawings - This is covered by national guidance, so no changes required.
6. Technical specialists' reference - Noted with thanks. No changes required.
7. Biodiversity survey - Noted with thanks. No changes required.
8. Statement of Sustainable Design and Construction - This is already covered across all districts based on the relevant adopted policy guidance. The reference to South Cambridgeshire is only made as their requirements are stricter through adopted policy. Therefore no changes are required.
9. Flood Risk Assessment - Officers acknowledge that drainage is the responsibility of several stakeholders and have noted the acceptance to the Middle Level Commissioners planning

advice pages. This will be retained on the new guidance and therefore no further changes are required.

10. Additional Plans and drawings - Noted with thanks. No changes required.”

A copy of the Planning Committee Minutes can be viewed via the following link by searching for “Minutes – 16<sup>th</sup> May 2019”:

[https://cmis.cambridgeshire.gov.uk/ccc\\_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/232/Committee/8/Default.aspx](https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/232/Committee/8/Default.aspx)

The final published versions of both the Statement of Community Involvement (SCI) and the Local Validation List and Guidance Notes can be accessed via the following link:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/>

### **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 RMAs 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](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 “wet spots” have been identified within the Board’s district.

The next meeting is due to be held during April but this is likely to be delayed until the current Coronavirus (COVID-19) working restrictions are lifted.

### **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.**

Consulting Engineer

27 March 2020

N&L(319)\March 2020

Mr Lakey reported on the weed control and drain maintenance works carried out in accordance with the programme approved by the Board at its' last annual meeting. The machine cleansing and revetment works to Dodd's Stile Drain, reach 44-45, had been delayed and postponed due to a significantly wet weather at the end of last year. It had then been anticipated that ground conditions would improve enough to allow the works to be completed but due to the restrictions in place on work because of COVID-19 it was likely that these works would be delayed further until those restrictions were lifted.

The Board discussed the options for resolving the issues with the corrosion to the steel culvert pipe at the gravity outfall Point 1 and also the need to increase capacity at Point 2. It was noted that other drainage boards in the local area had opted for installation of a sleeve system to support and prolong the life of their 'Armco' corrugated steel pipe sections. However, it was noted that this does reduce the diameter of the outfall and hence the volume of water that would flow through the pipe significantly and the installation can prove to be troublesome and still would require de-watering of the culvert. The other alternative which was considered was the removal of the existing culvert and its replacement with either a twin-wall plastic pipe to match the dimensions of the existing culvert or the installation of 2 culvert pipe sections which would increase capacity over that of the current culvert and thus providing a longer-term solution. With several projects of a similar nature currently being tendered for and awarded to different contractors it had been possible to get an indicative price for the culvert replacement of an estimated £150,000-£160,000.

### Planning applications

The Planning Engineer reported that since the last meeting, in addition to matters concerning previous applications, he had received 14 new development related matters and, where appropriate, dealt with, viz:-

- Canine, The Cottons, Outwell – Mr J Sawyer (MLC Ref No. 356)
- Residence extension, Hall Bridge Road, Upwell – Mr & Mrs K Davis (MLC Ref No. 357)
- Residence, Abbots Court off Isle Bridge Road, Outwell – Mr D Cuckow (MLC Ref No. 358)
- Residence extension, Basin Road, Outwell – Mr & Mrs J Smith (MLC Ref No. 359)
- Wisbech Access Strategy – Cambridgeshire County Council (MLC Ref. 360)
- Residence, Abbots Court off Isle Bridge Road, Outwell – Mr D Cuckow (MLC Ref No. 361)
- Equine, loose boxes, The Cottons, Outwell – Mrs J Riley (MLC Ref No. 362)
- Feline, cattery, Town Street, Upwell – Mr & Mrs F Clarke (MLC Ref No. 363)
- Residential development, Isle Road, Outwell – Partner Construction (MLC Ref No. 364)
- Residence extension, Town Street, Upwell – Mr N Mirchandani (MLC Ref No. 365)
- Equine, stables, The Cottons, Outwell – Mr J Sawyer (MLC Ref No. 366)
- Construction store, Isle Road, Outwell – Dene Homes Ltd (MLC Ref No. 367)
- Wildlife ponds, Thurlands Drove, Upwell – Chris Hughes (MLC Ref No. 368)
- Residence, Abbots Court off Isle Bridge Road, Outwell – Welcombe Homes Ltd (MLC Ref No. 369)

Proposed 4 semi-detached houses and garages at Sayersfield, Basin Road, Outwell – Mr & Mrs Pehl (MLC Ref Nos. 289 & 291 and Dene Homes Ltd (MLC Ref Nos. 300 & 301)

Outline application for construction of 9 dwellings at Whetstone Way, Outwell – Renham Services Ltd (MLC Ref No. 322 & 338)

The Planning Engineer reported that he had not received any recent correspondence or further instruction from the Board on these developments.

