NIGHTLAYERS INTERNAL DRAINAGE BOARD

At a Meeting of the Nightlayers Internal Drainage Board
hosted at the Middle Level Offices, March on Tuesday 19th May 2026

PRESENT

Arthur Edgley (Chair)	Jan French (FDC)
Stephen Edgley (Vice-Chair)	Martin Graves
Luke Edgley	Stephen Graves
Trevor Edgley	Michael Smalley
Lucie Foice-Beard (FDC)	Tim Taylor (FDC)

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

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

Apologies for absence

Apologies for absence were received from Mr Peter Murphy, Mr James Edgley and Mrs Anne Hay.

B.1253 Declarations of Interest

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

The Chairman declared an interest in all matters relating to the District Officer and the appointment of a Chairman.

The Vice-Chairman declared an interest in the appointment of a Vice-Chairman

Mrs Jan French declared an interest in all planning matters concerning Fenland District Council.

Members agreed to declare any other interests during the course of the meeting.

B.1254 Confirmation of Minutes

The minutes were confirmed as a true record, and no Matters Arising were identified.

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 21st May 2025 are recorded correctly and that they be confirmed and signed.

B.1255 Constitution & Membership

The Board considered the report.

Elections, vacancies & appointments

Miss Ablett referred to the length of tenure of the Chairman and Vice Chairman and encouraged the Board to consider its succession arrangements.

The Chairman reported that he and the Vice Chairman had previously considered the matter and agreed that, considering the Vice Chairman’s business commitments, it was not an appropriate time for him to assume the Chairmanship.

Miss Ablett shared the register of electors and highlighted that elections will take place later this year. She added that members will receive a notice during July/August and are requested to return their slip as soon as possible as terms end on 31st October 2026.

RESOLVED

That the register of electors be approved for use in the upcoming elections.

That Arthur Edgley be appointed as Chairman of the Board.

That Stephen Edgley be appointed as Vice-Chairman of the Board.

Training

Miss Ablett reminded Board members that Board training is reported on the IDB1 form and asked Members to advise the Clerk of any training completed or required. She added that there had been discussions amongst other Boards regarding potential health & safety training.

Members asked that should the Middle Level Commissioners arrange any training for other Boards that details are sent to all Board members so they can attend.

RESOLVED

That Board members be advised of any training organised for other Boards so they can attend.

Mr Trevor Edgley joined the meeting.

B.1256 Clerk's Report

Miss Ablett drew the Boards attention to the Clerks Report and asked that most of the report is taken as read. She highlighted the Policy Reviews, Waste Exemptions and IDB1 (Annual Reporting to Defra) items.

Mr Lakey explained that over the next 12 months it is intended to move each IDB towards having their own suite of waste exemptions, rather than continuing with the current situation where one suite of exemptions covers MLC and all Boards.

Mr Lakey outlined the extra information that is being reported on the IDB1 return and the challenges that this is causing. This includes additional information relating to drain maintenance which he is compiling for this Board with support from the District Officer. He added that Defra have been asked to provide more information on why this level of detail is necessary.

RESOLVED

That the Clerk’s Report is noted.

That the Board delegates the approval and publication of new and/or updated policies to the Clerk.

B.1257 Environment Officers' Report
VIZ:

Provided by the Middle Level Commissioners		Item No:	6
Meeting:	**NIGHTLAYERS IDB**	**Subject:**	**ECOLOGY AND ENVIRONMENTAL SERVICES MANAGER'S REPORT**
Date:	**7th May 2026**	**Officer Responsible:**	**Sofi Lloyd**

RECOMMENDATIONS

The Board is asked to:

A. **Review and approve the new Biodiversity Action Plan** – available from the IDB's webpage on the Middle Level Website: **www.middlelevel.go.uk/Nightlayers/**

B. Note that Key Environmental Compliance Indicators (KCIs), as below, have been launched this year to assess and report the environmental compliance of the IDB in a consistent way. This will help to ensure that any areas of environmental risk are flagged promptly, and the environmental achievements of the Board are recognised and published.

C. Propose to set the biodiversity budget at £250 to purchase a swift box and request suggested locations for it to be put up (on a high agricultural building near water)

D. Note that a review of the IDBs Environmental and waste permits is required and will be planned with the Chair and VC in the coming months.

