

# **NIGHTLAYERS INTERNAL DRAINAGE BOARD**

At a Special Meeting of the Nightlayers Internal Drainage Board  
at the offices of the Middle Level Commissioners on 8<sup>th</sup> November 2021

## **PRESENT**

A Edgley Esq (Chairman)  
T Edgley Esq  
M Smalley Esq  
T Scott Esq

S P Graves Esq  
Cllr Mrs J French  
Cllr Mrs S Hoy  
Cllr Mrs A Hay

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

## **Apologies for Absence**

Apologies for absence were received from J Edgley Esq, L Edgley Esq, S Edgley Esq and Cllrs D Divine and P Murphy (FDC).

## **B.1138 Declarations of Interest**

Miss McShane reminded Members of the importance of declaring an interest in matters on the agenda that involved or was likely to involve or affect any individual on the Board.

The Chairman of the Board, A Edgley Esq, introduced the formal part of the meeting which had been convened to discuss the sale of the Nightlayers Internal Drainage Board's land at Fenton Way, Chatteris. A Edgley declared an interest in the matter as an adjacent land owner of the land proposed to be sold to the Floorspan Contracts Ltd ("the Developer")

The Chairman left the meeting at this stage.

## **B.1139 Proposed development to the north of South Fens Business Centre and east of Fenton Way, Chatteris – Floorspan Contracts Ltd (MLC Ref No 841) Land occupied by former Dock Pumping Station**

Miss McShane advised the Board that at the meeting of the Board held on Thursday 30<sup>th</sup> September 2021 the Board had resolved that;

- i) the principle of the transfer to Floorspan Contracts Ltd be approved
- ii) the preferred transfer would be the grant of an easement over the land to the Developer
- iii) the value of the easement should be £115,000. However, the Board was prepared to negotiate with the proposed purchaser once the requirements of Fenland District Council and the Highways Authority were known, and, if the requirements of the County Highways were more onerous for the Developer or there were any other material circumstances to take into account. Any negotiated valuation should be reported to, and approved by, the Board.

Since the last meeting on 30<sup>th</sup> September, Floorspan had written to the Board advising that a leasehold interest or a grant of a right of way over the land was not sufficient for their purposes. In view of the financial commitment the Developer was going to make into the proposed Development at Chatteris they required a freehold transfer of the land.

In accordance with the previous decision of the Board, valuation advice was taken about this proposal and John Maxey of Maxey Grounds was appointed to negotiate a sale price of the land for disposal on a freehold basis. Prior to this further request from Floorspan being reported to the Board, John Maxey provided a further advice on the outcome of his discussion with Floorspan on the company acquiring a freehold interest in the land and advised that Floorspan's final offer for the purchase of the land freehold was £80,000, but, to protect the Board should further land be developed beyond the 10 acres currently being proposed in the future the company were willing to have the sale of the land subject to an overage provision reserving 1/3 (one third) of any uplift in value of any additional land making use of the access.

As the Board's original reason for suggesting an easement was to protect future payments for the use of this access, Mr Maxey was of the opinion that an offer of £80,000 and a 20-year overage provision was reasonable in the circumstances, and he could recommend this offer to the Board, taking into account the savings in future maintenance costs for the Board and the removal of culverts which were in a poor condition.

There was some discussion about the proposal and whether the period of the overage provision could be extended, as it could take some time for Floorspan to get planning permission and develop the land, and asked if a longer period could be agreed with the Developer for the overage provision and this was agreed by the Board.

Members also considered that the proposed development had economic development prospects for the Chatteris area, although accepted that this was an aspiration of the Local Authority and not a direct concern of the Board as a Drainage Authority.

**RESOLVED**

- a) That the Board accept the offer from Floorspan to purchase the freehold interest in the land for the sum of £80,000.
- b) That the sale to Floorspan should include a development overage provision that would protect the Board's interest if additional land is developed in the future using this land as access. This overage provision would reserve one third of uplift in the value of any additional land beyond the initial 10 acres of land currently being sold by A Edgley, the landowner of adjacent land, to Floorspan.
- c) That the period of the overage provision should be re-negotiated with the Developer to extend it to 25 years.

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Chairman

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Date