NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board
held at the Middle Level Offices, March on Thursday 23rd May 2023

PRESENT

A Edgley Esq (Chairman)	J French (FDC)	A Miscandlon (FDC)
S Edgley Esq (Vice Chairman)	A Hays (FDC)	T Taylor (FDC)
D Collett Esq	P Murphy (FDC)	C Boden (FDC)
L Edgley Esq	H Nawaz (FDC)	
S P Graves Esq	C Marks (FDC)	
P Murphy Esq	A Gowler (FDC)	
M Smalley Esq	D Connor (FDC)	

Miss Samantha Ablett (representing the Clerk to the Board), Mr Paul Burrows (Clerk) and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

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

Apologies for absence

Apologies for absence were received from J Edgley Esq and T Edgley Esq.

B.1186 Declarations of Interest

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

Cllr Murphy, Cllr French and Cllr Marks declared an interest in all planning matters as members of Fenland District Council.

Mr A Edgley, Mr S Edgley and Mr L Edgley declared interests in the Proposed Agreement with Floorspan Contracts Ltd, minute B.1199.

Mr A Edgley declared an interest in minute B.1205.

B.1187 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 7th February 2023 are recorded correctly and that they be confirmed and signed.

B.1188 Election of Board Members

Miss Ablett reported that the term of office of the Members of the Board will expire on the 31st October 2023 and will submit the proposed register of electors which is applicable to the 2023 election.

RESOLVED

The Register of Electors will be sent to the Chairman to be approved.

B.1189 Appointment of Chairman

RESOLVED

That A Edgley Esq be appointed Chairman of the Board.

B.1190 Appointment of Vice Chairman

RESOLVED

That S Edgley Esq be appointed Vice Chairman of the Board.

B.1191 Vacancy in Membership

Further to minute B.1149, the Vice-Chairman reported that there was no interest at this time and Paul Jackson declined the invitation.

B.1192 Bank Mandate and National Savings & Investments

The Clerk reported that it is necessary to update the signatories after April 2023.

RESOLVED

i) That Mr P Burrows be added as an authorised signatory of the Barclays Bank Account, should this be required in the future.

ii) That Mr P Burrows, as Clerk to the Board and Mr A Edgley, as Chairman, be the authorised signatories of the National Savings Investment Account and that the account of Nightlayers Internal Drainage Board with National Savings and Investments be changed accordingly.

B.1193 Member Training Update

Miss Ablett reported on the training undertaken by Members in the past year.

B.1194 Fens Reservoir Update

The Clerk updated members on the Fens Reservoir and referred them to the summary included in the Consulting Engineers' report.

He advised it would be useful if the Board could delegate a member to act as a point of contact to assist when further information is released so the Board does not have to wait twelve months until the next Board meeting, should matters start to move at pace.

The Vice Chairman advised he would be happy to act as the point of contact on behalf of the Board.

The Clerk advised the Councillors from Fenland District Council present, that it would be useful if the Council could support the use of the Middle Level water within the reservoir.

Councillor Boden advised that one of the main reasons the site had been chosen, from an initial number of seventy sites, was due to the accessibility of the water the Middle Level system could provide and he confirmed the Council would be more than happy to support this.

RESOLVED

That the Vice-Chairman will be point of contact on behalf of the Board.

B.1195 Land Drainage Act 1991 – Board Membership – Fenland District Council

Miss Ablett reported that Fenland District Council sent an email advising of 10 Councillors that would be attending the Board Meeting and that permanent membership would be confirmed at their next FDC meeting to be held on the 12th June 2023.

B.1196 Potential Grant-In-Aid – Replacement of Electric Pump and Control Panel

Miss Ablett enquired whether this agenda item could be reported, together with the Consulting Engineer's report later in the agenda.

RESOLVED

Members agreed to the request.

B.1197 Illegal Discharge – Cambridge Property Group

Further to minute B.1152, Miss Ablett reported a discharge consent application had been made by Tesco Stores Ltd for the disposal of treated foul effluent water from its site off Fenland Way, Chatteris and confirmed the application was being processed and consent would be given.

B.1198 Overgrown Watercourse from the Junction of A142, Isle of Ely Way, Chatteris Bypass and Short Nightlayers Drove East

Further to minute B.1153, Miss Ablett reported the necessary machine cleansing work to the overgrown watercourse had been carried out during the year and paid for by Fenland District Council.

B.1199 Proposed Agreement with Floorspan Contracts Ltd

Further to minute B.1155, Miss Ablett reported that Floorspan Contracts Ltd had agreed to the sale value of the Board's old pumping station land at £80,000. She advised the option agreement had been completed and confirmed the Board had been reimbursed for legal costs incurred.
Miss Ablett reported a planning application had been submitted by Floorspan Contracts Ltd and if permission was granted the option agreement would be triggered and the £80,000 would then be paid to the Board. She confirmed that all legal work had been completed, but should any additional fees arise, the developer had agreed to pay them.

(NB) - Mr A Edgley, Mr S Edgley and Mr L Edgley declared an interest.

B.1200 Clerk's Report

Miss Ablett advised:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

That a ninth Chair's Meeting was held on the 13th December 2022.

The meeting covered a wide variety of matters likely to affect IDBs. A summary of the key points and resolutions follows;

David Thomas advised on the planned staffing changes being implemented due to his impending retirements. He stated that his post was being split back into Chief Executive/Clerk and Chief Engineer and that the appointments were:

Paul Burrows – to be the new CEO/Clerk - currently in post with the EA as a national Delivery Assurance Manager, and before that as Flood & Coastal Risk Manager for the East Anglia Area, then Flood Strategy Manager – Paul spearheaded Tactical Plans for the Fens which have secured the possibility of obtaining significant grant allocation on a Board by Board basis over a 15 year period, whilst at the same time defining a pathway to better understand the challenges faced and options worth considering for our lowland catchment as climate change and growth tests our current infrastructure arrangements.

Nicola Oldfield – to be the new Chief Engineer – currently in post with the EA as a Senior Project Manager. She most recently project managed the £30M Middle Level Barrier Bank scheme and had just taken over as project manager of the Cranbrook Counter Drain Strategy. She has, in the past, been employed by an IDB and has worked in close partnership with many IDBs including North Level IDB. Jonathan Brown stated how pleased the MLC Executive had been with these two candidates and how easy the choice had been given their knowledge of the area and experience to date.

An update was given on the role out of telemetry, which was receiving positive feedback from District Officers. A request was made for the login details to be provided to Chairmen as well as District Officers and it was confirmed that this would be arranged.

David Thomas confirmed that all but two Boards had stated their wish to move to the new planning and consenting charging and reporting arrangements and that the Assistant Treasurer was finalizing figures ready for the 2023 IDB/DDC meetings. A request was made for all correspondence which developers and their agents which is copied to Chairman should include the planning application references.

The protection and control of Bylaw strips was discussed at length and it was agreed that a policy document outlining the red-lines Boards should be applying to ensure that their ratepayers do not suffer as a result of development will be prepared for the Boards to consider. It was noted at the meeting that the refusal to issue any consent is subject to a reasonableness test, hence the document cannot preclude consenting everything within the 9m strip and the policy will be for guidance purposes only. It was felt that it should help developers, planning authorities and the Boards by providing some additional clarity. It was also felt that some case history examples to be circulated to members might help them understand the issues which have to be addressed.

Climate Change was discussed and it was noted that the MLC had completed its carbon audit and would now start work on carbon reduction and mitigation initiatives. It was also noted that the M&E engineer was looking at base levels of energy consumption at pumping stations, for example to see if panel heaters are left on permanently. He will be making recommendations to Boards if he identifies scope for reducing power without risking the apparatus.

WRE were mentioned and the Chief Executive stated that he was pleased that the draft water resource plan for the East included extensive reference to agriculture and its need for water to support the growing of food to feed the nation and also of the key role played by IDBs in transferring water to the point needed by abstractors. He also commented upon the newly proposed Cambridgeshire fens reservoir, north of Chatteris and advised that the MLC were responding on the need to get fill supply and draw-down arrangements right, but also that we need to seek to gain capital from the opportunities that the new reservoir will present in terms of bringing money into the area and potentially helping reduce flood risk and assist with water need balancing.

The Chief Executive advised that a decision had been made to move the MLC and IDB's electricity supply contracts from Anglian Farmers to the Green Energy Advice Bureau. This followed several years of extended poor service levels and lack of timely information coming from Anglian Farmers.

The future of IDBs and the value of potential amalgamations was once discussed and this gave rise to questions over small boards being able to secure a quorate for which this had been a particularly poor year. It was agreed that this item should remain on the agenda and that any Chairs who felt that the time was right for their Boards to look again and the advantages/disadvantages of amalgamation would contract the Clerk. It was also agreed that it may be useful to undertake an exercise around updating the original Geoff Beal report which had recommended that the number of Boards within the area administered by the MLC could reasonably be reduced to three or four.

The Clerk finally noted that the ADA Great Ouse branch AGM would be held on the 7th March at Prickwillow Hall and would be in the format of workshops in the morning and an AGM in the afternoon. The workshops theme this year would be; water resources, the new reservoir and climate change.

ii) <u>Association of Drainage Authorities</u>

a) <u>Annual Conference</u>

That the 85th Annual Conference of the Association was held on Wednesday 9th November 2022 at The Hive, Nocton, Lincolnshire.

This year marked another change in the arrangements for the National Conference and AGM, with the AGM being held virtually on 28th September 2022 followed by the national conference held as a hybrid meeting at the Dyson Farming complex in Lincolnshire on 9th November. The choice of venue was to avoid the risk of being impacted by rail strikes and it also represented significant cost savings. The event had limited numbers and was fully subscribed.

Following an introduction by the President of ADA Robert Caudwell who noted the good work being done by ADA but also noted that with COP27 ahead climate change was the single biggest challenge facing everybody and that IDBs would need to play their part in delivering carbon reduction.

The opening address was given by Councillor Matthew Riddle, Chairperson, Lower Severn Internal Drainage Board and Councillor, South Gloucestershire Council who spoke on options which could be pursued to change the way Special Levy is reported and dealt with by the Councils. The challenge at the moment was perceived as the lack of transparency with Special Levy payments not being itemised on rate bills in the same way that police and ambulance services are. There is also the issue that by not disaggregating the Special Levy payments, increases in them can currently (for Councils who pay large Special Levys) trigger a local referendum under the current rules.

Key note speakers were Hazel Durant Waterway & Flood Water Management Policy Team, Department for Environment, Food & Rural Affairs and Luzette Kroon Board member: Innovation & International, Dutch Water Authorities, Dykgraaf (chairperson), Wetterskip Fryslân. Hazel spoke of the challenges ahead and noted that it would be foolhardy to expect revenue expenditure to be increased by treasury given the current economic climate. The best we could hope for would be last years' figures to be matched. She praised the work of IDBs and noted the important role they play in delivering flood risk benefits through their direct works and also through PSCAs. Luzette spoke of the similarities and differences between IDBs and their Dutch equivalents and went on to describe the challenges faced arising from climate change.

A panel discussion followed and the MLC Chief Executive was invited to sit on this panel. He took the opportunity to outline the work of WRE but also to express his concerns that currently Land Drainage Act legislation was holding back the full potential of IDBs in terms of water resource management and investment. A review is urgently required and the support of the EA and DEFRA is needed. Hazel agreed that there was a need but hope a way forward could be found that didn't require primary legislation.

The day concluded with a field visit to showcase the Dunston Beck Improvement Project. The improvement project, completed by Dyson Farming with the Environment Agency, Wild Trout Trust and other partners, seeks to improve the biodiversity and water quality of the beck with a sensitive mosaic of wetland habitats delivered through excavations recreating a meandering river system with the retention of water providing ecological and also some modest flood risk benefits.

Councillor Boden referred to the report on the ADA annual conference held on 9th November 2022 and the address given by Councillor Riddle of South Gloucestershire Council where he made the point regarding the failure of disaggregating the Special Level payments, which created some real difficulties for some Councils and which to some extent would also a problem for Fenland District Council.

He identified an error in the report and advised that where it stated "the problems could trigger a local election, under the current rules" it should read "the problems could trigger a local referendum, under the current rules".

He advised this highlighted the fact that increasingly the system in place was reaching breaking point in some areas and he couldn't see the current system being able to continue at the current rates as there were Councils that would not be able to continue to function.

Councillor Boden further advised there had been some recognition of the problem as an announcement had been made by the government minister that a one-off payment would be made to various local authorities, but advised the total for the whole Country only amounted to £3,000,000 and the problem would not be solved by a one-off payment.

b) Annual Flood & Water Conference 2023

Invitation to ADA Flood & Water Conference 2023
Tuesday 21 November 2023 | 11:00 – 17:00 | One Great George Street, London, SW1P 3AA
ADA is delighted to invite you to join them for the ADA Flood & Water Conference on Tuesday 21 November 2023, as the conference returns to the magnificent venue of One Great George Street, Westminster, London. ADA will bring together a leading line-up of prominent political, policy, and technical speakers from across the United Kingdom to discuss key policy topics of the moment during the main conference session.

Following feedback from members, the format of this year's Conference has been developed to:
• maximise the time available for networking between delegates and suppliers to the sector,

• invite a greater variety of guest speakers, and
• provide more convenient timing for those travelling to and from London.

The Conference will open at 11.00 for networking with delegates and an expanded Exhibition of ADA's Associate Members in the Great Hall. A buffet lunch will be served from 12.00 before the conference presentations commence at 13.20 in the Thomas Telford Theatre. The Conference will close at 17.00.
Discussion forum
A discussion forum will form part of the day where delegates will be able to pose topical questions to the speakers/panellists via the conference chair. ADA wish to receive delegates questions in advance, which can be submitted as part of the ticket booking process on Eventbrite. Their aim is to consolidating key subjects for discussion and questioning and to maximise the value of this session.

Book your place
ADA has launched bookings for this year's conference early to give everyone plenty of advance notice of the revised date of Tuesday 21 November 2023 to make travel arrangements. They invite you to secure your place now via Eventbrite, via the link below. Tickets are non-refundable but can be transferred.

ADA Flood & Water Conference 2023 Tickets, Tue 21 Nov 2023 at 11:00 | Eventbrite

c) Meeting of the River Great Ouse Branch

The Annual Conference of the River Great Ouse ADA Branch was held on Tuesday 7th March 2023

Morning workshops were re-introduced for the first time since the COVID-19 outbreak and members who attended took part in an excellent discussion focussed on three topic areas; Fens2100; Water Resources East and Climate Change. Steven Trewhella (consultant to the EA on Fens2100) and Daniel Johns (Chief Exec, WRE) took away a wide range of ideas centred around how the two topics were connected by the work of IDBs.

Within the AGM, Marc Heading was re-appointed as Chairman and Doug McMurdo as Vice Chair with approval that the secretariat of the branch be transitioned from the Middle Level Commissioners to the Bedford Group of IDBs over the coming months. Ian Moodie (Technical Manager, ADA) gave an overview of ADA's activities, including their important inputs on behalf of IDBs into the long-awaited implementation of schedule 3 of the Floods & Water Management Act. Tom Pickover introduced himself ahead of starting as Operations Manager at the Environment Agency (covering the lower Great Ouse catchment) and was joined by Darren Trumper who between them gave an overview of Environment Agency flood management activities and budgets.

iii) National Drainage Show & Floodex 2023

That the National Drainage Show & Floodex 2023 will be held at ExCel, London on the 22nd and 23rd November 2023.

iv) Changes to Electricity Supply Contracts

The Clerk reported that Boards have encountered problems with the operation of the electricity contract by Anglia Farmers over the years. Following various meetings with them it appeared some of these problems were being addressed and the service appeared to be improving this, however, was short lived. Over the past 2 years there has again been a significant deterioration in both the quality of service and lack of account management received from Anglia Farmers.

During the summer the Middle Level Commissioners were approached by Green Energy Advice Bureau (GEAB), one of the UK's leading energy companies and buying group, whose portfolio includes numerous companies with over 200 million kwh tendered per annum. They have experience working with an estimated 60 Internal Drainage Boards, which include locally the Ely Group of Internal Drainage Boards and Downham Market Group of Internal Drainage Boards. We accordingly contacted Jean Heading of the Ely Group of Internal Drainage to enquire of the service provided by GEAB and she has confirmed she is far happier with the service received from them compared to that from Anglia Farmers and since has signed a 5-year fixed rate contract with GEAB from 1st April 2022.

A report was presented to the Middle Level Commissioners at their Board meeting on 3rd November 2022 and due to the ongoing poor performance of Anglia Farmers, together with the positive feedback given by Jean Heading of the Ely Group, the Commissioners' resolved to consider moving to alternative arrangements. The Executive Committee were delegated the final decision and having considered a report on the options and subsequently confirmed their agreement that a move would be appropriate in the circumstances.

The Clerk reported this was considered a positive move and recommended the Board also move to this alternative arrangement.

The Clerk reported that this Board's Chairman had subsequently agreed for the Board to serve notice to Anglia Farmers and for Green Energy Advice Bureau to handle the energy procurement process and management of the electricity contract.

The Clerk advised that the Middle Level Commissioners and its administered Boards have entered into a fixed rate energy supply with Corona Energy for an 18-month period from1st April 2023.

v) Insurance

Historically the number of insurance companies willing to quote for the insurance requirements of the Middle Level Commissioners and administered Boards is limited.

Our insurance portfolio is complex and includes a range of policies that includes Commercial Combined (largest component), Motor Fleet, Engineering & Construction, Terrorism, Management Liability, Marine Craft and Professional Indemnity.

The overall cost of our insurance portfolio for 2023/24 will be £192,275 (£152,373 in 2022/23) a 26% increase, although increases will differ Board by Board depending on their individual insurance needs.

Key factors and changes are highlighted below:

For Commercial Combined insurance, 2022/23 was the last year in our previous five-year agreement with AXA which included a 7% price reduction woven into the deal. For 2023/24 Towergate, our brokers, approached several companies and all bar AXA were not willing to quote given the size and complexity of our portfolio. Independently we also approached the NFU who declined to quote for the same reason.

There has been an increase in fleet, property and marine assets included within our cover.

In view of rising inflation most Boards agreed to index link their insured sums from 1st April 2023. AXA have increased insured sums by 15%, which has resulted in an increase within the overall premium.

AXA have offered a 2-year stability deal, where any premium increases, subject to claims not exceeding 50% of the written premium, will be capped for 2024/25 at 2.5%. This excludes any increases in sums insured.

AXA will not extend the stability deal as they plan a review of their whole IDB scheme in 2025.

Commercial combined policy excess has increased from £350 to £2,500. None of our four 2022/23 claim values were above this new excess.

Excesses are dictated by AXA's overall scheme for all IDBs and this is apparently now standard and has been imposed due to the number of lower value claims across the whole IDB industry. As other IDB/IDB Groups come out of their previous agreement with AXA the above will apply.

For future years Boards ought to consider index linking their valuations of properties and pumping stations every 3-5 years rather than annually, to mitigate annual premium increases and balancing having suitable cover without being over-insured.

It should also be noted that personal accident and sickness cover only covers employees or members up to 80 years of age. Boards may need to consider the implications of this.

vi) <u>Delegation of signatory on consents</u>

The Board was asked to note that under the Board's scheme of delegation, the Chief Executive has delegated the authority to sign consent on behalf of the Board to the Chief Engineer. As well as the Chief Engineer being better placed to technically assure individual consents, this will enable the them to effectively take ownership over the whole planning and consenting service. This also creates a mechanism for escalation in case of any issues or complaints.

vii) <u>Service Delivery Frameworks</u>

The Board were asked to resolve that the Clerk, on their behalf, be authorised to enter into user and/or access agreements for public sector delivery frameworks (For example, Environment Agency Delivery Frameworks and SCAPE). This will open up access to the fees, terms and conditions of these Frameworks so our Consulting Engineers can compare and choose the most suitable procurement route for delivery of the Boards future needs. This does not tie the Board to using any Framework they then have a user/access agreement with, and Frameworks are not the only procurement route for delivery that will be considered. Having this resolution from all the Boards we administer is key if we are to package work across Boards to exploit economies of scale and become more efficient and effective in the delivery of services.

<u>RESOLVED</u>

a) Electricity Contract – that the Chairman's actions be approved.

b) Delegation of signatories – that the Board approved delegation.

c) Service Delivery Frameworks - that the clerk is authorised to enter into user and/or access agreements.

B.1201 Consulting Engineers' Report, including planning and consenting matters

The Board considered the Reports of the Consulting Engineers, viz;

Nightlayers I.D.B.

Consulting Engineers Report – May 2023

Weed Control and Drain Maintenance

The maintenance works carried out last year generally accorded with the recommendations approved by the Board at its last annual meeting.

Roundup herbicide was applied early in the growing season to the Board's Campole Drain, reach 19-21-22-23-24-25-26-27, to control vigorous growths of watercress and other emergent aquatic vegetation, followed by a second application of Roundup and machine cleansing, later in the year.

With the Chairman's prior agreement, reach 5-6-7 was included in the machine cleansing programme last year. This represented a cost saving to the Board utilising the long reach excavator that was already on site, working in the private watercourse adjacent to the Anglia Water treatment plant. The additional works also ensured the Board's drain was well maintained prior to the proposed development commencing on the adjacent fields.

A recent joint inspection of the Board's drains has been undertaken, revealing that most drains remain in a generally satisfactory condition and are being maintained to a good standard.

As with most years, sporadic stands of reed and emergent aquatic vegetation are evident throughout the Board's Campole drains, reach 19-21-22-23-24-25-26-27. Historically this area has suffered from early season infestations of aquatic vegetation and it is recommended that the affected reaches are treated with an early application of Roundup herbicide and re-inspected pre-harvest to assess if a second application will be needed.

