

## MIDDLE LEVEL COMMISSIONERS

Report of the Middle Level Board on the financial year 2023/24 for submission to the General Meeting of the Commissioners to be held on Thursday 7 November 2024

### MEMBERS OF THE MIDDLE LEVEL BOARD – 2023/24

(year in which first elected in brackets)

|                                      |                                |
|--------------------------------------|--------------------------------|
| <b>JONATHAN BROWN</b> (Chairman)     | (2006)                         |
| <b>PATRICK ALLPRESS</b>              | (2011)                         |
| <b>GREGORY BLISS</b>                 | (2011) resigned September 2023 |
| <b>DUNCAN BOUGHTON</b>               | (1985)                         |
| <b>ROBERT BROWN</b>                  | (2013)                         |
| <b>THE LORD DE RAMSEY</b>            | (1980)                         |
| <b>JOHN HEADING</b>                  | (1991)                         |
| <b>MARC HEADING</b>                  | (2004)                         |
| <b>Dr DEREK LANGSLOW</b>             | (2023)                         |
| <b>MATHEW LATTA</b>                  | (2012)                         |
| <b>ANDREW LENSEN</b>                 | (2021)                         |
| <b>SAM RABY</b>                      | (1991)                         |
| <b>PAUL WEST</b>                     | (2012)                         |
| <b>HUGH WHITTOME</b> (Vice Chairman) | (2002)                         |
| <b>STEPHEN WHITTOME</b>              | (1989)                         |

#### **CHRIS CROFTS**

(representing the Borough Council of King's Lynn and West Norfolk under the provisions of the Land Drainage Act 1991)

#### **Mrs DEE LAWS**

(representing Fenland District Council under the provisions of the Land Drainage Act 1991)

#### **ALEX MISCANDLON**

(representing Fenland District Council under the provisions of the Land Drainage Act 1991)

#### **WILL SUTTON**

(representing Fenland District Council under the provisions of the Land Drainage Act 1991 – Resigned June 2023)

#### **Ms SALLY HOWELL**

(representing Huntingdonshire District Council under the provisions of the Land Drainage Act 1991)

#### **OFFICERS:**

Clerk and Chief Executive – P Burrows FCIWEM C.WEM CEnv

Chief Engineer – Mrs N Oldfield IENG MICE ACIWEM

Solicitor and Assistant Clerk – Ms L McShane (retired 28<sup>th</sup> March 2024)

## **ACCOUNTS IN RESPECT OF THE FINANCIAL YEAR 2023/24**

The Commissioners' revenue balance on 31<sup>st</sup> March 2023 was £4,425,441.35 and during the year was decreased by £465,424.46 to £3,906,016.89.

The sum of £424,361.97 was received from the Environment Agency (EA), being the standard annual calculated contribution in respect of highland water contributions for maintenance works.

The precept paid to the EA amounted to £2,045.07 compared with £1,985.51 in 2022/2023.

The Commissioners borrowed £11 million from the Public Works Loan Board for the St Germans Pumping Station replacement scheme and the balance outstanding at 23<sup>rd</sup> March 2024 was £7,059,021.56. A loan of £1.75 million was also taken with the Public Works Loan Board for the office/depot relocation to Whittlesey Road, March. During the financial year the Commissioners repaid in full the outstanding balance of £780,970.97, together with calculated interest of £31,5694.55.

Development contributions were received in respect of all development which would give rise to an increase in the rate or volume of surface water discharge to maintained watercourses within the catchment.

There are no unusual features in the Navigation (Middle Level Act 2018) and Adventurers' Accounts. Within the (2018) Navigation Accounts the sum of £213,234.86 was received during the year for Navigation Registration/Licence Fees and the retained balance at 31<sup>st</sup> March 2024 for the installation of facilities on the Link Route was £137,390.48.

## **MEMBERS ATTENDANCE**

The attendances of most of the Members of the Board have been excellent as usual.

## **ETHNIC MONITORING**

The Commissioners' workforce is ethnically classed as white European.

During the reporting period one member of staff resigned, two retired and four appointments were made.

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**THIS REPORT IS PROVIDED AS IT WAS PRESENTED TO THE BOARD**  
**AT THE APRIL 2024 MEETING**  
**(with the removal of employee matters and appendices)**

April 2022 to March 2023

**Chief Executive's Summary**

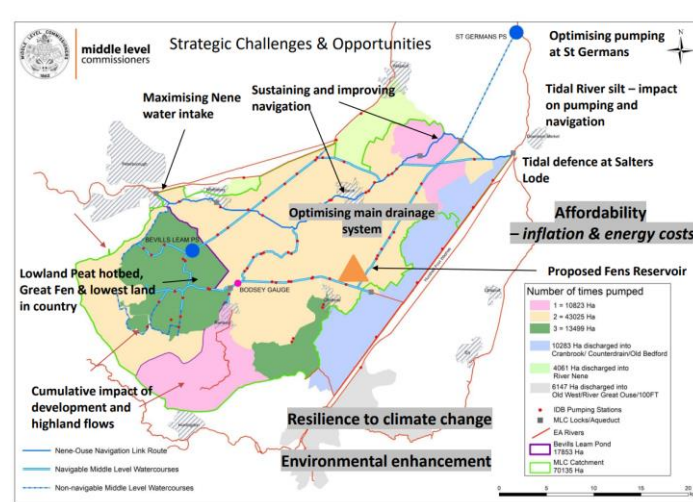
The first half of the financial year was an enjoyable learning curve as I settled into the role. I focussed on identifying the foundation issues we need to address to become an organisation that is fit for the future, with an enhanced reputation and credibility that others want to work in partnership with. This will all coalesce eventually within a proposed Corporate Strategy.

Of course, delivery does not stop and wait and in particular becoming hands-on within our clerking services to Internal Drainage Boards and as lead for our navigation responsibilities has given me a new perspective on our fantastic fens' landscape.

The second half of the year has certainly tested my experience and accelerated my learning. We have faced the wettest winter for pumping at St Germans on record. It has been relentless. Our system has been under significant stress and has successfully kept our fen landscape as dry as practical. Our team has been brilliant and to a man and woman, have risen to the biggest challenge of our careers. They have gone above and beyond as priorities shifted towards incident response and critical operations, with very little respite. Our enhanced communications, engagement and social media have meant that a greater range of people now better understand and value our system, operations and endeavours. This has also showcased how misunderstood our system and operations are, so continued investment in a range of engagement products is vitally important. This engagement sparked local and national media and MP interest.

The pressures were compounded with the extreme wet weather coming at a time when energy costs are at a painful peak. I welcome the government's commitment of £75m for IDBs (IDB Recovery Fund 2024) to cater for, as I understand, additional cost pressures caused by the wet winter alongside asset repairs. We are readying a list and keenly awaiting clarity of what is and isn't eligible and under what criteria, terms and conditions. Please be reassured we will make a strong case for the Middle Level Commissioners as well as the IDBs we administer. I hope this will provide comfort within budget and rating decisions in April 2025 for 2025/26.

We must not be complacent, whilst we avoided any breach and major asset failure, this winter may be the new normal and the deficiencies in our system were showcased. We are on a knife-edge. Below is my 'strategic mind-map' of our system that I have started within my engagements.



Paul Burrows, Chief Executive & Clerk

## **The IDB governance future within the Middle Level of the Fens**

At the MLC and IDB Chairs session on 6<sup>th</sup> October 2023, observations were shared from the first suite of IDB meetings under new clerkship. Observations include that some Boards:

- struggle for membership and attendance.
- want to amalgamate but with no one willing to amalgamate with
- have with no clear succession for critical roles
- are underwritten by the hands-on inputs of a few (with costs not always passed on within rates)
- have limited involvement from all members around the table
- have limited financial reserves
- have aging assets and limited capital reserves
- will potentially struggle to afford to deliver their ever-increasing statutory duties, powers and governance standards

In November 2023, the Board supported the intent to develop a suite of 'Key Health Indicators' (KHIs) and comparison metrics for the Middle Level Commissioners and administered IDBs. These will help Boards better understand and proactively address their key risks and understand their relative health. KHIs will also help the Middle Level Commissioners assure and focus our service provision for IDBs. Work on developing KHIs has started but has been impacted by the exceptionally wet winter.

The picture created will provide an evidence base to inform a business case for change in terms of the IDB landscape within the Middle Level, reflecting back to work undertaken by Geoff Beel a number of years ago. In November 2023 the Board supported the need and that the Commissioners have a responsibility to act in a lead capacity within any review.

On 15<sup>th</sup> February 2024 the Chairmen, Vice Chairmen and Board Members who sit on more than one IDB within the Middle Level (and those outside the catchment that we administer) were invited to an informal session in Ramsey to share thoughts about the future IDB governance landscape within the Middle Level and whether action was needed to ensure this was resilient for the future.

The consensus from those who attended was that we needed to act and a small group has been identified to draft an initial case for change. This will be shared when ready for wider inputs and views.

**The Board was asked to acknowledge that to move any case for change forward with any pace, a funding provision will likely be required.**

## **Organisational Foundations**

At its April 2023 meeting the Board recognised the Chief Executive's assessment of the range of organisational foundation building blocks that are needed, along with supporting addressing immediate priorities over the next 12-18 months.

### **IT Report**

An IT pathway has been developed to address critical risks and vulnerabilities, ahead of then enabling more efficient and effective working, including:

- A firewall is now in place to mitigate a considerable cyber security risk.
- The server (and server room uninterruptable power supply) has been replaced and now has a supported back-up approach.
- Staff now have secure remote access to the server and therefore the previous energy hungry and insecure mirroring approach introduced during the pandemic is being phased out.

- Staff laptops will have encryption installed, further reducing existing security risks.
- Introduction of an IT hardware and internet optimisation plan, to include our remote sites, as well as rationalise the IT hardware staff have to ensure we are being cost efficient. This includes phasing in of standardised laptops and docking stations as most of our pre-existing computer hardware is at or close to the end of its useful life.
- Staff training will be required to help people use the Office365 and IT tools available to us to work efficiently and there will be a need for considerable review and change to our digital records management approach.
- Internet improvements have been made at Bevills Leam PS to enable the security improvements and increase the robustness of our ability to access critical upstream telemetry from the site to improve our operational decision making during an incident.
- Internet improvements at St Germans have been reviewed and a new BT lease line is on order.
- Ensuring the Workforce have the right technology to enact their duties safely, compliantly, efficiently and effectively.

### Rating System

On 7<sup>th</sup> September 2023 we were advised that South Holland IDB and the Water Management Alliance will no longer be supporting DRS operating on local area networks after 31<sup>st</sup> March 2025. This rating and election management software has been in place for 25 years. DRS is owned by South Holland IDB and was originally developed by this Board around the year 2000, primarily for its own use.

Since that time, most other IDBs have decided to use DRS under licence and it is therefore their view today that the next rating system should be controlled and developed by the Association of Drainage Authorities (ADA), for use by its IDB membership should they want to, given that all but 3 IDBs and 1 IDD in England and Wales now use DRS. ADA has confirmed that it is in positive discussions on this matter.

This presents a significant risk to the Commissioners as well as to the clerking service we provide to our administered IDBs which all rely on this system. However, it also presents an opportunity for an improved system as we are currently unable to efficiently and optimally use the full capabilities of the system as it doesn't cater well for dual rated areas and penalties. We have asked to be part of any team scoping any future system and/or system support.

ADA has recently concluded that the Association is not best placed to drive the design or own or manage any DRS future software as "...we do not have the experience or knowledge to do that. We can, however, very much help administratively support an active working group and we will be setting up a meeting shortly after Easter to seek volunteers for this working group."

### HR

A key gap within our organisational foundations was the lack of HR advice and support. The previous service was discontinued in 2018. There are the following drivers that have led, with Executive Committee and Board support, to the re-introduction of a retained service using a local supplier.

- 1 Our HR policies are dated and there are gaps.
- 2 We are not keeping pace with ever evolving requirements as a responsible and attractive employer.
- 3 HR policies are not embedded within the organisation.
- 4 The organisation currently has no robust mechanism for managing staff performance and serious weaknesses in the ability to manage staff conduct.
- 5 We have no readily accessible occupational health offering to support staff and manage MLC liabilities as a responsible employer.

The key to sustainably embedding all of the above is not just having a suitable HR service but having clearly identified, supported and capable line managers and supervisors. Effective line management is also critical within delivery of the Commissioners' Health & Safety responsibilities.

So far using the new service, we have:

- Developed and published a refreshed Employee Handbook, this includes a new capability procedure for managing performance.
- Updated employment contracts have been developed for new starters.
- Started to rollout staff annual appraisals and objectives.
- Started to develop a Line Manager Handbook for finalisation and roll-out to identify training needs intended for June/July 2024.
- Had bespoke support in order to navigate a small number of Employee Relations issues.
- Started to scope out our occupational health support requirements.

Other activities in progress include:

- Reviewing the hybrid/flexible working trial approach introduced by the previous Chief Executive and finalising a policy on the subject.
- Reviewing and finalising our Maternity and Paternity Leave offer.
- Assessing options in terms of Annual Leave start dates with the aim to reduce the issues created in winter with a blanket 1<sup>st</sup> January year start approach.

## **Health & Safety**

COPE undertook a site visit in June 2023, assessing the workshop and depot and Salter's Lode Lock. Recommendations from this are covered separately in the Chief Engineer's Summary.

Accidents and near misses

These are recorded at the monthly Works Meeting and any actions identified to reduce the risks linked to these occurrences are taken. Good practice is also shared between IDBs as appropriate.

During the period the following have occurred:

- Near Miss: Broken window on one of the vans.
- Near Miss: Minor fall in the office.
- Near Miss: Desilting works at Salter's Lode were briefly halted to ensure that adequate Health & Safety controls were in place.
- Incident: A tractor overturned whilst travelling to site. An investigation is being carried out by COPE.
- Near Miss: Ruts in flood embankment caused an officer's truck to become stuck.

