

IMBANKING COMMISSIONERS

At a Meeting of the Commissioners for Imbanking Fen Lands and Low Grounds within the Parishes of
Chatteris, Doddington and Wimblington
hosted at the Middle Level Offices, March on Tuesday 13th May 2025

Present:

M E Heading Esq (Chairman)
R Gowler Esq (Vice Chairman)
C Gowler Esq
Ms A Morris
D Morris Esq

G Wakeham Esq
R Mason Esq
L A Nicholas Esq
R J Angood Esq

P Burrows (Clerk & MLC Chief Executive) and Mrs Ruth Martin (Lead Clerk) were in attendance.

Welcome and Apologies

An apology was received from C Martin.

C.236 Declarations of Interest

The Clerk reminded Members of the importance of declaring an interest in any matter included in today's agenda.

C.237 Minutes of Last Meeting and Matters Arising

There were no Matters Arising and the Minutes of the Last Meeting were agreed.

RESOLVED

That the Minutes of the Meetings of the Board held on the 9th May 2023 are recorded correctly and that they be confirmed and signed.

C.238 Constitution and Membership

The Board agreed that Mr Heading be appointed as Chairman of the Commissioners. This was proposed by Mr R Mason and seconded by Mr R Gowler

The Board agreed that Mr R Gowler be appointed as Vice Chairman of the Commissioners. This was proposed by Mr Heading and seconded by Ms Morris.

RESOLVED

That Mr Heading be appointed as Chairman of the Commissioners.

That Mr R Gowler be appointed as Vice Chairman of the Commissioners.

C.239 Fens Reservoir

Viz:

Provided by the Middle Level Commissioners		Item No:	5
Meeting:	IMBANKING COMMISSIONERS	Subject:	FENS RESERVOIR
Date:	Tuesday 13 th May 2025	Officer Responsible:	Paul Burrows

RECOMMENDATIONS

The Board is asked to:

- A. Approve that the Board act as one with the Middle Level Commissioners and other impacted IDBs. Therefore, the Middle Level Commissioners staff, consultants and legal service provider are authorised to act on behalf of and represent the Board.
- B. Acknowledge that the Fens Reservoir DCO may need to overwrite/disallow existing statutory powers held by the Board and delegate the decision making on this to the Clerk, engaging with the Chairman/Vice Chairman as he sees fit.

1. Latest position

- 1.1 On behalf of the Middle Level Commissioners and IDBs, we responded to the phase two public consultation and having worked closely with Anglian Water over the last 24-months, what is now clear within the proposals is that in terms of water source, water transfer, site flood resilience, emergency drawdown and downstream water transfer routes, the planning, construction and operation of the reservoir will be dependent upon the Middle Level Commissioners' and IDB infrastructure, our operations and our resources. These need to be ready and resilient for this enhanced future role.
- 1.2 Whilst the Middle Level has always been key within UK food security, the Fens Reservoir ([see website](#)) is a game-changer as our collective infrastructure and operations will also become critical for regional housing and economic growth beyond our catchment. This is arguably the boldest and most transformational investment in the Fens since the original great drainage schemes of the 1600s. It presents a great opportunity to bring resilience and investment into the Middle Level as we face the accelerated challenges of a changing climate as evidenced within the recent [Future Fens Integrated Adaptation Programme's Climate Change Risk Assessment](#).
- 1.3 We will be prioritising input into the Fens Reservoir as the potential gains are significant and the stakes are high. Therefore, please be mindful that other service standards may be affected.
- 1.4 We have been recovering our staff time costs associated with many aspects of supporting Anglian Water develop the Fens Reservoir proposals through a Service level Agreement (SLA). The SLA is being updated to cover additional technical support we need to bring in, e.g. consultants. We are also finalising a separate agreement for reservoir project funded additional staff capacity.
- 1.5 By spring 2025 Anglian Water aim to have a whole scheme solution identified ahead of another design freeze and third non statutory public consultation.