Review of Key Environmental Compliance Indicators (KCIs)

Key:	**Not Achieved / Information Not Available**	**Partly complete / A date has been set for completion. (provide date and resource)**	**Complete**
Name of Board Environmental Representative:		**S Edgley & A Edgley**	
KCI:	**Description of KCI:**	**Status:**	**Comments:**
1.	A current channel categorisation map & reasoning is available	Complete	ML completed. Will move to alternate bank flailing in 26. Desilting main pump drain every 2 years due to sediment from water treatment works. Rest 3–4-year rotation.
2.	Standard Operating Procedures audit has been undertaken and works considered compliant	Complete	ML Completed
3.	The previous year's maintenance record is available for review and to inform the following year's works planning.	Complete	ML has available.
4.	A channel maintenance plan (flail mowing and desilting) has been prepared for Board review and approval.	Complete	ML has available.
5.	All non-routine works undertaken in the previous year were screened for environmental impacts and opportunities using the ESR process	Complete	N/A. last works were bank reformations at Campole drain which were correctly screened.
6.	The Biodiversity Action Plan has been reviewed and objectives for the previous year have been met and following objectives set	Complete	Set for 26-31
7.	Biodiversity budget is proposed and defined	Complete	As above
8.	At least one Board Representative has attended at least one biodiversity training / information event in the year and reported relevant details to the board	Partly complete	In progress for 2026
9.	There has been no net loss of open watercourse (via culverting or other) in the district in the previous year	Complete	
10.	A current map of badger setts in the district is available and licensable works around them was undertaken compliantly and in line with licence conditions	Partly complete	In progress but none known at the moment

middle level commissioners

Nightlayers IDB

Annual Environmental Review - Notes from Meeting

Attended by: Sofi Lloyd, Steve Edgley, Aife Edgley, Morgan Lakey

Date: 07/05/2026

Point No.	Notes:	Action by and due date
1	The KCI's for the Board report were completed	
2	Discussed that there would be benefits to both bank stability and biodiversity to hold water higher in Campole drain. Suggest putting a board in temporarily at point 19 to test.	ML/SE 2026
3	Discussed the challenges that the potential Fens Reservoir presents in business planning and long-term planning for biodiversity benefits. Agreed to concentrate on maximising biodiversity value of channels and less on habitat creation.	
4	Potentially an old fen drove between points 16-18 Hoe Fen Drove and potentially from the road to point 9. Also, potentially road just north of point 27 to the old Victorian tip. SL to check maps	SL 26
5	Noted that historically, sightings of water voles and bats in the district were numerous	
6	SL agreed to check where barn owl boxes are and identify if any new ones are needed	SL 26
7	SL confirmed that it was very likely that otters use the Nightlayer's channels at least for commuting from the 40ft. SL explained that otter signs are extensive throughout the Middle Level as they favour the good fish stocks.	
8	Confirmed that the Board does not own any land	
9	SL stressed the importance of recording and reporting more species that are found within the area to better inform efforts for conservation and enhancement. Please use the iRecord app.	ALL 2026
10	Remaining points captured in the draft BAP.	
11	Discussed that swifts aren't doing very well and maybe the Board could set their biodiversity budget this year to purchase a swift box and ask for suggested private locations at the Board meeting. Boxes are approx. £250. Best locations are under the eaves of higher agricultural buildings, near water.	ML/AE May 26
12	SL will load draft BAP onto the Nightlayers' webpage on the MLC website and make a link available to Board members in the Board papers ahead of the meeting for them to review. The aim is to have the BAP approved by then end of June.	SL May 26

Miss Ablett circulated printed copies of the ecology and environmental services manager's report and advised that this had also been emailed to members prior to the meeting.

She referred to the key Environmental Compliance Indicators launched this year, which report the environmental compliance of the Board in a consistent way.

Miss Ablett reported the Chairman and Vice Chairman had a meeting with the environment officer and Mr Lakey to undertake an annual environmental review, which highlighted any actions necessary. She added that one area of concern related to the decline in swifts and the Board is asked to consider setting the biodiversity budget at £250 to purchase a swift box.
Miss Ablett reported that the Vice Chairman had agreed to work with Mr Lakey to purchase a swift box and find a suitable location. She asked members if they would approve the actions of the Vice Chairman. Members agree the purchase of a swift box.

Mr Lakey reported the biodiversity action plan is available on the website for review and approval. He highlighted a change in approach to the Environment Officer's reporting and added there will now be newsletters developed and circulated to Members with interesting and generic updates. He further reported that an annual report for each IDB will now be specific to that Board and focussed on their Key Environmental Compliance Indicators.

Mr Lakey advised the biodiversity action plan had been discussed with both the Chairman and Vice Chairman and a full review had been undertaken. Members were asked if they had reviewed the plan and able to approve it.