Bank subsidence, Point 25

It was also noted several small areas of bank subsidence are evident along the Campole drain. It is recommended that replacement toe board and timber piling works be carried out to address the bank subsidence and channel narrowing, returning the bank to its original profile and ensuring the channel is kept clear for adequate water conveyance purposes. A provisional sum has been included within the estimated costs in anticipation of the Board's approval for the works to be completed.

The inspection highlighted sporadic emergent aquatic vegetation and accumulations of cott (filamentous algae) throughout the Board's main pump drain, reaches 1-2-3-4-5-6-7-8 and 3-14-15-16-18, it is recommended that the affected reaches are treated with an application of Roundup herbicide followed by light machine cleansing post-harvest this year.

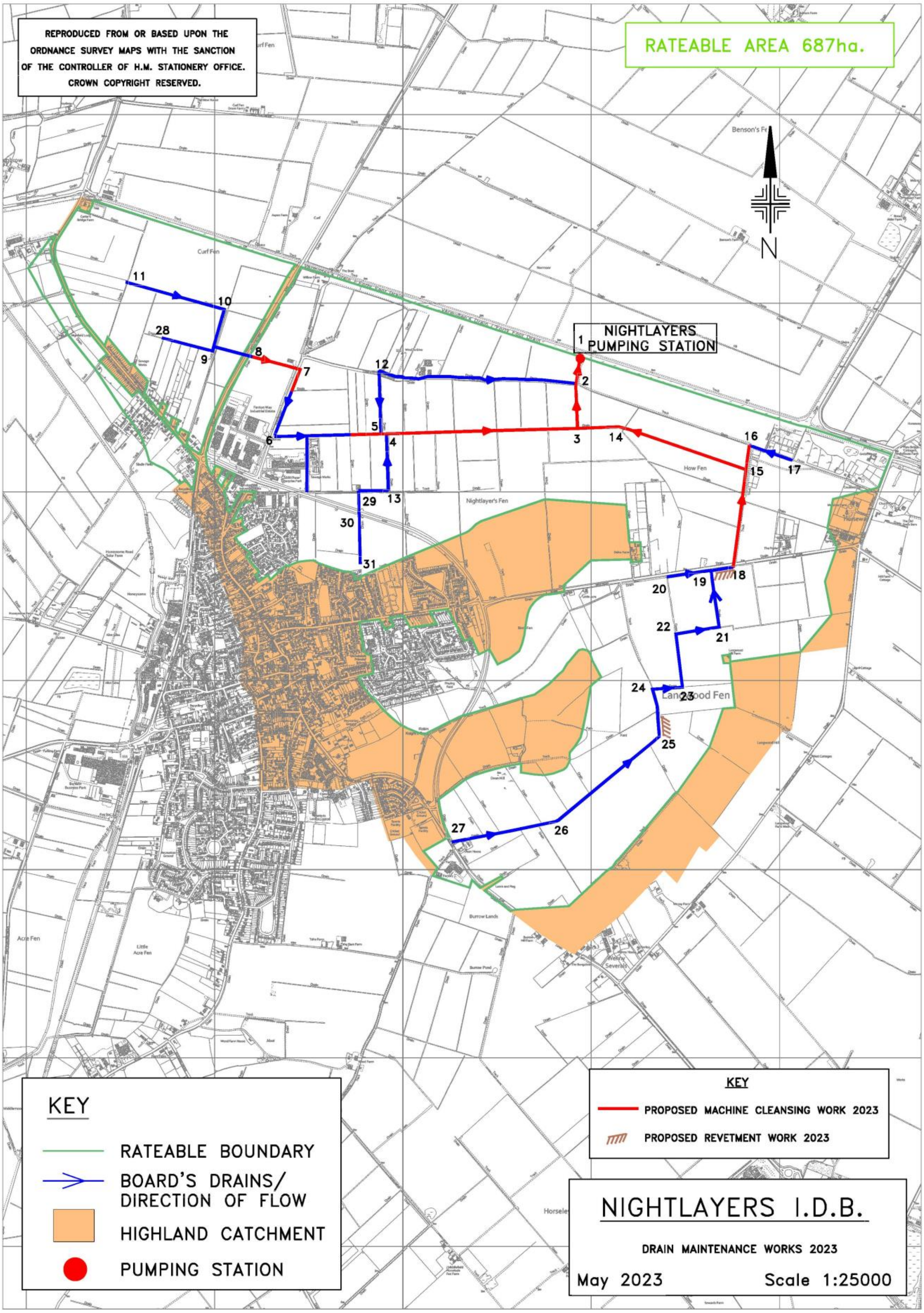
At the Chairman's request, a provisional sum has been allocated within this year's estimated expenditure for any other emergency machine cleansing, Cott removal, culvert clearance or bank slip repair works that may be required within the Board's drains later in the year.

The Board's flail mowing contractors, Messrs Ashman, have indicated that they are available to undertake the Board's flail mowing requirements this year. A sum for the completion of flail mowing of Board's drains for the ensuing year has been included in the estimated costs.

The recommended Weed Control and Drain maintenance programme is as follows, see following site plan for locations.

1)	Roundup applications to control emergent aquatic weed and reed growth in District Drains	Item	Sum		1400.00
2)	Provisional Sum for revetment works Reaches 18-19 & 24-25	Item	Sum		4500.00
3)	**Machine Cleansing**				
	Reaches 1-2-3-4-5-6-7-8	2200m	@	1.50	3300.00
	Reaches 3-14-15-16-18	1600m	@	1.50	2400.00
4)	Allow sum for emergency machine cleansing, Cott removal, culvert clearance works in Board's Drains	Item	Sum		1750.00
5)	Flail mowing district drains	Item	Sum		3000.00
6)	Fees for inspection, preparation and Submission of report to the Board, Arrangement and supervision of herbicide Applications and maintenance works	Item	Sum		1000.00
			TOTAL		**£17,350.00**

Orders for the application of herbicides by the Middle Level Commissioners are accepted on condition that they will not be held responsible for the failure or efficacy of any treatments.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RATEABLE AREA 687ha.
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NIGHTLAYERS PUMPING STATION
Curf Fen
Nightlayer's Fen
How Fen
Langwood Fen
Burrow Lands
Acre Fen
Little Acre Fen
KEY
RATEABLE BOUNDARY
BOARD'S DRAINS/ DIRECTION OF FLOW
HIGHLAND CATCHMENT
PUMPING STATION
KEY
PROPOSED MACHINE CLEANSING WORK 2023
PROPOSED REVETMENT WORK 2023
NIGHTLAYERS I.D.B.
DRAIN MAINTENANCE WORKS 2023
May 2023
Scale 1:25000

Pumping Station

Other than matters previously reported or detailed below only routine maintenance has been carried out since the last meeting and the pumping plant appears to be mechanically and electrically in a satisfactory condition.

The electric pump motor overload has been replaced with a modern unit as the old unit was unreliable. The weedscreen failed during March and was traced to a faulty controller output that had to be reprogrammed by the manufacturer. This has happened before and can be expected on controllers of this age. A quote of £9,500 has been received to replace with a new more reliable unit. This is not immediately necessary and weedscreen overhaul/replacement should be looked at in a GiA business case.

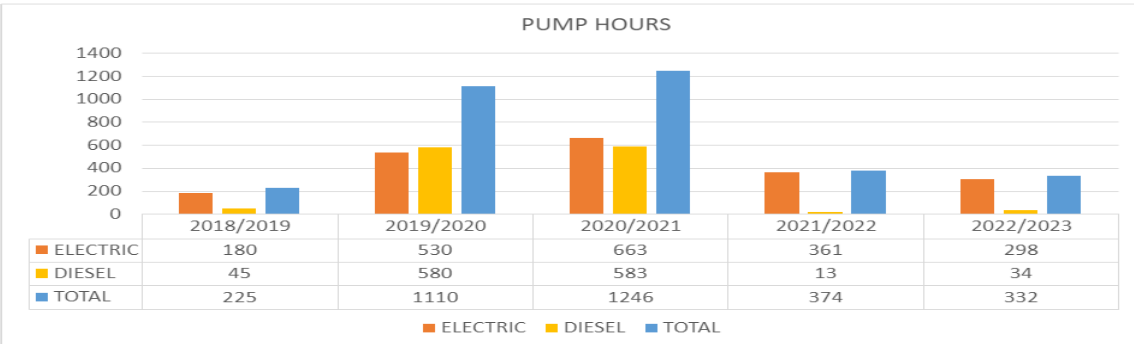
Preliminary details have been collected regarding the pump/control panel and costs to inform the project appraisal. The Tactical Plans have been checked to confirm sufficient grant is possible to support the scheme. A business case is programmed for development in 2023, funded via FDGiA.

With the announcement from Anglian Water regarding the proposed location of the Fens Reservoir and supporting infrastructure (see below), the aim of the project appraisal is to determine what works are required to keep the pumping station operational not only for the duration of the Tactical Plans, i.e., until 2023, but also until such time as the Fens Reservoir plans are finalised and implemented.

The Chief Engineer is currently reviewing all pumping station refurbishment projects and their prioritisation. Because there are a number of similar projects, it may be more efficient to deliver the business cases as a package using an external consultant. A scope is being developed and options for delivery being considered.

The Board is requested to confirm who they wish to delegate project decision making to and who will act as the Board's key contact with the Consulting Engineer. A Project Initiation Form (PIF) detailing the scope of the project will then be drafted by the Chief Engineer for signature by the Delegated Member,

Pumping Hours



	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
ELECTRIC	180	530	663	361	298
DIESEL	45	580	583	13	34
TOTAL	225	1110	1246	374	332

Fens Reservoir

The Fens Reservoir proposal is moving forward at pace. The Gateway 2 draft decision was published by OFWAT on 30th March 2023 with the final decision due on 28th June 2023. Within the draft decision:

> "The evidence suggests that the solution is a potentially valuable way of supplying water to customers. However, there are concerns regarding the progression of the strategic solution due to the Fens Reservoir having notably high unit costs and the limited evidence provided to us that the Fens Reservoir solution is the best value option for meeting the need. We would like to see clear and robust evidence around the selection of Fens Reservoir as a best value option, including how the solution performs against other feasible solutions. On that basis, we will allow the solution owners to continue to develop the solution up to a conditional review point of 29th January 2024 ("Conditional Review Point"), after which partner regulators will make a final recommendation on progression beyond the Conditional Review Point to Ofwat."

Anglian Water are addressing the concerns raised and also moving forward with the critical enabling elements of design. If the project passes the Conditional Review Point, the Gateway 3 date will be September 2024 and by this time the outline design will likely be finalised.

Since January 2023, we have had a different approach to influencing and engaging with the project, and now have confidence that Anglian Water and their design consultant, Mott MacDonald, is actively listening and recognise the need to better understand the water management system within which the reservoir will integrate and hopefully transform.

We now have bespoke and focussed engagement with the project team and have identified four themes where we are uniquely placed to input and where ultimately there is the greatest opportunity for ratepayers, local communities and navigators. Thus, we are focussing our limited technical capacity to these themes:

- St Germans pond as a potential source of water
- Options for emergency drawdown
- The Reservoir footprint
- Potential open water transfers

The Middle Level Commissioners' (MLC) Chief Executive, Vice Chairman and Navigation Advisory Committee Chairman are members of the Fens Water Partnership, facilitated by Water Resources East, to act as a multi-sector steering group for the project. At their session on 6th April 2023 there was a specific focus on the opportunity to integrate the Reservoir within the Middle Level system.

Planning Applications

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

MLC Ref.	Council Ref.	Applicant	Type of Development	Location
880	F/YR22/0401/F	Mr & Mrs Edgley	Residence (Extension)	Station Street, Chatteris
881	F/YR22/0588/F	TP24 Ltd	Retail to Office (Change of use)	West Park Street, Chatteris*
882	F/YR22/0727/F	Mr A Redhead	Residential (Erection of workshop and new dwelling with retention of existing workshop)	Doddington Road, Chatteris*
883	F/YR22/0773/F	G M Property Solutions	Residential (2 plots)	St Francis Drive, Chatteris
884	F/YR22/0848/F	Mr J Mannion	Residential (8 plots)	High Street accessed from Slade Way, Chatteris
885	F/YR22/0854/F	Mr & Mrs C Pitman	Small holding (Change of use)	Iretons Way, Chatteris *
886	F/YR22/0889/F	Floorspan Contracts Ltd	Office and storage (Change of use)	Fenton Way, Chatteris*
887	F/YR22/0967/FDL	Fenland Future Ltd	Residential (Up to 80 plots)	The Elms, Chatteris*
888	Pre-app	Chelmer Foods Ltd	Industrial (1 unit)	Fenton Way, Chatteris
889	F/YR22/1018/VOC	Mr & Mrs P Guy	Residential (Up to 3 plots)	Willey Terrace, Doddington Road, Chatteris
890	F/YR22/1084/F	Green Planning Studio Ltd	Residence (Mobile home)	High Street, Chatteris*
891	F/YR22/1076/F	Smith Percy Ltd	Residential (3 plots)	King Edward Road, Chatteris
892	F/YR22/1183/RM	Mr Bialoblocki	(Residence)	Willey Terrace, Doddington Road, Chatteris
893	F/YR22/1236/O	Mr & Mrs P Guy	Residential (Up to 6 plots)	Doddington Road, Chatteris
894	F/YR22/1296/F	Hawthorne Properties	Residential (10 plots)	Wenny Road, Chatteris
895	F/YR22/1400/F	Ms K Feast	Residence (Conversion)	George Way, Chatteris
896	F/YR22/1417/F	Mr M Pacey	Residence	Curf Terrace, Chatteris
897	Enquiry	Lovell Partnerships Ltd	Residential (Not known)	Near The Birch Fen Awarded Watercourse
898	F/YR23/0033/F	Boss Fabrication Ltd	Light Industrial (Extension and change of use)	Nightlayers Drove, Chatteris
899	F/YR23/0025/O	Ms M Hobbs	Residence	Queensway, Chatteris
900	F/YR23/0063/PIP	Hamilton Estates Ltd	Residential (Up to 9 plots)	Wenny Road, Chatteris
901	F/YR23/0127/F	DND Ltd	Residential (9 plots)	Doddington Road, Chatteris*
902	F/YR23/0211/F	Chelmer Foods Ltd	Storage building	Fenton Way, Chatteris*
903	F/YR23/0236/F	Mr & Mrs Jaggard	Residence (Conversion to two dwellings)	New Road, Chatteris

Planning application ending 'FDL' relate to Fenland District Land
Planning applications ending 'VOC' relate to variation of condition
Planning applications ending 'RM', 'REM' or 'RMM' relate to reserved matters
Planning applications ending 'PIP' and 'IP' relate to Permission in Principle

Developments that are known to 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 Board's requirements.

No applications for Infiltration Device Self Certification or the Checking Service have been received since the last meeting report.

Members of the Board will recall that at the last meeting it was decided that specific detailed entries would not be made in future reports unless requested to do so, with the exception of questions raised at the last Board Meeting.

Developments off Doddington Road, Chatteris

> *Proposed development at Womb Farm south west of Doddington Road, Chatteris – Client of Gifford* (MLC Ref No 446)*; Colliers CRE* (MLC Ref No 459)*; Triman Developments (UK) Ltd* (MLC Ref No 463)*; Client of Royal Haskoning DHV UK Ltd* (MLC Ref No 787)*; Barmach Ltd* (MLC Ref No 790)*; Triman Developments Ltd & Robertson Strategic Asset Management Ltd* (MLC Ref No 804) *& Persimmon Homes East Midlands* (MLC Ref Nos 865 & 870)
>
> Further to the last Board meeting, the access culvert and estate road have been installed and the initial phases of the larger development are being completed.
>
> As previously agreed, surface water is discharging into the neighbouring Warboys, Somersham & Pidley IDB's Fillenhams Drain whilst the treated foul effluent water is discharging into the Board's system via AWSL's Nightlayers WRC.
>
> A discharge consent application in respect of the latter is currently awaited.

Planning Updates & Consultations

Please note that this document, which was prepared for the previous reporting period, is no longer available on the website; an update is currently being prepared and will hopefully be available shortly.

All responses to consultation documents were made on behalf of both the Middle Level Commissioners and its associated Boards.

Emerging Fenland Local Plan

The draft Local Plan which sets out the emerging policies and proposals for growth and regeneration, and the "proposed sites" to deliver this growth, was the subject of a Public Participation Consultation during September and October.

Proposed sites within the Board's catchment

The "proposed sites", as shown on the following extract from the Draft Policies Map (August 2022) Chatteris (Inset 02), are:

Surface and treated foul effluent water discharges

The following proposed sites are within the catchments of both the Board's surface water system and AWSL's adopted sewer system that discharges via Chatteris – Nightlayer Fen WRC that will discharge into the Board's system:

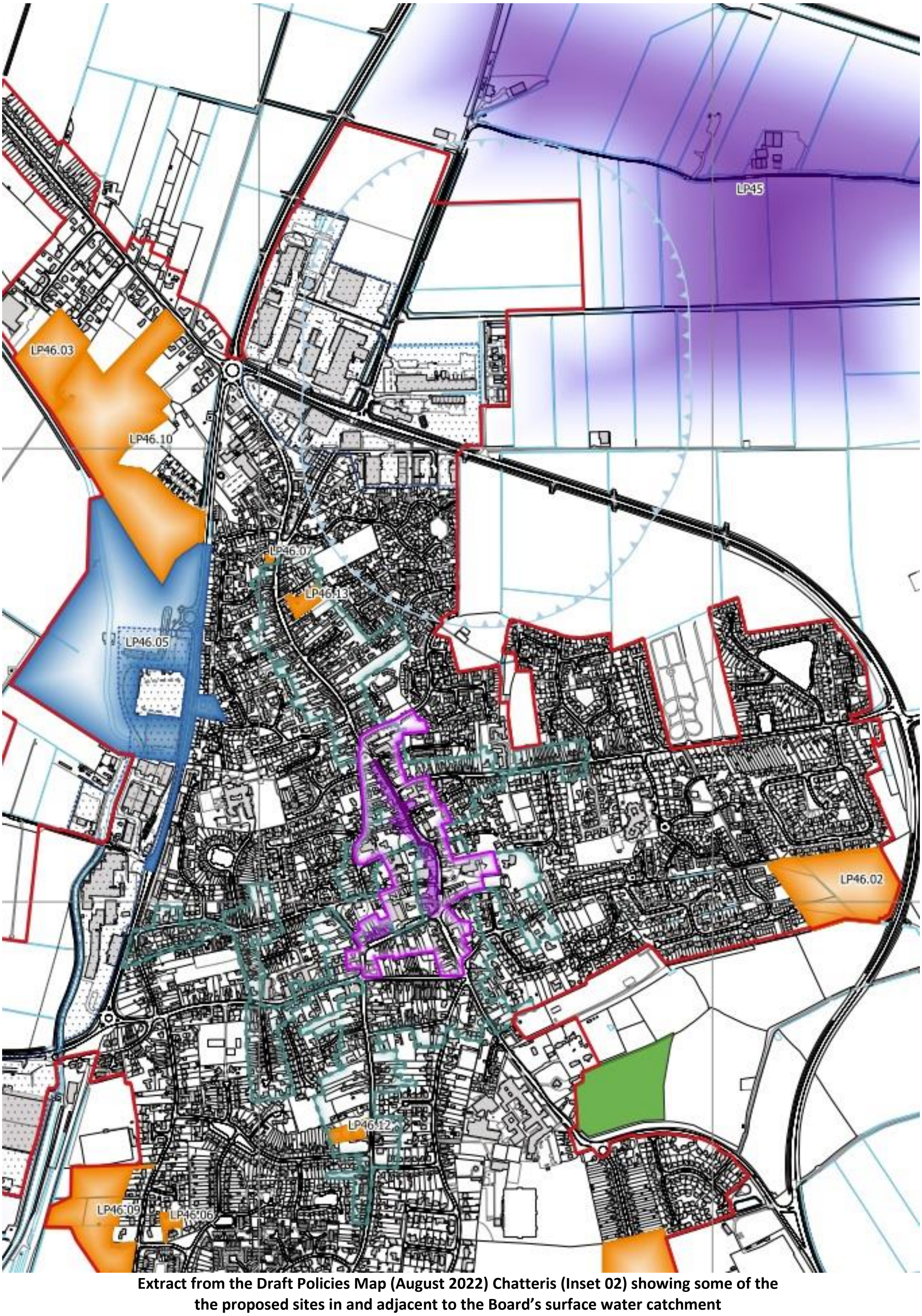
A. Policy Reference LP45.01 (Strategic Housing and Economic Land Availability Assessment [SHELAA] Site reference Not applicable) – North-east of Chatteris and east of the A141.

   The supporting text advises that Policy LP45 relates to an aspiration to significantly boost employment growth and identifies two Broad Locations for Employment Growth (BLFEG) adjacent to the town:

   - South-west of Chatteris, north and south of the A141; and
   - North-east of Chatteris and east of the A141

   Proposals for major employment development within a BLFEG must be planned and implemented in a co-ordinated way which accords with an agreed overarching Master Plan, and be linked to the timely delivery of key infrastructure.

   Prior to any planning permission being granted, appropriate safeguards must be demonstrably in place to prevent 'cherry-picking' of profitable elements of the BLFEG being built first and the provision of appropriate infrastructure either delayed or never materialising.



Extract from the Draft Policies Map (August 2022) Chatteris (Inset 02) showing some of the the proposed sites in and adjacent to the Board's surface water catchment

Please note that not all of the sites referred to in this report are shown on the plan.

