

MARCH WEST AND WHITE FEN INTERNAL DRAINAGE BOARD

At a Meeting of the March West and White Fen Internal Drainage Board
hosted at the Middle Level Offices, March on Monday the 9th May 2022

PRESENT

M J Mottram Esq (Chairman)	D Fountain Esq
J Neal Esq	T E Alterton Esq
D G West Esq	M Cornwell Esq
H W Whittome Esq	N Bates Esq
R Wicks Esq	Cllr J French
H Kisby Esq	

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

Apologies for absence

Apologies for absence were received from Cllr D Laws, Miss E Alterton, A Miscandlon Esq and J Brown Esq.

B.249 Declarations of Interest

Miss McShane 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.

Councillors Cornwell and Laws declared interests in all planning matters as members of Fenland District Council's Planning Committee.

Mr Hugh Whittome declared an interest (as a member of the Middle Level Board) in matters concerning Middle Level Commissioners.

David Fountain declared an interest in Anglian Farmers, and the planning application by Mr A Smith for residential development at Crazy Acres, Benwick.

Michael Mottram and Hugh Whittome declared an interest in the matter relating to pump attendants.

Michael Mottram also declared an interest in the planning application by Force One Ltd relating to the land at Whittlesey Road, March.

B.250 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 4th May 2021 are recorded correctly and that they be confirmed and signed.

B.251 Matters Arising from the minutes

There were no matters arising from the minutes.

B.252 Proposed Retail Park to the west of Hostmoor Avenue, March – Brossman Mills Ltd.

The Chairman reported that as referred to in the Consulting Engineers report, that there had been no had been taken on the Boards behalf. As this was for retail development, the lack of progress with this proposal could be for commercial reasons.

B.253 Bank Slip – Whittlesey Road, March

The Chairman reminded the Board about the large cracks in the road at this location, and about previous attempts to contact the Highways Authority about this matter.

Cllr Jan French provided details of the newly appointed Director of Environment at Cambridgeshire County Council.

RESOLVED

That the Solicitor and Assistant Clerk write to Cambridgeshire County Council about the continuing deterioration of the road surface at this location.

B.254 White Fen Pumping Station Business Plan for works required and potential for Grant-in -Aid application.

The Chairman reported that refurbishment works to the pump and the outfall flap valve had been identified for White Fen Pumping Station at an estimated cost of £100,000. A business case would be prepared and Grant-in-Aid application was scheduled to be made on behalf of the board in April/June 2024.

B.255 Clerk's Report

Miss McShane advised:-

i) COVID-19 Actions

That the majority of control measures have been removed now and normal office working has resumed (with the exception of trialling a degree of flexible working, which has been shown to be effective following the previous periods of enforced home working). Impacts now are largely confined to the high rates of COVID-19 illness cases in the UK.

ii) Middle Level Commissioners and Administered Boards Chairs Meeting

That an eighth Chair's Meeting was held on the 12th April 2022.

The meeting covered a wide variety of matters likely to affect IDBs. A summary of the key points and resolutions follows;

It was recorded that there had been a number of MLC staff changes over the period. These included the retirement of Deb Watts, Katie Hunt and Malcolm Downes. Also, Sarah Lemmon and Richard Lloyd had handed in their notice. New members of staff replacing them and linked with some restructuring of the finances and admin departments were Dave Bantoft (M&E Engineer), Sarah Bowd (Accounts Assistant), Polly Tombleson (PA Secretarial) and Claire Collings (Secretarial).

It was reported that following the successful telemetry grant bid for Local Levy £125K in grant had been secured and consequently an order had been placed for in excess of 45 new telemetry outstations. The MLC have tested the new system with the six stations they commissioned and were satisfied with its operation.

Training for Board members was covered and it was noted that ADA provide online training videos. Various methods for delivering these and recording attendance was discussed and it was finally resolved that the best way forward would be to ask all members to watch one or two videos a year and to record when they had been viewed. A record of who had watched which video would be retained and this information recorded at Board meetings and used to support DEFRA IDB1 returns.

RESOLVED

That the Boards Thanks be passed to Richard Lloyd & Malcolm Downes for all their hard work and efforts with the Boards pumps.

A proposal to move from time charges to lump sum annual fees for planning and consenting matters was discussed and it was agreed that a proposal to move to this more efficient and effective way of working would be put to each Board. For similar reasons it was resolved that a proposal should be put forward which would reduce the scale of content reported to Boards under planning matters.

Inflationary pressures were touched upon and it was recognised that if this continues there will be pressure placed upon Boards to raise their rates more than has occurred in recent years. It was also recognised that along with these inflationary pressures there were increasing demands (with legal backing) evolving in relation to environmental gains and Boards should be aware of the costs of delivering on these. Examples are the government's commitment to protect 30% of all land by 2030 for the environment and of the Doubling Nature initiative in Cambridgeshire.