We now also discuss with our team any relevant incident reports that we receive from the Environment Agency.

## **Insurance & Utilities**

### **Insurance**

To clarify questions raised by Members and IDBs in response to our 2023/24 insurance renewal and personal accident cover for members over 80 years old; with the current insurer, the age limit is 75 years of age to benefit from all the personal accident cover:

- Death - £100,000
- Permanent total disability - £100,000
- Permanent Disabling Injuries - £100,000
- Temporary Total Disablement – Weekly amount £200 for 104 weeks (Deferment period 34 weeks)
- Temporary Partial Disablement – Weekly amount £100 for 104 weeks (Deferment period 34 weeks)

The benefits, as above, will apply to persons above the age of 75 years with the exception of the temporary weekly benefits.

This in no way affects the liability cover of the Board, as with all employees and board members, if they are injured as a result of the Board's negligence, then a claim can be considered by them under the main AXA liability insurance.

In previous years, the personal accident cover only applied to persons up to 75 years of age. For 2023-2024 we requested the policy be extended to persons over 80 years of age. Although we were unable to do this for all benefits, we were able to increase the age for the benefits as mentioned above.

The personal accident cover has only been in place since 2017/2018 as it is part of the AXA insurance policy. It was not included in any of the previous insurers' policies.

Within 2023/24, death in service insurance cover has been introduced for employees who are members of the NEST pension scheme to ensure there is equivalent benefit to employees within the Local Government Pension Scheme.

#### Electricity Service

The contract for the Middle Level Commissioners and our administrated IDBs' electricity portfolio ends in September 2024. We have been impressed by the brokers of our current service (Green Energy Advice Bureau) however we and the brokers have complaints logged about the standard of service provide by our suppliers, Corona Energy. Complaints have been escalated to Corona's Managing Director with the request to release us from our contract with them at no penalty. This has resulted in a great impetus in terms of rectifying the issues, but at the time of writing the situation is far from perfect.

The additional time this has taken our Assistant Treasurer has been significant and the scale of pumping has compounded the issue. This has meant developing a plan for our next contract is behind where we'd like to be and will need due focus over the coming months, bringing together a small group of IDB Chairmen to review options and ultimately decide on the next contract arrangements.

#### Electric Standing Charge

As reported at the November 2023 Board meeting, OFGEM's new approach to regulation has had an unexpected and considerable impact upon the standing charges within our electricity portfolio. Unless the regulations change this level of standing charge is now baked into future bills regardless of our supplier.

We have flagged the impact this issue will have on Highland Water Claims with the Environment Agency. This has been escalated nationally and our local contacts are awaiting a steer as it is likely claims will be in excess of their local budgetary allocations.

We responded to OFGEMs review of Standing Charges and also escalated the issues and our response with local MPs. However, it was the interest of BBC Countryfile, who saw an MLC 'tweet' about the issue, that triggered OFGEM to reach out directly to ADA and we joined a session with their policy leads to discuss the issue.

From this, and following BBC Countryfile, we understand there to be a recognition that our sector has been unfairly and unintentionally impacted and there's a commitment to review and address.

#### **Land & Property**

##### Electrical Testing

Portable Appliance Testing at the Depot, Office, St Germans, Bevills Leam and Control Sluice sites was undertaken in 2023.

### Property and land

Completion of the land transfer from Cambridgeshire County Council at Great Drove, Yaxley (aka Tin Dump) has been completed. At the Cardea site all matters on the transfer had previously been agreed but were delayed by Persimmon Homes' legal team capacity. They now have out-sourced the finalisation of this matter working with our external solicitor.

The MLC land registry package submitted in 2022 has been with Land Registry within their backlog. Formally registering our land is key to maximising future income from our land. In March 2024 we were contacted by Land Registry, who now have an account manager for our package, apologising for the delay and outlining it will take between 9-12 months to process our submissions.

In terms of MLC land, it is important we are agile with the letting of our land, including fishing rights, for the Bank Raising scheme and then for subsequent biodiversity net gain arrangements.

**The Board is asked to delegate the decision making on letting of our land, including Main Drain bank-lots and fishing rights across our watercourses, to the Chief Executive and Chief Engineer. Noting that the intention is to bring the bank-lots back in hand as soon as practical.**

In November 2023, the Board supported the approach of renting the now vacant 31 Sluice Road property at the St Germans' site. The condition survey has established there is circa £30k worth of refurbishments needed to get it into a rentable state. The intention is to review our property management approach and use a specialist firm to manage our two rental properties at St Germans on our behalf as we do not have the skills and capacity in-house to do this efficiently and effectively. This approach is already adopted successfully by one of the IDBs we administer and we would also expect other IDBs if they rent out property to adopt the same approach.

**The Board is asked to support engaging property management specialists within the management of property and tenancies at 31 and 33 Sluice Road.**

### Office, Depot & Sites

As reported to the Board at its November 2023 meeting, there are a range of Health & Safety recommendations and security issues that need to be addressed at the Office, Depot and operational sites. The Board delegated decision making on these to the Executive Committee to agree and approve any individual items of work above £5k with the Chief Executive delegated the authority to approve any individual items below £5k.

Given the Bevills Leam Pumping Station theft and criminal damage and the lorry theft from our depot, we have:

- Upgraded the alarm and CCTV at Bevills Leam Pumping Station, installed physical barriers to the compound and are reviewing additional options.
- Upgraded the CCTV at the MLC Office and Depot, with a now consistent service across our three main sites.
- Ordered a more resilient and robust internet connection via a BT leased line approach at St Germans Pumping Station. This is needed as part of site security requirements and the Station's connectivity with Bodsey gauge. The existing connectivity continues to fail temporarily causing the Station to make inefficient and risky decisions in its automated mode, with costly call out arrangements when connectivity issues occur.
- Reviewed the approach we take to the 'tours' we offer of St Germans Pumping Station.

There has been recent incident of an MLC ratepayer bringing their family to the Station unannounced to see it.

Signage at the site will be updated and we intend to review the gate security and the option to separate the Station access from the access to 31 & 33 Sluice Road.

**The Board is asked to support the position that there be no unaccompanied visits to the station. With any request by ratepayers and MLC Board Members to be made at least 3 weeks in advance to the Chief Executive or Chief Engineer and only supported if there is staff capacity to facilitate with appropriate security and Health and Safety considerations.**

The Office roof is leaking and contractors have been secured to address.

### **Communications & Engagement**

In terms of general public engagement, over the last 12-months we have continued to use social media to promote our activities, to seek feedback and to respond to others' posts where necessary. Our posts over the wet winter in particular have had positive traction and response.

On social media our LinkedIn followers have increased from 180 to 390 over the last twelve-months. Followers of our Facebook page have increased from 190 to 1113 and on Twitter/X from 670 to 932.

This has led to positive feedback, myth-busting and identification of low-cost improvements particularly for the navigation community. Our 'Tweets' related to electricity standing charge were seen by BBC Countryfile researchers leading to filming at St Germans in February and the show airing in March. The increased social media has also led to an appearance on ITV Anglia and two BBC Look East features.



The digital versions of our existing logo have been re-illustrated and sharpened at no cost to the Commissioners, and are now in active use in print and on-line, ready for more prominent use on signage, vehicles and corporate clothing when upgrades are required.

We took bookings and opened up St Germans Pumping Station for 'Celebrate the Fens' day in June 2023 and to our boating community in March 2024. Three hosted visitor slots were well attended and we had very positive feedback. We 'named' generator no. 6 after one young 6-year-old visitor, Alfie, who showed particular interest in the operation of the Station.

Looking ahead, 28<sup>th</sup> September 2024 is the 90<sup>th</sup> anniversary of the opening of the original St Germans. This was a key milestone in the evolution of the Fens, acknowledging that gravity discharge from the Middle Level was becoming impossible. We will mark this important anniversary in some way and if any Board Members wish to be involved, please let us know.

### **Environment & Carbon**

#### **Environment Committee (previously Conservation & Climate Committee)**

The Committee met in September 2023 as the first session since Sofi Lloyd started with the Commissioners as Environmental Officer and Paul Burrows as Chief Executive. A small attendance led to a positive informal session sharing thoughts on how the Committee ought to evolve to help advise and steer the Board's strategy and decisions associated with its environmental enhancement duties. In November 2023, the Board supported the need to refresh the Committee.

In March 2024, a revised terms of reference for the Committee were drafted and issued to existing Committee members. In addition, a number of new candidates from a range of environmental partners and stakeholders were approached to request that they join the Committee to improve the range of expertise available to it. We are pleased to say that all invitations were accepted and the first meeting was held in March.

Key outcomes for Board consideration are as follows:

- The drafted Terms of Reference will be slightly revised to include an explicit reference to the consideration of actions MLC can take to reduce carbon emissions and address climate change.
- The IDBs' culverting policy (for MLC and all MLC-serviced IDBs) will be updated to reflect the most recent strengthening of environmental legislation, regulation and policy. It will then be republished and more clearly signposted to consent applicants. See Planning section as this will form another Standing Advice note.
- **The Board was asked to approve that any fees charged for the consenting of works that are purely for environmental benefit are redirected into the MLC biodiversity budget. Definitions will be developed to identify such consents.**
- The Committee requests that the Board consider and approve their recommendation to bring all MLC bank lots along the main drain back "in-house", for use in the bank raising project in the short term and to plan how they can be put to better commercial use for MLC in ways that would also improve the environment. This will involve serving 12 months' notice to the tenants of some of the bank lots. See Property section and associated recommendation.
- **The Board was asked to support that any MLC staff who wish to be involved in the mink control project, be allowed to do so in work time where impacts to business are negligible.**
- This year, our bank mowing has commenced much later than usual due to the wet weather and poor ground conditions. As such, cutting is now underway within the bird nesting season. This brings additional risk where vegetation is higher than approximately 25cm of disturbing ground nesting birds and committing an offence. We have had to hire in 2 lighter tractors this year with top cutters, to enable us to minimise the areas cut and adapt our usual approaches to minimise the risk of committing an offence in terms of nesting birds. The Board is asked to note that due to the impacts of climate change, it is prudent to begin to consider how our plant and machinery strategies may need to be changed in future to ensure we can be more adaptive in this way to unpredictable weather conditions.

#### Environment Officer's Process Review

Protecting and improving biodiversity and the environment are higher than ever on the political agenda, and the Government will be looking for strong environmental delivery from Public Bodies to contribute towards their own challenging statutory environmental targets. The Fens are an area of particular importance due to national peat protection and water resource management strategies. Our local communities are more focussed than ever on our work as a result of the bank raising project. For these reasons, it is more important than ever for us to be able to evidence how we have considered the environment when determining our approaches to our flood risk and water level management.

A process review has confirmed that we already have many strong processes in place to meet this evidencing requirement. This includes the Middle Level Biodiversity Manual which sets out how standard maintenance approaches should be adapted in order to conserve and enhance the environment and protect certain key fenland species. The Operations Manual sets out how those maintenance approaches should be applied on a reach-by-reach basis. The Biodiversity Action Plan (BAP) defines the discrete actions that MLC take to protect the valuable habitats and species found in the Middle Level. However, all these documents need to be reviewed and updated to ensure that the new requirement to enhance as well as conserve the environment is integrated as fully as it can be. The targets and objectives set out in the BAP also need to be more specific, measurable and time-bound to enable more efficient and effective regular review. This will be the focus for the first quarter of 2024.

There have been some areas that have required improvement. Firstly, we needed to better evidence our consideration of the environment when determining approaches to non-routine works, such as bank reprofiling and piling. A new pre-works, environmental screening process has now been implemented and has been successfully integrated into 'business as usual'. It has also been rolled out to all other IDBs we provide services to.

We have also improved our compliance with protected species legislation. All of the workforce has now received training in badger ecology; this has allowed us to secure the IDB-specific badger licences, enabling the workforce to undertake regular works around badger setts which would otherwise be unlawful. This is an important improvement in protection from potential litigation.

Part of the badger licence conditions is to map all known setts in the works area across the Middle Level System, which has been completed. This has extended benefits as it has allowed us to identify setts which are posing a risk to bank stabilisation and we have applied to close these setts and make the necessary bank repairs.

We have made better use of our GIS systems to support these improvements, by digitising of our own environmental data, subscribing to nationally available environmental data and using this combined information to support our assessments of the environmental impacts of our work and to identify key areas for conservation and enhancement.

It will be necessary to strengthen our delivery of environmental protection and enhancement through our consenting function. There will be little point in delivering environmental enhancement through our own work if the work of others we consent causes environmental deterioration and harm. Our standard pre-application advice needs to be improved and expanded to ensure that applicants better understand what environmental assessments must be undertaken and submitted with their applications. It should also make clear that environmental enhancement, not just conservation, is now required and provide advice on how this can be achieved. Wherever applicants are unable to deliver the necessary enhancements through their own work, we are beginning to develop opportunities for them to contribute instead towards enhancement projects that MLC have planned, that awaiting funding.

There is likely to be a need to review or develop an expanded environmental policy or policies in order to underpin these improvements in the next year.

Despite the winter operational pressures, the review and update of the Operations Manual is well underway and the publication of the new version, to include all updated legislation and best practice, is expected in June. It is important to note that the previous Operations Manual was mostly regarded as an environmental compliance tool but the remit of the manual has now been extended to include all the necessary information that any field operative could need to undertake MLC regular routine maintenance along each MLC channel. This will include access information, gate codes, services and any other constraints as well as ecological sensitivities and will also include a regular feedback process to ensure that the manual is kept up to date with any new information that becomes available from those undertaking the work on the ground. This will be a really important document for us, as it will help us to evidence that our approaches are considered and compliant and will also help to improve operational resilience in terms of any unavoidable potential resource challenges we may face.