Residential development on land at 34 Isle Bridge Road, Outwell – Mr D Cuckow (MLC Ref Nos. 203, 210, 309, 331, 358 & 361) and Welcombe Homes Ltd (MLC Ref no. 369)

The Planning Engineer reported that three dwellings had previously been approved on this site and that a further application for an additional dwelling on the site had now been registered with the Borough Council by Welcombe Homes Ltd. The proposal was for the surface water disposal from this additional building to be via infiltration devices however, given the poor permeability of the soil in the area and lack of available space to locate these devices, it was considered unlikely that they could be installed to meet current design guidelines which were to BR365.

Residential development at Fenland House, Town Street Upwell – Fen Regis Trophies Ltd (MLC Ref Nos. 233, 239 & 280) and Demolition of existing warehouse, erection of new food tree to rear with associated parking at Fen Regis House, 9 Town Street, Upwell – Saxondale Properties Ltd (MLC Ref Nos. 327, 342 & 351)

The Planning Engineer reported that development had commenced on site but he had received no documentation to meet the Board's requirements.

Residential development on land west of Tikka Chef, Isle Road, Outwell – Beech Property Investments Ltd (MLC Ref No. 347) and Partner Construction (MLC Ref No. 364)

The Planning Engineer reported that since the last meeting an enquiry had been received from Partner Construction for the erection of approximately 50 dwellings. He had issued some initial guidance together with the suggestion that any further discussion would need to be part of the pre-post application consultation procedure but to date no correspondence or instruction had been received from the Developer.

## RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) Weed Control and Drain Maintenance
  - a) That the recommendations contained in the Report be approved.
  - b) That Harrison Agricultural Contractors Ltd and B J Button be requested to carry out the Board's drain maintenance for the coming year.
- iii) That a meeting be arranged with the Summer Inspection to discuss the various options for repair/replacement works for the culvert at Points 1 and 2.
- iv) That quotations for this work be obtained and for Members to receive advice at the meeting on a Public Works Loan for the works.

- v) Proposed 4 semi-detached houses and garages at Sayersfield, Basin Road, Outwell – Mr & Mrs Pehl (MLC Ref Nos. 289 & 291 and Dene Homes Ltd (MLC Ref Nos. 300 & 301)

Outline application for construction of 9 dwellings at Whetstone Way, Outwell – Renham Services Ltd (MLC Ref No. 322 & 338)

That no further action was required on these applications.

- vi) Residential development on land at 34 Isle Bridge Road, Outwell – Mr D Cuckow (MLC Ref Nos. 203, 210, 309, 331, 358 & 361) and Welcombe Homes Ltd (MLC Ref no. 369)

That the soakaways at this development need to satisfy BR365 test and the Consulting Engineers be requested to pursue this matter on behalf of the Board.

- vii) Residential development at Fenland House, Town Street Upwell – Fen Regis Trophies Ltd (MLC Ref Nos. 233, 239 & 280) and Demolition of existing warehouse, erection of new food tree to rear with associated parking at Fen Regis House, 9 Town Street, Upwell – Saxondale Properties Ltd (MLC Ref Nos. 327, 342 & 351)

That the Consulting Engineers continue to pursue the applicant's agents.

- viii) Developments in the vicinity of Pius Drove, Upwell:-

Construction of a dwelling – Mr & Mrs P Bradley (MLC Ref No. 311) and Reserved Matters application for proposed dwelling and garage at plot to the north west of Trevordale, Pius Drove, Upwell – Fountain Construction (Anglia) Ltd (MLC Ref No. 341)

Residential development at land to the south east of Trevordale, Pius Drove, Upwell and Reserved Matters application for construction of 2 dwellings and garages – Mr & Mrs P Bradley (MLC Ref Nos. 314 & 344)

Residential development on land east of Pius Drove, Upwell – Mr G Brown (MLC Ref No. 315) and P B Construction Ltd (MLC Ref No. 334)

Residential development for 22 dwellings at land on the east side of Pius Drove, Upwell – Mr E Broad (MLC Ref No. 318)

Residential development of 2 dwellings at Pius Drove, Upwell – Fountain Construction (Anglia) Ltd (MLC Ref No. 328)

That no further action was required by the Board on these matters.

- ix) Residential development on land west of Tikka Chef, Isle Road, Outwell – Beech Property Investments Ltd (MLC Ref No. 347) and Partner Construction (MLC Ref No. 364)

That the Planning Engineer pursue this matter with the applicant.