Amongst other matters the Council will seek the following, unless demonstrably inappropriate or unviable to do so:

- Provide a network of green infrastructure to increase the biodiversity value of the site, which where possible, protects and enhances existing habitats present on-site;
- Incorporate design solutions to maximise water efficiency;
- Provide details of a viable transport strategy to ensure the BLFEG is accessible;
- Incorporate appropriate landscape treatment which minimises the amount of hard landscaping and ensures that the development can be satisfactorily assimilated into the surrounding area;
- Incorporate an appropriate flood risk management strategy and measures for its implementation; and
- Demonstrate availability and deliverability of the proposed scheme.

In response to a question raised by the MLC's Planning Engineer concerning access to enable this allocation area, given the inadequate width of Dock Road/Fenton Way and the potential adverse impacts on both Fenton Lode and/or the adjacent Board's District Drain, the District Council's Local Plan Team Senior Development Officer advised that:

> "The inclusion of the Broad Location for Employment Growth in the Local Plan (Policy LP45 – North East of Chatteris and east of the A141) was based on the knowledge that significant upgrades to the infrastructure might be required. Policy LP45 recognises that the 'BLFEG must be planned and implemented in a coordinated way which accords with an agreed overarching Master Plan, and be linked to the timely delivery of key infrastructure.
>
> As such the details of infrastructure required would be left to the Master Planning stage."

B. Policy Reference LP46.02 (SHELAA Site reference 40326) – Land east of 80 The Elms – 90 dwellings.

The supporting text advises that, amongst other matters development should:

- Retain the Birch Fen awarded watercourse and provide suitable maintenance measures;
- Make best use of the Birch Fen awarded watercourse in the site layout design;
- Provide significant compensation measures, which are necessary to achieve biodiversity net gain;
- Retain existing hedgerows and planting on the southern and eastern boundaries, where possible, and retain trees which are subject to a TPO;

- Provide appropriate noise mitigation measures along the eastern and southern boundaries;
- Relocate or re-route underground the existing overhead powerline; and
- Undertake an assessment of Flood Risk, which reflects the recommendations of the SFRA Level 2 assessment

A planning application has been submitted to the District Council for up to 80 dwellings - FDC Ref No F/YR22/0967/FDL (MLC Ref No 887). A decision is currently pending.

C. Policy Reference LP46.07 (SHELAA Site reference 40054) – 26 Bridge Street – 5 dwellings

This allocation relates to the redevelopment of part of the former Royale Tyres Batteries and Exhausts site and, therefore, is likely to have minimal impact on the Board's system – FDC Ref Nos F/YR11/0786/EXTIME, F/YR15/0593/F and F/YR16/0555/F (MLC Ref Nos 588, 683 & 708)

D. Policy Reference LP46.10 (SHELAA Site reference 40367) – Womb Farm – 248 dwellings

This site has been the subject of previous discussions with the Board and currently has planning permission for 248 dwellings - FDC Ref Nos include F/YR19/0386/SC, F/YR19/0834 & F/YR21/1224/RM (MLC Ref Nos 446, 459, 463, 787, 790, 804, 865 & 870)

E. Policy Reference LP46.13 (SHELAA Site reference 40519) – Land east of 133 High Street – 9 dwellings

This site has been the subject of previous discussions with the Board and currently has planning permission - FDC Ref Nos include F/YR13/0368/F & F/YR14/0240/F (MLC Ref Nos 621 & 642)

F. Policy Reference LP47.04 (SHELAA Site reference 40327) – South Fens Enterprise Park – 0.92 hectares – Employment Class B & E(g)

<u>Treated foul effluent water discharges only</u>

In the wider Chatteris area the following proposed sites that will discharge treated foul effluent water into the Board's system include:

A. Policy Reference LP46.01 (SHELAA Site reference 40211) – Land south of Salisbury House, Blackmill Road – 100 dwellings

B. Policy Reference LP46.03 (SHELAA Site reference 40447) – Womb Farm (North-West), Doddington Road – 53 dwellings

This proposed site is to the south west of George Way.

C. Policy Reference LP46.04 (SHELAA Site reference 40499) – Land on the west side of 92 London Road – 52 dwellings

D. Policy Reference LP46.05 (SHELAA Site reference 40288) – Land west side of Fenland Way – 20 dwellings

In the absence of a suitable plan this is presumed to be land between the area occupied by the Tesco Store and the Womb Farm site currently being developed.

E. Policy Reference LP46.06 (SHELAA Site reference 40325) – Land rear of 2-8 Gibside Avenue – 6 dwellings

F. Policy Reference LP46.08 (SHELAA Site reference 40057) – Land west of 15 Fairbairn Way – 50 dwellings

G. Policy Reference LP46.09 (SHELAA Site reference 40072) – Land west and south of 74 West Street – 58 dwellings

H. Policy Reference LP46.11 (SHELAA Site reference 40384) – Land south east of Chatteris, London Road – 1,000 dwellings

This is the Chatteris South – Tithe Barn Farm proposal.

I. Policy Reference LP46.12 (SHELAA Site reference 40505) – Land south east of Chatteris, London Road – 7 dwellings

J. Policy Reference LP47.01 (SHELAA Site reference 40505) – Metalcraft Business Park – 14.60 ha (Employment Classes B & E(g))

K. Policy Reference LP47.02 (SHELAA Site reference 40455) – Honeysome Road – 11.16 ha (Classes B & E (g)).

L. Policy Reference LP47.03 (SHELAA Site reference 40458) – Fenton Way Mandleys – 8.38 ha (Classes B & E(g))

M. Policy Reference LP47.05 (SHELAA Site reference 40403) – Eclipse Scientific Group – 0.74 ha (B1b Research & development)

N. Policy Reference LP47.06 (SHELAA Site reference 40408) – Land west of Fenton Way and East of Iretons Way – 8.86 ha (Other)

Note: There does seem to be some confusion concerning the site description and it is presumed that this allocation relates to an area in the vicinity of the Tesco Store.

O. Policy Reference LP47.07 (SHELAA Site reference 40409) – South west of Doddington Road – 0.15 ha (B1a Office)

In the absence of a suitable plan the exact location of this site unknown.

P. Policy Reference LP47.08 (SHELAA Site reference 40539) – Unit west of Jacks, Fenland Way – 1.06 ha (B8 Storage & distribution)

In the absence of a suitable plan this site is presumed to be land to the west of the Tesco Store, possibly on the western side of Fenton Lode.

Response to the Consultation

A response was submitted to FDC on behalf of both the MLC and the associated Boards with catchments within the Council's area and included comments on:

The Settlement Hierarchy and the Countryside – Frontage Infill Development
Growth Strategy – Neighbourhood Areas;
Health and Well-being; Renewable Energy – Renewable and Low Carbon Energy Infrastructure
Design and Amenity – Policy LP 7: Design – Nature, Public Spaces, Homes and Buildings + Policy LP 11: Community Safety
Housing – Policy LP 12: Meeting Housing Needs - Homes for Permanent Caravan Dwellers/Park Homes and Boat Dwellers
Town Centres – Policy LP 17: Culture, Leisure, Tourism and Community Facilities - Community Facilities
Transport and Infrastructure – Strategic Infrastructure, Transport Infrastructure, Community Infrastructure, Wisbech Rail, Wisbech Access Strategy, Whittlesey Relief Road, Local Projects, Public Rights of Way (PRoW)
Natural Environment – Policy LP 24: Natural Environment_- Designated Sites, Local Sites, Habitats and Species of Principal Importance, Biodiversity and Geodiversity in development, Mitigation of Potential Adverse Impacts of Development

Policy LP 25: Biodiversity Net Gain + Policy LP 26: Carbon Sinks and Carbon Sequestration - Trees & Hedgerows + Table 8: Landscape Character Areas + Policy LP 29: Green Infrastructure
Flood and Water Management - Policy LP 32: Flood and Water Management

Specific comments included:
Disappointment was expressed that most of the contents of Part (B) Flood Risk and Drainage of Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland within the current Local Plan have not been included in this policy contained within the draft Local Plan 2021-2040. As a result, it is considered that the new policy is much weaker which is disappointing given the special water level and flood risk management requirements within the Fens.

Concerns were raised about the piecemeal development encountered within the Council's area, for example, along Upwell Road in March or the Bridge Lane area in Wimblington, which is resulting in many small and isolated attenuation systems which will be difficult to maintain and will be a future liability for the parties concerned, the failure of which could potentially increase flood risk. The Council was advised that the Middle Level Commissioners and associated Boards would prefer more holistic solutions to be utilised such as the pond excavated by Hutchinson's in conjunction with the Hundred of Wisbech IDB which will serve several developments in the area close to the A47/Cromwell Road junction.

Policies for Sites and Settlements
When responding to similar documents it has been noted that having prepared detailed responses to specific site allocations, which has taken a significant amount of officer time and expense, the responses made are ignored.

Therefore, as a result, with a few exceptions detailed responses on individual sites were not prepared but a list of minimum requirements that need to be considered was provided when determining the suitability of a proposed site.

Specific responses
Specific responses were made on the following sites:

Policy LP 6: Renewable and Low Carbon Energy Infrastructure – Site Allocations LP06.01 SHELAA Site reference 40468 - 98.79 ha at Coldham Wind Farm, Elm + LP06.02 SHELAA Site reference 40469 174.29 ha at land adjacent to Graysmoor Drove, Elm.
Policy LP36: Residential site allocations for Wisbech (Page 118) (Map 28 Wisbech (Inset))
Policy LP46: Residential site allocations in Chatteris (Page 137) (Map 02 Chatteris (Inset))

Next Steps

All comments received during the consultation period are being reviewed with any changes arising being made to the draft Local Plan.

A Proposed Submission version is due to be published in summer 2023 for public consultation. This version of the plan will then be submitted together with any responses to the Secretary of State who will appoint an independent Planning Inspector to carry out a public examination into the document.

High Rainfall Event and Flooding Incident – December 2020

When attending meetings of the Peterborough and Cambridgeshire Flood and Water (FloW) Partnership, the Middle Level Commissioners' Planning Engineer has raised concerns about the issues experienced within Cambridgeshire during or following high rainfall and/or exceptional circumstance type events and has enquired of other partners whether given the time that has elapsed any progress is being made to resolve some of the issues. To date the response has been limited.

In view of the above it is considered appropriate to advise the appropriate RMA, where relevant, on areas which experience problems, particularly within the urban environment, and requires protection, intervention and/or investment.

Initially, three areas of designation are proposed:

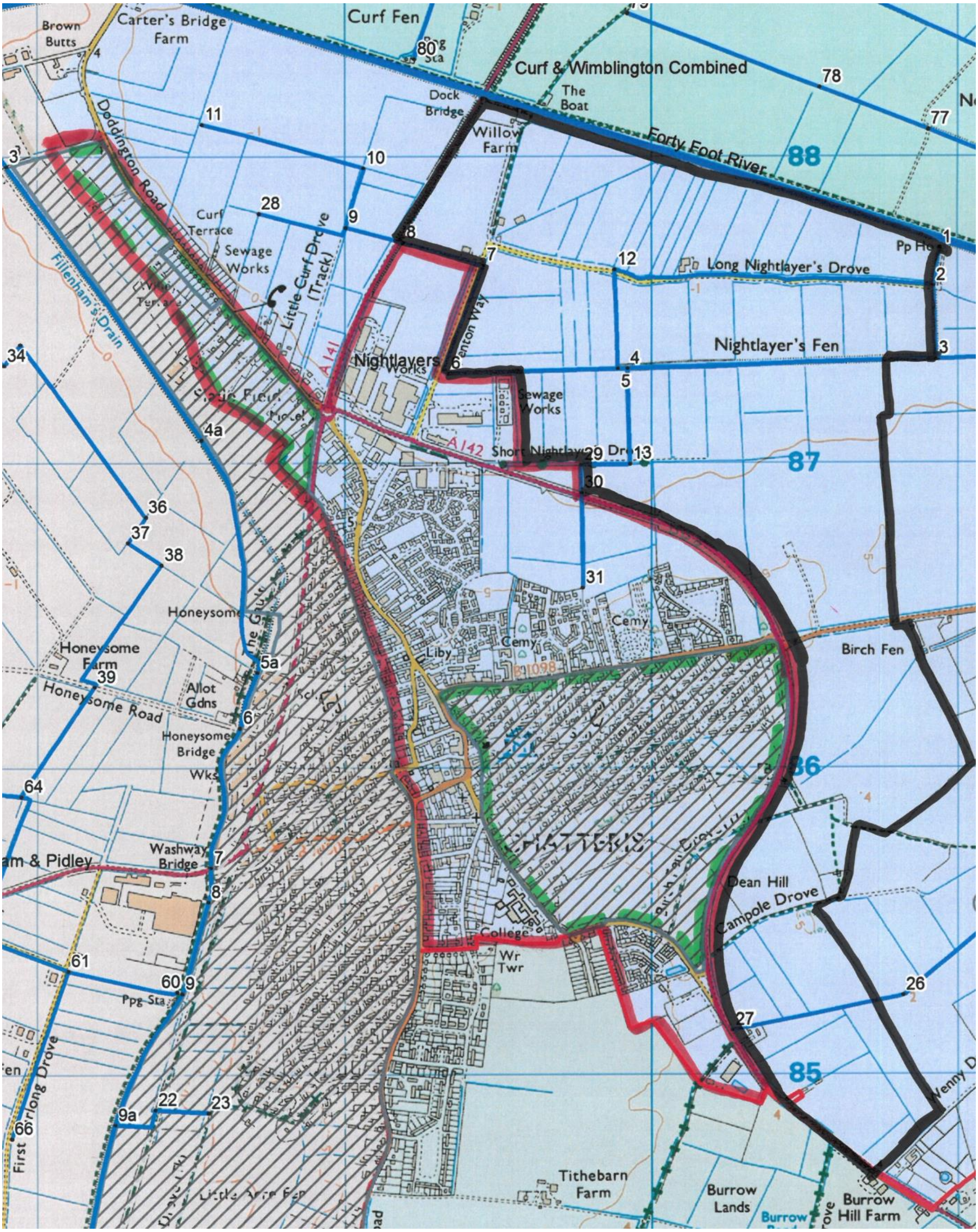
A. Business as usual - Areas where there are no known problems with the local water level and flood risk management systems that cannot be solved through the Boards "day-to-day activities".

B. Areas of concern - An area served by a water level and flood risk management system that can approach capacity during rainfall events which has been the subject of or is at an increased risk of flooding that is unlikely to be solved through the Board's "day-to-day activities" and may require protection, intervention and/or investment by the relevant RMA(s).

C. Acute drainage areas – A geographical area with multiple or interlinked sources of flood risk where there is a need for a higher standard of water level and flood risk management than normal to ensure that any new development will not increase flood risk that affects people, properties and local infrastructure and may require protection, intervention and/or investment by the relevant RMA(s).

Neither items B nor C are the same as a “critical drainage area” which has a specific meaning in flood risk terms i.e., “A Critical Drainage Area (CDA) is an area that has critical drainage problems and which has been notified to the local planning authority as such by the Environment Agency in line with the National Planning Policy Framework (NPPF).”

A review of the potential extents of either an “area of concern” and/or “Acute drainage areas” within the Board’s catchment has been undertaken and are shown on the following extract.



Plan of Chatteris showing the current acute drainage area, hatched and edged dashed green, the revised acute drainage area, edged red and the area of concern edged black

The intention is to highlight this area to the relevant RMA e.g., planning authorities, LLFA, Anglian Water, the Environment Agency etc., as an area which requires more involved management and will assist in protecting the local flood and water management systems including the Board's system.

As a result, apart from in the most exceptional circumstances, an initial request is that all water discharges within this area must be attenuated to current volumes and/or greenfield rates of run off, where practicable.

Following discussions, colleagues within the Middle Level Commissioners' Works Department advise that following the December 2020 event the MLC system took up to ten days and IDB systems up to five days to return to normal.

It is also considered that current surface water design practices do not allow for the weather conditions experienced prior to the December 2020 event or the complex network of water level and flood risk management systems within the Fens. Therefore, consideration is being given to requiring designs to:

A. Incorporate a higher Standard of Protection (SoP), possibly up to 0.5% AEP (1 in 200 year) event
B. Include a greater allowance for Climate Change, in excess of 40%, and
C. Be able to "store" water on site for several days until the peak flows have passed.

Strategic Drainage and Wastewater consultation and issues

A. The Right to Connect

Members will recall that during the passage of the Environment Act through the House of Lords an amendment was sought which aimed to minimise the impact of new housing development on levels of local flood risk and the likelihood of storm discharges of untreated sewerage effluent into the water environment. It aimed to ensure housing developers design systems according to a hierarchy of drainage options that seek to reduce to a minimum the volume of rainwater entering combined sewerage systems removing the current "right to connect" to public sewers.

On the basis that the various RMA involved could have been asked to consider taking the opportunity to write to the government and voice their concerns over the right to connect for new developments the views of the Boards administered by the Middle Level Commissioners were sought.

The amendment was not moved and the House of Lords were not invited to take a decision on it. The Environment Act received Royal Assent in November 2021.

However, the results of the Boards who provided a positive response is as follows:

For the removal of the Right To Connect	54%
Against the removal of the Right To Connect	23%
Neither for or against the Right To Connect	18%
Not an issue for the Board	5%

The discharge from sewers can cause several challenges including increased flood risk, pollution and water quality issues, the solution to which is often at the rate payers' expense. Unsurprisingly the majority, but not all, of the Boards supporting the removal of the right either served or were detrimentally affected by areas of urban development.

Of those Boards against the removal some only served small urban areas with a limited number of sewers. Others served urban areas but only one received significant "benefit".

The Board that neither opposes nor supports the removal served a significant urban area but the remainder served a limited number of, or have no, adopted sewers within their catchments.

Other comments received expressed:

A. Concerns about the lack of investment and the need for improvement to the existing adopted infrastructure and;

B. Suggested that the permission to connect should be on an approval basis so that it can be controlled and any impacts managed and;

C. Required the Clerk to promote and lobby the Board's position.

Some Boards are more rural whilst others feature a larger urban area. Similarly, a larger individual Board may be predominantly rural but include a sub-catchment(s) which is largely, and increasingly, an urban environment which has to accommodate the resultant flows.

Therefore, it is considered that it would be difficult to have a simple yes/no solution within a complex system such as The Fens.

B. Anglian Water Drainage & Wastewater Management Plan (DWMP)

Draft DWMP

A more detailed review of the DWMP will be included in the updated version of the Strategic Planning Consultation Responses document currently being prepared. However, it is considered appropriate to include specific entries for the relevant WRCs of interest in the local area.

1. Draft DWMP Consultation

The draft DWMP document has been the subject of a consultation which provided an opportunity to comment on the document and included the following specific points:

Groundwater infiltration & surface water removal

The problems associated with groundwater infiltration and surface water within the sewer system, particularly within combined systems, are known and are a problem for all RMAs involved. Particularly when the water table is high and/or during the winter months.

The removal of groundwater infiltration and surface water from the sewerage system, to reduce the number of flood events, pollutions and storm overflow spills is considered to be an appropriate option in the correct circumstances and location.

The question that will need to be resolved in these situations is where will the surface water go instead? Most other surface water systems are approaching their finite capacity and will require the installation of significant infrastructure to deal with the flows. Who will pay and be responsible for this? Care will also need to be taken to ensure that flood risk is not being increased elsewhere within the WRCs catchment for another RMA to deal with as a result.

As the approval and consent of other RMAs may also be required, prior detailed consultation with the parties involved MUST be undertaken and agreed BEFORE work commences.

(NB: In respect of this document, infiltration refers to groundwater entering the sewer system which **increases hydraulic loadings and threatens wastewater treatment efficiency**.)

Water level Management Solutions

The use of SuDS, wetlands and other green structures is considered to be an appropriate option in the correct circumstances and location.

The management of SuDS and other water level management systems is an ongoing challenge for many RMAs. Without suitable arrangements being imposed these could simply become potential liabilities for the various rate/bill payers. Therefore, adequate arrangements MUST be made to ensure that the long-term ownership funding, management and maintenance for the upkeep of any green infrastructure, whether on or off site, in perpetuity is achieved.

Consideration also needs to be given to any restrictions upon maintenance of the drainage “facility” due to the presence of protected habitats and species.