Members approved the biodiversity action plan.

Mr Lakey reported on several areas of biodiversity and of the Environment Officer's request for members to report wildlife of significant interest, i.e. different types of owls, kingfishers, otters etc. directly to her or via iRecord being a mobile App, which will assist with the recording of sightings.

He added this record helps to identify species that are rare or in danger, or that are not as rare as first thought within an area, which in turn may assist Boards with their maintenance programmes as some species may no longer be on the danger list.

RESOLVED

That the Ecology and Environmental Services Manager's Report be noted.

That the Biodiversity Action Plan and polices be approved.

A biodiversity budget of £250 was set for swift boxes.

That the Board attend the Ecology training being arranged.

B.1258 Consulting Engineers' Reports

Miss Ablett referred to the Consulting Engineers' Reports asking that most of the reports be taken as read.

The Board considered the Reports of the Consulting Engineers.

a) Enforcement & Compliance

Miss Ablett reported the Middle Level Commissioners now has two enforcement officers currently investigating various cases across 17 Boards and the Middle Level Commissioners and have concluded a number of cases and have been successful in recovering more than £445,000 of historic outstanding drainage charges.

It is recommended that the Board authorise the Chairman and Vice Chairman to take decisions on enforcement action on behalf of the Board, having taken advice from Middle Level Commissioners' officers. They will engage other Board members as they see appropriate and determine whether a Special Meeting of the Board is needed on a risk and complexity basis.

b) Grant Funding Guidance

Miss Ablett reported that at the January 2026 RFCC meeting the EA indicated that the indicative allocation of £160,000 included on the investment programme for 2026-2027 for Nightlayers Pumping Station Refurbishment has been deferred.

She added that as the £160,000 is already in the investment plan the Board could decide to start the process and have a business case drawn up and the cost of this, based on cases recently prepared for other Boards, is likely to be in the region of £3,500 to £4,500. She advised the Board would be required to pay for the business case before it is known whether any GiA is secured.
Miss Ablett reported the Chief Engineer has advised that the Board could secure a bid in 2026-2027 with work to commence in Summer 2027, if the bid is successful. She added that although pumping station refurbishments can be 100% funded there is no guarantee of this and if the Board is able to show it is willing to part-fund the project this will help to secure GiA and increase priority.

Miss Ablett advised that both the Chief engineer and the M & E Consulting Engineer recommend that the Board develops an asset investment plan, to include the items identified in the M & E report and shown on the capital programme and confirms how it wishes to progress the Nightlayers Pumping Station Refurbishment project.

After discussing the comments made by both the Chief Engineer and the M & E consulting engineer, together with the level of funds held by the Board, it was agreed that a meeting be arranged with the Chief Engineer, M & E consulting engineer, Chairman and Vice Chairman to develop a plan for the pumping station refurbishment and for the outcome from the meeting to be emailed to members for approval.
It was further agreed that if members approved the refurbishment the Board should proceed with the GiA application as soon as possible and a contribution towards the project is to be made by the Board from the asset replacement fund.

<u>c) Planning Update</u>

i) Miss Ablett referred members to the Planning Engineer's comments regarding the residential development on land to the east of 13B Bridge Street, Chatteris and advised the planning application is currently the subject of an Extension of Time.

ii) Miss Ablett referred to the encroachment at the Fenton Way Developments site and asked Mr Lakey to report further.

Mr Lakey reported the developer had encroached within the 9-meter byelaw and a concrete road had been laid. He advised that this was contrary to the consent granted as this stipulated that grasscrete blocks should be used and therefore the conditions of the consent had not been met.

Members enquired how the byelaw strip was to be maintained. Mr Lakey advised that access would be required for unloading heavy plant and the small section adjacent to the A141 could only be accessed for maintenance from the opposite bank, which would be at an additional cost to the Board.

Members enquired whether the consent issued to Fenton Way Developments site, despite encroachment on the 9-metre byelaw strip, can be rescinded due to them not adhering to consent requirements.

Mr Lakey advised that he considered this would be unlikely but could be investigated.

iii) Miss Ablett reported the planning engineer has asked that I remind the Board that it is essential that adequate maintenance arrangements and access strips, on both sides of the channel are provided regarding Birch Fen Drain, an FDC Award Drain, which serves an important part of the larger surface water drainage system in the Chatteris area.

There are concerns about the capacity of and the adverse impacts on Birch Fen Drain and the Board will not issue any related consents until its requirements have been met. This may include the provision of a hydraulic model and/or wider study and Drainage Strategy of the sub-catchment agreed by relevant RMA are required. These can advise on the impacts of current and future developments if better water level management, reduced flood risk and environmental damage is to occur.