**The Board was asked to note the findings of the process review and latest position.**

#### Badger Licence Challenges

There is a badger licence available specifically to all IDBs nationally, which allows them to undertake a number of routine operations (flailing, bank reprofiling, desilting etc.) near badger setts which would otherwise be classed as an offence under the Badger Act. MLC now operates under these licences. It is the intention to offer badger licence training and administration services to all MLC-serviced IDBs as soon as possible to enable them to improve their operational compliance. However, in March 2024, some interpretation discrepancies regarding the conditions of the licence have arisen nationally, which has caused concern among the industry. This has led to us putting our licence administration offer on hold temporarily until a clearer understanding is reached and confirmed by Natural England. We are helping to lead the national industry input into the resolution of these challenges along with some other IDBs who are funding the development of a legal challenge to some of the licence contradictions and conditions. Until then, we are advising IDBs that a stand-off area of 30m around all badger setts is maintained, where no flailing or bank reprofiling or any other maintenance activity should take place, and de-silting arisings should not be placed. However, MLC

channel maintenance activities can continue compliantly under our current licences. It is hoped that a resolution with Natural England will be reached by late autumn this year (2024) to allow IDB routine maintenance to recommence with the confidence that it is compliant and the licence administration service will then be offered by MLC. If any necessary or urgent works are needed around IDB badger setts in the meantime, IDBs are being asked to get in touch with our Ecology & Environment Services Manager to agree the approach.

#### Badger Management

Two large badger setts were closed last winter, one on Monks Lode and another on the western reservoir bank of Woodwalton Fen. These pieces of work have now been fully signed-off by Natural England. These were complex activities which took up a significant amount of time, cost and effort but the cost was significantly lower than it would have been had we used external contractors for the work.

It is likely that further separate licences will need to be secured to close a number of other badger setts along MLC channels this year from July onwards in order to allow the bank raising project to progress and to re-secure the stability of embankments. There will be additional complexities around the closure of these setts, not least that it is likely that artificial setts will need to be constructed ahead of securing the licence to close the natural setts. This is problematic when MLC do not own neighbouring land, and it is difficult to convince neighbouring landowners to relinquish some of their land so we can build an artificial sett upon it. Unfortunately, there are no other legal options so these negotiations will have to take place. There will be some costs associated with this and will again require a significant amount of staff time, with the assistance of members of the workforce.

#### St Germans Eel Passage Refurbishment

The eel pass at St Germans is one of the most important such passes in the country for monitoring numbers and eel trends and the Middle Level system is a vital national stronghold for the endangered species.

However, the eel pass was never designed to be used as a monitoring station so it presents some Health & Safety issues in being used as such. It also risks causing harm or distress to eels whilst being held for assessment due to the increased number of Chinese mitten crabs also using the pass and zebra mussels clogging up the pipes. The pass is therefore currently inoperable.

Further to the discussion at the MLC Board in November 2023, the case for the refurbishment of the pass has been reviewed and approved by the MLC Executive Committee and ACE has been secured as contractor to refurbish the asset with a £35k-40k maximum budget. Future refurbishments every 10-15 years will need to be included within the capital programme for St Germans Pumping Station.

The refurbishment of the eel pass at St Germans is planned to commence in late April/early May. The design has been approved and the new capture facility and structure it will sit within is being constructed.

#### Commissioners' Land for Nature

There are a number of areas of functional land that are owned and under the control of the Commissioners which could deliver a great deal more for biodiversity and the communities around them, than they currently do. Such areas include the land around St Germans Pumping Station, bank lots along the Main Drain and the Cardea site in Peterborough.

Taking account of operational requirements, site security and public safety, these areas could be developed into multi-functional sites which provide water level and water quality management, accessible green space for local communities, support more diverse habitats for a greater number of species as well as providing some carbon sequestration.

Management and enhancement plans are being developed for a number of these sites. There will be some improvements that can be made by taking different approaches to our current maintenance regimes.

However, there will be some more ambitious options proposed that will require some funding, and these could be “packaged-up” and made available to developers who are looking to achieve off-site biodiversity net gain. Local Authorities and those developing Local Nature Recovery Strategies are specifically requesting such IDB projects be made available for funding as they are keen to support us and they understand the significance of the areas we manage to the valuable wildlife of the Fens.

There may also be an opportunity to apply for funding for some of these improvements through various strategies and schemes currently available including environmental stewardship schemes, to provide income for the MLC to use to fund other improvements, which will be investigated.

### Seed Mix Trials

The Commissioners have supported a number of key species over recent years through the provision of various artificial habitats including otter holts, bat and bird boxes and kingfisher burrows. These species are now known to thrive in our area and we can turn more attention to improving the natural habitats we manage to maximise the number of species they can support.



It is estimated that the Commissioners manage at least 500 hectare of grassed banks. This is a huge area which is arterial to the nature of the fens, which could be made to work harder for nature. Traditionally, a predominantly ryegrass mix has been favoured by engineers because the rooting structures are known to be dense so providing good soil stability. However, research has shown that a more diverse mix of plants can offer as good, if not better, soil stability; as well as providing more support for a greater number of species, particularly pollinating insects.

We have developed a new enhanced seed mix, along with a Fenland botany specialist, based on a similar mix being trialled by the Environment Agency, which includes some wild flower species alongside more diverse grasses. This mix is currently being trialled on the Sixteen Foot and has been established through hydroseeding. The advantage of hydroseeding is that it extends the traditional seeding period by up to 3 months as the mulch it is seeded with provides protection from erosion by rain and from birds and holds moisture close to the seed to aid germination. The mulch also helps to bind the soil surface particles to reduce erosion from run-off.



The mix will require slightly more management in the first year to ensure the flowers are not outcompeted by the grasses but should then be maintained via our usual cutting regime. These habitats always fare better if cuttings are removed but this is just not a feasible option for us at the moment. However, we are investigating technologies that are already available and used successfully by other IDBs and our international counterparts which pile all the cuttings together in a narrow line, which is a good alternative. The progress of the trial will be regularly monitored and reported. If successful, the aim will be to use the mix on all areas where vegetation has been removed such as for repairs or reprofiling and of course for the bank raising scheme.

### Lowland Agricultural Peat

Led by Robert Caudwell, the Lowland Agricultural Task Force’s report was published by Defra in June 2023. The report has a strong focus on the role IDBs could play in supporting and enabling landowners and land-managers. In particular, recommendation three includes:

- Government assessing the legal implications of asking responsible bodies to raise water levels in the interests of preserving peat soil carbon.
- Government considers giving IDBs new powers.

The Government's response to the Caudwell report recommendation three:

*Recommendation 3: Legal protection and powers for managing water for carbon*

*We agree with recommendation 3 that authorities responsible for water management must have the legal protection and powers to manage water differently to play their part in peat preservation. We will undertake an assessment of the legal implications of asking responsible authorities to raise water levels in the interests of preserving peat soil carbon as we implement the Plan for Water action to streamline our water policy and legal framework. This will inform relevant new powers and any required legislation.*

Lowland Agricultural Peat Small Infrastructure Pilot (LAPSIP)

In response to the Caudwell Report Defra and ADA confirmed a £5m pilot fund open for IDBs to deliver small infrastructure improvements to facilitate benefit to areas of lowland peat within drainage districts.

We submitted an Expression of Interest (Eoi) over the summer to help ADA understand the demand. Our proposal was to use this funding to develop, design and cost a clear programme of works to optimise the channel and assets along Pig Water/Facet Nene given their critical role in enabling imported water from the Nene to be transferred into the Bevills pond, one of the largest areas of lowland peat in the country. The proposal included delivery of a phase one of any identified programme. This would have assessed the Commissioners' problem assets at Tin Dump, Horsey Toll as well as Facet and Yaxley overflows.

We were successful with our bid for £250k to install a new tilting weir structure at Horsey Toll with the MLC underwriting circa £20k of risk. The project is now underway and our 2023/24 grant claim has been submitted. The project needs to conclude by January 2025.

The Board needs to appreciate that the final decommissioning of the existing Horsey Toll structure will be funded by the Commissioners and feature within our future capital programme. This will be scoped up once the new structure has been installed.

Lowland Agricultural Peat Water Discovery Pilot (LAPWDP)

In parallel with ADA's LAPSIP fund, the Environment Agency is administering another pilot peat fund that is also available to IDBs to bid for. This fund is more suitable for the study component of our Pig Water/Facet Nene Improvements Programme ambitions. We worked with Fenland SOIL to include our requirements within the scope of a successful bid they made. They have been awarded circa £500k of funding and we are now scoping the specific deliverables for the Pig Water Study.

This study will look at the Pig Water catchment downstream of Horsey Toll. Water conveyance and water quality will be assessed, and a costed programme of improvements developed for future delivery. The study must be completed by December 2024. For efficiency, it will be carried out by Royal Haskoning under their existing Alternative Flood Storage contract as it links directly with this project. The study will also consider Tin Dump and other structures that constrain water conveyance, informing improvements here.

Fenland SOIL

Fenland SOIL is a not-for-profit members organisation that aims to inform and develop 'whole farm' land use policies, aimed at achieving climate change mitigation and biodiversity enhancement in the Fens, and to help establish an agreed set of numbers for Greenhouse gas (GHG) emissions for deep, shallow and wasted peat soils. They have a small, dedicated team with farmers at its core to tackle climate issues relating to agriculture and peat in the Fens.

Fenland SOIL currently offer Growers/Farmers and Corporate Membership and are keen to develop an affordable membership offer for IDB Groups.

In order to maximise the partnership funding opportunities, share data and information for mutual benefit and support the Commissioners and IDBs in delivery of their environmental enhancement duties, in

November 2023 the Board agreed to become a member of Fenland SOIL, should the terms and costs of membership be agreeable to the Chief Executive and Chairman. We are awaiting details from Fenland SOIL.

### Natural Flood Management

Natural Flood Management (NFM) uses natural processes to reduce the risk of flooding. These measures protect, restore, and mimic the natural functions of catchments, floodplains and the coast to slow and store water and dissipate wave energy.

NFM measures can include:

- soil and land management
- river and floodplain management
- woodland management
- run-off management
- coast and estuary management

Alongside increasing flood resilience, NFM measures also help to create habitats for wildlife, provide green spaces for communities and sequester carbon. In September 2023 the Environment Agency and Defra announced £25m funding for improving flood resilience through a new NFM programme. Given staff capacity, the peat funding timescales and competing priorities we need not submit a bid for this funding.

### Navigation

#### Business Plan

The Board supported the development of a Business Plan for its navigation. Over the course of the boating season we have been engaging users via social media and in-person and along with staff engagement have started to pool the realistic ideas that could form part of any business plan.

Capacity and capability are currently limiting moving this forward with any pace, so this will evolve on a best endeavours basis unless we bring in external support. This is an option that will be considered in due course.

#### Boater Facilities

We have a commitment to ringfence 25% of licence income and invest this in provision of facilities for boaters on the link route to meet IWA standards. We currently have a fund of c£140k available.

The IWA's minimum standards are:

*Water points, rubbish disposal points including recycling points, portable chemical toilet disposal points and electricity (shore power mains connection charging sites) at the following frequency:*

*Every 5 hours of cruising across most of the inland waterways system, including between waterways managed by neighbouring navigation authorities.*

For the Middle Level navigation, this means facilities at Stanground Lock, in March, and at Salter's Lode Lock. Given there are good public facilities in March town, we should just look to complement these within plans for use of our mooring.

Once we have delivered against the commitment on the link route, then we can consider facilities and our mooring offer more generally across our whole navigation.

At its meeting in November 2023, the Board agreed to the following general principles:

- We will generally only install, own and maintain facilities on land owned by MLC\*
- We need to provide basic facilities well and be conscious of operational and maintenance costs of the facilities and any associated liabilities.

- Operational and maintenance costs need to be billed to our navigation account.
- Once we have discharged our link route commitments and have considered other areas of MLC owned land, we will consider providing grants from boat licence income to others for new facilities depending upon the overall financial picture of our navigation service and our business plan once it's developed.

*\* this may not be possible at Salter's Lode Lock, so an agreement with the Environment Agency may be needed.*

In Autumn 2023 we planned to deliver 'Phase 1' of facilities improvements, with a stretch ambition to have the following in place by the start of the 2024/25 licensing season. Phase 1 will include water point installation at Stanground Lock, our office/mooring and Salter's Lode Lock. This is our aim however delivery is complicated, in particular at Salter's Lode, influenced by existing service locations and land ownership. Works at Stanground Lock are within wider facilities plans we are aiming to progress under permitted development rights to better enable relief locking as well as boater facilities.

Delivery of phase 1 has been delayed due to the exceptionally wet winter. In late March 2024, we installed a water point and section of 'visitor' mooring at our office and will now aim to reinvigorate our plans for Stanground as well as continue to work with the Environment Agency on a range of land and asset 'snagging' at Salter's Lode.

We are also parallel tracking the identification of potential facilities locations elsewhere to ensure that if we can't meet the link route commitment within a reasonable timescale and/or at reasonable cost, we can continue to make improvements that are sought by our licence paying customers.

#### Middle Level Licensing

In 2023/24 we issued 297 navigation licences, compared to the 283 we issued in 2022/23.

Visitor licensing numbers are similar to last year, even though traffic through Salter's Lode Lock and Stanground Lock is down in 2023 compared to 2022 (January-August) with 88% and 76% respectively of the numbers of combined passages in and out.

A navigation financial summary for 2023/24 will be published in June/July 2024. The Navigation Advisory Committee agreed for fees for 2024 to increase 2% to continue to match the Environment Agency's Anglian Waterways fees. The Environment Agency will be reviewing their charges strategically over the coming year, with the potential for significant increases. We will need to review a range of charging approaches ahead of decisions for 2025.

#### Non-Standard Licensing

Over the course of our first few years of licensing there are a suite of non-standard areas we have been asked to consider by users, as well as clarifying eligibility for the reduced license fee associated with vessels used as a dwelling that does not leave a marina which is set within our Byelaws.

The proposals supported by the Board in November 2023 are now live, ready for 2024 licensing. We now offer a 'Marina Only' and 'Project' licence, with associated eligibility criteria, terms and conditions.