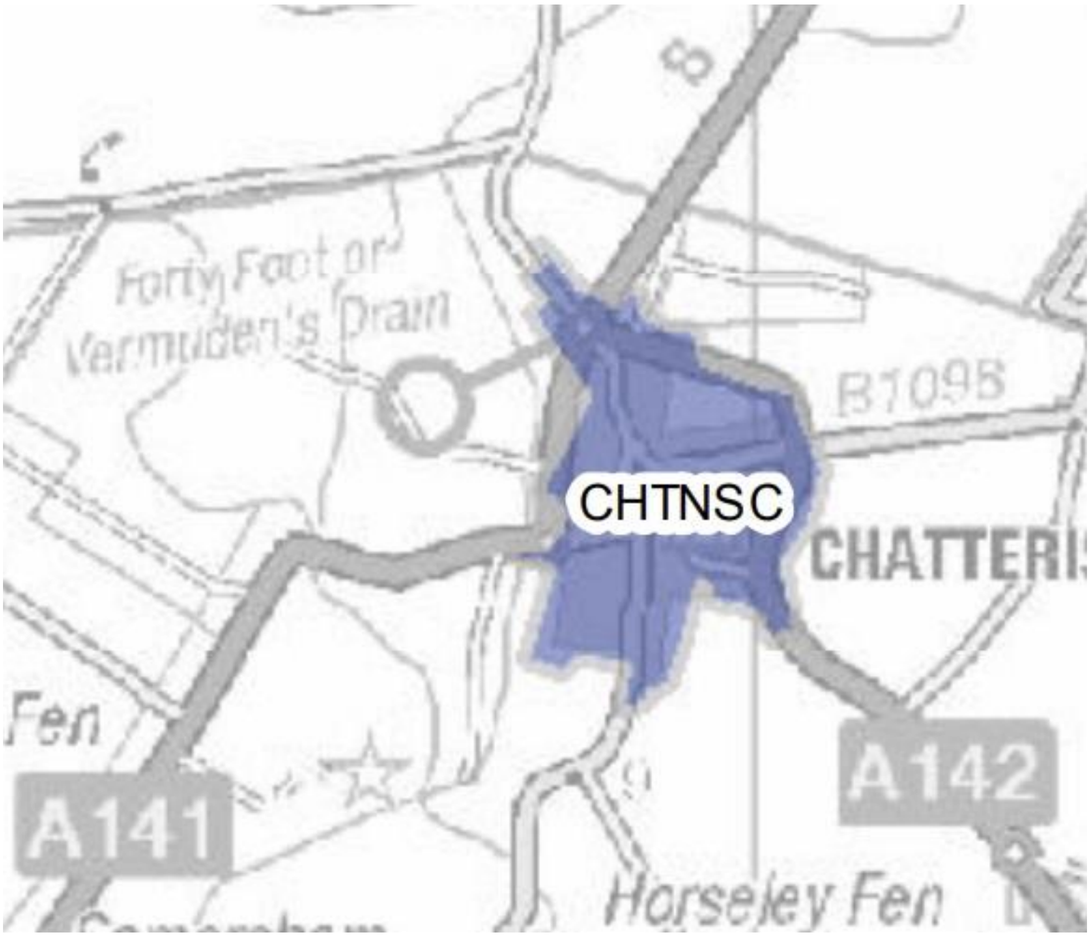
As the approval and consent of other RMAs may also be required, prior detailed consultation with the parties involved MUST be undertaken and agreed BEFORE work commences.

Partnership Working

The Commissioners and associated Boards are prepared to work in partnership with the local community, private and public partners to contribute to and deliver schemes for conservation, navigation, water resources, water level & flood risk management where there is a mutual benefit to the partners concerned.

However, to what extent they are prepared to contribute would be the subject of a decision for the respective authority and this may vary dependent upon their views.

2. Programme outputs



Extract from Anglian Water’s Risk Based Catchment Screening (RBCS) Map showing the extent of the catchment served by Chatteris – Nightlayer Fen WRC

L3 water recycling catchment	2021 population	2035 population	2050 population	Passed RBCS	Resilience risk score
CHATTERIS - NIGHTLAYER FEN	11235	12687	13506	Yes	0

Extracts from Anglian Water's draft Drainage and Wastewater Management Plan showing the results and proposed plans for Chatteris – Nightlayer Fen WRC

Planning objective themes reviewed	Stakeholder concerns/ comments	Medium term strategy	2050 Strategy	Partnership opportunities identified
Escape from sewers WRC compliance Environment and wellbeing	-	No risk identified.	Wait and see.	-

WRC Compliance

The quality of the discharge does not appear to be a cause for concern. However, members will be aware of Natural England's concerns about nutrients affecting the aquatic environment.

3. Storm Overflow Consultation

A consultation exercise on Storm Overflow Discharges was held during February. In view of the concerns discussed above it was considered appropriate to consult all the administered Boards even though many would not be directly affected.

The main means of providing a response was to provide answers to five specific questions and, whilst responses were provided, in view of the nature of the matter; the responses received from the Boards consulted and given that the issue is rising up the political agenda it was considered that a more detailed and focused response was required.

The following are the headlines or a brief resume of the response:

A. **Existing sewer systems and problems**
   1. The Right to Connect – As discussed elsewhere in this Report
   2. Other issues – On going pollution problems, the surcharging of or high discharges during or following high rainfall events, the lack of capacity within WRCs.

B. **General**

   It is considered that all the current targets are too vague and will take too long to achieve any meaningful results and that the consultation was not open and transparent as the locations of the points of discharge are not readily identified within the document, therefore making it difficult to provide a meaningful comment.

Advice was given that:

Most of our systems are pumped often remaining stationary for extended periods thus dilution may not occur as expected; water is abstracted for various purposes – see High Priority Sites – Public Health below; the adverse impact on areas of interest including designated environmental sites; and that no “compensation” is provided for having to receive, transfer and dispose of the discharges from the overflows.

C. **Storm Flow Technical Overview**

High Priority Sites

1. Ecology

a. *Environment targets*

It is considered that these targets should apply to **all** sites not just high priority ones, with solutions implemented much sooner than identified if the Government’s target of halting biodiversity decline is to be achieved and the goals of the Water Framework Directive and the 25 year environment plan are to be achieved.

b. Sensitive Inland Water

Reference was made to the proximity of trigger points.

2. Public Health

The document refers to Designated Shellfish Water and Designated Bathing Water as trigger points which is understood, but it is not appreciated that vast quantities of water are abstracted from Fenland water level management systems for agricultural use, whether this is washing or irrigating crops for consumption within the food chain.

It was suggested that it would be prudent for the trigger points to be reviewed to include those other items which could affect public health on a wider scale.

Potable Water

Reference was made concerning the use of excess water from both the Commissioners’ and surrounding systems to fill the proposed Fens Reservoir and the potential benefits of improving water quality from the discharges into these watercourses.

3. Amenity

   Emphasis is given to bathing waters but no reference is made to other wider but perhaps smaller benefits on the Commissioners' largely navigable systems and the disposal of sewage into these watercourses may have an adverse impact on wider issues, for example, tourism, angling etc or if these wider "costs" are considered when assessing the adverse impacts of overflows on the local area.

4. Assessing spill frequency

   Event data Monitors

   a. From a closer review it was identified that some of the discharges of interest including Doddington, Nightlayers and Ramsey WRCs are not fitted with Event Data Monitors. Therefore, it is not known how the number of spills can be fully assessed.

      Event Duration Monitors will be installed on all of Anglian Water's overflows during Asset Management Plan (AMP) period 7 (2020-2025) and this will, hopefully, reduce the level of uncertainty during AMP 8 (2025-2030) and AMP 9 (2030-2035) by producing "real" data.

   b. Rainfall target: Storm overflows will not be permitted to discharge above an average of 10 rainfall events per year by 2050 but this target should be more defined including restriction on the duration of spills and the volume discharged. This may be difficult to achieve. The Standard of Protection (SoP) provided, the use of "typical" rather than excessive rainfall events and modelling of the various systems to identify potential problem overflows rather than actual data – the number of spills, duration of the spills etc was questioned.

   Growth

   The growth that has occurred in the last fifty years has contributed to the increased number and length of spills and this will only become more severe as further growth continues unless adequate steps are taken <u>now</u> to resolve these as a matter of urgency.

   Climate Change

   It would be appropriate for all RMAs to prepare for the worst-case scenario and there is an aspiration to achieve this but this could be expensive, may prove unnecessary and wasteful leading to criticism. It was suggested that the most economic and environmentally acceptable standard should be achieved.

Screening

It would be beneficial to know where these initial overflows are located.

D. **Storm Overflow Consultation**

Performance Guide

It appears that priority is given to the number of spills rather than the length of time of the discharge, the volume of flow being discharged or the cumulative effects of the overflows due to their close proximity to each other.

Preferred Plan

It would be beneficial if the “headlines” from assessments and guidance on suggested solutions could be provided to identify and instigate any early engagement with the parties concerned, for example, land owners, developers etc.

Customer Support

Reference was made in the document to continual engagement with customers but there appears to be limited engagement with those RMA who have to receive the flows from the storm overflows.

It was suggested that such engagement commences and both the Commissioners and associated Boards look forward to continual engagement and transparency on storm overflows and networks in the future.

E. **Consultation Questionnaire**

The answers to the questionnaire were generally included in the response, but in reply to the question *How confident are you that this strategy aligns with our Purpose?* A very low confidence comment was provided adding that some of the systems cannot be managed without significant investment and improvement works being required on several networks.

F. **Summary**

Whilst it pleasing that the issue of sewage overflows is being progressed this appears to be primarily due to political pressure rather than at the instigation of the water industry.

There are concerns that priority will be given to resolving issues associated with storm overflows rather than those existing problems associated with WRCs and associated systems.

Greater transparency, early engagement and further discussions should be undertaken to any issues related to adoptable sewer systems and storm overflows if the current problems are to be resolved.

The final DWMP document is currently being prepared and is due to be published this spring.

C. Review for implementation of Schedule 3 to The Flood and Water Management Act 2010 (F&WMA)

The Flood and Water Management Act (FWMA) details the provision of comprehensive flood management to protect people, homes, and businesses. It is written to protect water supplies to the consumer and helps safeguard community groups from unaffordable rises in surface water drainage charges. The Act introduces into law the concept of flood risk management as the preferred approach rather than reliance on flood defences (existing or proposed) for protection of sites.

1. Schedule 3

   Schedule 3 of the FWMA was introduced to establish a SuDS approving body (SAB) at the county/unitary level for the regulation of new development and compliance with The Act. It was intended that this Schedule would be introduced into law around 2015/2016, following the original Act that achieved royal ascent in 2010 but this did not happen and Schedule 3 did not achieve approval due to concerns that it would restrict housing delivery and growth.

   Instead, the government made amendments to the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG) to stipulate those decisions on planning applications relating to major developments (over 10 dwellings, or equivalent non-residential developments) should ensure that SuDS are put in place, unless demonstrated to be inappropriate. The Local Planning Authority (LPA) in consultation with the Lead Local Flood Authority (LLFA) currently need to approve drainage schemes and ensure they are appropriately maintained.

   Currently the maintenance of a development typically falls under the responsibility of a Private Maintenance Company (PMC) which is usually paid for using service charge agreements with the owners of the new properties and often selling residential properties as leasehold rather than freehold.

2. Review

   In early December industry experts sent an open letter to the Prime Minister which “strongly urged” the implementation of Schedule 3.

Following a review, DEFRA announced in January 2023, the government's decision to implement Schedule 3 which will provide a framework for the approval and adoption of high quality SuDS and is expected to occur at a yet to be determined date in 2024. As a result, the Government is giving consideration to how this will be implemented subject to final decisions on scope, threshold and process whilst being mindful of the cumulative impact of new regulatory burdens on the development sector and water industry. Defra recently undertook a consultation survey with LPAs and LLFAs but not with IDBs and other relevant parties. However, there are several issues and challenges that require resolution before progressing further.

3. Changes to existing laws

The implementation of Schedule 3 will introduce some small changes to three existing laws.

a) Building Act 1984

Section 59 which gives local authorities the power to request that sustainable drainage systems in an unsatisfactory condition be renewed, repaired or cleansed is to be amended.

Section 84 which stipulates that local authorities withhold the right to request that impermeable surfaces around a building which do not allow for the satisfactory drainage of its surface or subsoil be remedied requires amendment to specify that surfaces need to remove water in a satisfactory manner.

b) New Roads and Street Works Act 1991

Section 63 will include a small change should Schedule 3 be enacted.

c) Water Industry Act 1991

Section 106 to remove the right to connect. Following Schedule 3's commencement, a person may only exercise this right if their drainage system was approved by an SAB before construction and if a proposal for their drainage system to communicate with a sewer was included in their application for approval.

The NPPF and the associated PPG will require amending to reflect any changes.

4. Implementation

Whilst there will be some changes to current procedures it is considered that there are several potential benefits including better working practices, better integration with other

RMA, the removal of the automatic right to connect, potential revenue streams etc but there are several potential problems that need to be resolved including funding mechanisms; potential increased costs on the rate payer; lack of resources, skills and capabilities; the need for more timely responses possibly taking staff members from other work.

The proposal is the subject of on-going discussions and a meeting with the LLFAs and other partners has been requested to discuss the issues in order to maximise any opportunities and minimise any adverse impacts on both the Middle Level Commissioners and the Boards to whom it provides a planning consultancy service.

These discussions will include, as a minimum:

a) The suggested change in surface water design practice, as discussed elsewhere in this report.

b) Ensuring that adequate arrangements are made for long term ownership funding, management and maintenance arrangements for the upkeep of any water level and flood risk management system, whether on or off site, in perpetuity including details of the works to be carried out by the occupier/land owner, adopting authority, the Management Company or other responsible person/authority, together with the costs attached, are included in the "Homeowners Pack" and the Deed of Sale.

c) The right to connect needs to be on an approval basis to ensure that it can be controlled and any adverse impacts managed.

d) That any incurred costs on the rate payer are kept to a minimum.

Planning Updates & Consultations

Please note that this document, which was prepared for the previous reporting period, is no longer available on the website; an update is currently being prepared and will hopefully be available shortly.

All responses to consultation documents were made on behalf of both the Middle Level Commissioners and its associated Boards.

General Advice

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

(a) James Charlotte – An application has been received for byelaw consent to pipe and fill a private watercourse on land at the junction of Fenton Way and Long Nightlayer's Drove, Chatteris. After a number of meetings, including a site meeting, Board members voted to reject the application, raising concerns over loss to conservation and a reduction in the volume of flood storage. A letter has been sent informing the applicant of the refusal.

At the site meeting it was noted that the existing access and watercourse into the site does not allow for the passage of water. This situation needs to be rectified by removing the rubbish/soil from the watercourse and, if found that no pipe exists at the site access, installing a new piped culvert. A letter has been sent informing the landowner of this requirement.

Consulting Engineer

18 May 2023

Nightlayers(320)\Reports\May 2023

Nightlayers IDB

Consulting Engineers' Supplementary Report - April 2023

Improving Capital Delivery

Introduction

Since being in post I have been getting to grips with a number of things in the Engineering/Technical Services Department. I've made a number of observations: officers are knowledgeable, dedicated and committed to delivering a service to the Commissioners and IDBs; working in partnership with the Environment Agency and local planning authorities/LLFAs is clearly evident; the operations team do an excellent job managing water resources in an extremely complex system; our capital delivery programme is growing as assets come to the end of design life; we have some significant changes and challenges ahead (biodiversity net gain requirements, the climate emergency and Fens Reservoir amongst others) which need careful planning and resourcing if we are to properly represent members and local communities and secure the best outcomes for the catchment.

We have an increasing capital delivery programme, with a number of ongoing projects and many identified for future delivery. I have identified areas where improvements are needed to deliver these projects better and to improve communications between the consulting engineer and the Boards.

Resources

Staff in MLC's Technical Services are currently stretched in terms of capacity and capability. There is a significant lack of suitable people across the engineering and project delivery profession generally, which impacts not only MLC's ability to recruit, but also the availability of consultant and contractor resources.

As well as our services to IDBs, and the Bank Raising Scheme over the next 4-5 years, and delivery of the pumping station refurbishment programme, there is an immediate need to provide resources to support MLC input to developing plans for Anglian Water's Fens Reservoir. This will have a significant and profound impact on water management in the catchment, and MLC officers need to ensure we secure the very best outcomes for our Board members, ratepayers, customers and the environment. We will be working very hard over the next 6 months to achieve this before the project passes is next 'gate'.

Now that MLC receives revenue through navigation licences, we have to ensure that we deliver on the requirements set out in the Navigation Byelaws 2020. This is a work in progress, but again sets additional demands on our internal resources and our ability to be proactive.

MLC were unsuccessful in recruiting a new planning engineer in 2022 and the existing team is under continued pressure to resolve ongoing and new applications, let alone adequately accommodate new demands. We are now looking at alternative resource solutions to support the wider engineering department.

IDB Projects

I am already aware of a number of projects that have been in progress for some time. There is lack of a clear programme of delivery and/project management discipline for these; there are no specific timescales and other agreed tolerances with the IDB as 'client', and this makes it difficult to plan and prioritise resources and workloads.

I am compiling a programme of all the projects being delivered by MLC and determining the resources needed to complete them. I will work with the Boards in question to progress delivery as quickly and efficiently as possible.

For new project requests, I am implementing a simple process with a 'Project Initiation Form' to capture key information and undertake an initial assessment of the project. I will prioritise work requested based on urgency and availability of resources. Unless otherwise instructed by an IDB, our default approach will be to seek to maximise FCRM Grant in Aid funding for eligible projects. I will implement a process of reporting progress regularly to the Boards/key contacts. As part of this process, I'll be asking each Board to agree how they delegate decision making, as projects can't be effectively delivered when governed through annual meetings, and how we manage better, more frequent, communications between the Boards' delegates and officers in Technical Services.

I am looking at the possibility of 'packaging' some works together for delivery by consultants, e.g. Pumping Station Refurbishment Projects rather than delivering each one individually. This has the advantage of securing a team of suitable resources who can focus on the work and deliver it as efficiently as possible (economies of scale). This will be a change of approach for individual IDBs and will need further work to determine how we manage this approach practically when each Board is its own individual entity with maybe a once per annum meeting. I hope to provide you with more detail about this, and the benefits it will give the Boards, in the coming months.

It may take some time to deliver the backlog of projects, which in turn might delay the start of new projects. However, I'm hopeful my approach will eventually lead to a more effective and efficient delivery process.

MLC Bank Raising Scheme

This is currently the largest IDB led project in the national flood investment programme and gives us the opportunity to develop capacity and capability in the organisation and share best practice across all our work. The scheme will be under the spot-light and have a focus from the Environment Agency in terms of grant assurance.

Works are progressing on a number of fronts but were lacking leadership and direction and there was no delivery programme. I have implemented some standard project management tools to control, manage and deliver the project: An 'exception report' was raised to the Project Board/MLC Executive Board outlining the existing situation and mitigation measures being put in place; A project plan and outline programme is now in place; Clear project governance has been identified; A data management plan is being drafted; Risks and issues are being identified; Project and delivery manager resources have been appointed and they will start in April.

Most of the project work was being carried out by MLC staff putting a strain on their already stretched ability to delivery other commitments, especially to the IDBs. The Technical Services team does not currently have the capacity or capability to deliver major projects.

There was a lack of clarity around environmental impact and risk assessments for activities which are considerably more than 'business as usual.'

Resources are in place/are being identified to complete environmental impact assessment required before wholescale desilting works can be undertaken, including significant input from the MLC Environment Officer.

The Independent Technical Advisor has prepared a scope for tender to secure a consultant to develop outline design and prepare Full Business Case (for MLC Project Board approval). The consultant will provide all technical input needed for developing and planning the project and ensuring consents and approvals are identified and in place. MLC staff will continue to act in a lead client capacity, providing their specific technical expertise and knowledge of the catchment as necessary. I will lead the project as Project Executive, working closely with the Project and Delivery Managers and providing regular updates to the Project Sponsor (Chief Executive) and MLC Executive Committee.

MLC's H&S advisor, Cope, visited and assessed the provisions in place and provided advice on additional requirements. Risk assessments/methods statements are being developed for physical work activities alongside a full review of the MLC H&S policies.

A Communications & Engagement team is in place and is planning engagement in parallel with Chief Executive's proposed MLC engagement and branding improvements.

A robust forecast of project costs needs developing. It is likely that the total project costs will exceed the current approval limit of £23million from the Outline Business Case. There are also some risks to the delivery programme that need to be investigated further and mitigated as necessary. All of these will be considered in more detail over the next 6 months, appraised and included in the Full Business Case, before the end of the financial year 2023/24.

Contractors are currently being identified for the various work phases: desilting; material import; bank raising works and hard defences (including detailed design).

Consulting Engineer

5 April 2023

Mr Lakey reported on the works carried out over the past year and of future works, together with the associated costs.

The Vice Chairman advised that Warboys, Somersham & Pidley IDB had still not machine cleansed the Drain they own to the West of Fenton Lode.

The Chairman advised that it had been mentioned to him that Warboys, Somersham & Pidley IDB would like Nightlayers IDB to adopt the drain.

Mr Lakey advised the Board needed to consider whether the Board wished to take on the additional maintenance of the drain and the costs associated with it or whether the Board should request that Warboys, Somersham & Pidley unadopt it so it became a private drain.

The Chairman recommended the Board should request that Warboys, Somersham & Pidley IDB machine cleanse the drain on the basis that it discharges into Nightlayers IDB, and if the drain was not maintained, this would result in silt being drawn into the Board's system. The Vice Chairman confirmed he would speak with the Chairman of Warboys, Somersham & Pidley IDB and report back to the Board at the next meeting.

Miss Ablett referred to the M & E Consulting Engineer's comments relating to the pumping station and the replacement of the electric pump and control panel, together with the potential for grant in aid.

She confirmed that £120,000 of Grant-in-Aid had been requested to fund a District wide study to determine what works would be required and would also help consider the potential impact of the Fens Reservoir on the District.

Miss Ablett advised the Chief Engineer had requested the Board consider delegating project decision making to a member who would also act as the Board's contact with the Consulting Engineer. Members considered that project decision making should be delegated to the Chairman and Vice Chairman and they should be the nominated points of contact.

Miss Ablett referred to a site meeting that had taken place relating to the byelaw consent application to pipe and fill a private watercourse on land at the junction of Fenton way and Long Nightlayers Drove, at which the Board voted to reject the application.

She advised that following the meeting, a letter had been sent to the applicant informing him of the Board's refusal.

She further advised the existing access and watercourse into the site did not allow for the passage of water and this needed to be rectified by removing rubbish and soil from the watercourse and by installing a new piped culvert, if it was found that no pipe existed at the site access. She reported a letter had been sent informing the landowner of this requirement.