(NB: Mrs J French declared an interest in all matters concerning Fenland District Council in her capacity as a member of the planning committee.)

d) Operational Services

Mr Lakey reported on the works undertaken over the past year and of future works, together with the associated costs. He reported that Mr Ashman will no longer be available to undertake the Board's flail mowing, however he had been assisted in the past by M & C Agri Services. Mr Lakey advised that they are available to undertake the flail mowing requirements for the coming year and enquired whether the Board wish to proceed with them. This was agreed by all Members.

e) Mechanical & Electrical

Miss Ablett referred to the M & E Consulting Engineer's comments regarding the age and reliability of the pumps and his recommendation that a plan is put in place to overhaul or replace items as necessary to ensure ongoing reliability. She reported that both pump no. 2 and the electrical panel needed to be replaced and advised that both these items have been included in the £160,000 pumping station refurbishment project, as discussed earlier.

RESOLVED

That the reports be approved.

a) That the Chair and Vice Chair are authorised to take decisions on enforcement action on behalf of the Board with advice from Middle Level Commissioners.

b) That a meeting be arranged with the Chief Engineer, M & E consulting engineer, Chairman and Vice Chairman to develop a plan for the pumping station refurbishment and for the outcome from the meeting to be emailed to Members for approval.

That if approval is received from Members the Board proceeds with the GiA application and a contribution to the project be made by the Board from the asset replacement fund.

c) That enquiries be made as to whether the consent issued to Fenton Way Developments site, despite encroachment on the 9-metre byelaw strip, can be rescinded due to the requirements of the consider not having been met.

d) That M & C Agri Services undertake the Boards flail mowing requirements.

B.1259 Health & Safety

Miss Ablett gave an overview of the report and the recommendations that the Board consider showing how it could strengthen its approach to health and safety. The Board were asked to take note of their Health and Safety accountabilities and reminded that they cannot delegate their responsibilities.

She added that Middle Level Commissioners intended to develop a H&S service provision offer that would be discussed at the Chairmans' meeting in December 2026 for potential roll-out from August 2027.

The Vice Chairman enquired whether any training is provided by AW Safety Ltd as part of their service already paid for by the Board.

Miss Ablett advised she would make enquiries.

The Vice Chairman gave a verbal update following his meeting with AW Safety Ltd on 28th January 2026 and advised that all matters were being dealt with by both him and the Chairman.

The Board considered the H&S Report provided by AW Safety Ltd and noted the content and reaffirmed that the Vice Chairman is the Board's H&S lead.

RESOLVED

That the Middle Level Commissioners' H&S officer be asked whether training is provided by AW Safety Ltd as part of their service.

B.1260 District Officer's Report

The Chair gave a verbal report, advising that all items had been covered in the Operational Services report and that he had nothing further to add.

B.1261 Governance

Miss Ablett asked the Board to consider the Governance report and that its content be noted.

a) Completion of the Annual Accounts and Annual Return of the Commissioners – 2024/2025

i) The Board considered and approved the comments of the Auditors on the Annual Return for the year that ended on the 31st March 2025.

ii) The Board considered and approved the Audit Report of the Internal Auditor for the year that ended on the 31st March 2025.

The Board noted the continued appointment of Whitings as its internal auditor.

b) Consideration of potential litigation, liabilities, commitments

Miss Ablett reported that as part of the Annual Governance review the Board were required to consider if there were any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end that have a financial impact on the authority. It was confirmed that there were no such matters that have been raised through the office of the clerk. Members considered the position.

RESOLVED

That there are no such events that would have an adverse financial impact on the Board that would need to be included within the accounting statements for the financial year ended.

c) Review of Internal Controls

Miss Ablett reported that the internal controls the Middle Level Commissioners have in place, in their services to the Board, are available on the Board's webpage.

The Board considered and expressed satisfaction with the current system of internal controls and did not highlight the requirement for any additional controls.

d) Risk Management Assessment & Insured Values

The Board considered their Risk Management Strategy and insured sums

RESOLVED

i) The Board approved the sums insured.

ii) The Board did not highlight any specific risks or issues not covered within the Boards Risk Management Strategy (published in 2024 and on the website).

e) IDB1 (Annual Report to Defra)

The Board noted the IDB1 return for 2024/25 submitted on their behalf.

f) Exercise of Public Rights

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

g) Annual Governance Statement

The Board noted and approved the submission of their Annual Governance Statement for 2025/26 authorising the Chairman and Clerk to sign the statement.

