

# **NIGHTLAYERS INTERNAL DRAINAGE BOARD**

At a Special Meeting of the Nightlayers Internal Drainage Board  
held on site at Fenton Way, Chatteris on Thursday 30<sup>th</sup> September 2021

## **PRESENT**

A Edgley Esq (Chairman)	S P Graves Esq
S Edgley Esq (Vice Chairman)	T Scott Esq
T Edgley Esq	Cllr Mrs A Hay
D Divine Esq	Cllr Mrs S Hoy
Cllr C Boden	M Smalley Esq

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.

John Maxey and Natalie Jeary of Messrs Maxey Grounds and Nick Carver of Floorspan Contracts were also in attendance.

### **Apologies for absence**

Apologies for absence were received from Cllr I Benney, D Collett Esq, J Edgley Esq, L Edgley Esq and Cllr P Murphy (FDC).

### **B.1136 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 and Vice Chairman declared interests in the planning application (MLC Ref No 841) received from Floorspan Contracts Ltd, the application for which this Special Meeting of the Board had been called.

### **B.1137 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**

Further to minute B1110 (ix), the Chairman introduced Nick Carver, Head of Operations and Logistics of Floorspan Contracts, who had asked to address the Board at the beginning of the meeting.

Mr Carver stated that his company presently operated from Wisbech. They produced concrete beams which were used by the construction industry and now wished to expand the business at the Chatteris site. This site would keep the business local and would provide employment opportunities in the Chatteris area. The company had looked at alternative access onto the land but the access through the land of the former pumping station provided the best solution for the company as well as the Board.

Mr Carver thanked the Board for the opportunity to address them. He then left the meeting.

Miss McShane introduced John Maxey and Natalie Jeary who had produced the Valuation Report and had attended the meeting to explain the principles of the valuation they had used in producing said report.

In his Report, Mr Maxey stated that the conveyance of freehold title with vacant possession would be valued at £300,000 and further advised that an easement for access and the passage of services across the property would be valued at £250,000.

The valuation principles relied on were from the case of \*Stokes v Cambridgeshire Corporation [1961] which established that where one party owns land which would provide access for another parcel, the ransom value of owning the access must be taken into account and he had calculated this by taking one third of the increase in value of the proposed development into account.

He advised that the Board should consider retaining control of the land by only granting an easement because if additional land was to obtain planning consent in the future there would be a future opportunity for the Board to enter into a further easement for the use of the access.

These valuations were based on the assumption that the former pumping station site was the only way to access the site. However, if an alternative access could be negotiated through the former Erms (UK) Ltd site, this would obviously reduce the value of the access through the former pumping station site. However, the developer would have the cost of purchasing and developing the access and this could amount to £150,000. If an alternative site could be utilised then the Board would obtain no value for their site, and this was a consideration they needed to take into account.

Graham Moore advised the access to the site was dependent on the requirements that Fenland District Council and Cambridgeshire County Council would impose on any Planning Permission granted.

Morgan Lakey advised that the proposal for the new access and culverting of the Board's drain would have benefits for the Board in maintaining the drain and would improve access particularly if 2 culverts on the roadside drain could be removed as part of the development.

Miss McShane requested that the Chairman and Vice Chairman leave the meeting in order that the Board could discuss the matter. Both the Chairman and Vice Chairman removed themselves from the meeting and did not take part in any further discussions or voting on the matter.

Miss McShane requested that Mr John Maxey and Natalie Jeary leave the meeting at this point. After 10 minutes, Cllr Hays requested their removal again, at which point both Mr Maxey and Miss Jeary did in fact leave the meeting, as requested.

The Board discussed the options for the access and took into account the importance of Floorspan moving to the land for the economic development of the local area, the benefits to the Board in being able to maintain the drain and flood risk management of the area, and the Board also considered the implications for the Board of the developer negotiating an alternative access into the site. If that happened then the Board would not receive any value for their site and the improvements to the drain would not be made.

Members discussed the valuation for the Land and requested that Mr Maxey re-join the meeting to clarify some points from his Valuation Report. He then left the meeting once again.

RESOLVED

The Board resolved that;

- (i) the principle of a transfer to Floorspan Contracts should be approved
- (ii) the Board should grant an easement of the land to the developer
- (iii) the value for the easement should be £115,000. However, the Board was prepared to negotiate on this figure once the requirements of Fenland District Council and the Highways Authority were known, and if the requirements of 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.

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Chairman

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Date