Councillor French referred to the disappointment expressed by the Consulting Engineer to the response received from FDC planning department with regards to the Local Plan. She advised the Council needed to work very closely with the Middle Level Commissioners and its administered Boards and considered the Middle Level Commissioners should be advising the Council as it's work is vital to the Council and they need the Commissioners on board.

Councillor Boden advised the key time for the draft Local Plan would be in the next six to eight months, where the Council would be considering the consultation comments, which were made last year and would be moving towards the final version to put before the Planning Inspectorate.

He further advised that should there be any matters that are incorrect, or could be improved or needed further discussion now was the time, within the next two to three months, to be making representations

Miss Ablett referred to the Consulting Engineer’s supplementary report relating to improving capital delivery.

RESOLVED

i) That the Report and actions therein be approved

ii) That the Vice Chairman speaks with the Chairman of Warboys, Somersham & Pidley IDB regarding the maintenance of their drain at Fenton Lode and reports back to the Board at the next meeting.

B.1202 Capital Improvement Programme

Members considered the Board's future capital improvement programme, viz;

Nightlayers Internal Drainage Board

Capital Improvement Programme (2023/2024)

		PREVIOUS YEARS	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	FUTURE YEARS	ALL YEARS
		Pre Yr 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Post Year 10	Total Expenditure
Nightlayers p/s	Pumping station replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1,500.0	1500.0
	Pumping station pumping and control equipment replacement	0	0	70.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	70.0
	Pumping station automatic weedscreen cleaning equipmet	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25.0	0.0	25.0
	Pumping station Control building refurbishment/replacement	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Telemetry	4.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.8
	Pumping station compound/surrounds improvements	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Drainage Channels														
		4.8	**0**	**70**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**25**	**1,500**	**1,600**

Updated from engineers Asset Apraisal Report - April 2021

No needs identified in PAFS submission May 2020.

Engineer to update on possible grant-in-aid application for replacement pump and control.

Programme to be developed in line with grant-in-aid business case development and application

RESOLVED

That the Capital Programme be approved.

B.1203 District Officer’s Report

The District Officer reported that as already mentioned by the Consulting Engineer all drains were in a satisfactory condition and being maintained to a good standard. He referred to the Mechanical & Electrical Consulting Engineer’s comments in his report regarding the problems encountered over the past twelve months with the automatic weedscreen cleaner, due to a faulty controller. He had agreed with the Consulting Engineer that in view of the excessive quote of £9,500 and the fact the repairs were not immediately necessary that consideration should be given to an overhaul or replacement of the automatic weedscreen cleaner being included in a Grant in Aid business case, relating to the upgrading of the pumping station.

B.1204 Environment Officer’s Report

Miss Ablett referred to the Environment Officer’s Report, viz;

MIDDLE LEVEL COMMISSIONERS

MIDDLE LEVEL OFFICES
85 WHITTLESEY ROAD
MARCH
CAMBRIDGESHIRE
PE15 0AH

Telephone: **01354 602965**
07977 068864
Email: **sofi.lloyd@middlelevel.gov.uk**
Website: **www.middlelevel.gov.uk**

Sofi Lloyd
Environment Officer

Nightlayers Internal Drainage Board

Environmental Update – May 2023

Introduction

As I took up post in mid-October, unfortunately I am not in a position to provide a full biodiversity action plan update yet, but have compiled the following update of environmental activities and key points relevant to the Board, which I hope you find useful.

I have been familiarising myself with the IDB area, its approaches and plans as well as I can, over winter, but from now onwards I would like to plan some further visits to the IDB area to develop a much better understanding of the area and your priorities, so will be in touch to do organise this. I look forward to working with you to enhance any areas that we agree would be beneficial and feasible to do so.

1. Bank Raising Project

You will have been made aware of the Bank Raising Project and the work that is planned on the MLC channels and banks within the district. The ecological considerations of the project are being dealt with separately, outside of this report, along with the project update. However, should you have any questions about the projects' ecological considerations then do contact me directly and I will be happy to help.

2. Biodiversity Action Plan Review

The Biodiversity Action Plan has traditionally been the key document which sets out the IDBs' planned contributions towards conserving and enhancing biodiversity. Although the BAP remains vital, the objectives are unlikely to be reached unless there is a process in place to ensure that the incremental steps that need to be taken to achieve the BAP objectives are incorporated into regular operations and are reviewed regularly. Otherwise, the BAP simply becomes a document that is reviewed once or twice a year. It is the review of this vital process that I will be focussing on, rather than reviewing the objectives in the BAP, because the objectives themselves still remain valid.

3. Process and Compliance Review

I am well into a thorough process and compliance review of all our environmental approaches across all boards. This will help to ensure that IDBs are operating in line with all new legislative and regulatory requirements, updated guidance and best practice, and are better prepared for any changes we expect to be introduced in the next year. This will include the impacts and opportunities brought forward by the Environment Act 2021, including biodiversity net gain and delivering biodiversity enhancement. The outcomes of this review will feed into the BAP refresh for each IDB.

I also plan to review the currently-available pre-application environmental advice for consents and standard responses with the planning office.

4. GIS System Development

To support the activities mentioned above, an improved environmental GIS system is being developed and work is well underway to digitise all available environmental data. Lots of data exists due to all the good work already undertaken by IDBs but it exists in different states in different places. There is also a great deal of information held by the Local Environmental Records Centres, for which I am pleased to say, we now have a contract in place to receive regularly. This will be a vital data source that we must consult when planning our work to help us identify any protected and priority species which may be impacted or enhanced by our work. We are merging all these data sets to develop a more complete picture of what we have, in order to define and preserve the baseline from which to progress. This, more complete picture is also necessary to enable us to identify opportunities for environmental enhancement. Developing the GIS system this way will deliver efficiencies in environmental data collection, analysis and reporting, allowing more time to undertake practical conservation work on the ground. It will also enable us to share our data more easily with the local environmental records centres, contributing to the understanding of the local and national status of many species and help to raise the profile of the IDB and the valuable work they do to support biodiversity. You can see an example of how some of the digitised data is coming together in the attached IDB map.

5. Work Package Ecological Screening Document

We have developed the template named above for IDBs to complete when planning any ad hoc/non-routine works that will "break ground" on the any of the banks. The information is needed in order to evidence that we have correctly considered the ecological impacts of the work, and to identify opportunities for enhancement, as we are mandated to do, by law. Activities for which the form would be relevant include bank reformation, mooring construction, culverting, head walls, piling, filling in a ditch, moving an access culvert etc.

Only the first page needs completing by the IDB (not a lot of info needed) and the rest by me. I undertake the assessment as far as possible, and then return the second part of the document to the IDB, setting out what surveys etc. will be needed, if any. I may be able to undertake some of the practical surveys but in some cases, an ecological consultant with a specialist licence may be needed. In some cases, there may not be a need for any surveys and the recommendations will be that the work can proceed with some adaptions to the proposed approach, such as altered timings or establishment of "no-work" buffers around sensitive areas.

When all desk and fieldwork is complete, the form is "signed off" from an ecological perspective, and returned to the IDB with recommendations for the approaches to be taken. This means the IDB and the operatives undertaking the work have full sight of the ecological constraints, mitigations and approaches required to remain compliant. It is recommended that this form is completed and sent as early as possible to prevent delays, even up to 1 year in advance of the proposed works. The form is available by emailing sofi.lloyd@middlelevel.gov.uk and is also available from the MLC website.

6. Protected Species

a) Water Vole

As always, any work that plans to "break ground" on the any of the banks, so bank reformation, mooring construction, culverting, head walls, piling etc, **OR the removal of any marginal vegetation, please let me know ASAP by completing the above ecological screening document** so we can plan the appropriate surveys and mitigations in plenty of time, to avoid any delays and ensure compliance with wildlife legislation. This is particularly relevant for water voles. We know that there are some known, valuable water-vole ditches in the district, and some which could be enhanced to better support the local population, but the accepted approach is to always assume water voles are present in all ditches, and plan work around their assumed presence, in order to avoid committing an offence in terms of wildlife legislation. There is a lot of good, pragmatic and practical guidance on how to properly consider water voles during IDB works contained in the Environmental Good Governance Guide for IDBs.

b) Badgers

A reminder that badgers and their setts are protected by law and care must be taken not to disturb setts during routine channel management. Sett interference requires a licence under all circumstances. Please contact us should you have any queries regarding activities taking place around any known badger sett. Please also let me know asap if there are any setts which are presenting a flood risk due to any burrowing which is destabilising banks etc. More detailed information and refresher training on approaches to be taken around badger setts will be organised in the coming months. In the meantime, please refer to the relevant chapter in the Environmental Good Governance Guide (available on the ADA website) for more detailed information on badgers.

c) Reptiles

Just a reminder that reptiles, particularly grass snakes will be found basking on south facing slopes or in direct sun on reeds slopes this time of year. Operations should aim to move as slowly as possible to allow them time to move away from the works area and to allow operatives a better chance of spotting them. Cutting blades should be set as high as possible to minimise the risk of blade strikes. Clear egress routes should be maintained to allow them to move into a safe area and out of harm's way. Please report sightings of any reptiles, all information is welcome so we can better understand population status and trends.

d) Birds

Please be reminded of the legislation around the disturbance of breeding birds, particularly when cutting vegetation or bank-side trees, between March and September and where kingfishers are known to hunt. Please see the relevant chapter in the Environmental Good Governance Guide (available on the ADA website) to refresh your understanding of mitigation and survey requirements and get in touch should you have any questions.

i. Barn owls

I have met with our barn owl conservation delivery partners and we had defined a schedule of checking and refreshing barn owl boxes over winter but have unfortunately been unable to commence due to the restrictions imposed by BTO (British Trust for Ornithology) due to avian flu. We continue to monitor the guidance and act accordingly and have been able to commence some box checking by following strict biosecurity measures. Please do let us know therefore if there are any boxes that you feel need some maintenance ASAP so we can plan to visit them before the start of the breeding season. It is even more important during these times that you please help us with the following:

- Tell us if you spot a box needing repair
- Tell us if you see a box being regularly visited in nesting season
- Tell us if you'd like a barn owl box
- Establish and maintain un-cropped field margins for foraging

I understand that you have at least one barn owl frequenting the area near Fenton Lode, so please keep an eye on where it may be roosting, and we can monitor the nest if you believe there may be young in it.

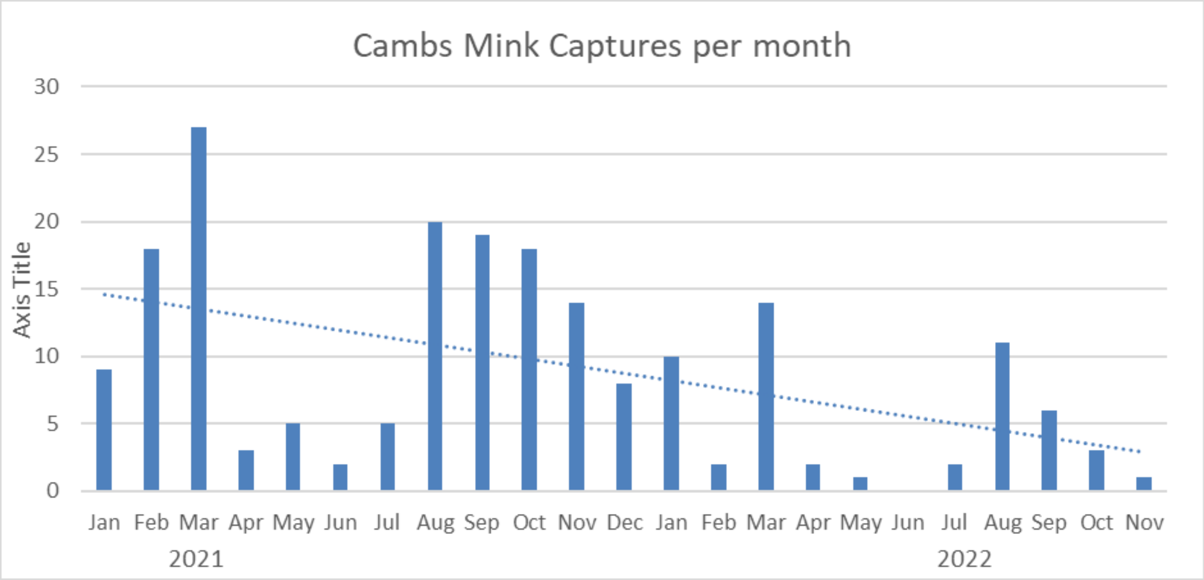
ii. Avian Flu

Avian Flu is now thankfully less of a risk now that temperatures are increasing and there are less avian arrivals from overseas. However, please ensure that you are familiar with, **and promote the knowledge of** the DEFRA guidelines on avian flu, in particular those for reporting suspected cases: Bird flu (avian influenza): latest situation in England - GOV.UK (www.gov.uk). If any dead birds are spotted, please do let us know and either we can come and collect and dispose of them in a safe manner to minimise the risk of the disease spreading to other wildlife, or we can arrange for the collection.

e) Mink & Water Voles

I am now part of the co-ordination team for the mink control strategy for the MLC area. The mink control project has been hugely successful so the vision of full eradication of mink is becoming much closer to being realised than was ever thought possible. A strategy refresh meeting took place on the 9th January where we reviewed the data to date to help us devise an updated trapping regime for the coming months. The key outcomes of which are that we are very much in **need of further volunteers** to respond to mink raft activation alerts in the area. Any activation would need to be attended promptly within a few hours but the need to respond is likely to be very occasional. Please let me know of any interest.

The following chart shows the number of mink caught each month, suggesting a declining population. However **there have been a number of mink caught in recent weeks in the district**, probably due to the breeding season being underway and their increased travel to find a mate, so trapping is still very valuable and reporting any sightings is key to ensure that traps are ideally placed.



The following table shows the number of Mink caught in 2022 and their locations, compared to 62 mink captures or kills in 2021.

Middle Level mink 2022_List

List of mink captures around the Middle Level in 2022

	Animal Code	Station/Location	Date	Sex
1	WRE/0761	Upwell & Outwell: Laddus Drove holt	09 Jan 2022	Male
2	WRE/0789		11 Jan 2022	Unrecorded
3	WRE/0917	Stonea Bridge	24 Jan 2022	Female
4	WRE/0786	Ramsey: PS Ramsey Hollow	24 Jan 2022	Female
5	WRE/0924	Welches Dam PS bridge SW side	10 Mar 2022	Male
6	WRE/0950	Conington Fen Bridge	13 Mar 2022	Female
7	WRE/0944	Ransonmoor: Staffurth's Bridge PS outfall, Old ...	16 Mar 2022	Male
8	WRE/0946	Ramsey Saint Mary's: Speed the Plough Bridge	17 Mar 2022	Male
9	WRE/0951	Twenty Foot, Coldham Bank	22 Mar 2022	Male
10	WRE/0957	Crooked Drain, Sutton Gault	05 Apr 2022	Female
11	WRE/0966	Crooked Drain, Sutton Gault	26 Apr 2022	Female
12	WRE/1046	Great Fen: Charterhouse Farm Bridge	16 Sep 2022	Female
13	WRE/1047	Woodwalton Fen: south	18 Sep 2022	Male
14	WRE/1081	Pingles Pit, Mepal B	21 Oct 2022	Female
15	WRE/1140	Welches Dam PS bridge SW side	27 Nov 2022	Unrecorded

This progress with mink control will positively impact on the abundance of water voles in the area. Previous water vole survey data will be reviewed over winter and added to the GIS system and further surveys will be planned to take place in spring and summer.

7. Invasive species

When any non-native species (particularly the following) are spotted, please record the location using the what3words app (what3words /// The simplest way to talk about location) if possible (if not postcode or grid ref) and inform us ASAP. Useful identification guides and information can be found online at ID sheets » NNSS (nonnativespecies.org)

- Floating Pennywort
- Mink
- Himalayan Balsam
- Parrot's feather
- New Zealand pigmyweed (Australian swamp stonecrop - Crassula)

a) Floating Pennywort

Floating Pennywort continues to be an issue in other watercourses just outside the area, so we urge you to remain vigilant, refresh your identification skills and act promptly by notifying us if you think you may have spotted any in the districts drains. Strong adherence to biosecurity procedures is vital as per the boards policy (available from the website).

There has been good progress in trialling the use of an imported weevil to control the plant so we hope that if the success continues, it may be made available nationally at some point in the future.

b) Azolla

Previously reported as common across the IDB area. Please record and notify us as above of any instance. There may be an opportunity to use an approved weevil to control badly affected stretches so please advise if there are any particular areas of concern as there are only limited stocks of the weevils nationally so I will have to apply early to be in with a chance of some of the stock.

c) Chinese Mitten Crabs

Chinese mitten crabs and their apparent rapidly increasing population continue to be a concern. There are reports of some banks in some areas being damaged by their extensive burrowing but it is always difficult to pin this on the crabs alone with there being so many other factors which affect the stability of banks.

We liaise closely with the EA and follow their lead with the management of this species and many others to ensure that nothing we do contradicts their approach, regulation or legislation. Defra has no intention currently of developing policy which would allow the crabs to be caught and removed for commercial or conservation reasons. In particular there was some concern that they were found to carry a gill fluke in other counties which had the potential of being transmitted to humans if they were to be consumed. As Defra isn't planning to change their stance, the EA's approach remains that any crabs which are caught as by-catch must be killed on-site and not removed. The fishing for the crabs specifically is not lawful. There is no recommended or authorised approach to deal with rising populations unfortunately. A commonly held view is that removing mature individuals from the population creates a vacuum that immature individuals then tussle to fill, driving greater movement within the local population and perhaps increased burrowing as a result.

We will continue to monitor the recommended approaches and will adapt ours promptly to follow when necessary.

d) Turkish Crayfish

We have received reliable reports of the presence of Turkish crayfish in some MLC drains. Turkish Crayfish are a schedule 9 listed species listed in the Wildlife & Countryside Act meaning that it is an offence to release them or allow them to escape into the wild. Their impact is not widely understood but it is said that that they are known to reside alongside Signal Crayfish, rather than displace them or be displaced by them. Where populations of our native and protected white-clawed crayfish are still present, they are likely to outcompete them but they do not carry crayfish plague which does impact native crayfish. There is no evidence that Turkish crayfish burrow so it is unlikely that they would cause extensive damage to riverbanks but they could reduce fishery profits by competing with fish for food, stealing baits or causing declines in fish recruitment through loss of macrophyte habitat, according to the non-native species secretariat. Please be vigilant and report sightings of the species and maintain strong biosecurity procedures. They can be distinguished from other crayfish species by their long narrow claws, as shown in the pictures below.

Turkish Crayfish
Claws: claws normally same colour as body but underside lightly coloured. Fingers long, straight and narrow

White-clawed crayfish
Claws: are noticeably granular and are whitish to light pink on the underside, never red.

American Signal Crayfish
Claws white or turquoise patch at junction between fixed and moveable finger. Underside of claws are red.

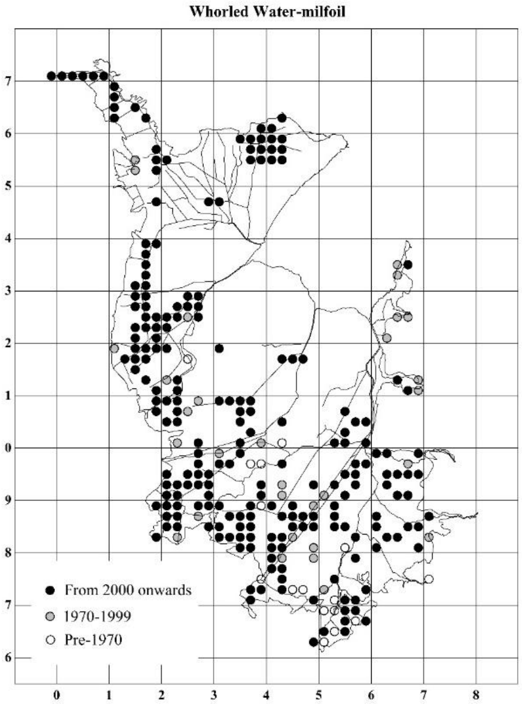
If it is necessary to dispatch a Turkish crayfish, American signal crayfish, or any other non-native crayfish, because it has been removed from the channel accidentally, please ensure that you are familiar with its distinguishing features and can confidently tell it apart from particularly white clawed crayfish. This will ensure no offence against a protected species occurs. There are very few records of the native white-clawed crayfish remaining in the MLC area but care should still be taken and no assumption made. More information can be found at: https://www.nonnativespecies.org/non-native-species/information-portal/view/381

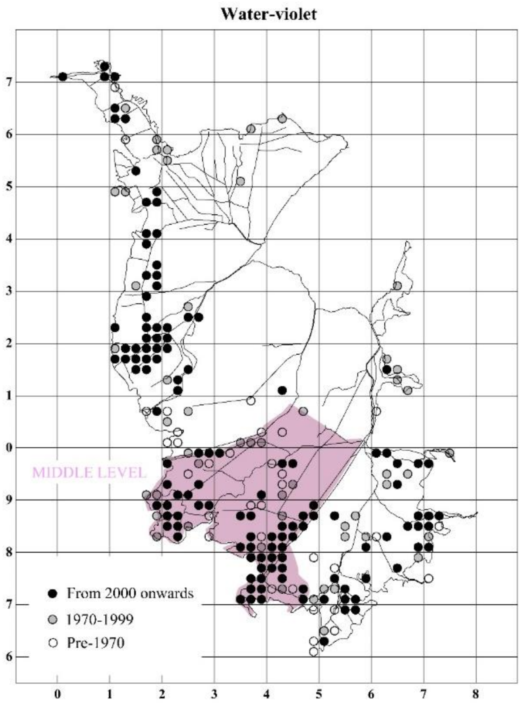
8. Fenland Flora Project
The long-running fenland flora project, headed up by botanist Jonathan Graham, to identify and record the presence of rare, threatened and notable aquatic plants in the fens, is nearing completion. The results highlight:

- There are lots of nationally significant aquatic plants in fens, many of which are only found in IDB drains and are present because of the way the drain is being managed.