#### Anglian Pass

The current 3-year Anglian Pass agreement ended on 31<sup>st</sup> March 2024. The Pass enables boaters with a CRT Gold licence or annual licence with either the MLC, Environment Agency (Anglian Waterways) or Conservators of the River Cam visitor access to all three Anglian Pass partner navigations.

A new Anglian Pass partnership agreement has now been signed to cover a five-year period from 1<sup>st</sup> April 2024.

### Canal & Rivers Trust (CRT) Gold Licence

It has become clear within discussions with the Canal & Rivers Trust that there is unlikely the demand to adjust their systems and to renegotiate a partnerships arrangement for the Middle Level Commissioners to become a formal part of their Gold Licensing arrangements with the Environment Agency.

However, CRT have adjusted their systems such that their licence holders can confirm if their 'home waters' are on the Middle Level. We anticipate there may be circa 15-25 boats in this category. We now have a data sharing agreement in place with CRT to provide us with the details of their Gold Licence holders who have confirmed their home waters as Middle Level.

Currently the Environment Agency receives the Gold Licence income for these boaters, however they have verbally agreed to an arrangement with the Commissioners to see that income, less an administration fee, is provided annually to us. We are waiting for this offer to be made formally and hope it will be confirmed ready to invoice within 2024/25.

### Unlicensed and abandoned boats

Our approach to unlicensed boats is having a positive effect, albeit not at the pace, visibility and scale of impact we would like. External solicitors' letters, where they have been issued, have all resulted in registration or boats being removed from our system. It is this stage that is proving to have most impact compared to earlier stages of our enforcement process, however this comes at increased cost.

Our ability to remove abandoned or unlicensed boats is inhibited by lack of suitable equipment, which means with in-house resources we are currently limited to removing smaller vessels. Over winter we have removed a fleet of sunken cruisers, a lifeboat and a narrowboat from the Old Nene at Creek Fen as part of a focussed operation aligned with works planned in the area for March Fifth IDB. We have also removed the recovered vessel that was moored at our office.

Our Boat Removal protocol was written and published when we had no practical experience of regulating and enforcing our waterways using the Middle Level Act (2018). With Navigation Advisory Committee support, the boat removal protocol has been updated.

**The Board was asked to review and support the update to the boat removal protocol. The document will then be shared externally for 4-weeks consultation. The Board was then asked to agree to the Chief Executive finalising and publishing a final version having considered any comments that come forward.**

### Paddle UK (formally British Canoeing)

We now have an agreement in place with Paddle UK for the Middle Level navigations to be formally included as part of their waterways licence. This is a 3-year arrangement and will see us receive an annual fee, along with a one-off nominal fee to enable their registered clubs to have access to our waters.

This means canoeists, kayakers and paddleboarders do not need a licence from us but do need a Paddle UK licence. This offers users a greater range of membership options and benefits that includes public liability insurance.

We still offer an unpowered vessel licence should people not want these benefits and only want to paddle on our waters.

The income we receive from Paddle UK will be ringfenced and re-invested into improved portage. Being part of a formal arrangement will help with any partnership funding bids made by ourselves or others within the Middle Level to organisations such as the Canoe Foundation.

### Weed Management

Weed continues to be the topic of most significant feedback from boaters. Operationally this year was not as challenging as 2022, however drier summers with climate change mean weed management will continue to become an ever-increasing challenge.

This summer we had one weed boat crew out fully employed for 5 days a week, albeit with reduced resources due to sickness. Over winter we intended to assess what the financial implications would be of increasing our capacity and capability to have two crews available, with an assessment of how we would deploy two crews and what the benefits would be. However, the exceptionally wet winter has meant that this planning has yet to be fully concluded.

#### Public Safety Risk Assessments (PSRAs)

We appointed Atkins to undertake PSRAs on our key navigation assets and these have been completed. This included site visits to undertake visual inspections, reporting and recommendations for improvements. Any improvement works will be incorporated into the works programme. No significant deficiencies or risks were identified.

The first site to be completed was Marmont Priory Lock. This was a thorough assessment of the upstream and downstream approaches and the lock complex itself. The only recommendations for improved control measures were related to signage and edge marking and minor boundary fence/gate improvements. All have been addressed during the lock gate replacement works.

It is proposed that signage at all our sites is renewed and updated in line with recommendations arising from the PSRA inspections.

#### Upcoming works and closures

Following our two scheduled closures to facilitate the works at Marmont Priory Lock and Salter's Lode Lock, since 16<sup>th</sup> February 2024 Salter's Lode Lock – Guillotine Gate has been under emergency closure.

Unfortunately, until the siltation within the Tidal River at and between Salter's Lode and Denver Locks has been addressed, Salter's Lode Lock will need to remain closed with the following emergency rationale:

- Boater safety concerns; particularly the immediate exit/entrance and turning on the tidal side at Salter's Lode.
- Tidal flood defence integrity concerns; as well as enabling boaters' exit/entrance to Salter's Lode lock, the guillotine gate at Salter's Lode is part of the first and only line of tidal flood protection for local communities.

If we open the gate, there is a risk that the silt built up on the tidal side will slump into the lock. This then creates the risk that we may not be able to fully close the gate.

Cambridgeshire County Council have notified us that there is likely to be the need for a closure of the Old Nene for their remedial works to March Town Bridge in Winter 2024.

#### Marmont Priory Lock

Works at Marmont Priory Lock were completed despite the operation priority being our response to the exceptionally wet winter.

A new set of steel gates have been installed (downstream gates) by C W Engineering. The installation was problematic in terms of the sill and gate seals. Early use of the gates by users highlighted some teething trouble that we have assessed with the contractors and as of Easter appears to have been resolved. Learning from these works will be fed into our approach to future gate replacement projects.



In addition to the gates, we have:

- Undertaken Health & Safety improvements to the upstream gate sweep (where access is constrained), implementing a clever solution proposed by CRT when they visited.
- Refreshed the signage on site and enacted other recommendations arising from the PSRA.
- Installed mid-lock bollards.
- Added fencing to separate the lock from the neighbouring property.

#### Salter's Lode Lock

Over winter we drained down Salter's Lode Lock and removed circa 280 tonnes of tidal silt from the main lock pen where it was approximately 5 feet deep. This is the first de-silting since before 2019 and we estimate if we hadn't desilted, the lock would have been unusable within 12-18 months.



Siltation issues within the Tidal River have been a significant issue this summer with a number of boats grounding outside our lock at Salter's Lode and at Denver Lock. Agitation and management of the silt bars affecting navigation by the Environment Agency are costly and have limited duration of benefit before they need to be repeated. The long-term prognosis for siltation in the Tidal River is not favourable and poses an uncomfortable truth about the sustainability of navigating the Tidal River.

We are awaiting the Environment Agency desilting the Tidal River at Denver and Salter's Lode so we can open the lock. Desilting was programmed to start on 2<sup>nd</sup> April 2024 but was later changed to 8<sup>th</sup> April 2024.

We have an aging asset in Salter's Lode Lock and any investment we make needs to consider this future uncertainty. This is a topic that requires further assessment and a plan developing in conjunction with the Environment Agency. The first stages of this will be to review with the Environment Agency the range of respective land ownerships and responsibilities in the area given that the Lock's history of transfer back and forth between organisations has left a number of vagaries.

#### Stanground Lock

An outline design has been prepared for the provision of a water point and rubbish and Elsan disposal for boaters, as well as a temporary office building, welfare and access track for MLC staff and contractors. These works will be undertaken under 'Permitted Development' rights and Peterborough City Council has been advised of the proposals in the interests of collaborative working.

Canoe portage will be installed following a successful bid for match funding from the Canoe Foundation, with the remaining funding coming from the income we receive from Paddle UK (previously British Canoeing).

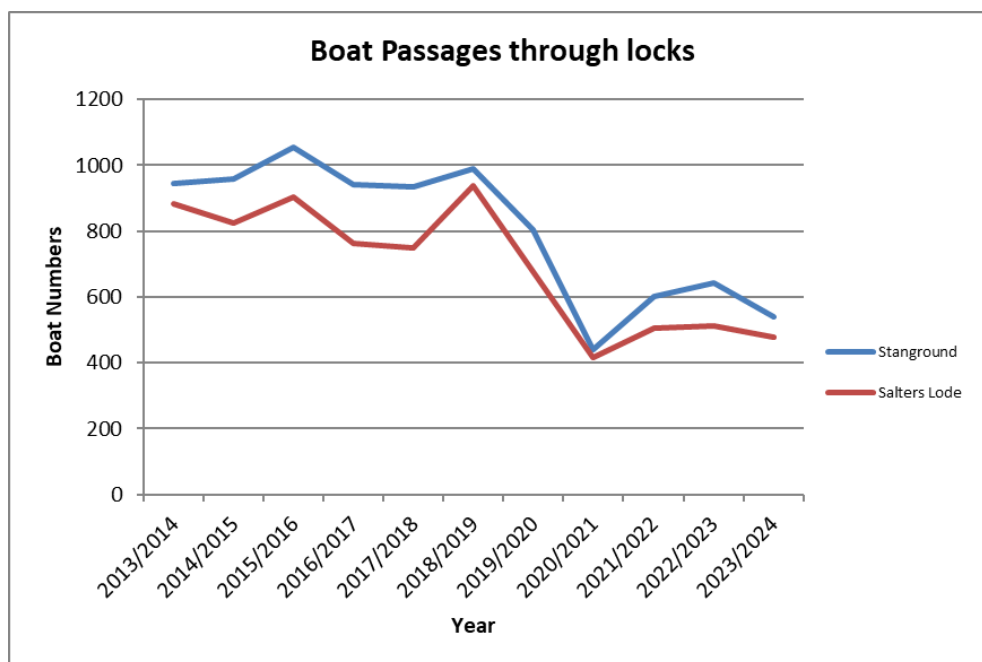
#### Ashline Lock

The upstream doors are no longer sealing as they should and are leaking badly. An appraisal of all the Commissioners' navigational lock assets will be undertaken to produce a strategic lock door replacement programme, allowing for budgetary estimates to be obtained, which will assist with financial and navigational planning over future years.

#### Boat Passages

Boat movements through Stanground and Salter's Lode Locks are as shown below (figures for the previous year are shown in brackets):

| Boat Passages 2023/24 |                    |           |                 |           |
|-----------------------|--------------------|-----------|-----------------|-----------|
|                       | Salter's Lode Lock |           | Stanground Lock |           |
| Month                 | In                 | Out       | In              | Out       |
| April                 | 18 (26)            | 11 (24)   | 6 (34)          | 26 (39)   |
| May                   | 36 (23)            | 52 (18)   | 45 (44)         | 46 (52)   |
| June                  | 32 (39)            | 41 (52)   | 49 (48)         | 48 (46)   |
| July                  | 44 (58)            | 39 (63)   | 41 (68)         | 46 (57)   |
| August                | 54 (64)            | 48 (51)   | 54 (61)         | 51 (78)   |
| September             | 42 (23)            | 37 (21)   | 51 (38)         | 47 (39)   |
| October               | 12 (13)            | 13 (16)   | 13 (20)         | 11 (9)    |
| November              | 0 (3)              | 0 (5)     | 3 (4)           | 3 (2)     |
| December              | 0 (3)              | 0 (1)     | 0 (0)           | 0 (0)     |
| January               | 0 (0)              | 0 (0)     | 0 (0)           | 0 (0)     |
| February              | 0 (2)              | 0 (2)     | 1 (2)           | 0 (1)     |
| March                 | 0 (2)              | 0 (2)     | 0 (1)           | 1 (0)     |
| TOTAL                 | 238 (256)          | 241 (255) | 263 (320)       | 279 (323) |



### **MLC Services to IDBs**

There has been significant incremental change over the last 10-20 years in terms of IDB governance standards, financial requirements, Health & Safety, environmental legislation and capital works delivery, along with a significant increase in the scale and nature of planning and partnership work.

However, what limited agreements and fee arrangements there are in place with IDBs about the MLC Services offered and received pre-date much of this evolution and as such there is significant ambiguity. The scale and nature of change ahead of us may well be more significant than that which has been experienced in the last decade.

The services provided by the MLC to local IDBs require a review and refresh such that they become fit for the future.

The intent is to develop a service catalogue over the next 12-18 months that will clarify the full range of services that are offered by MLC staff, along with associated terms and conditions and fee arrangements. The development of this has been delayed as a consequence of the exceptionally wet winter.

Boards will be offered opportunity to engage in the development of the catalogue, such that if there are capacity and capability gaps between the services Boards want and what capacity and capability MLC staffing has to deliver, then the MLC Board can consider if and how they address this within a final service offer.

As part of and alongside this, consideration needs to be given as to if and on what basis we continue to offer support to specific IDBs.

At its November 2023 meeting, the Board recognised the need for clarity associated with its service provision to IDBs and supported the development of a service catalogue along with associated terms, conditions and fee arrangements and delegated the responsibility to the Executive Committee to provide inputs as this work develops.

## **Fens 2100+**

The Environment Agency launched Fens 2100+ with an introductory session for IDB representatives in June 2023. This programme of activity is crucial in informing the medium to long term flood management decision making across the whole Fens as well as framing and driving more tactical and short-term investments.

The governance for the programme is currently being finalised. Paul Burrows will Chair the 'Asset Managers Steering Group' and through this have a seat on the Programme Board.

### **Projects in Fens 2100+**

#### Fens-wide investment framework

- Give the justification to taking a catchment-scale investment approach.
- Explains how the asset managers (and wider partners) will work together across the landscape to determine what investment is needed when.
- In contract with suppliers and scope agreed.
- Underpinning evidence being developed along with communications and engagement plan.

#### Catchment-scale asset investment plans

- Applies the framework set out above to each catchment to determine the likely investment requirements over the next 30 years.
- Confirms the immediate (2027-2033) asset (and other) investment requirements across each catchment.
- Planning to scope and get suppliers on board in 2024.