2. IDB Interests

- 2.1 The table below outlines the IDBs that we administer that are directly impacted in one way or another by the proposals so far. However, with the Middle Level being the proposed primary

source of water, this means indirectly all the other IDBs that gravity outfall or pump into the Middle Level Commissioners watercourses also have an interest.

Organisation	Direct Interest areas	Notes
Middle Level Commissioners	Interaction with and impact on MLC infrastructure and operations: • Water sources • Emergency drawdown • Site design • Downstream transfer Governance impacts of reservoir	
Curf & Wimblington Combined IDB	Interaction with and impact on IDB infrastructure and operations: • Site design (main site) • Downstream transfer Governance impacts of reservoir	
<i>Commissioners for imbanking fen lands and low grounds within the Parishes of Chatteris, Doddington and Wimblington, also known as the 'Imbanking Commissioners'</i>	<i>Governance opportunities the reservoir may enable dissolve the Commissioners and redistribute assets</i>	
Nightlayers IDB	Interaction with and impact on IDB infrastructure and operations: • Site design (treatment works) • Downstream transfer Governance impacts of reservoir	
Sutton & Mepal IDB	Interaction with and impact on IDB infrastructure and operations: • Downstream transfer	
Warboys Somersham & Pixley IDB	Interaction with and impact on IDB infrastructure and operations: • Downstream transfer	
Manea & Welney District Drainage Commissioners	Interaction with and impact on IDB infrastructure and operations: • Downstream transfer	
Upwell IDB	Interaction with and impact on IDB infrastructure and operations: • Downstream transfer	
Bluntisham IDB	Interaction with and impact on IDB infrastructure and operations: • Downstream transfer	<i>From 1st April 2026 we are discontinuing MLC services to these IDBs. With them</i>

Hundred Foot Washes IDB	Ouse Washes as a potential water source	<i>and their new service provider we'll need to consider what this means for the Fens Reservoir.</i>
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3. Legal approach

- 3.1 Over the coming months we need to work with Anglian Water to develop a draft 'Statement of Common Ground' and identify any 'Principle Areas of Disagreement'.

In terms of our external legal costs, Anglian Water have confirmed that they are prepared to cover the reasonable costs associated with activities that assist in the Development Consent Order (DCO) process/implementation of the scheme. This would be Anglian Water covering legal costs associated with:

1. The drafting, negotiation and completion of any legal agreements for the protection of MLC's assets (as a result of the DCO).
2. The drafting, negotiation and completion of any legal agreements in relation to operational matters required to be agreed/formalised to allow the DCO to be implemented/operate.
3. The drafting and negotiation of any protective provisions on the face of the DCO.
4. Entering into, and review of, the Statement of Common Ground (SoCGs)

Anglian Water would not expect to cover any legal costs related to activities such as:

1. Review of consultation and other materials and the drafting/review of consultation responses
2. Drafting/review of relevant and written representations during the DCO examination.
3. Drafting of responses to Examining Authority posed questions directly to MLC.
4. Drafting/review of any other written submissions during the DCO examination (e.g. Principle Areas of Disagreement (PADSS)).
5. Attendance at hearings.

- 3.2 We approached several external solicitors with experience in DCOs and are due to get into contract with our preferred supplier in January 2025.
- 3.3 For the Fens Reservoir, if the Middle Level Commissioners (including their employees and consultants) are to act on behalf of the MLC and IDBs they administer in a manner that is legally robust for a scheme of this complexity and significance, it is prudent to secure specific delegations and authority from each organisation.
- 3.4 Acting as one will enable efficiencies, increase agility, improve responsiveness and help manage and mitigate conflict of interests that some individual MLC/IDB Board Members have with the Fens Reservoir.
- 3.5 Acting independently would mean each organisation may need different staffing and legal service arrangements to look after their individual interest, i.e. the MLC staffing structure would not be able to act for each IDB as well as the MLC. This is impractical. It is also unlikely we would be able to practically manage the terms of any security/non-disclosure requirements that come with a scheme of this type by acting independently.