- Water quality is important for many aquatic plants and a good proportion of IDB drains have good water quality.
- A summer-maintained water level is good for many plants.
- Non-IDB field drains are important too so where possible, aim to always hold some water and cut periodically.

The diagrams below show how the presence of 2 England red data plants that are frequent in local drains.





The plant location data will be added to the GIS system and made available so it can be reviewed ahead of any planed works, and will be added to BAPs. The data will also be useful in identifying any opportunities to enhance these valuable plant populations.

9. Environmental Stewardship.
You will most likely be aware that environmental stewardship schemes and farming subsidies are changing. If you would like to discuss existing stewardship provisions within the district, or you or another rate payer is thinking of applying for a stewardship agreement or establishing new stewardship measures, please do get in touch.

10. Carbon & Climate
There are increasingly a number of low-carbon, sustainable alternatives available for many of the common materials and equipment used in flood risk management, such as low-carbon concrete and steel, solar powered mechanical and electrical equipment and coir roll for bank stabilisation. Please get in touch to discuss any projects which involve these or similar materials or equipment to understand if any are suitable for you to consider.

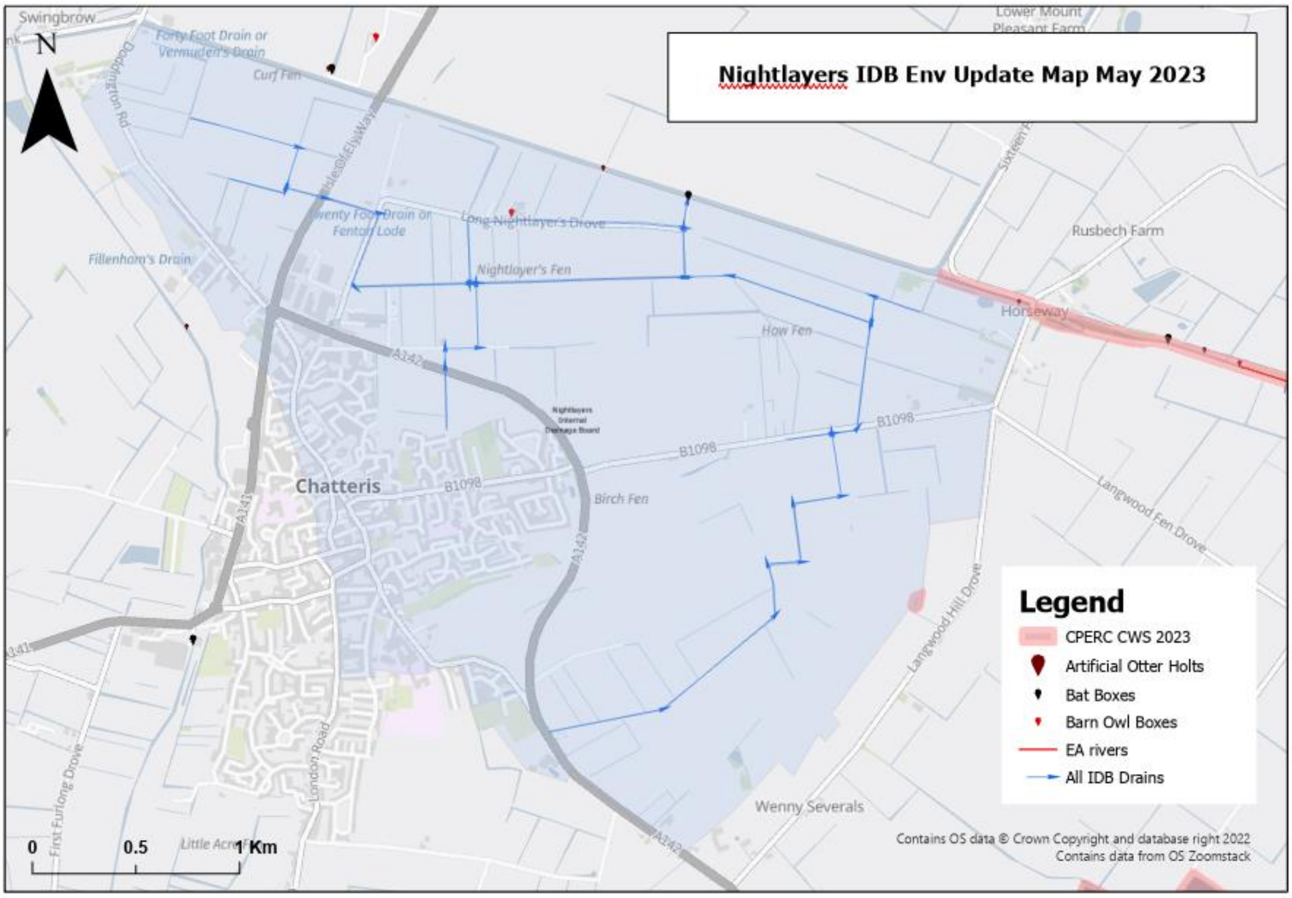
Last year ADA published a Carbon Accounting Guide for IDBs, which is available from their website. The process of calculating carbon emissions does not have to be as complicated as some may think. If you have reviewed the guide and would like some help to progress with calculating your carbon emissions, please get in touch.

11. Paludiculture

I attended a workshop in Cambridge to discuss the progress of knowledge acquisition and trials around growing commercial crops, associated with wetlands in lowland areas, where the water level has been raised to reduce or eliminate CO_2 emissions from degraded peat. This is known as paludiculture. This includes the potential for receiving an income for carbon sequestration from such approaches. As you would expect, there is a focus on the Cambridgeshire fens as a key area for development of this approach along with Somerset, Lancashire and the Lincs fens. If you would like to know more about how this topic is progressing, would like to get involved in some trials or would like to have a go at growing a paludiculture crop such as Typha latifolia (Bullrush or cattail) or Sphagnum moss yourself commercially, then please do get in touch.

12. Environmental Good Governance Guide for IDBs

I have a copy of the above guide, published by ADA last September, for each Chairman and District Officer which I can hand to you when I visit if you don't have a copy already. Until then, an on-line version is available from **here** and you can also request copies from ADA directly admin@ada.org.uk.



B.1205 District Officer's Fee

The Board gave consideration to the District Officer's Fee for 2023/2024.

RESOLVED

That the Board agree that the sum of £4,495.00 be allowed for the services of the District Officer for 2023/2024.

(NB) – Mr A Edgley declared an interest when this item was discussed.

B.1206 State-aided Schemes

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

RESOLVED

That no proposals be formulated at the present time other than that already identified.

B.1207 Environment Agency – Precepts

Miss Ablett reported that at the Anglian (Great Ouse) Regional Flood & Coastal Committee (RFCC) determined that there were exceptional circumstances to consider on the agreed 2% increase on the precepts on Internal Drainage Boards. The Committee voted for an additional 1% increase (reflecting exceptional circumstances) above the agreed 2% for the year ending 31st March 2024 – total of a 3% increase on the level of precept on Internal Drainage Boards for the year ending 31st March 2024.

The precept for 2022/2023 was £3,438.

B.1208 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

Miss Ablett reported that following his submission of claims for contributions the gross sum of £1,377.55 (£4,261.61 less £2,884.06 received on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2021/2022 based on the Board's actual expenditure on maintenance work for that financial year and the sum of £4,197.95in respect of 80% of the Board's estimated expenditure for the financial year 2022/2023.

B.1209 Association of Drainage Authorities - Subscriptions

Miss Ablett reported that ADA has increased subscriptions by 4.5% for 2022, from £571 to £597.

RESOLVED

That the Board approved the payment of £597 for 2023.

B.1210 Contribution from Developers

With reference to minute B.1181, Miss Ablett reported that contributions towards the cost of dealing with the increased flow or volume or surface water run-off and treated effluent volume have been received.

RESOLVED

a) Determination of rating values – that the Board approved the redetermination.

b) Rate arrears – that the rate w/o £21.90 has been approved.

B.1211 Health and Safety

The Vice Chairman referred to the report received from COPE Safety Management following their visit on 17th January and advised that no major problems were identified, viz;

Cope
SAFETY MANAGEMENT

Site Safety Inspection Record

Nightlayers IDB SSI 170123 — **Complete**

Name of organisation:	Nightlayers Internal Drainage Board
Date of site visit	17.01.2023 13:00 GMT
Address of inspected premises	Nightlayers Pumping Station.
Name of Advisor	Simon Cross
Time of arrival at site:	17.01.2023 12:50 GMT
Audit Name	Nightlayers IDB SSI 170123

Audit

An opening meeting was held with

S Edgley

Have there been any accidents since our last visit?	No
Have there been any new starters since our last visit?	No

1

Introduction. During the visit the opportunity was taken to discuss previous observations and progress made on recommendations. It was reported that there were no issues or concerns raised by yourselves.

2

Fire Extinguishers. It was reported that the new dry powder fire extinguisher was just awaiting the installation of a wall bracket and signage, which had been provided. It is recommended that the old extinguisher is removed and disposed of appropriately.

3

Ladder / step ladder. It was noted that a wooden ladder and wooden folding stepladders were still stored within the pumping station, although it was reported that they are unlikely to be used as not required. If either are intended for use, they should only be for infrequent, short duration, non-routine tasks and they should be visually checked for defects prior to use. Use should only be by those suitably trained for work at height.
If they are no longer in use, then it is recommended that they are removed from site.

4

Edge protection. It was observed that some minor damage had occurred to the top rails of the edge protection around the automatic weedscreen cleaner. See photo 1 below. It is recommended that they are repaired or replaced as necessary when practical.

Photo 1

5

Signage. Although a sign with name and written hazard warning is displayed on the building wall, some of the hazard warning signage has become faded and illegible. See photo 2 below. In line with other IDBs, it is recommended that appropriate signage is displayed in a suitable position, such as on the security fence or building indicating the hazards on site with approved pictograms. Ideally signage should also include the name of the pumping station, location details (e.g. grid ref, 'What Three Words') and emergency contact details (e.g. name, telephone). An example of a similar sign is shown below in photo 3.

Photo 2

Photo 3

Photographic Risk Assessment

Advisor's signature

Simon Cross
17.01.2023 18:46 GMT

Departure time	17.01.2023 13:45 GMT

Photographic Risk Assessments closed out during the visit.

No PRAs

Number of outstanding Photographic Risk Assessments	**0** From 0 to 99

Appendix

Photo 1

Photo 2

Photo 3

Nightlayers IDB

SUMMARY OF PHOTOGRAPHIC RISK ASSESSMENTS

NO OUTSTANDING PRA'S

He reported the top rails around the automatic weedscreen cleaner had now been repaired, although a corner bracket was damaged and will require a replacement.

He advised that new hazard signage was required at the pumping station to include 'What Three Words' and emergency contact details and confirmed the fire extinguisher had been replaced.

Members requested that the Consulting Engineer arranges for a replacement to be fitted and for the signage to be replaced, as required.

RESOLVED

That the Consulting Engineer arranges for the bracket to be replaced and for the necessary signage to be replaced.

B.1212 Completion of the Annual Accounts and Annual Return of the Board -2021/2022

a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2022, viz;

Nightlayers Internal Drainage Board

Notice of conclusion of the audit

Annual Governance & Accountability Return for the year ended 31st March 2022

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014
Accounts and Audit Regulations 2015 (SI 2015 /234)

1 The Audit of accounts for the Nightlayers Internal Drainage Board for the year ended 31st March 2022 has been completed and the accounts have been published.

2 The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of Nightlayers Internal Drainage Board on application to:

The Clerk
Nightlayers Internal Drainage Board
85 Whittlesey Road
March
Cambridgeshire
PE15 0AH

between the hours of 9.00am and 4.00pm on Mondays to Fridays (excluding public holidays), when any local elector may make copies of the Annual Return.

3 Copies will be provided to any local elector on payment of £2.40 for each copy of the Annual Return

Announcement made by: D C Thomas - Clerk to the Board

Date of Announcement: 26th September 2022

Section 1 – Annual Governance Statement 2021/22

We acknowledge as the members of:

NIGHTLAYERS INTERNAL DRAINAGE BOARD

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2022, that:

	Agreed Yes	Agreed No*		'Yes' means that this authority:
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✔			prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✔			made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✔			has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✔			during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✔			considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✔			arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✔			responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✔			disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A	has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

26/05/22

and recorded as minute reference:

B.1175

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman [signature]

Clerk [signature]

WWW.MIDDLELEVEL.GOV.UK

Section 2 – Accounting Statements 2021/22 for

NIGHTLAYERS INTERNAL DRAINAGE BOARD

	Year ending		Notes and guidance
	31 March 2021 £	31 March 2022 £	*Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.*
1. Balances brought forward	222,163	210,508	*Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.*
2. (+) Precept or Rates and Levies	27,495	24,733	*Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.*
3. (+) Total other receipts	7,827	17,216	*Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.*
4. (-) Staff costs	0	0	*Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.*
5. (-) Loan interest/capital repayments	0	0	*Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).*
6. (-) All other payments	46,977	44,368	*Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).*
7. (=) Balances carried forward	210,508	208,089	*Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).*

8. Total value of cash and short term investments	223,148	217,779	*The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March –* ***To agree with bank reconciliation.***
9. Total fixed assets plus long term investments and assets	1,100,000	1,100,000	*The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.*
10. Total borrowings	0	0	*The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).*

	Yes	No	N/A	
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)				*The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.* *N.B. The figures in the accounting statements above do not include any Trust transactions.*

I certify that for the year ended 31 March 2022 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

Date 11th May 2022

I confirm that these Accounting Statements were approved by this authority on this date:

26/05/22

as recorded in minute reference:

B.1178

Signed by Chairman of the meeting where the Accounting Statements were approved

Section 3 – External Auditor Report and Certificate 2021/22

In respect of **NIGHTLAYERS INTERNAL DRAINAGE BOARD – DB0059**

1 Respective responsibilities of the body and the auditor

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website – https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/ .

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with Proper Practices which:

- summarises the accounting records for the year ended 31 March 2022; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

2 External auditor report 2021/22

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None.

3 External auditor certificate 2021/22

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2022.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature PKF Littlejohn LLP Date 13/09/2022

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2022, viz;

Whitings
Chartered Accountants LLP
The Old School House, Dartford Road
March, Cambridgeshire, PE15 8AE
t: 01354 652304
e: march@whitingsllp.co.uk
w: whitingsllp.co.uk

BB/MM053
11 October 2022

Messrs. D Thomas, R Hill and S Ablett
Middle Level Offices
85 Whittlesey Road
March
Cambs
PE15 0AH

Dear Messrs. D Thomas, R. Hill, and S Ablett,

MLC administered Internal Drainage Boards - Internal Audit 2021-2022

Having completed the internal audit work for the various Internal Drainage Boards administered by the Middle Level Commissioners officers for the year ended 31 March 2022, we are pleased to provide you with the following recommendations to be considered for implementation. We have included some general points and some points which are related to specific boards.

<u>General points</u>

1. **Asset Valuations and Insurances**

   It is noted that, whilst a large proportion of boards took the option to revalue for insurance purposes their pumping station and residential assets during recent years, there are still some boards that have not followed suit. We have seen elsewhere that such revaluations have sometimes resulted in significant uplifts in value, and as such we would suggest that any remaining boards that have yet to carry out such an exercise do so at the earliest convenience. Should a pumping station or residential property require a complete rebuild following an unforeseen catastrophic event, current valuations may no longer be appropriate given today's prices which may lead to a shortfall in funds which have to be met by surplus funds.

   We would recommend that in the absence of specific information to the contrary suggesting need for earlier review, that a revaluation exercise be performed for insurance purposes at least every 5 years on all major Board assets. This is especially important given the significant increase in material and labour costs seen in recent times as a result of rising inflation and global material shortages. However we are pleased to note that boards are being asked whether they wish for insurance to be index linked going forward and would strong suggest that all boards agree to this proposal.

1. **Asset Valuations and Insurances - Continued**

<u>*Client comment:*</u>
While we have put it to Boards to review pumping station valuations for insurance purposes, as separate statutory authorities it is up to each Board to review and approve what they consider to be an appropriate valuation and your point concerning possible under-insured amounts having to be funded directly by the Board following an event has been highlighted previously. A number of Boards have previously approved to index link valuations and we will be asking all Boards to consider this during the 2023 meetings, along with consideration of current valuations. This is an area already programmed to be reviewed every five years and hopefully with indexing we may not require such individual valuations going forward.

2. **Employee Benefits - Vehicle Usage**
In 2020 a high level tax case was brought by HM Revenue & Customs against Coca-Cola European Partners Great Britain Limited relating to vehicles provided to employees of Coca-Cola and whether these 'dual purpose' vehicles should be classed as a van or a car for benefit-in-kind (BIK) and other taxation purposes. Typical example of such a vehicle being a double-cab pickup as operated by some boards. The Court of Appeal ruled in favour of HMRC and, as a result HMRC are now reminding employers of the importance to ensure that they have classified their vehicles correctly and as a result we would advise that this matter is kept under review both now and into the future to mitigate the risk of an unexpected tax bill arising. We would advise that this is considered across all boards going forward if this is not being taken into account already.

<u>*Client comment:*</u>
We are aware of the case and potential implications to employees of classification of vehicles. Generally, we do not make changes concerning additional passenger/load capabilities to that of the original manufacturer's specification, which are relied upon alongside the HMRC guidance when designating vehicles for taxation/benefits in kind.

3. **Provisions**

We are pleased to note that, in the main; provisions for amounts owing to and owed from applicable boards, are being monitored and written back should the underlying potential asset/liability be extinguished. There are still odd cases where provisions are "brought forward and carried forward" that relate in excess of the standard life of debt, being 6 years. On review in some cases whilst the underlying rationale of these balances are reasonable, we would question whether payments could still be enforced if chased, aside from in relation to development contributions. As such we would encourage continued review of provisions as a whole, with special consideration being made to aged provisions that have existed for a number of years and ideally the rationale being documented in the accounts pack provided to us as part of the internal audit

We would also recommend that any such old debts or provisions (apart from development contribution provisions), say over 3 years old, be presented at the Board meeting annually and approved.

Client comment:

As part of the year end accounting procedures, provisions/balances are looked at on an individual basis and decisions made on relevance as to retain or to write back.

4. **Budget figures**

We note that Budget figures are prepared annually in advance, but we note these are not updated in the late Autumn even when notable variances may have occurred for various factors. Whilst not necessary to do so for all boards, we suggest that Chairmen of individual Boards are given opportunity to request updated Budgets after the half year point for the remainder of the year and distribute to Board members if they feel it appropriate due to circumstances to date or anticipated.

The budgets that have been set for 2022/23 year may need to be increased throughout the year due to the significant cost increases that are currently well publicised in the media, most notably in relation to the cost of gas and electricity as a result of the ongoing conflict between Russia and Ukraine.

Client comment:

As part of the finance regulations, we are required to carry out a budget monitoring exercise during the course of the year. For those Boards that have a relevant meeting, this is reviewed by the Board at their autumn/winter meeting. For all other Boards the monitoring exercise is completed as at the end of the calendar year, at this point the majority of the drain maintenance works have been completed, as would be any planned maintenance works at pumping stations. The expenditure to-date is then forecast to the end of the financial year and compared to the budget and initially sent to the chairman for review. Depending on the outcome of the monitoring exercise depends on whether it is considered appropriate to hold an emergency meeting. However, it is likely that if there were an extraordinary event the Board would be aware "in real time" and appropriate action taken at that point. It is not policy to update budgets depending on levels of expenditure but to use these as comparative to analyse variances of actual expenditure against.

5. Surplus Funds

It is noted a number of IDB's hold significant cash reserves, with inflation now being at a 40 year high, all IDB's need to consider investing their surplus funds, in order to achieve greater return on public funds and to ensure value for money principles are observed and cash asset values are not eroded overtime. We appreciate that in recent years interest rates would have made such an exercise unfruitful when taking into account the associated admin cost involved in such an undertaking. However, with the Bank of England now increasing interest rates to combat rising inflation in the UK, we would advise that this is now an opportune time to conduct such an exercise.

Client comment:
We have previously made arrangements with our bankers concerning the costs for the provision of banking services and interest which when added together more than covered the costs associated with monthly/quarterly administration costs in transferring funds. As mentioned, interest rates in recent years have been negligible and as responsible public authorities we need to maintain caution as to where funds may be deposited - the general principle of the higher the reward the higher the risk applies. During this period we did re-negotiate our banking arrangements and maintained the cost benefit in relation to the provision of banking services. Although it is correct that the Bank of England is increasing interest rates to combat inflation, rates will not match/keep pace with (current) inflation and with the current spiralling fuel costs we also need to ensure Boards have sufficient liquidity to meet ongoing operational expenditure. We have planned meetings with our bankers when this will be discussed further as well as looking at possible alternative places for longer term investments.

6. **Rental of Land**

It was previously noted that some IDB's were renting out land to tenants for less than market value and that this should be reviewed to ensure value for money principles were being applied.

We are happy to note that some IDB's have increased the rental values of land to market rates, although there are still some IDB's where the rental value is significantly below market value and we advise that the market values are increased for these boards to ensure value for money principles are applied going forwards.