#### Catchment-baseline reports

- Provides an overview of each catchment and the current FCRM operational situation and current and future flood risk.
- Explains future asset investment funding challenges.
- Currently scoping contracts with suppliers, aiming to contract in early 2024.

## **Fens Reservoir**

Anglian Water joined the Board at the meeting in November 2023 for a closed session and provided an update on the latest position and next steps.

We continue to work positively with Anglian Water to help inform their emerging plans for the Fens Reservoir. The next public consultation is planned for May 2024 and we hope this will demonstrate the positive influence we have had within the scheme development.

Recognising our importance as a strategic and statutory customer, we now have a cost recovery agreement in place with Anglian Water to cover our staff time inputs into the majority of sessions and activity we are involved in. Our first invoice will cover time from July 2023 to March 2024.

Whilst it is not fully confirmed that the Reservoir will go ahead, the Cambridge growth agenda does make it highly likely that it will. We need to enhance and grow our capacity to enable the Reservoir in a way that manages our risks and liabilities and brings positive financial, operational and environmental benefits for the Commissioners.

We have enhanced our Head of Technical Services vacancy to also be our technical lead on the Fens Reservoir, looking for a highly capable candidate with experience working on Nationally Significant Infrastructure



Work has started to bring together scientists, academics, business people and land managers to explore the possibilities of this new farming system and its new crops. Partnerships include experts in wet farming at the University of East London, and the UK Centre for Ecology & Hydrology, world leaders in climate change science, measuring greenhouse gases and gathering data to explore and demonstrate how wet farming locks in carbon dioxide.

Peatland Progress is also bringing people closer to nature to reap its benefits for health and wellbeing. A new people friendly landscape will be created in the centre of the Great Fen enabling people to experience nature in close-up. Links are also being made with local community-based groups such as the Young People's Counselling Service (YPCS) in Yaxley, to create nature-based interventions and programmes supporting young people experiencing mental health issues and their families, giving them the confidence to know that small changes can make a big difference, bringing hope for the future.

The key aspect of the Great Fen vision, which we are leading, is assessing the options for alternative flood storage, replacing the role currently performed by Woodwalton Fen. The latest on this study is reported within the Chief Engineer's section of this report (see below).

The other key areas where the Commissioners' role is arguably currently under-played within the Great Fen work is our operations and infrastructure associated with our inward transfer of Nene water into Yaxley Lode and how responsible navigation connectivity opportunities feature within the vision.

### **Chief Engineer's Summary**

#### **Middle Level Bank Raising Scheme**

Work has been progressing at pace behind the scenes. This large capital scheme is not 'business as usual' and as such requires time and resources to design and plan the works, to ensure we comply with our statutory duties and to ensure that this significant investment delivers the right outcomes and value for money. To reiterate, although the individual activities are essentially seen as 'maintenance' activities, the geographical scale and potential to have many working fronts at once makes this project much more complex and impactful within the catchment and therefore subject to additional statutory requirements.

The following table illustrates the scale of the project compared with the Environment Agency's recently completed Bank Raising Project on the Ouse Washes Middle Level Barrier Bank.

| <b>Project</b>           | <b>Ouse Washes (MLBB)</b>  | <b>Middle Level System</b>    |
|--------------------------|----------------------------|-------------------------------|
| Length of bank           | 30km                       | 116km plus 150km of desilting |
| Programme                | 3 years to plan and design | 18 months so far              |
| Duration of construction | 120 weeks                  | Anticipated 200 weeks         |
| Total project cost       | £42m (approximately)       | £23m currently approved       |

#### **Activities undertaken since the last report:**

- Established project and data management protocols.
- Completed Environmental Impact Assessment screening and scoping.
- Continued channel topographic and bathymetric surveys.
- Appointed a contractor to undertake a construction feasibility exercise to provide a more robust cost and programme forecast; undertook fact-finding and planning workshops (e.g. risks, lessons, scope definition).
- Produced a Materials Management Plan for sourcing, managing and reusing materials.
- Continued to secure materials for bank raising.
- Started discussions with Cambridgeshire County Council (CCC) Highways Department about opportunities for collaborative working. CCC Highways have provided their programme for their Soil Affected Roads. Their 25 top priority locations at a cost of approximately £1m each are planned over the next 1-2 years. There may be an opportunity to work in partnership with them. Conversations are ongoing.

- Undertook competitive tendering for consultancy services using an established public sector framework called ESPO. Unfortunately, this resulted in only two tender returns, one failed on quality of the submission and the other was non-compliant with the rules of the ESPO framework.
- Further tendering was carried out under the SCAPE Framework with Balfour Beatty and AtkinsRealis have subsequently been appointed as design consultant.
- Completed Concept Design Scope and Outline Design Scope - Package 1 Overview & Access Routes.
- Completed Main Drain Desilting Scope.
- Ongoing engagement with landowners and Anglian Water.
- Planning public engagement drop-in sessions for Spring 2024.
- Balfour Beatty's Feasibility Report was received in January 2024 - Scope for the work could not be defined in sufficient detail to formulate a budget cost or a detailed delivery programme; the report defined their approach to developing this further.
- Ongoing Project Team Meetings – MLC, suppliers and potential locally-based sub-contractors.
- Completed centreline bathymetric survey of Main Drain (Aqueduct to St Germans Pumping Station) – initial conclusion is not much material needs removing along this length. Volumes and locations to be confirmed by full survey.
- Drone Survey pilot sections completed on Forty Foot/Sixteen Foot – this will be rolled out to create a 3D model of the whole system to confirm current bank crest levels and profiles, inform detailed design and extent of works, calculate bank raising material volumes and costings. The survey can also be used to create engagement materials.

#### **Underway:**

- Development of Full Business Case – two phased updates are planned, the first of which should be completed within the next 6 months. This supports the ongoing review of costs and programme, providing more certainty for additional funding applications and identifies any risks early. Benefits and costs will be updated based on inflation and subsequently on confirmed contract costs. Incorporates additional benefits such as environmental outcomes which have evolved since first submission. This approach has been adopted to maximise the benefits we can deliver and provide a robust case for change when applying for additional funding.
- Reviewing consents & legal requirements for the construction phase.
- SharePoint Document Control, Health and Safety File Templates.
- Ongoing project and programme management.
- Agreeing the environmental approach (surveys, assessments, mitigation and EIA).
- Commercial arrangements being defined for desilting; develop the approach for desilting of the Main Drain (17km) (provides significant proportion of benefits that the Business Case is built on); Undertake environmental assessment – this is an iterative process based on methodologies and impacts.
- Full bathymetric survey of Main Drain. Results will be used to identify the location of silt deposits and estimate the volume to be removed compared to the 'design level' determined by Binnie's in the 1980s.
- Silt testing to be done to comply with Waste Regulations.
- Develop 'concept design' and 'outline design' for first package of works.
- Drop-in public engagement events planned for 25<sup>th</sup> April 2024 in March library and 7<sup>th</sup> May 2024 at Ramsey Forty Foot village hall. These will primarily be focussed on who MLC are, what we do and how the system works, setting the context for the desilting and bank raising to come. Includes development of graphics that can be used for engagement more widely.

#### **Indicative Programme:**

|                              | <b>Start date</b>           | <b>Finish date</b>        |
|------------------------------|-----------------------------|---------------------------|
| Concept design               | 25 <sup>th</sup> March 2024 | 17 <sup>th</sup> May 2024 |
| MLC review of concept design | 20 <sup>th</sup> May 2024   | 31 <sup>st</sup> May 2024 |
| Concept design complete      | -                           | 31 <sup>st</sup> May 2024 |
| Outline design package 1     | 25 <sup>th</sup> March 2024 | 31 <sup>st</sup> May 2024 |

|                                                                              |                                 |                              |
|------------------------------------------------------------------------------|---------------------------------|------------------------------|
| MLC review of OD package 1                                                   | 3 <sup>rd</sup> June 2024       | 14 <sup>th</sup> June 2024   |
| Final adjustments and reviews of OD Package 1                                | 17 <sup>th</sup> June 2024      | 5 <sup>th</sup> July 2024    |
| ODP1 complete                                                                | -                               | 5 <sup>th</sup> July 2024    |
| De-silting pre-construction package                                          | 25 <sup>th</sup> March 2024     | 28 <sup>th</sup> August 2024 |
| De-silting works (not yet instructed, dependant on environmental assessment) | 17 <sup>th</sup> September 2024 | Spring 2026                  |

The suction cutter dredging on the Old River Nene through March town planned for October 2023 was paused due to concern over the bank stability along Nene Parade. Further investigations will need to be undertaken once the Bank Raising consultant team is in place to ensure that the desilting work does not impact on bank stability. There has been significant local interest in this issue from residents along Nene Parade and local Councillors. We continue to liaise with CCC Highways on this issue.

We are in discussions with Royal Smals about the contractual situation with them for the desilting works. We have agreed to cover reasonable costs incurred to date. The contract remains in place with an expectation to start in October 2025 once bank stability issues have been investigated and addressed.

We know that costs will be higher for the project than originally estimated, partly due to rising inflation following approval of the business case, but also due to other costs not fully determined at the time. A business case update report will be prepared and submitted to the Environment Agency for approval of additional funding in due course. **The Board should be aware that additional funding is not guaranteed, and the project team may need to prioritise works accordingly.** The Project Board, Executive Committee and Environment Agency will be kept up to date of progress and changes as soon as they arise.

## **MLC Pumping Stations**

### Pumping

During the twelve-month period (April 2023 to March 2024) 227230 and 53562 megalitres (million litres) of water were pumped at St Germans and Bevills Leam respectively (refer to Appendices 2, 3 & 4). These are the highest volumes ever recorded for these Stations. The MLC and IDB pumping plant has been under immense pressure this pumping season. The M&E department has been inundated with breakdowns from IDBs and MLC equipment and this has reaffirmed that we do not have the resources to be sufficiently resilient and responsive. We need to re-consider our staffing capacity and/or extent of services.

### St Germans Pumping Station

As previously highlighted, faults are becoming more regular as the Station ages and stock of spare parts has to be increased. Within the original business case, the Station has a design life of 80 years (replacement due in 2088) and major refurbishments are expected every 20 years (next due 2028).

The CCTV system at St Germans has been replaced with a modern system which automatically alerts any site motion detection back to the alarm monitoring centre control room. This system can be viewed, activated and deactivated remotely, and is working well.

The plans to inspect the pump impellers and wear rings was postponed as an initial survey showed around 600mm of silt build up in each of the intakes and over the stop log grooves, making it difficult to dewater the intakes. Desilting of the sumps needs to be after the Main Drain is desilted or they will refill with silt very quickly. To investigate the pump condition without dewatering and desilting, the pump manufacturer, Bosman, can undertake vibration analysis of the pumps, determining their condition and if there is a need for an intrusive inspection. This work was planned for during the pumping season as the pumps need to be run for analysis to be completed. The vibration analysis was carried out during February 2024 and there are no major causes for concern. This vibration analysis will be carried out annually so that pump condition can be monitored, and any issues can be addressed.

Pump 5 is not currently available to run on generator as the coolant radiator has a considerable leak. This will be investigated during summer.

#### Energy Use (St Germans pumping manual trial)

Electricity use at St Germans is being monitored to better understand the way in which the Station uses electricity so that we can ensure we are running efficiently and explore opportunities for improvements. During the 2023/24 pumping season the Station was manned to allow more in-depth trials to take place and data collected so that we can identify the most efficient ways to run and then control the Station. The overall goal of the trial was to reduce energy used per megalitre of pumping both on electricity and diesel with a long-term view to reducing costs and carbon footprint, hopefully extending the life of the Station. We believe this can be achieved by allowing us to react to changes in weather that the automatic control system cannot foresee, and then adapt pumping to suit tides, tariffs and energy sources.

The wet winter provided additional challenges and somewhat changed the parameters of the trial. We had one workforce operative permanently on site from October 2023 to May 2024, with two additional staff providing rota cover, the M&E Engineer supervising the trial and the Operations Engineer overseeing and advising on planning and operational activities. Although full data analysis has not yet been completed, we have reviewed our learning so far, which has been extensive.

The trial was conceived and planned assuming a 'normal' winter but extreme wet conditions, coupled with high electricity prices, put the system, the Station and our staff under considerable additional stress. The trial has enabled us to identify and realise further efficiencies and cost savings. These were achieved through:

- Manual intervention in the automatically controlled system;
- More efficient use of electric and diesel power;
- Early identification of issues that were fixed before they escalated;
- Better understanding of how the pumps operate to enable future adjustments to the automatic controls, in turn reducing wear and tear on equipment;
- Enhanced ownership by the staff operating the Station alongside upskilling and resilience building;
- Improved reaction to water levels, rainfall forecasts and weather conditions, meaning the rainfall events were better managed than through automatic control alone.

However, the original aims of the trial are still to be fully tested and it is therefore proposed to extend the trial through the next pumping season, which we hope will be closer to 'normal' conditions. The human and time cost of the oversight was significant with our Operations Engineer effectively reviewing weather and telemetry 24/7, impacting work-life balance and wellbeing. This will need to be mitigated moving forward.

**The Board is asked to support extending the pumping trial through to the end of the next pumping season.**

Further to the Board's resolution in April 2023 to move ahead with renewables at the site, initial estimates for a 52.5Kw solar installation are £80k-£100k which should produce between 33000 to 45000 kWh per year. This is sized to suit the base load of the Station only, with no feed into the grid. At current rates this could pay for itself within 5 to 7 years. The size and location of a solar installation at St Germans needs to be investigated further as it may be beneficial to install a much larger system to help mitigate the fixed costs of the large electricity supply to the site.

#### Bevills Leam Pumping Station

The anti-condensation heater on electric pump 1 has failed and the insulation resistance of the windings started to drop to a level that causes concern. The pump has been set to duty and with regular running this value has increased. During spring and summer this has increased considerably and although now not causing concern will continue to be monitored closely.