- 3.6 As the Fens Reservoir Development Consent Order will disallow/overwrite exiting statutory powers held by the Middle Level Commissioners and IDBs, the Board is asked to acknowledge this need and delegate the decision-making authority to the Clerk engaging with the Chairman/Vice Chair as he sees fit.

Author Name: Paul Burrows

Role: Clerk

The Clerk asked that his report be taken as read which was agreed. He advised that the Imbanking Commissioners are to be included within the Legal Services agreement. The reservoir could be an avenue for the Commissioners to be dissolved. The Chair added that he thought that the Commissioners should ensure that over the course of the next few years they should come up with a solution for the Imbanking Commissioners. The Clerk reminded the Commissioners that they are not an Internal Drainage Board, but that they are landowners.

RESOLVED

That the Board act as one with the Middle Level Commissioners and other impacted IDBs. Therefore, the Middle Level Commissioners staff, consultants and legal service provider are authorised to act on behalf of and represent the Board.

Acknowledge that the Fens Reservoir DCO may need to overwrite/disallow existing statutory powers held by the Board and delegate the decision making on this to the Clerk, engaging with the Chairman/Vice Chairman as he sees fit.

C.240 Commissioners Financial Statement

Viz:

IMBANKING COMMISSIONERS**FINANCIAL STATEMENT AS AT 31st MARCH 2025****GENERAL FUND**31-Mar-25

Payments made:-

Curf & Wimb. Comb.IDB - Contribution

-

Middle Level - Administration charge

120.00

120.00

01-Apr-24

Balance brought forward

17,235.37

31-Mar-25

Rent - T Noble

1,400.00

Interest on Deposit Accounts

251.82

1,651.82

Balance carried forward

18,767.19

18,887.1918,887.19**BALANCE SHEET****Capital Section****Liabilities**

Capital Provisions

75,000.00

Assets

Land - Turf Fen 10.500 acres

75,000.00

Revenue Section

Creditors

470.00

General Fund

18,767.19

Balance in hand - Barclays Bank

Clients' Account

1,000.00

Business premium Account

18,237.19

19,237.19

94,237.1994,237.19

The Commissioners considered and approved a financial statement showing the sum of £19,237.19 was standing to the credit of the Commissioners on the 31st March 2025.

C.241 Use of Commissioners Funds

The Chair confirmed that there has been no spending to date, and asked if the Commissioners could consider spending some on improving access to Bensons Pumping Station. Some discussions followed, with Ms Morris asking if the Commissioners land had been registered. It was agreed that it was unlikely that it had been, and so it was agreed that it should be attended to.

RESOLVED

That it be established if the Commissioners land is registered with Land Registry.

That if the land has not been registered, measures are taken to register the Commissioners land with Land Registry.

C.242 Land at Turf Fen, Chatteris and Assets

The Commissioners agreed that no change in the rental level is required.

The Clerk asked if the Commissioners had considered the land's Biodiversity Net Gain potential. It was agreed that the Commissioners commission the MLC Ecology and Environmental Services Manager to carry out a desktop survey to establish if the land had any potential.

RESOLVED

That no change in the level of rental be made.

That an assessment of BNG potential be made by the MLC Ecology and Environmental Services Manager.

C.243 Risk Management Assessment

Revaluation of Commissioners Assets.

The Clerk was asked to establish when the land was last valued. It was decided to hold back on a revaluation until the BNG potential of the land had been established.

RESOLVED

That no changes be made to the valuation at this time.

C.244 Date of Next Meeting

RESOLVED

That the next meeting of the Commissioners be held on Tuesday 12th May 2025 at the Middle Level Offices at 4.00pm.

C.245 Any Other Business

The Commissioners thanked Mr Wakeham for his service and wished him a happy retirement.

Nothing further was raised, and the Chairman thanked everyone for their attendance. The meeting closed at 4.15pm

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Chair

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Date