Client comment:

Boards which have land holding for rent generally review rents in accordance with tenancy agreements and use local land agents for guidance. A number of Boards have small holdings of land which are let at reasonable rates with a view to keep the land tidy and in good order as they are not necessarily commercially viable. A number of Boards have slamp land, which cannot be considered the same as general agricultural land for rental purposes. All Boards look to get the best rents available, but these are relevant to the size and type of land being let.

Specific Points

Conington & Holme IDB

We note that the pumping station owned by the board is insured at less than the latest revaluation amount, see below;

Insured value	610,000
Latest revaluation	685,630
Underinsured	**75,630**

We understand that the board took the conscious decision not to uplift the insurance value in line with the revaluation figure suggested by the engineer. As already highlighted above, should any significant event occur, such as a major fire, resulting in the need to reinstate the asset in full, the board run the risk of the shortfall which would require the use of surplus balances to cover the resulting deficit in funds. We would therefore strongly recommend that the board consider increasing the insured value to the revaluation figure.

Client comment:

Although as previously mentioned these points will be raised as agenda items your comments and recommendations will also be considered when reviewing the internal audit report.

Waldersey IDB and Hundred of Wisbech IDB - Joint Pumping Arrangement

As in previous years it is noted that there is a discrepancy between debtor held in Waldersey IDB and the creditor held in Hundred of Wisbech IDB.

Waldersey IDB - Debtor	25,936.95
Hundred of Wisbech IDB - Creditor	25,500
Difference	**436.95**

We are pleased to note that this difference is insignificant for the current year. The difference arises due to the accounts of Hundred of Wisbech IDB being completed before Waldersey IDB, leading to a provision being required in the former's books in the absence of more accurate information being available. The difference is adjusted in the following year's Accounts for Hundred of Wisbech but in the short term could be considered slightly misleading.

We note that there have been discussions to potentially amalgamate the two boards, this would eradicate the anomaly. However, in the absence of this, we wonder whether there is scope to bring the meetings and account preparation periods in line to address this issue.

Client comment:

These costs relate to the contribution for the costs of the shared pumping facility and at the time of production of the year end accounting statements discussions were taking place concerning potential changes to the contribution as a result of changes in land use. A new proposal had been put forward which was broadly approved by both Boards.

There are no current plans to change meeting dates so as one set of accounts is finalised before the other there is likely to remain creditor/debtor position in both sets of accounts although now that all older balances have been cleared, any in-year balance should be cleared, generally a year in arrears.

March East IDB

During our review it was noted that the onsite pumping station attendant's payments were not authorised during the year, the amounts charged by the attendant are similar to the rental costs charged to the individual for occupying residential property owned by the district. We understand that this arrangement has been agreed at board level to ensure that the individual is not financially penalised in carrying out their duties for the board. However, this treatment appears to be at odds with the amount charged being disproportionate when compared to other IDB's that we have audited. We would advise that these amounts most certainly should be authorised to ensure adequate controls are maintained over the purchase function and we would also question how HMRC would interpret the arrangement should they carry out any follow up review in the future.

Client comment:

Following a review in the previous financial year residential property rent was re-assessed in-line with current guidance from HMRC. At the same time the value of the attendant's services was re-appraised. These reviews were approved by the Board. There were no changes proposed for 2022 so the original resolution remained unchanged. However, we agree with your comments and both areas will be considered annually as separate agenda items.

March Sixth DDC

During the course of our audit we noted that the 2021/22 public rights notice had not been published on the website, we are pleased to note that following notification of this fact the notice was promptly uploaded. We are satisfied that this is an isolated incident but would remind all boards of their obligation to comply with the requirements in this area and to ensure that all relevant documents are published in a timely manner.

Client comment:

Every effort is made to update the relevant pages of all authorities in an efficient and timely manner and in accordance with the regulations. It should be noted that as well as display on the website, notices are also displayed in paper format withing the District.

Your comment is noted and procedures will be amended concerning this for the future.

We take this opportunity to thank your staff involved in our audit for their assistance and cooperation in achieving substantial completion by the stated target deadlines. We trust that the engagement team have not caused significant disruption during the execution of their procedures.

Yours sincerely,

Whitings LLP

Whitings LLP

Councillor Boden referred to the comments made by the internal auditors regarding surplus funds not being invested and advised he was unable to identify in the accounts or in the budget the amount of any deposit interest being received, but had noted that the Board had a large sum in the Barclays business account that was not generating any interest received.

Miss Ablett advised that the Barclays business account did not generate any interest received as the Board had free banking with Barclays and therefore did not incur any bank charges. She further advised that now interest rates were rising, meetings had been planned with the Board's bankers to discuss the interest rates they were offering as well as investigating possible alternative places for longer term investments. She added that it also had to be ascertained what amount of deposit would be sensible to invest in view of the increasing fuel costs and to ensure the Board had sufficient funds to meet its operational expenditure.

Councillor Boden enquired whether any provision for interest received had been included in the budget. In response, Miss Ablett advised that no provision had been made at this time as it had not yet been decided how much would be invested, whether it would be for a fixed term or flexible and what rate of interest was being offered.

Miss Ablett explained the Board did have a Barclays Business Premium account should the Board wished to put some of its cash on deposit, whilst interest rates on offer elsewhere were investigated, but added the interest rate on the business premium account was minimal.

Councillor Boden reported he had been in discussion with the head of finance at Fenland District Council and the Council would be willing to assist the Board, as they understood some of the restrictions and requirements in so far as Internal Drainage Boards were concerned. He explained that as the Council had a larger pool of money to invest, it had specialists who act on its behalf. He advised it was not beyond the Council’s ability to have an agreement with the Drainage Boards to facilitate the earning of more interest through a much more flexible facility than the Board would be able to obtain from the banks in the normal way.

Councillor Boden advised this was a conversation the Council and the Middle Level Commissioners, together with the Boards would be having at a meeting with the Clerk.

B.1213 Defra IDB Returns

Miss Ablett referred to the completed IDB1 form for 2021/2022 which the Board noted and approved, viz;

Department
for Environment
Food & Rural Affairs

Annual Report for the year ended
31 March 2022

The Law – the following annual report is provided in accordance with Paragraph 4 of Schedule 2 to the Land Drainage Act 1991.

No later than 31 October 2022 a copy must be provided to:

- Department for Environment, Food and Rural Affairs, Flood and Coastal Erosion Risk Management Division, Floor 3, Seacole, 2 Marsham Street, London SW1P 4DF via flood.reports@defra.gov.uk
- National Flood and Coastal Risk Manager (Strategic Delivery), The Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH via james.addicott@environment-agency.gov.uk
- The Chief Executives of:
  - all local authorities that pay special levies to the Board;
  - all County Councils or London Boroughs within which the Board is situated.

Please complete the form electronically. If you are unable to complete the form electronically, please complete in BLOCK LETTERS using **black ink**.

Please round all cash figures down to nearest whole £.

NIGHTLAYERS INTERNAL DRAINAGE BOARD

Section A – Financial information

Preliminary information on special levies issued by the Board for 2022-23

Information requested below is essential in calculating future formula spending share. It is not covered elsewhere on this form or by the external auditor's certificate.

Special levies information for financial year 2022-23 (forecast)	
Name of local authority	**2022-23 forecast £**
1. FENLAND DISTRICT COUNCIL	27,214
2.	
3.	
4.	
5.	
6.	
7.	
8.	
Total	**27,214**

Income and Expenditure Account for the year ending 31 March 2022

All Internal Drainage Boards must ensure that the Income and Expenditure information provided below is consistent with the Board's annual accounting statements which have been prepared in accordance with proper practices found in *Governance and Accountability for Smaller Authorities in England – A Practitioners' Guide to proper practices to be applied in the preparation of statutory annual accounts and governance statements March 2017*

	Notes	Year ending 31 March 2022 £
INCOME		
1. Drainage Rates		2,467
2. Special Levies		22,266
3. Higher Land Water Contributions from the Environment Agency		5,762
4. Contributions received from developers/other beneficiaries		11,392
5. Government Grants (includes capital grants from EA and levy contributions)		0
6. PSCAs from EA and other RMAs		0
7. Loans		0
8. Rechargeable Works		0
9. Interest and Investment Income		11
10. Rents and Acknowledgements		0
11. Other Income		50
Total income		**41,948**
EXPENDITURE		
12. New Works and Improvement Works		0
13. Total precept to the Environment Agency		3,370
14. Watercourse maintenance		22,010
15. Pumping Stations, Sluices and Water level control structures		11,190
16. Administration		7,049
17. PSCAs		0
18. Rechargeable Works		0
19. Finance Charges		0
20. SSSIs		0
21. IDB Biodiversity and conservation (other than item 20 expenditure)		545
22. Other Expenditure		203
Total expenditure		**44,367**

EXCEPTIONAL ITEMS		
23. Profits/(losses) arising from the disposal of fixed assets		0
Net Operating Surplus/(Deficit) for the year		**(2,419)**
24. Developers Funds income not applied in year		166,782
25. Grant income not applied in year		0

Notes:

11. Include all other Income, such as absorption account surpluses (for example plant and labour absorption accounts).

12. State the gross cost of undertaking minor capital works that have not been capitalised and the annual depreciation charges of all major schemes that have been capitalised. You should also include a fair proportion of the support costs directly associated with delivery of the schemes.

13. State the total precept demanded for the year as properly issued by the Environment Agency, in accordance with section 141 of the Water Resources Act 1991. Providing that the precept has been properly issued as before stated it should always be included here, even when the Board has appealed against the amount of contribution, in accordance with section 140 of the Water Resources Act 1991. Where the Board knows with certainty the outcome of any such appeal, it should also include the appropriate accrual/prepayment.

14. State all costs associated with the maintenance of watercourses, meaning work associated with open channels, pipelines, culverts, bridges, etc. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with delivery of the maintenance programme.

15. State all costs associated with maintaining and operating the pumping stations, sluices and water level control structures. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with maintaining and operating the pumping stations, sluices and water level control structures.

16. Include the cost of non-technical staff only, office accommodation, annual depreciation of office equipment that has been capitalised, minor office equipment that has not been capitalised, postages, telecoms', stationery, printing, advertising, auditing of accounts, general insurances and all other costs associated with supporting the organisation. Please note that this does not include support costs, which are directly associated with the delivery of front line services.

17. State all costs associated with the PSCA

18. State all costs associated with undertaking work for third parties. Plant, vehicle and labour charges should include a fair proportion of the overheads such as depot/workshop costs, employment on-costs, insurances and depreciation, etc. You should also include a fair proportion of the support costs directly associated with undertaking the rechargeable work.

19. Include the cost of servicing any borrowing, in terms of bank/loan/hire purchase Interest payable.

20. State all costs associated with undertaking works – capital or maintenance – specifically for helping to achieve favourable condition on Sites of Special Scientific Interest (SSSIs). In most cases, these costs will be incurred in implementing actions set out in SSSI Water Level Management Plans or SSSI River Restoration Plans.

21. State all costs associated with undertaking works – capital or maintenance – that are likely intended to help conserve biodiversity (other than works on SSSIs). These costs are likely to be incurred in implementing actions set out in an IDB's Biodiversity Action Plan or other conservation actions on non-designated sites.

22. Include all other expenditure, such as a provision for bad/doubtful debts, write-offs, and absorption account deficits (for example plant and labour absorption accounts).

23. For the disposal of assets, state the difference between any proceeds from the sale/disposal of the asset and the cost of the asset less accumulated depreciation.

24. Total balance of developer fund year end.

25. Unspent grant at year end.

Section B –IDB Reporting

Policy Delivery Statement

Boards are required to produce a publicly available policy statement setting out their plans for delivering the Government's policy aims and objectives. It is recommended that these statements be published on Boards' websites where they have them and reviewed every three years.

Is an up to date statement in place and copy (or weblink) provided to Defra, and EA?..Yes ☒ No ☐

Biodiversity

Please indicate whether your Board has a Biodiversity Action Plan ....Yes ☒ No ☐

If "yes" is the Biodiversity Action Plan available on your website?...Yes ☒ No ☐

What year was your Biodiversity Action Plan last updated?)................................ 2022

Have you reported progress on BAP implementation on your web site?....................................Yes ☒ No ☐

When was biodiversity last discussed at a Board meeting (date)?.................................... 26/05/2022

Do you have a biosecurity process?..Yes ☒ No ☐

SSSI water level management plans

Please indicate whether your Board is responsible for any SSSI water level management plans?................ ....Yes ☐ No ☒

If so, which ones:

Area of SSSI with IDB water level management plans...............................

Area of SSSI where IDB water level management activities are contributing to recovering or favourable condition?

Area of SSSI where IDB water level management actions are required to achieve recovering or favourable condition?

Access to environmental expertise

Does your IDB have access to environmental expertise? If so please tick all those options below through which environmental expertise is regularly provided to your IDB:

Appropriately skilled Board Members (e.g. Board member from an Environmental Body/Authority)	☐
Co-opted members	☐
Directly employed staff	☒
Contracted persons or consultants	☐
Environmental Partners/NGOs	☐
Other (please describe)	☐

Asset Management

What system/database does your Board use to manage the assets it is responsible for?

ADIS	☐
Paper Records	☒
Other Electronic System	☒

Has your Board continued to undertake visual inspections and update asset databases on an annual basis? Yes ☒ No ☐

What is the cumulative total of identified watercourse (in km) that the Board periodically maintains?

10.8

How many pumping stations does the Board operate?

1

What is the cumulative design capacity of the Board's pumping station(s) (enter zero if no stations are operated)?

2.2 cumecs

Health and Safety

Does the Board have a current Health and Safety policy in place?	Yes ☒	No ☐
Does the Board have a responsible officer for Health and Safety?	Yes ☒	No ☐
Have there been any reportable incidents in the past year?	Yes ☐	No ☒

If so, please summarise in the box below:

Guidance and Best Practice

Has your IDB adopted a formal Scheme of Delegation? Yes ☒ No ☐

Has your IDB provided training for board members in the last year in the any of the following areas?

- Governance ☒
- Finance ☐
- Environment ☒
- Health, safety and welfare ☐
- Communications and engagement ☐
- Other (please describe) ☐

Is your Board's website information current for this financial year? (Board membership, audited accounts, programmes of works, WLMPS, etc)............Yes ☒ No ☐

Has your IDB adopted computerised accounting and rating systems?............Yes ☒ No ☐

Has your board published all minutes of meetings on the website?............Yes ☒ No ☐

Does the Board publish information on its website on its approach to maintenance works and provide contact details to allow for and encourage public engagement? Yes ☒ No ☐

When planning maintenance and capital works are environmental impacts taken into account and wherever possible best practice applied? Yes ☒ No ☐

Has your Board adopted the following governance documents?

Standing Orders ....Yes ☒ No ☐

Have the Standing Orders been approved by Ministers ....Yes ☒ No ☐

Byelaws ....Yes ☒ No ☐

If you have Byelaws, have you adopted the latest model byelaws published in 2012............ Yes ☒ No ☐

Have the Byelaws been approved by Ministers............Yes ☒ No ☐

Code of Conduct for Board Members............Yes ☒ No ☐

Financial Regulations...Yes ☒ No ☐
Register of Member's Interests...Yes ☒ No ☐
Anti-fraud and corruption policy... Yes ☒ No ☐

Board membership and attendance

How many Board members (in total – elected and appointed) do you have on your IDB?	13
Seats available to appointed members under the Land Drainage Act 1991.	10
Number of elected members on the board at year end.	9
Number of appointed members on the board at year end.	4
Mean average number of elected members in attendance at each board meeting over the last financial year.	4
Mean average number of appointed members in attendance at each board meeting over the last financial year.	3

Have you held elections within the last three years?..Yes ☒ No ☐ N/A ☐
Did elections comply with the requirements specified by the Secretary of State under Regulation 28 of the Land Drainage (Election of Drainage Boards) Regulations 1938?......................... Yes ☒ No ☐ N/A ☐

Complaints procedure

Is the procedure for a member of the public to make a complaint about the IDB accessible from the front page of its website?...Yes ☒ No ☐

Number of complaints received in the financial year?	0
Number of complaints outstanding in the financial year?	0
Number of complaints referred to the Local Government Ombudsman?	0
Number of complaints upheld by the Local Government Ombudsman?	0

Public Engagement

Set out what your Board has done in this financial year to engage with the public (tick relevant box(es) below):

Press releases ☐
Newsletters ☐
Web site ☒
Meetings ☒
Shows/events (including open days/inspections) ☐
Consultations ☐
Notices ☒

Percentage (in value) of drainage rates outstanding at year end?

2.68%

Section B: NOTES

Guidance and Best Practice

Has your Board published **all** minutes of meetings on the web site? In answering this question, this should apply to all the main Board meetings held in the year and any appropriate meetings the Board has held with external stakeholders.

Board membership and attendance

When referring to **elected members** of the Board, this relates to the number of landowners/drainage rate payers that are elected to the Board.

When referring to **appointed members** of the Board, this relates to the number of members appointed by the local authorities to represent the local council taxpayers.

When referring to mean average number of elected and appointed members in attendance at meetings at each board meeting – **this should be expressed as a number of attendees** and not as a percentage attendance.

With regard to elections, under Schedule 1 of the Land Drainage Act 1991, elected members should hold office for three years, at which point a further election is held. When elections are held, they should comply with the requirements under Regulation 28 of the Land Drainage (Election of Drainage Boards) Regulations 1938 – to advertise and notify local stakeholders accordingly.

Section C – Declaration

NIGHTLAYERS INTERNAL DRAINAGE BOARD

I confirm that the information provided in sections A-C or with this form is correct.

Signature	S Ablett
Date	12/04/2022
Name in BLOCK LETTERS	MISS SAMANTHA ABLETT
Designation	ASSISTANT TREASURER
Email address	sam.ablett@middlelevel.gov.uk

B.1214 Budgeting

Miss Ablett referred to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken, viz;

NIGHTLAYERS INTERNAL DRAINAGE BOARD
BUDGET MONITORING 2022/2023

	Estimated 2022/2023 £	Actual to 31/12/2022 £	Forecast to 31/03/2023 £	Remarks
1 Insurances and telephone	1,100	779	1,025	
2 Repairs and renewals	4,000	2,698	4,000	
3 Drainworks (including Environmental measures)	13,500	6,877	14,000	
4 Fuel (oil and electricity)	9,400	5,234	10,500	- Accounts received to November
5 District labour	4,600	0	4,600	
6 Administration charge, Health and Safety contract, Audit fee, printing, stationery, advertising, Association of Drainage Authorities subscriptions etc	5,725	3,559	7,425	- Includes for additional meetings and professional fees
7 Environment Agency Precept	3,438	3,438	3,438	
8 Improvement works	4,500	4,500	4,500	
	46,263	27,085	49,488	
LESS Deposit Accounts interest, Development Charges etc	13,988	13,781	14,756	
	32,275	13,303	34,732	

Rate requirement: 5.92 p

Rates raised 2022/2023 (5.50p) £32,275

B.1215 Review of Internal Controls

RESOLVED

The Board considered and approved the system of Internal Control and appointment of Internal Auditor.

B.1216 Risk Management Assessment

RESOLVED

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

b) Councillor Boden suggested that in view of increasing costs it may be advisable for the pumping station to be revalued, rather than relying on index linking each year, viz;

NIGHTLAYERS IDB
INSURED VALUE OF FIXED ASSETS

PUMPING STATION

	As At 1st April 2023
NIGHTLAYERS PUMPING STATION	1,421,400.00
	1,421,400.00

Miss Ablett advised the revaluation would have a cost attached to it. Mr Lakey advised that the Consulting Engineer had undertaken revaluations in the past but it was now an area that was likely to be outsourced.

RESOLVED

That the pumping station be revalued.

B.1217 Exercise of Public Rights

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

B.1218 Annual Governance Statement 2022/2023

The Board considered and approved the Annual Governance Statement for the year ended on the 31st March 2023, viz;

Section 1 – Annual Governance Statement 2022/23

We acknowledge as the members of:

NIGHTLAYERS INTERNAL DRAINAGE BOARD

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2023, that:

	Agreed		
	Yes	No*	'Yes' means that this authority:
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✔		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✔		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✔		has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✔		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✔		considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✔		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✔		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✔		disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A — has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

***Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.**

This Annual Governance Statement was approved at a meeting of the authority on:

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman SIGNATURE REQUIRED

Clerk SIGNATURE REQUIRED

WWW.MIDDLELEVEL.GOV.UK

RESOLVED

> That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2023.