The main backup generator at Bevills failed during summer and had to have an ECU module replaced. This generator supplies all 3 electric pumps if there is a power outage.

There have been 3 pump failures at Bevills during events this year. As the Station has no spare capacity this quickly has a dramatic influence on pumping capacity. The first failure was a wiring fault on one of the diesel engines which was quickly rectified on the same day. The second was an oil leak on one of the diesel engine gearboxes. A temporary repair was made within 48 hours, a permanent repair will be carried out during summer. The third was a main contactor fault on one of the electric pumps, spares are very difficult to source. A temporary repair was made within 5 days and new components have been ordered and delivery is imminent. The weedscreen cleaner has also failed on several occasions this season. All faults have been rectified quickly. Spare parts stock will be reviewed this summer.

We will begin the GiA funded study on the whole of the Bevills Leam catchment and Pumping Station, including other works ongoing and planned, to improve catchment storage, reduce pumping, improve the environment, and stabilise watercourse banks. Until then, any major improvements/refurbishments are on hold.

The CCTV and intruder alarm systems at Bevills have been replaced with a modern system which automatically alerts any site motion detection back to the alarm monitoring centre control room. This system can be viewed, activated and deactivated remotely, and is working well.

### **Woodwalton Fen Reservoir**

#### **Flood Storage Reservoir**

Works at the Reservoir have now been completed and we received the Final Certificate and Certificate of Efficient Execution of Works on 7<sup>th</sup> August 2023. The Reservoir has now been registered with the Environment Agency as required under the Reservoirs Act.

This places additional duties on the Commissioners as the undertaker for the Reservoir with respect to inspections, maintenance, monitoring, records management and emergency planning. We received confirmation from the Environment Agency that the Reservoir has been provisionally designated as 'high risk' and as such the Reservoir will remain subject to the safety provisions of the Act.

Mr Daniel Sharp from Stantec has been appointed to provide Supervising Engineer services. This includes undertaking an annual visit and preparing an Annual Statement under Section 12 of the Act, in addition to providing general support and advice.

The Chief Engineer will collate the statutory Prescribed Form of Record which documents all information relating to the construction and ongoing operation of the Reservoir.

The Supervising Engineer has been instructed to produce the Emergency On-site/Flood Plan.

The first independent inspection under Section 10 of the Act will become due within 2 years of the date of the Final Certificate (i.e. by August 2025) and subsequently no more than every 10 years. This is to be undertaken by an independent All Reservoir Panel Engineer. (Budget approximately £8k).

Registration under the Act places a duty on the Commissioners as undertaker to implement an appropriate maintenance regime on the Reservoir assets, which will be monitored by the Supervising Engineer. A Reservoir Management Plan has been drafted for agreement with the Woodwalton Fen Reserve Manager and Natural England to define these maintenance and inspection activities without conflicting with the important environmental interests of the site.

The Chief Engineer visited site on 6<sup>th</sup> April 2023, observed the operation of both gates on Control Sluice and undertook active monitoring of operational access arrangements. It was observed that access to the flood storage reservoir evacuation penstock is unsafe, with broken steps and vegetation impeding safe access and operation. Repair works are planned as soon as vegetation can be cleared and assent is received from Natural England.

In October 2023 the Environment Officer identified the presence of a large badger sett in the western bank. A temporary artificial sett was constructed and the animals were excluded under licence to allow the bank to be repaired to maintain the integrity of the Reservoir embankment. The Supervising Engineer was informed and works were carried out in accordance with his advice. Under the terms of the licence, due to the size of the sett, a permanent artificial sett will have to be constructed in summer 2024 before the existing one is closed. The Ecology & Environment Services Manager (formerly the Environment Officer) is in consultation with Natural England.

Ongoing monitoring of badger activity is required, and any repairs needed will be carried out under licence. This will incur additional ongoing costs for investigations and mitigation work, repairs and Supervising Engineer fees as required.

A retrospective application for FCERM GiA for the Measures in the Interests of safety works undertaken in 2022/23 was submitted to the Environment Agency but, unfortunately was not approved due to the submission being retrospective.

#### Alternative Flood Storage

The study is underway and we are currently reviewing ten long-list options for alternative storage locations. This is being done with consideration to other projects and opportunities which have recently arisen, including consideration of the future of Conington & Holme IDB district, the Great Fen Peatland Progress and the Defra Natural Flood Management funding announced in September 2023, and the MLC Bank Raising Scheme.

The proposed long-list options have been reviewed and agreed by all partners in the project and hydraulic modelling is underway to enable a short-list of sites to be drawn up for more detailed assessment. The aspiration is to develop an adaptable solution that provides sufficient storage volume now and into the future, maximises the Commissioners' duty to enhance the environment, has a low carbon footprint and limits operational liabilities and costs by using gravity/passive structures and existing pumping stations where needed, and, potentially, does not require registration under the Reservoirs Act.

The Reservoir was used to store water on two separate occasions between October 2023 and February 2024, further impacting on the environmental interests of the site and increasing the urgency to implement a solution.

There are significant pressures on this catchment, as highlighted by the wet winter, and with more development planned and encroaching on Pig Water in particular, the deteriorating condition of Bevills Leam Pumping Station and the impacts of development at Great Haddon near Yaxley. The Chief Engineer is proposing to:

- Link a number of discrete studies together to ensure a more holistic assessment of the issues and opportunities in the Bevills Leam Pond;
- Implement a programme of gauging to better understand inflows and how the catchment responds to them;
- Kick start the FCERM GiA funded Bevills Leam Pumping Station Improvements project and re-scope it to include the whole of the Bevills Leam catchment;
- Consider some 'quick win' projects to increase water storage in the catchment, reduce stress on the Woodwalton Fen Flood Storage Reservoir and on Bevills Leam Pumping Station, and improve the natural environment (and possibly water quality), thus opening opportunities to draw down on various funding sources beyond FCERM GiA. These will be incorporated into the IDB Recovery Fund 2024 bid.

## **IDB Grant in Aid (GiA) Capital Programme**

Progress has been slow due to lack of internal resources. The forecast spend was reduced in Q1 and some timings changed in consultation with the Environment Agency. Staff changes at the Environment Agency have also slowed progress. A new project initiation process and consultation with IDBs has resulted in positive feedback so far, but there is still a lot of work to do to get the programme moving.

Allocating work to suppliers is now in progress through a combination of direct award through existing local authority frameworks and by direct tender to test the market, gain efficient delivery, spread resources/risk as suppliers are also over-stretched.

## **Catchment Conditions**

### ***Water Resources and Control of Water Levels***

*Spring/Summer 2023*

#### **Rainfall**

Mean rainfall over the area for the twelve-month reporting period was 892.66mm which is 332.18mm more than the standard average.

April 2023 was a relatively wet month in the Fenland area. Approximately 110% of the Long-Term Average (LTA) rain fell during the month, leading to a low Soil Moisture Deficit (SMD) figure of 25mm by the month end. Generally unsettled conditions prevailed through the first half of May, however drier, settled weather led to a higher-than-average SMD value by the end of the month of 65mm.

June was a notably dry month. During this time the SMD value rose to end the month at 136mm. Conversely, July was wet, with approximately 150% of the LTA rain falling. The first week of August started wet but drier weather interspersed with rainstorms was experienced for the remainder of the month. The SMD value by the end of the month remained at 136mm.

Warm weather prevailed during the first two weeks of September. The warmer weather was interspersed by heavy showers which although localised in nature contributed to a wetter than average month. Accordingly, the SMD value dropped to end the month at 112.

#### **Water Resources**

In stark contrast to the 2022 summer season, the summer of 2023 proved somewhat less challenging in terms of summer water resource management within the MLC catchment.

Early season resource requirement was negligible as generally unsettled weather prevailed through April into May. As supply pressure grew steadily during June, Anglian Water were able to agree to the 'Give and Take' arrangement that had been successfully implemented in previous years during peak abstraction pressure points. They were able to give up approximately 20mld (20 million litres/day) which balanced the equilibrium of availability versus demand in the Commissioners' catchment, negating any slacker closure or 4-night restrictions being imposed this season. Conversely, as wetter weather returned during July, they were able to take back additional water from the EA Nene to supplement flows into their reservoirs as agricultural demand remained minimal. Demand on water for agricultural abstraction rose again during the second week of August, but this was met reasonably comfortably, with healthy flows from the Environment Agency controlled Upper Nene.

Water levels in Well Creek were maintained by pumping water into it from the Main Drain at the Aqueduct to pre-set parameters. No issues have been experienced with the electrically powered pump allowing navigable water levels to be maintained in Well Creek throughout the period.

### *Autumn/Winter 2023/24*

Two words are required to sum up conditions in the Middle Level catchment during the reporting period from October 2023 to March 2024 - 'Extremely wet'. The team has worked extremely hard to manage these conditions and the ongoing impacts of wet ground and bank slips.

The weather and the consequences of the prolonged exceptional rainfall have seemingly made national headline news during the last six months, with local media taking a keen interest on our own MLC operational activities. The Middle Level system has itself been tested to its uppermost limits during this time, in terms of pumping capacities at both Bevills Leam and St Germans Pumping Stations, and possibly more importantly, in terms of water conveyance and water level management control during and in the aftermath of the significant rainfall events.

Early intervention to 'make space for anticipated superfluous water flows' prior to forecast rainfall events has limited the requirement to divert water into Woodwalton Fen Attenuation Reservoir to two separate occasions during the winter. Water diverted into the Reservoir via raising the Control Sluice gates on Great Raveley Drain was able to be evacuated as soon as receding water levels in the Great Raveley Drain allowed the impounded water to be safely released for subsequent discharge through the six pumps at Bevills Leam Pumping Station, which were called to operate at full pumping capacity on several occasions for extended periods during the winter months.

No fewer than five named storms deluged much of the East Anglia region from mid- October to early January, interspersed with mini events, providing challenging catchment conditions. The notable named storms within the Middle Level catchment area being:

Babet 20<sup>th</sup> October 2023  
Ciaran 1<sup>st</sup> November 2023  
Fergus 10<sup>th</sup> December 2023  
Gerrit 26<sup>th</sup> December 2023  
Henk 2<sup>nd</sup> January 2024

The Soil Moisture Deficit (SMD), the measure of physical field capacity, fell sharply following the heavy rainfall associated with storm Babet in mid-October, and remained low for the remainder of the month. Wet conditions continued throughout November and into early December with storms Ciaran and Fergus reducing the SMD value further to a single digit figure. The result of this being the entire MLC catchment became ultra-sensitive to seemingly small quantities of rainfall that interspersed the main storms. These 'mini events' would not under normal winter pumping operations give any cause for concern, usually being dealt with effectively with automated pumping with manual intervention as and when required at our two Pumping Stations. However, the conditions experienced during the last autumn/winter months were quite extreme, requiring careful level control management to evacuate water through the system as efficiently and effectively as was necessary to cope with the saturated conditions while creating as minimal an impact as possible to navigation on the system. Hence a very delicate balance had to be struck between the two, with carefully worded and timely text messaging to boaters warning, as far as was possible, of impending water level fluctuations.

The New Year brought no let up or change to the wet weather conditions. Storm Henk on 2<sup>nd</sup> January provided significant challenges for the MLC operational team at the end of the Christmas/New Year holiday period.

February saw a succession of Atlantic fronts crossing the Middle Level catchment bringing with them a continuation of rainfall events. The SMD value remained stubbornly low for the entire month, hovering just above zero.

March saw no let-up of the wet conditions. Further successional fronts from the south and west led to saturation point being officially recognised in the weekly SMD reporting data for the Fenland area from week commencing 5<sup>th</sup> March. Only now, at the time of providing this report at the end of March, have values shown

any signs of rising, albeit marginally by the week commencing 26<sup>th</sup> March to 7mm. The latest forecast for the first week of April remains generally unsettled with sporadic showers.

## **Works Delivery**

### **Bank Seepage**

The northern bank of New Dyke was monitored over last winter. Further investigations this season indicate seepage is only occurring infrequently when water levels are in excess of the maximum summer retention level. No immediate remedial actions are required or justifiable.

An incident of bank seepage was reported by an adjacent landowner along the north side bank of the Old River Nene at Ramsey St Mary's during June last year. The seepage required intervention by the Commissioners to clay puddle the adjacent raised grass embankment, utilising a contractor's machine. Further bank seepage has been apparent during the recent wet winter weather in the same location. Further exploratory investigations will be undertaken as soon as ground conditions are conducive, with the likelihood further remedial bank puddling activities will be required.

### **Weed and Grass Control on Banks & Channels**

Weed clearance from MLC controlled channels continues to be undertaken on a priority basis, to benefit both navigation and water conveyance. Rigid Hornwort has again been prolific in most channels this season - its semi buoyant nature allows it to grow seemingly undetected until it detaches from the channel bed later in the summer months. Its presence has again provided quite a challenge at both Pumping Stations and for our work boats to keep navigation clear.

Azolla – infestations of this weed were limited in nature within the Middle Level system again this season, although some Azolla growth colonised IDB channels.

Reed/Lily/Drain Bed Spraying – aquatic weed and reed herbicide treatment programmes continued again this season throughout the Middle Level system on a priority basis. It is noticeable that previous seasons' treatments have reduced previously excessive reed growth back to the margins on most of the Commissioners' main channels.

Weed-cutting (boats) - another season of exceptional aquatic weed growth has kept the Commissioners' work boat fleet operating at current capacity, albeit with reduced resources due to sickness.

Flail Mowing - other than recurrent hydraulic overheating issues with the 2017 Herder unit, a rebuild of the 2020 Spearhead Energreen mowing head and a windscreen replacement in the 2022 New Holland/Herder unit, the machines have generally continued to perform well.

### **Maintenance Works and Machine Cleansing - Banks and Channels**

#### ***Spring/Summer 2023***

##### **New Dyke & Monks Lode**

Emergent and submerged weed growth was removed from the channel of both watercourses during September using a contractor's 18-metre-long reach machine fitted with a weed basket.