(NB) – Mr Hartley and Councillor Sutton declared interests (as Members of Hundred of Wisbech IDB) when the issues with the corrosion to the steel culvert pipe at the gravity outfall Point 1 and the need to increase capacity at Point 2 were discussed.

### B.289 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

The Board noted that the gravity outfall at Point 1 had been included in the improvement programme for 2022/2023.

#### RESOLVED

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

### B.290 District Officer's Report

The District Officer reported that he had had no problems with any of the work carried out. A Board Member had drawn his attention to a slip that had occurred at Points 29-31 due to a lorry leaving the road.

#### RESOLVED

- i) That the Report and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the slippage at Points 29-31 be included in the Summer Inspection.

### B.291 Conservation Officer's Newsletter and BAP Report

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

Members considered and approved the most recent BAP report.

### B.292 District Officer's Fee

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

#### RESOLVED

That the Board agree that the sum of £1,654.00 be allowed for the services of the District Officer for 2020/2021.

(NB) - Mr M Fenn declared a financial interest when this item was discussed.

### B.293 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.

### RESOLVED

That no proposals be formulated at the present time.

#### B.294 Environment Agency – Precepts

Miss McShane reported that the Environment Agency had issued the precept for 2020/2021 in the sum of £6,463.00 (the precept for 2019/2020 being £6,304.95).

#### B.295 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.

#### B.296 Determination of annual values for rating purposes

The Board considered the recommendations for the determination of annual values for rating purposes.

### RESOLVED

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

### B.297 Rate arrears

Consideration was given to writing off rate arrears amounting to £4.99.

### RESOLVED

That the arrears be written off.

### B.298 Health and Safety

a) Further to minute B.265, Miss McShane reported that quotes were sought and a letter sent to the Chairman on the 25<sup>th</sup> 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 Board wished to be included in the arrangement with Cope Safety Management.

### RESOLVED

That the actions of the Chairman be approved.

b) The Vice Chairman referred to the reports received from Cope Safety Management following their visits to the District on the 3<sup>rd</sup> September 2019 and 5<sup>th</sup> March 2020 and that three items had been identified on these inspections that:-

- 1) The damaged platform needed to be removed or replaced.
- 2) A suitable barrier should be installed on the weedscreen to reduce the risk of falling.
- 3) A suitable sign needed to be provided indicating a warning of a hazard eg Deep Water or Danger of Drowning

### RESOLVED

That actions to address these matters be carried out by way of the Middle Level Commissioners being requested to attend to.

Miss McShane reminded the Board 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 Board's insurance policy from becoming invalid.

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

## B.299 Completion of the Annual Accounts and Annual Return of the Board – 2018/2019

- a) The Board considered the comments of the Auditors on the Annual Return for the year ended on the 31<sup>st</sup> 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 Board 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 Board continue to comply with the Internal control objectives to a standard adequate to meet the needs of the authority.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ending on the 31<sup>st</sup> March 2019.

## B.300 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.

## B.301 Budgeting

Miss McShane referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31<sup>st</sup> March 2020.

## B.302 Review of Internal Controls

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

## B.303 Risk Management Assessment

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.

Members considered the Board's Risk Register.

## RESOLVED

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

### B.304 Exercise of Public Rights

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

### B.305 Annual Governance Statement – 2019/2020

The Board considered and approved the Annual Governance Statement for the year ending on the 31<sup>st</sup> March 2020.

## RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2020.

### B.306 Payments

The Board considered and approved payments amounting to £43,998.04 which had been made during the financial year 2019/2020.

(NB) – Mr Hartley and Councillor Sutton declared interests (as a Member of the Middle Level Board) and Mr J Fenn (as an employee of the Middle Level Commissioners) in the payments made to the Middle Level Commissioners.

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

### B.307 Annual Accounts of the Board – 2019/2020

The Board considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2020 as required in the Audit Regulations.

## RESOLVED

That the Chairman be authorised to sign the Annual Return, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2020.

### B.308 Expenditure estimates and special levy and drainage rate requirements 2020/2021

The Board 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 42.24% and 57.76%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £47,671 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 £20,134 and £27,537 respectively.
- iv) That a rate of 8.0p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) a) That a Special levy of £23,612 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.  
b) That a Special levy of £3,925 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special 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.

(NB) – Councillor Rose declared an interest as a member of the Borough Council of Kings Lynn and West Norfolk.

B.309 Display of rate notice

RESOLVED

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

B.310 Date of next Meeting

RESOLVED

- i) That next Meeting of the Board be held on Tuesday the 20<sup>th</sup> April 2021.
- ii) That a Special Meeting be arranged to discuss the problems with the outfall at Points 1 and 2.