B.1219 Payments 2022/2023

Miss Ablett reported on payments made during the financial year 2022/2023, viz;

NIGHTLAYERS INTERNAL DRAINAGE BOARD

Payments 2022/2023 (1st April 2022 - 31st March 2023)

Middle Level Commissioners - Administration charge, postages, telephone charges, stationery and Health and Safety contract	3,614.90
Middle Level Commissioners - Supply of padlock	21.70
Middle Level Commissioners - Call out and repair alarm (Account from Focus Security)	93.60
Middle Level Commissioners - Pumping station maintenance	279.84
Middle Level Commisssioners - Fees (Weed control and drain maintenance 2021/2022, planning and development applications)	1,617.60
Environment Agency - Precept	1,718.91
The Rose & Crown - Expenses in connection with Board meeting	200.00
Association of Drainage Authorities - Subscription 2022	685.20
G Ashman - Flail mowing	2,112.00
Middle Level Commissioners - Pumping station maintenance	260.64
Middle Level Commissioners - Renewal of insurances	894.96
Middle Level Commisssioners - Fees (Production of Board report, planning and development applications)	1,236.00
G Ashman - Flail mowing	1,968.00
PKF Littlejohn LLP - Audit Fee (2021-2022 accounts)	240.00
Middle Level Commissioners - Internal audit fees (Whiting & Partners, 2021-2022 accounts)	558.00
Middle Level Commissioners - Administration charge, postages and telephone charges	2,641.30
Middle Level Commissioners - Contribution (Environmental Officer)	545.00
Middle Level Commissioners - Pumping station maintenance	260.64
Environment Agency - Precept	1,718.91
Middle Level Commissioners - Repair to handrail on pump bridge and assist digger across Chatteris bypass for programmed machine cleansing	1,963.81
Middle Level Commisssioners - Measure up for new motor protection and source, return to site to fit new overload & thermistor relay	914.07
Middle Level Commissioners - Fees (Work in connection with potential GIA for pumping station works, planning and development applications)	579.29
Hunt & Coombs Solicitors - Professional fees in connection with sale of land at Fenton Way, Chatteris	940.80
Association of Drainage Authorities (River Great Ouse branch) - Subscription 2022-2023	6.00
Middle Level Commissioners - Land registry charges	12.00
Middle Level Commissioners - Chemical weed control of District Drains	725.58
Middle Level Commissioners - Pumping station maintenance	260.64
B J Plant Hire Ltd - Drain maintenance	3,978.00
Information Commissioner - Renewal of Data Protection registration	40.00
A. Edgley - District Officer's Fees and expenses 2022/2023	4,270.00
Middle Level Commissioners - Preparation of highland water claims	334.16
Middle Level Commissioners - Fees (Discharge consent application)	146.90
Middle Level Commissioners - Fees (Planning and development applications)	1,031.69
Middle Level Commissioners - Repairs to gate at old pumping station site	123.07
Barclays Bank - Returned Labour Account Funds refunded twice	1,811.70
Anglia Farmers - Electricity supply	13,467.41
Anglia Farmers - Electricity metering charges	209.70
Anglia Farmers - Electricity data collection charges	131.99
	51,614.01

(NB - Amounts shown include Value Added Tax)

RESOLVED

The Board considered and approved the payments made.

B.1220 Annual Accounts of the Board - 2022/2023

Miss Ablett enquired whether the Board wished to invest some of it funds in the business premium account, viz;

NIGHTLAYERS INTERNAL DRAINAGE BOARD
ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2023
GENERAL FUND

2023				2022			
Mar-31	Expenditure during the year:-			Apr-01	Balance brought forward		41,317.08
	Precept		3,437.82	2023	Rate income & Special levy	32,300.31	
				Mar-31	Interest on Deposit Accounts	1.19	
	Insurances	892.77			Highland Water Contributions -	5,297.03	
	Repairs & Renewals	4,046.59			Consents	50.00	
	Fuel	9,915.91			Grant-in-aid - Telemetry installation	2,421.42	
	Drainworks	13,019.14					40,069.95
	Contractors Charges	4,255.00			By Development Charges Account		
	Administration charge, Audit fee,				Maintenance	3,780.00	
	printing, stationery, advertising etc	6,691.62	38,821.03		Floorspan Fees	2,173.80	
					Telemetry installation	2,421.41	8,375.21
	Improvements - Telemetry installation		4,842.83				
	Balance carried forward		42,660.56				
			89,762.24				89,762.24

BALANCE SHEET

Capital Section

Liabilities		Assets		
Capital Provisions	1,100,000.00	Pumping Station		1,100,000.00
		Stock		114.00

Revenue Section

General Fund	42,660.56	Value added Tax - Refunds due		2,311.50
Development Charges Account	148,410.33	Sundry Debtors		789.00
Sundry Creditors	16,278.76	Ratepayers' Account - Arrears		961.41
Contributions Holding Account	12,664.34	Balance in hand -		
		Barclays - Treasurer's Account	209,383.90	
		National Savings - Treasurer's Account	6,454.18	
		Labour Account	0.00	215,838.08
	1,320,013.99			1,320,013.99

NIGHTLAYERS INTERNAL DRAINAGE BOARD
ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 2023

DEVELOPMENT CHARGES ACCOUNT

2023				2022		
Mar-31	Expenditure during the year:-			Apr-01	Balance brought forward	155,679.24
	Middle Level charges	122.42		2023		
	General Fund (Maintenance)	3,780.00	3,902.42	Mar-31		
					Clerk's Collection Account	1,224.23
	To General Fund - Floorspan Fees	2,421.41				
	To General Fund - Telemetry installation	2,173.80	4595.21			
					Write Back of Provisions - Fees	0.00
	Balance carried forward		148,410.33		Interest	4.49
			156,907.96			156,907.96

Nightlayers Internal Drainage Board

Barclays - Treasurers Account 2022/2023

1st April 2022			31st March 2023	
Balance brought forward		211,330.80	Payments made during the year	51,614.01
31st M 31st March 2023				
Receipts during the year				
Clerk's collection account	49,667.11			
Interest on deposit accounts	0.00	49,667.11	Balance carried forward	209,383.90
		260,997.91		**260,997.91**

National Savings - Treasurers Account 2022/2023

1st April 2022		31st March 2023	
Balance brought forward	6,448.18	Payments made during the year	0.00
31st March 2023			
Interest on deposit accounts	6.00	Balance carried forward	6,454.18
	6,454.18		**6,454.18**

Summary of Bank Reconciliations as at 31st March 2023

Barclays Bank PLc

Clients Premium Account

Balance per Statement as at 31st March 2023	209,383.90
Less unpresented cheques	0.00
Add outstanding lodgements	0.00
Balance per Trial Balance	**209,383.90**

Cash balances as at 31st March 2023

Barclays Bank PLc	
Clients Premium Account	**209,383.90**
National Savings	
Investment Account per passbook	**6,454.18**
Total reconciled cash balances per accounts	**215,838.08**

Section 2 – Accounting Statements 2022/23 for

NIGHTLAYERS INTERNAL DRAINAGE BOARD

	Year ending		Notes and guidance
	31 March 2022 £	31 March 2023 £	*Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.*
1. Balances brought forward	210,508	208,089	*Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.*
2. (+) Precept or Rates and Levies	24,733	32,300	*Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.*
3. (+) Total other receipts	17,216	10,570	*Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.*
4. (-) Staff costs	0	0	*Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.*
5. (-) Loan interest/capital repayments	0	0	*Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).*
6. (-) All other payments	44,368	47,224	*Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).*
7. (=) Balances carried forward	208,089	203,735	*Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).*

8. Total value of cash and short term investments	217,779	215,838	*The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March –* ***To agree with bank reconciliation.***
9. Total fixed assets plus long term investments and assets	1,100,000	1,100,000	*The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.*
10. Total borrowings	0	0	*The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).*

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)				*The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.*
11b. Disclosure note re Trust funds (including charitable)				*The figures in the accounting statements above do not include any Trust transactions.*

I certify that for the year ended 31 March 2023 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE REQUIRED

Date 29th April 2023

I confirm that these Accounting Statements were approved by this authority on this date:

DD/MM/YYYY

as recorded in minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

Nightlayers IDB
Reconciliation between statement of accounts and Annual Return
Financial year ended 31st March 2023

				Per Annual
Line 1	**Balances brought forward**			
	General Fund	41,317.08		
	Development charges account	155,679.24		
	Contributions holding account	11,092.43		
			208,088.75	**208,089**
Line 2	**Rates and Special Levies**			
	Agricultural rates	5,061.31		
	Special Levies	27,214.00		
	Penalty	0.00		
	Costs	25.00		
	Write-off	0.00		
			32,300.31	**32,300**
Line 3	**Total other receipts**			
	Interest			
	General fund	1.19		
	Development charges account	4.49		
	Contributions holding account	0.32		
	Highland Water	5,297.03		
	Discharge contributions	2,795.82		
	Consents	50.00		
	Grant in Aid	2,421.42		
			10,570.27	**10,570**
Line 4	**Staff costs**			
	Wages/salaries	0.00		
	National insurance contributions	0.00		
	Pension costs	0.00		
	Travelling expenses	0.00		
			0.00	**0**
Line 5	**Loan repayments**			
	PWLB - Principal	0.00		
	PWLB - Interest	0.00		
			0.00	**0**
Line 6	**All other payments**			
	Precept	3,437.82		
	Rates, insurances, telephones	892.77		
	Repairs and renewals	4,046.59		
	Fuel	9,915.91		
	Drainworks	13,019.14		
	Administration	6,691.62		
	Development charges fees	122.42		
	Contractors charges	4,255.00		
	Improvements	4,842.83		
			47,224.10	**47,224**
Line 7	**Balances carried forward**			
	General Fund	42,660.56		
	Development charges account	148,410.33		
	Contributions holding account	12,664.34		
			203,735.23	**203,735**

Reconciliation
Line 1 + Line 2 + Line 3 - Line 4 - Line 5 - Line 6 203,735.23

Councillor Boden considered £140,000 should be transferred, which would still leave sufficient funds to meet the net expenditure for the coming year.

Councillor Boden asked Miss Ablett to confirm what the sum of £1,100,000 shown in the accounts as capital provisions related to. In response, Miss Ablett advised that it was in essence a revaluation reserve.

Councillor Boden considered that as the asset existed at a value of £1,100,000 it was questionable whether it was appropriate to have the capital provision.

Miss Ablett suggested she would ask the Treasurer to contact Councillor Boden to further explain the accounting treatment of the asset.

Councillor Boden referred to Miss Ablett's comment advising the general fund balance was insufficient to cover a year's net expenditure in hand, when the forecast showed a figure of £34,737. In response Miss Ablett advised that at the year end the Board had a general fund balance of £42,661, however the net expenditure for the coming year to be funded form the general fund was £46,489 and explained that if a rate was not set to meet that expenditure the general fund would be depleted further.

RESOLVED

That £140,000 be transferred to the Barclays Business Premium account.

B.1221 Future use of development account funds

Miss Ablett reported the Board had £148,410 in its development charges account, which was to be used predominantly on the areas for which development contributions had been received. She advised that in previous years 5% had been transferred to the general fund, but as requested last year 2.5% had been transferred this year, which amounted to £3,780.

She further advised that other expenditure was also being funded from the account, i.e., legal fees and telemetry costs and Members needed to be aware that monies should be retained in this fund so sufficient funds were available should works to prevent flooding become necessary on areas where discharge contributions had been received.

Miss Ablett also reminded the Board that it was considering a pump replacement and new control panel, which may not be fully funded by grant in aid.

Miss Ablett confirmed that a further 2.5% had been included in the budgeted expenditure for 2023-2024.

Miss Ablett advised the Board needed to consider increasing the general fund balance by rating rather than depleting the development charges fund and added that the balance in the general fund did not quite cover one years estimated net expenditure.

Councillor Boden advised that the development charges account would increase considerably when the sale of land was concluded. Miss Ablett explained that as the £80,000 would only be received if planning permission was granted, this income would not be taken into account until it had received, at which point it would be set aside for future capital works rather than included in the development charges account

Councillor Boden enquired whether it was appropriate to continue with such a small amount calculated at 2.5% being transferred to the general fund, when the estimated net expenditure for 2023-2024 had increased by 50% and the proposed levy by 42%.

Miss Ablett reiterated the development contributions received from developers were not to be used to fund general expenditure as it was money received from developers for the disposal of the development's additional surface water.

Councillor Boden appreciated this was an ideal situation, but enquired whether there was a legal prohibition. In response Miss Ablett advised she was unable to confirm whether the fund was ring fenced, but could only advise the Board had to be prudent and ensure sufficient development contributions were retained to meet the purpose for which they were received. She added that utilising the development contributions for general expenditure would continue to erode the balance and may result in there being insufficient funds available should urgent works be required in the areas for which the contributions had been received. She added this could result in either an application for public works loan, which would be a further cost to the Board, or an increase in the rates levied.

Councillor Boden advised it was not uncommon for IDBs to utilise public works loans and this was an approach that was more appropriate when a Board had a large amount of capital expenditure for which GIA may not be secured. He added that considering the amount the Board had in the development charges account together with amounts being added to it, he considered there was sufficient argument to allow a higher percentage to be transferred to the general fund.

Miss Ablett reiterated that the Board could not rely upon £80,000 being received from the sale of land as this was not guaranteed and it was not known how many other development contributions would be received in the future.

Mr Lakey advised that developers were looking to discharge at greenfield rates and attenuating water by putting in systems, as Boards, together with the Middle Level Commissioners were not accepting increased flows. He added that development contributions were actually decreasing.

Councillor Boden advised that this needed to be looked at as part of the calculations, which gave rise to the rate levied and the Board had to be aware that an increase in the rate of 42%, which was quite exceptional, would be very difficult to accept.

B.1222 Expenditure estimates and special levy and drainage rate requirements - 2023/2024

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2023/2024 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 15.44% and 84.56%, viz;

NIGHTLAYERS INTERNAL DRAINAGE BOARD
BUDGET 2023/2024

	Estimated 2022/2023 £	Actual 2022/2023 £	Budget 2023/2024 £
1 Insurances and telephone	1,100	893	1,275 [A]
2 Repairs and renewals	4,000	4,047 [B]	3,000
3 Drainworks (including Environmental measures)	13,500	13,019 [C]	20,250 [D]
4 Fuel (oil and electricity)	9,400	9,916 [E]	17,250 [F]
5 District labour	4,600	4,255	4,600
6 Administration charge, Health and Safety contract, Audit fee, printing, stationery, advertising, Association of Drainage Authorities subscriptions etc	5,725	6,692	6,300
7 Environment Agency Precept	3,438	3,438	3,541
8 Improvement works	4,500	4,843 [G]	0
	46,263	47,102	56,216
LESS Deposit Accounts interest, Development Charges etc	13,988	16,145 [H]	9,727 [i]
	32,275	30,957	46,489

Rate requirement: 7.82 p

Rates raised 2022/2023 (5.50p) £32,275

Remarks

A - Includes estimate for increased premiums

B - Includes:

Motor protection relay	762
Fit new handrails	1,502

C - Includes for:

Fees (Floorspan)	1,424

D - Includes engineer's items 17,350

E - Usage to end of year estimated from meter reads

F - Provision based on 5 year average and increased for new contract rates - see separate note

G - Telemetry installation

H - Includes use of development account:

Maintenace contribution	3,780
Fees and costs (Floorspan)	1,424
Telemetry installation	2,421
Grant-in-aid - telemetry installation	2,422

I - Includes:

Development account - maintenace	3,700

Nightlayers Internal Drainage Board

Budget allocations 2023/2024 - electricity

There will be a new electricity contract commencing 1st April 2023 with significantly higher unit rates. For 2022/2023 the contract through Anglia Farmers was a "flex" contract, meaning the unit rates were changed monthly based on the wholesale price; also from October 2022 these charges were off-set by the Government price capping mechanism - this was based on the wholesale price with an adjustment made in addition to the monthly charges.
For 2023/2024 this capping has been significantly reduced, although ADA are lobbying Central Government to have Drainage Boards recognised as high users which could, if approved get the higher rate of capping.

We had previously started to base the electricity provision on a 5 year average, to take account of the impact of climate change and the provision suggested is based on an "average". It has not been policy to provide for possible extremes but members should be aware that, due to the increased unit rates, the direct pumping costs for an event will be significantly higher.
As an indicator, the indicative possible current-day costs for the 2020/2021 expenditure would be :-

Expenditure 2020/2021	9,436	
Indicative current day costs		33,025
Provision included for 2023/2024		17,250
Potential shortfall on budget		15,775
balances as at 31st March 2023		
General Fund		42,661
Development account		148,410
Capital account		0
Other		0
		191,071
Potential shortfall as % of balances		8.26%

Members are asked to note the position when considering the rate requirement for 2023/2024.

Nightlayers Internal Drainage Board

Rate and levy requirements

Under Section 37 of the Land Drainage Act 1991, the appropriate proportions in which the net expenditure of the Board must be borne for 2023/2024 is:-

a) Proportion to be borne by the Agricultural Sector – 15.44%

b) Proportion to be borne by Special levy issued to Fenland District Council – 84.56%

The product of a rate of 1p in the £ on Agricultural land and buildings is £918.

In 2023/2024 a rate of 1p together with corresponding Special levy would raise £5,945.

Revenue cash balance in hand on 31st March 2023 - £42,661.

The estimated net expenditure for the Boards Revenue and Capital Programmes in 2023/2024, which does not include provision for improvement works to the pumping station intake is £46,489 and equivalent to:-

a) a rate in the £ on Agricultural land and buildings of 7.82p and

b) a Special levy on Fenland District Council of £39,310.

In 2022/2023 a rate of 5.50p in the £ was raised together with a Special levy of £27,214 on Fenland District Council.

P BURROWS

Clerk to the Board

May 2023

Miss Ablett referred Members to the note relating to the budget allocations for 2023-2024 for electricity and asked them to consider the impact on the Board's funds a significant rainfall event would have, when considering the rate as the budget for 2023-2024 did not make any provision for such costs.

The Vice Chairman enquired whether the budgeted electricity costs took into account the increased standing charges passed on by suppliers.

In response Miss Ablett advised that at present she had not been made aware of whether there would be an increase in the standing charges for the Board due to the targeted charging review, but had made enquiries with the electricity supplier and was waiting for a response.

Miss Ablett also referred members to the comments made by Councillor Boden where Fenland District Council would be receiving in the region of £177,000 from the Government to help with the increases in special levies driven by unprecedented increases in energy costs.

Councillor Boden advised the funds being received from the Government was to be spread across all Internal Drainage Boards within the Council's district and represented just 10% of special levies payable, which didn't match the 42% increase being proposed. He added that if such increases were seen across all the IDBs within the District, the Council would be in a position where it would have to cut services. He stressed that Councillors could not allow a 42% increase to take place.

The Vice Chairman advised that rates levied had been historically low over the years and the rate had only increased last year due to ever increasing inflation and electricity costs at the time.

Councillor Boden advised that rate increases of 22% and 42% for two successive years was exceptional.

Miss Ablett advised the Board should not be looking at an increase in the rate as a %, but as the rate that was required to meet the estimated net expenditure required to fund the operations of the Board for the next twelve months.

Miss Ablett enquired whether members were able to approve the budget.

The Clerk advised there were a few observations that hadn't been raised that he would like to make as he considered it prudent that these were taken into account in your decision making.

He referred to the Highland Water contribution from the Environment Agency and explained that given the pumped nature of the Fen that claims were likely to increase, but he knew the Environment Agency did not have the budget locally for this. He warned this could be the first year ever that the Board didn't receive the claim asked for from the Environment Agency, as they would have to take it out of the main river maintenance and that was a risk that had been highlighted locally and nationally as a potential issue. He added that the Highland Water contribution was a discretionary payment, unlike the precept, which was paid to the Environment Agency.

The Clerk advised the other point was that at some point the Board would require capital investment, even if it was 10 years away. Part of the current eligibility criteria for obtaining flood grant was that the Board had put the right amount of maintenance investment into those assets, before requesting a capital sum from the Government. He added that he didn't want Boards to not adequately invest in maintenance that would undermine a future case for a flood risk grant.

He asked members to consider these points when discussing the setting of the rate.

The Chairman advised that historically the Board had always looked to keeping a reasonable amount in reserve for any unforeseen situation. He added that at present all costs were increasing and he considered the rate levied would also have to increase. He advised the Board had always tried to operate without borrowing too much from its other funds held.

Councillor Boden asked the Chairman if the appointed members could have a moment outside the room to discuss the information that had been put forward.

The Chairman agreed and the meeting was suspended.

The meeting re-commenced.

Councillor Boden proposed that the rate be increased from 5.5p to 6p, that £4,000 be added to the budget for the provision of potential interest received and the budget is met by transferring funds from the development charges account.

Miss Ablett advised that if the Board were borrowing from the development charges account and therefore continuing to reduce the balance held, these funds would have to be repaid at some point in the future. She added there was also no guarantee that money on deposit would generate £4,000 of interest.

The Chairman advised the increase proposed by the Councillors was only a 9.1% increase instead of 42% and enquired whether the rate could be increased to a % increase between the two.

Councillor Boden advised there had been a strong argument for there to be no increase so the rate proposed remained at 6p.

RESOLVED

B) That the estimates be amended to include a provision of £4,000 for interest receivable and a sum of £6,819 be transferred from the development charges account to the general fund to meet the net expenditure required.

ii) That a total sum of £ 35,670 be raised by drainage rates and special levy.

B) 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 £ 5,509 and £ 30,161 respectively.

B) That a rate of 6p in the £ be laid and assessed on Agricultural hereditaments in the District.

v) That a Special levy of £ 30,161 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 levy referred to in resolution (v).

vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.1223 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Tuesday 21st May 2024 at 6pm.

B.1224 Any other Business

Miss Ablett reported that approximately 80% of the IDBs, together with the Middle Level Commissioners had longstanding issues of missing rates, which was generally due to the records linking ownership of rateable land with specific land parcels having evolved from historic records and there were land details for rates billed that were not held in a spatial record.

She advised that if this was to be addressed, a comprehensive GIS mapping exercise needed to be undertaken. She added that it was recommended that a project be scoped and costed, which would need additional dedicated resources to deliver and funding of the project could be apportioned based on the proportion of missing rates for each Board.

She advised that GIS mapping was trialled a number of years ago with Sutton & Mepal IDB and took 3-years to complete so this would not be a quick exercise.

Miss Ablett advised there would be efficiencies if this was packaged and delivered for all Boards together and enquired whether the Board wished to be included.

RESOLVED

That the Board be included in a GIS mapping project when obtaining a quote.

…………………………………

Chairman

……………………..

Date