##### **Catchwater Drain - (Straight Drove Bridge to Manor Farm)**

Phase programmed machine cleansing works have recently been undertaken on this reach. The works align with the pre-programmed 3-year return cycle of channel maintenance along Catchwater Drain for the 2023 season.

#### ***Autumn/Winter 2023/24***

##### **Yards End Dyke**

Stands of Bulrush and emergent aquatic vegetation were removed from the channel utilising a contractor's machine during the autumn months. The resultant arisings were placed on adjacent grassed embankments and left to decompose.

### Bank Slips

#### **Catchwater Drain, A1 Culvert to Cooks Lane**

Following bank subsidence, just at the point of completion of berm formation and bank reprofiling works last autumn, bank stabilisation works consisting of installation of timber toe and intermediate row revetment works were completed in July. Although it was initially anticipated these works would not be required, following removal of bank surcharges and the creation of a substantial berm, the soil geology at this site has dictated additional bank revetment was necessary. To comply with conservational and habitat requirements, pre-planted coir rolls have recently been installed at the toe of the embankment. The site has been grass seeded and will be left to proliferate over the autumn/winter months.

A report of suspected bank seepage along the north side bank of the Old River Nene, approximately 400 metres downstream of Ramsey St Marys Bridge, was reported to the office by the adjacent landowner. Following a site inspection, bank seepage was confirmed, and a contractor's machine was utilised to excavate a 'puddle trench' along the affected length of bank. Approximately 160 tonnes of puddling clay were imported to site and consolidated within the existing bank. It appears the remedial works have been successful and at the time of reporting no further seepage is evident.

#### **Yards End Dyke**

Following agreement with Anglian Water's insurers to foot the bill for remedial bank repair works at Askews Lane, Yaxley, an order has been placed with one of the Commissioners' contractors to undertake the necessary bankside repair works. At the time of reporting the remedial works on site are imminent.

The prolonged run of wet weather has created recent incidents of bank slippage, both upstream and downstream of Wykes Bridge. The length has historically been prone to bank slips going back many years and had previously been toe piled and boarded some 20 years previously. Unfortunately, the old timber revetment has degraded over the years and will require renewing to ensure upstream water conveyance is not compromised.



#### **Old River Nene/March Riverside**

A substantial length of bank slippage is evident along the south side bank of the Old River Nene at March Riverside. As this reach is not afforded a grass access strip it is proposed to leave this particularly prone reach until after harvest 2024 and reassess bank revetment requirements from there.

#### **Main Drain/East Bank Upstream of Magdalen Road Bridge**

A recent bathymetric riverbed survey of Main Drain has indicated a length of bank slippage along the aforementioned bank. Remedial revetment works have been required in past years to stabilise this reach. It is proposed to undertake a further detailed investigation of the site, and programme bank repair works as necessary in the near future.

### Weed Control & Channel Maintenance

#### **Inspections/advice/assistance**

Middle Level operatives undertook herbicide applications, on a rechargeable contract basis, to fourteen IDBs/DDCs last season.

#### **Maintenance Dredging and Associated Channel Works**

Work has been organised and co-ordinated in twelve IDB/DDC areas since the April 2023 meeting.

### Public Sector Co-operation Agreement (PSCA) Works

The MLC, representing Swavesey IDB, were engaged again last season to undertake maintenance works on Environment Agency controlled watercourses in the Swavesey area. Fail mowing along with a Roundup herbicide application were undertaken by MLC workforce using the Commissioners' plant and machinery. Weed raking and vegetation clearance was programmed to be undertaken late last season using contractor's plant and machinery and subsequently postponed due to poor ground conditions on site. All works undertaken under the PSCA arrangement at Swavesey are on a fully rechargeable basis to the Environment Agency.

### Planning & Consenting

The Technical Services team continues to be under pressure from a high workload associated with increasing development in the catchment. We have 2.5FTEs servicing the planning and consenting needs of the MLC and over 30 IDBs. Our reputation is suffering and we are receiving a fairly constant stream of complaints. There are a number of large consent applications outstanding which we are attempting to expedite, not least due to intensifying pressure from developers and local planning teams. We are attempting to mitigate this with several improvements detailed below, and once the Head of Technical Services is in post, we aim to see an improvement in service delivery, but this will not solve the demand versus capacity issue.

### Standing Advice

Progress made to date on planning for the Bank Raising Project and Horsey Toll Tilting Weir has highlighted the importance of enforcing our 20m byelaw strip (space for maintenance and capital works). New developments since the last major improvement works in the Middle Level have resulted in constraints at some sites, e.g. High Lode at Ramsey. Developers of new sites, e.g. Horsey Toll and Cardea, are putting additional pressure on our officers to flex the byelaws to enable development. This is unsustainable, ultimately reducing system capacity and limiting our ability to carry out appropriate maintenance in the future, potentially increasing flood risk and damaging the environment.

In addition, increasingly wet winters, extensive flooding elsewhere, the statutory duty to protect and enhance the natural environment, Biodiversity Net Gain (BNG) and high operational costs, are all putting strain on our system. We have previously tried to be practical and pragmatic with developers, but we now need to take a more robust approach to protecting our byelaw strip and those of the IDBs.

We want to work with Local Planning Authorities to reinstate partnership workshops and strengthen standing advice to ensure our 20m byelaw strip (and IDB 9m byelaw strip) is protected from development. We need to send a clear message to planners and developers that we will not accept any infringement.

The local planning authorities have been provided with our latest GIS data to assist with identifying planning applications which may need our consent.

Cambridgeshire & Peterborough Flood and Water (C&P FloW) Partnership are developing a Watercourse Mapping Tool, an interactive map of watercourses across Cambridgeshire enabling the user to click on any watercourse to find out who is responsible for its maintenance.

We also need to consider our approach to discharge and greenfield runoff and how this impacts the way in which our system responds and the impact it has on pumping regimes.

We are drafting a suite of short standing advice notes and our existing standing advice document will be revised. Further standing advice notes will be created in due course, covering the topics of byelaw strips and culverting which can ultimately be adapted for and adopted by IDBs should they wish to do so.

**The Board is asked to review and approve the Standing Advice note focussed on MLC system capacity and support the development and issuing of further notes at the discretion of the Chief Engineer and Chief Executive.**

The aim of new and revised standing advice is to:

- Improve response times to planning consultations and issue of consents (removes the to-ing and fro-ing as developers try to negotiate infringement or don't provide all the information we need).
- Protect space for efficient maintenance (squeezed space results in more costs, e.g. for removing silt from site that was once spread on adjacent land).
- Protect space for future capital improvements.
- Create/enhance biodiversity and connectivity through the system, conserving and enhancing valuable wildlife corridors.
- Secure land for BNG credits.
- Better protect existing and future homes, businesses and the environment.
- Ensure the stresses and capacity of our system are considered and understood within decision making.
- Enable us to deliver our statutory duties.

We want to develop a wider plan, for the future protection, operation, management and improvement of the Middle Level system river corridor. This could be achieved by purchasing land adjacent to the Middle Level watercourses to secure an operational corridor like we already have along the Main Drain. This will require a long-term strategy and considerable funding.

Having an agreed plan in place would also support our more robust approach to consenting and assist planning authorities with development of future Local Plans. This would need to be developed in collaboration with Fens 2100+.

**The Board is asked to consider the development of a strategy to protect a wider river corridor, possibly through land purchase (as along the Main Drain), which can be put into action as opportunities arise and funding becomes available.**

#### Planning Matters

During the reporting period 571 planning applications and 1983 planning enquiries have been dealt with.

We met with the Head of Planning at Fenland District Council and his colleagues to discuss how we can improve the triage process of planning applications to highlight works planned within MLC/IDB byelaws.

Planning officers have access to a GIS layer that is used to indicate such 'constraints'. In addition, we have developed a standard advice letter to be sent to all planning authorities, and to the applicants, advising them of their need for consent for the works and to contact us directly to discuss this.

This also reiterates that planning approval is not byelaw consent, and that we may have additional comments to make in relation to the application during the consultation window. This is now in place and will be monitored to test its effectiveness.

#### Byelaw Applications

Response times for enquiries and issuing of consents continues to be a cause for concern.

The following applications for Byelaw Consent to undertake works in and around watercourses have been granted during the reporting period:

| <u>Consent Number</u> | <u>Name of Applicant</u>                              | <u>Description of Works</u>                                                                                                                                                                                                                                                                         | <u>Date Consent Granted</u> |
|-----------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| BC/693                | Peterborough City Council                             | Improvement works to Green Wheel Cycle Path between Farcet and Horsey Toll adjacent to Pig Water                                                                                                                                                                                                    | 18/04/23                    |
| BC/694                | Anglian Water                                         | Renewal of existing water main in Sixteen Foot Bank carriageway                                                                                                                                                                                                                                     | 08/09/23                    |
| BC/695                | Ms Hilary Kenny                                       | Construction of a 4.8m long landing stage, including erosion protection under the landing stage, at Riverside Farm, Birchfield Road, Nordelph, Downham Market                                                                                                                                       | 08/09/23                    |
| BC/696                | Mr S Oliver                                           | Extension to existing house, including a nominal cut-out of bank at 240 Glassmoor Bank.                                                                                                                                                                                                             | 26/10/2023                  |
| BC/697                | Cambridgeshire County Council                         | Works at Askews Bridge to include demolition of existing brick wingwall and replace with new steel post and rail parapet.                                                                                                                                                                           | 16/11/23                    |
| BC/698                | Anglian Water Services Ltd                            | Renewal of approximately 3200m of AC watermain and fittings under carriageway of Forty Foot Bank Road 1m from the field side of the road from its junction with Doddington Road to its junction with Puddock Road with a 90mm HPPE watermain.                                                       | 20/11/23                    |
| BC/699                | Octavius Infrastructure Ltd                           | Temporary erection of fencing and associated signage, demolition of toilet block and shelter, removal of existing highway, installation of retaining wall, steps and outdoor seating, reconstruction of footway and biodiversity enhancement of the waterway and adjacent corridor – Old River Nene | 30/11/23                    |
| BC/700                | Anglian Water Authority (Strategic Pipeline Alliance) | New water pipeline between Elsham, Lincolnshire in the north to Colchester, Essex in the south. The pipeline will cross the Middle Level Drain upstream of Stow Road Bridge.                                                                                                                        | 26/2/24                     |

The following applications for Byelaw Consent to discharge to a watercourse have been granted during the reporting period:

| <u>Consent Number</u> | <u>Name of Applicant</u> | <u>Description of Works</u>                                                                              | <u>Date Consent Granted</u> |
|-----------------------|--------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------|
| DC/55                 | Mr M Topping             | Discharge of treated effluent.at Mill Hill Lane, March Discharge to an Anglian Water Sewer via March WRC | 25/5/23                     |
| DC/56                 | Vardi Investments Ltd    | Discharge of treated effluent at North Street, March. Discharge to an Anglian Water Sewer via March WRC. | 17/5/23                     |

| <u>Consent Number</u> | <u>Name of Applicant</u>      | <u>Description of Works</u>                                                                                                         | <u>Date Consent Granted</u> |
|-----------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| DC/57                 | Cambridgeshire County Council | Discharge of treated effluent at Eastrea Road, Whittlesey. Discharge to an Anglian Water sewer vis Whittlesey WRC.                  | 9/6/23                      |
| DC/58                 | Mr P Wilkinson                | Discharge of treated effluent at Wigstones Road, March. Discharge to an Anglian Water sewer via March WRC.                          | 13/6/23                     |
| DC/59                 | Snowmountain Enterprises Ltd  | Discharge of treated effluent at Elliott Road, March. Discharge to an Anglian Water sewer via March WRC.                            | 27/7/23                     |
| DC/60                 | Mr S Oliver                   | Discharge of treated effluent at Glassmor Bank, Whittlesey via an existing headwall.                                                | 26/10/23                    |
| DC/61                 | Mr T Jackson                  | Discharge of treated effluent at Park Road, Ramsey. Discharge to an Anglian Water sewer via Ramsey WRC.                             | 17/10/23                    |
| DC/62                 | Mr & Mrs Pocklington          | Discharge of treated effluent at Mill Hill Lane, March. Discharge to an Anglian Water sewer via March WRC.                          | 18/10/23                    |
| DC/63                 | Mr L Parish                   | Discharge of treated effluent at Mill Green, Warboys. Discharge to an Anglian Water sewer via Old Hurst WRC.                        | 17/10/23                    |
| DC/64                 | ALDI                          | Discharge of treated effluent at Eastrea Road, Whittlesey. Discharge to an Anglian Water sewer via Whittlesey WRC.                  | 3/11/23                     |
| DC/65                 | Mr A Henson                   | Discharge of treated effluent at Robingoodfellows Lane, March. Discharge to an Anglian Water sewer via March WRC.                   | 4/12/23                     |
| DC/66                 | Prestige Pipelaying JV Ltd    | Discharge of treated effluent at Norwood Road, March. Discharge to an Anglian Water sewer via March WRC.                            | 7/12/23                     |
| DC/67                 | Mr G Harradine                | Discharge of treated effluent at The Avenue fronting Princess Avenue, March. Discharge to an Anglian Water sewer via the March WRC. | 10/1/24                     |
| DC/68                 | Mrs H Mann                    | Discharge of treated effluent at Delph Street, Whittlesey. Discharge to an Anglian Water sewer via Whittlesey WRC.                  | 10/1/24                     |
| DC/69                 | J & N Hubbard                 | Discharge of treated effluent at Upwood Road, Bury. Discharge to an Anglian Water sewer via Ramsey WRC.                             | 12/1/2024                   |
| DC/70                 | Mr G Harradine                | Discharge of treated effluent at Station Road, March. Discharge to an Anglian Water sewer via March WRC.                            | 15/1/24                     |
| DC/71                 | Mr R Haynes                   | Discharge of treated effluent at Blunts Lane, Whittlesey. Discharge to an Anglian Water sewer via Whittlesey WRC.                   | 25/1/24                     |
| DC/72                 | Mr A Fosbueary                | Discharge of treated effluent at Orchard Road, March. Discharge to an Anglian Water sewer via March WRC.                            | 28/3/24                     |

## **Plant & Vehicles**

### **Plant**

The Spearhead Energreen SPV2 operated generally successfully last season. It has been evident the Spearhead mower head is not as robust in design and component longevity as the Herder mowing heads. It is recommended that to reduce the machine downtime recently experienced, a Herder head is procured to fit the Spearhead machine. The fitment of the heavy-duty Herder head has already been successfully undertaken by several other IDBs, who found similar issues with the less sturdy Spearhead mowing head.