B.1262 Finance Report – Looking Back

Finance officer's review and key messages

The Board reviewed and noted the key finance messages of the Responsible Finance Officer.

Highland Water Contributions

Miss Ablett referred to the Highland Water Contributions received for 2025/2026, which were noted by the Board.

Payments for 2026

The Board considered and approved the Payments for 2025/2026.

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

Annual Accounts and Finance Papers 2025/2026

The Board considered and approved the Annual accounts and Finance Papers for the year ended 31st March 2026, as required in the Audit regulations.

RESOLVED

That the Chairman be authorised to sign the Annual Return, on behalf of the Board for the financial year ended 31st March 2026.

B.1263 Finance Report – Looking Forward

Finance officer's summary and key messages

The Board reviewed and noted the key finance messages of the Responsible Finance Officer.

Fees, Remuneration & Subscriptions:

District Officer's Fee

The Board gave consideration to the District Officer's fee for 2026-2027.

RESOLVED

That the Board agree that the sum of up to £5,298 be allowed for the services of the District Officer for 2026/2027.

(NB) – The Chairman declared an interest in this item as District Officer.

Precept

Internal Drainage Boards are required to pay a Precept (IDB Precept) to the Environment Agency for their expenses managing water passing into main rivers. Predominantly, the Precept funds additional maintenance downstream of and/or benefitting IDB districts.

The Anglian (Great Ouse) Regional Flood & Coastal Committee (RFCC) determined that the Precept will increase by 2% for 2026.

The precept for 2025 was £3,720.13.

RESOLVED

That the Precept is paid in full.

Determination of Annual Values for Rating purposes.

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

RESOLVED

i) That the determination recommended be adopted by the Board.

ii) That the Clerk be empowered to serve notices and to take such other action as may be necessary to comply with statutory requirements.

iii) That the Chairman and the Clerk be empowered to authorise appropriate action on behalf of the Board in connection with any appeal against the determination.

iv) That Board approved that rate arrears amounting to £106.47 be written off.

Estimates for 2026/2027

The Board reviewed the estimated budget for 2026/2027 as recommended by their Responsible Finance Officer.

RESOLVED

That the budget be approved.

Rate Requirement for 2026/27

The Board considered the proposal for special levy and drainage rates in respect of the financial year 2026/2027 and were informed by Miss Ablett that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by special levy on local billing authorities would be respectively 13.98% and 86.02%.

Miss Ablett reported the rate required to meet the estimated net expenditure for 2026-2027 is 7.5p and that this was a reduction from the 9p raised in 2025/26.

She reminded members that 2025-2026 had been a dry year, which had resulted in a reduction in the electricity costs, together with less than anticipated drain works undertaken. She added the Board is considering refurbishing its pumping station and reminded members that a business case would be required costing in the region of £3,500 to £4,000.
Miss Ablett advised the Board needed to consider how the refurbishment would be funded should GiA not become available.

A reduction in the rate of 8p was proposed, reflecting on the difficulties the agricultural sector is facing at present, and this was seconded.

Miss Ablett enquired whether there were any other proposals.

The Chairman advised the Board need to consider future electricity costs, should there be another significant rainfall event and there being no guarantee that storm recovery grants would be received.
He proposed the rate should be set at 9p to cover the proposed budget and this was seconded.

Miss Ablett advised that, given two proposals had been put forward, a vote was required.

The Vice Chairman then proposed a rate of 8.5p, which he hoped would be acceptable to all members. This proposal was agreed unanimously.

RESOLVED

i) That the estimates be approved.

ii) That a total sum of £54,820 be raised by drainage rates and special levy.

iii) That the amounts comprised in the sum referred to in ii) above to be raised by drainage rates and to be met by special levy are £7,663 and £47,156.

iv) That a rate of 8.5p in the £ be laid and assessed on Agricultural hereditaments in the District.

v) That Special Levies of £47,156 be made and issued to Fenland District Council for the purpose of meeting such expenditure.

vi) That the seal of the Board be affixed to the record of drainage rates and special levies referred to in resolution v).

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

viii) That any surplus arising in 2026-2027 be transferred to a plant refurbishment fund.

B.1264 Date of next Meeting

RESOLVED

That next Meeting of the Board be held on Tuesday 18th May 2027 at 6pm at the Middle Level Offices.

B.1265 Any other Business

With no other business raised the Chair closed the meeting at 7.20pm.

……………………………………………..

Chair

……………………………

Date