The 2017 Massey Ferguson 7720 Herder unit was monitored for hydraulic oil overheating issues during the summer months. The Herder dealership has continued to be actively involved with the intermittent overheating issue despite the original warranty lapsing, as the machine is now operating in its sixth season. Hydraulic components have been exchanged individually at the dealer's expense in an attempt to solve the overheating issue. This seems to have partially improved matters, although ambient operating temperatures were generally much lower last summer. A subsequent meeting with the UK Herder dealership, Mastenbroek Environmental, was sought last November. The oil overheating issue was raised and assurance received from Mastenbroek that the Commissioners' Cavalier machines were being operated correctly and within their safety parameters without compromise to hydraulic components. It would appear issues of a similar nature regarding 'running hot' have been experienced with other IDBs machines - the Cavalier model has an apparent trait of operating with higher oil temperatures than the Grenadier models.

A broken windscreen in the 2022 New Holland/Herder unit required the machine to be stood down from operation for two days to allow the cab to be lifted allowing access to fit the new screen last year.

A replacement engine was sourced and fitted in the 05 Hemos boat, the original engine having blown. The fitment of the new engine has proved justifiable and worthwhile, the boat having operated successfully over the summer months. Given the annual pressure to maintain clear navigational passage throughout the MLC system during the busy summer navigation season, it is recommended the 05 boat is retained for the foreseeable future within the fleet.

It is unfortunate to report the New Holland T6 155 tractor/loader was involved in an overturn incident in Benwick last month. The combined tractor/loader unit had proved to be an invaluable piece of kit over a number of seasons for multiple tasks, latterly this autumn/winter for weed clearance duties with the front grab attachment at both Bevills Leam and St Germans Pumping Stations. Moving forward, and looking to our future requirements, since the decision was taken not to replace the Iveco Lorry/Atlas Crane last year, a similar machine to the T6 155 with fitted fore end loader is required. Replacement options are currently being explored including low hour ex-hire/demonstrator models that can be readily sourced with full extended warranties. Our insurers have offered a claim settlement.

An appraisal of the Commissioners' future flail mowing strategy, and in particular the bank crest mowing strategy has recently been discussed internally at Engineer/Operator level, in light of widespread signs of visible bank instability and subsidence generally contributable to the recent wet weather conditions, combined with the ever increasing and prolific activity of badgers within many of the Commissioners' flood defence banks and channel side slopes. For the ensuing season, two New Holland tractors have been sourced on short term hire for 8 weeks to power the Commissioners' older Vortex Top Mowers, thus reducing the weight of the combined tractor/ flail mower/top mower units from 14 tonnes gross weight to approximately 8.5 tonnes.

From a longer-term aspect and with Health and Safety of all our operations in mind, there is a likelihood of numerous lengths of newly raised bank crests, following the recommencement of the Bank Raising Scheme not being sufficiently stable to operate our current fleet of heavy long reach flail mowers for the first couple of seasons, at least until a dense grass sward has fully established and rooted, and more especially during wet conditions, for fear of creating 'deep ruts' in the newly constructed bank crest. Options for a monthly single pass bank crest mowing regime from April until the main/full cut commences, utilising a 6-metre-wide

bank top mower, which would be tractor mounted and fold hydraulically to a width of approximately 2.8 metres for road transport are being considered and costed. The added benefits of a single pass approach on each subsequent round of the future mowing regime on newly formed/raised bank crests being conservation and ecological enhancement by omitting mowing the side slopes until the main cut from mid-July onwards, work rate efficiencies and reduced fuel usage, resulting in financial savings and a reduction in the Commissioners carbon emissions.

#### Vehicles

Having been let down by the previous supplier and not being able to find any more vans to the required specification, two new Citroen Berlingo vans were eventually purchased in August. These cost just slightly over the agreed budget, due to availability and a pressing need (imminent MOT failure of one van at 10 years old).

The M&E Engineer's truck was purchased in July 2023 after some difficulty finding one available. There are still 6-8 month waiting times on new vehicle orders.

The Operation Engineer's vehicle was also replaced in 2023, in line with the Board's latest Plant Replacement Strategy. The old vehicle was placed on eBay and sold to the highest bidder.

The vehicle allocated to the Assistant Operations Engineer is due for replacement in 2024/25 and has been included in the plant budget.

The role of Chief Engineer has evolved over the last 12 months and it has become clear that a much more hands on approach is needed to lead and support the operations team, not least to ensure Health and Safety compliance and to be able to respond and visit sites at short notice. An additional vehicle has been included in the plant budget for 2024/25 with a business case being developed and to be agreed with the Executive Committee.

#### Plant Replacement Strategy

It is proposed to undertake a review of the current plant replacement strategy in discussion with the Operations Department to ensure that plant and equipment provided in future continues to be suitable for the operations we carry out. We have established a Plant Committee with representation from the workforce, operations, environment and finance. We will, in due course, start to move towards low carbon solutions but that is still some way off yet. We will monitor new technologies emerging onto the market to see how they perform and whether they would be suitable considerations in the future.

Recent occurrences have somewhat altered the anticipated approach to plant renewal in 2024/25, as detailed above.

The Hemos weed boats are non-complaint with current marine engineering safety requirements (location of hydraulic controls). Hemos are no longer on the market, so it is proposed to eventually replace the fleet with Conver boats.

We have reviewed the use of the trailers, lorries and other miscellaneous equipment against current operational needs, safety practices and legislation. The 7t Iveco tipper truck is due replacement but no longer serves our needs as it once did. It is proposed to replace this with a 3.5t Transit tipper, rear wheel drive (possibly ex-demo). This negates the need for 6-week inspections, and CPC/HGV licences to drive.

We also propose purchasing a second-hand 20-22ft flat-bed trailer for use with a tractor. This will make transporting timber piles, construction timbers, boats and materials safer and more efficient.

A transport trailer will be considered for future purchase, along with other plant such as an Aebi mower, once the maintenance regime at Cardea has been finalised. This could be funded from the developer contribution pot.

The proposed capital expenditure for 2024/25 is higher than average, but ensures we have the right plant and equipment needed to work efficiently and safely.

**The Board was asked to approve the proposed plant replacement budget.**

### **ADA Summary**

ADA continue to work effectively on behalf of IDBs and following their role in influencing the additional payments to Councils to help off-set the energy cost impacts on special levies, they have been in negotiation with Defra to secure the Lowland Agricultural Peat Small Infrastructure Pilot (LAPSIP) fund for IDBs. They are currently working with Defra on how the £75m announced for IDBs in the spring budget will be distributed and under what criteria.

Flood & Water Live returned to the ADA calendar and was held in Lincolnshire during July 2023 and the annual conference returned to the Institution of Civil Engineers on 21<sup>st</sup> November 2023 with a different approach to the day. The AGM aspect has now taken place virtually, so the morning is focussed on stalls and networking, then a buffet lunch ahead of a conference session with keynote attendees. At the AGM it was confirmed that there would be 6.5% increase in fees for 2024/25 with an “in principle” same increase for the following two years.

In February 2024, ADA hosted its second Environment Day, held at Park Farm, Thorney. The MLC Environment Officer, Sofi Lloyd, presented jointly with Robin Price of Anglian Water on the topic of IDB and water quality.

Locally, Marc Heading continues to Chair the Great Ouse branch and the clerking role of the branch is being transferred from these offices to Phil Camamile at the Water Management Alliance on behalf of the Bedford Group of Drainage Boards. John Heading’s term as the Great Ouse branch’s Director on the ADA Board ended in June with a replacement still to be confirmed.

IDBs locally continue to fund an ADA Directorship place on the Board of Water Resources East. With his retirement from the Middle Level Commissioners, David Thomas vacated this role and has been replaced by Giles Bloomfield of the Water Management Alliance.

### **Staffing**

The Chief Executive and Chief Engineer have undertaken an initial assessment of the capacity of the organisation and discussed with the Executive Committee. As reported in November 2023, in summary, it is evident from our first few months within our roles that the organisation is under stress. To various degrees there is insufficient capacity and capability to deliver on statutory responsibilities and/or service delivery expectations. For comparison, the Water Management Alliance, which comprises 7 IDBs, has 90FTEs compared to our circa 45 FTEs (if you include the employees of the IDBs we administer).

Whilst there is always room for increased efficiency and productivity within existing capacity, the constant and cyclical nature of foundation workload makes it incredibly challenging to introduce improvements.

We have also started to monitor staff working patterns more closely and the evidence so far is that many staff are working significantly longer than their contracted hours. There is limited resilience and succession planning in the organisation, and many ‘single points of failure’ which magnify the risks.

The Executive Committee considered our initial assessment of staffing capacity, particularly in the context of service provision to IDBs. They support the need for increased staff capacity associated with the management and delivery of MLC and IDB capital works by leveraging more sustainably on the certainty of FCERM GiA and IDB funding.

There is currently an estimated £18.5m of IDB capital works identified over the next 10 years. We know this is likely to be an under-estimate and will also rise due to inflationary pressures. Even excluding the Bank Raising Scheme, there is £16.5m of MLC flood capital works over the same period.

At the November 2023 Board meeting we reported on the planned introduction of three or four new roles, alongside the existing approval from the MLC Board to re-brand and re-benchmark the planning vacancy within Technical Services that we've been unable to recruit to. The latter was rebranded as 'Head of Technical Services', a role that used to be in place. This is an important people and line management role that is currently missing, but one that also drives service delivery standards that requires any candidate to be able to get hands-on technically.

One of the new roles is within our M&E team and we welcomed Richard Wilmer to the organisation in February 2024.

We recruited to the role of Head of Technical Services however regretfully the individual left the organisation after four days. We have therefore reconsidered how we benchmark and raise the bar within the role to attract a wider pool of more experienced candidates. The role will now also take on our technical lead for the Fens Reservoir and the intention is to re-recruit at the same time as Anglian Water go out to public consultation with the aim of increasing our reach and enticing suitably experienced candidates to join us.

In November 2023, the Board delegated the decision making associated with staff re-grading proposals to the Executive Committee. The Executive Committee are to approve any supported case for re-grading and determine the date they come into effect.

As part of the latest regrading review, Sofi Lloyd our Environment Officer has been promoted into a new role of Ecology & Environmental Services Manager. The Environment Act 2021 was a game-changer for IDBs and our journey towards enhancing the environment as part of delivering our wide range of services now comes with greater expectations, greater responsibilities, greater scrutiny, greater risk and a necessity to work in partnership and collaboration with an increasing variety of groups and organisations. There is also now the opportunity we need to unlock to use our land, assets, operations and waterways to enable the BNG responsibilities of others and bring in some income. The MLC Executive Committee recognised this and the need to scale up our ecological capacity and capability. We will be looking to recruit an Ecologist/Environment Officer role reporting to Sofi in due course as part of the suite mentioned above to enable capital delivery.

Another role under consideration is one within the Operations Department, to enable the Operations Engineer and Assistant Operations Engineer to more actively step into Senior User roles within MLC capital schemes. The final role is one within Technical Services that will be scoped once the Head of Technical Services is in place.

This action will not be a silver bullet to address all capacity stresses within the organisation, but it will work in combination with the improvements our new HR service will help drive, and with the clarification we introduce in terms of the MLC service offer for IDBs (see earlier in this report).

In terms of changes in personnel, Marion Eady retired in July 2023 after almost 12 years of loyal service and we welcomed Claire Symons into the Business Support Team. Robert Hill also celebrated his 25-years of expert service with us in June 2023. For 30 years Paul Grodkiewicz has been at the heart of our navigation service in his role as lock-keeper at Salter's Lode. Paul retired at the end of February 2024 and Paul's wife Karen Hills has been recruited into the role.

Steve Baker our M&E Fitter retires at the end of April after almost 24 years of loyal service, we have successfully recruited his son, Nick Baker who started with us on 2<sup>nd</sup> April 2024.

Lorna McShane, Assistant Clerk/Solicitor, left the organisation in March 2024 and we have successfully recruited Ruth Martin to a new role of Lead Clerk. Ruth starts in April 2024. Ruth brings survey, assets, drainage and engineering experience from her time with Breheny contractors, Anglian Water and Haskoning.

Since 2008, she has had leadership roles focussed on property, estates and facilities management and joins us from a charity where she leads the facilities management for 48 leased properties across East Anglia.

This role marks an adjustment for us all, for the Commissioners and for our services to IDBs in that we no longer have in-house legal qualified expertise. Ruth will have a key role in pooling and using the knowledge and experience we have within the office and within our networks, whilst learning and developing her own knowledge. The intent is to develop and drive a clearer suite of Legal and Estates work packages, using external suppliers where appropriate in a more considered and structured manner.

#### Employment Committee

The function and objectives of this Committee date back to resolutions made in 1995 and 1998. In November 2023 the Board supported the creation and adoption of new Terms of Reference for the Employment Committee. This is now in place.

#### Training

The following training was carried out during the reporting period:

- Telescopic Handler – 4 members of staff and 10 members of workforce
- First Aid Training – 6 members of staff and 2 members of workforce
- Fire Marshal Training – 4 members of staff

*J Brown*

Jonathan Brown  
Chairman

23 September 2024