An update on work in relation to climate change and carbon reduction was given. Work currently in hand comprises of production of a carbon baseline for the MLC. Once complete the scale of the challenge to target carbon neutrality will be known and work will be undertaken to identify possible opportunities for reduction and mitigation, prior to production of a policy statement. During these next stages it is expected that Boards associated with the MLC will be similarly assessed and plan proposals made for them.

iii) Association of Drainage Authorities

a) Annual Conference

That the 84th Annual Conference of the Association was held on Wednesday the 10th November 2021.

The Conference was once again held virtually and was split into two parts; the Conference in the morning and AGM in the afternoon. It is expected that, whilst in future years it is hoped to return to a face-to-face format, the clear separation between conference and AGM is likely to be retained.

Speakers this year included Rebecca Row MP (Parliamentary Under Secretary of State – Defra), Dieter Helm (economist) and Lord De Ramsey (then President of ADA).

Topics covered included the challenges of climate change and the need to step up to the plate in delivering on the aim to achieve a net zero target as soon as possible, the importance of partnership working and the importance of agriculture in feeding the nation. The latter included the need to better educate the population, who clearly desire to move forward on delivering climate change and ecological objectives, but do not fully appreciate the role of agriculture, its real impacts or even properly understood where and how food is sourced. One example given that challenged a common assumption that agriculture was bad for the environment was that recent monitoring of CO² release had shown that a well irrigated peat field of onions released less CO² than adjacent dry grassland.

In his speech Lord De Ramsey announced that he was stepping down as President and that his place would be taken by Henry Cator. He was warmly thanked by ADA for his many years of service and was presented with a painting by an artist which it is known he admires. Henry spoke about how pleased he had been to be invited to take over the role and that he looked forward to working with ADA to meet the future challenges of the industry.

The AGM that followed gave an update on the work of ADA, noting the likelihood that, despite vigorous lobbying, the expectation was that from 1st April 2022 IDBs would no longer be able to use red diesel for anything other than heating or to run generators. This will impact on costs and will provide challenges to the continued use of agricultural contractors. The passing of the Environment Bill was touched upon which will release barriers to the formation of new IDBs and will also provide opportunities for IDBs to explore extending their boundaries if it was clearly beneficial to do so. Innes Thomason spoke on the work of ADA and the consultations ADA had responded to, including proposals to extend beaver introduction and a water abstraction licencing charging review amongst other things. Finally, it was reported that the ADA Board had agreed to a 1% rise in subscriptions for the 2022/23 year and noted that with inflationary pressures a higher increase should be expected next year.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held on Wednesday the 9th November 2022, venue yet to be announced.

c) Meeting of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association was held on Tuesday the 1st March 2022.

This was the first face to face meeting held since the COVID-19 outbreak but the format was restricted to the AGM only. It is planned however to reintroduce the popular and useful morning workshops for 2023.

Marc Heading was reappointed as chair with Councillor Doug McMurdo as vice chair. Topics covered included unsurprisingly red diesel, and water resources/the work of WRE.

Sofi Lloyd announced that Brian Stewart and Ian Hodge from the EA had recently joined the ADA Board and that DEFRA had asked ADA to liaise with them on the implementation of schedule 3 of the Flood and Water Management Act. She was also pleased to be able to report that ADA had been instrumental in initiating an all-party parliamentary group with a remit to discuss and consider Sustainable Flood and Drainage Management.

Phil Hulme and Amanda Macloughlan spoke on behalf of the EA covering the challenging associated with significant staff changes at the EA and noted that with the capital program for this six-year cycle being double that of the previous one this would be generating considerable additional work load.

It was advised that this coming years revenue (maintenance) budget was £5.3M which was more than the previous year but what could be delivered within this budget could be impacted by inflation.

The date of the next meeting is Tuesday 7th March 2023.

d) Updating IDB Byelaws

Further to minute B.139, ADA have advised that there was an error in the Model Byelaws relating to a Penalty Notice which referred to s37 of the Criminal Justice Act 1982, which was actually repealed on the 1.12.2020 by the Sentencing Act 2020. Consequently, Defra has amended the Penalty Notice attached to the byelaws to include the correct reference. This Penalty Notice is not part of the Byelaws and, as such, is a simple correction. There is no requirement either to readvertise, or seek Defra approval and the version now uploaded to the website is the corrected one.

iv) Environment Act

In November 2021 Defra announced that the Environment Act became law. The stated aim of this Act is to improve air and water quality, tackle waste, increase recycling, halt the decline of species, and improve the natural environment. However, the Act also includes powers (specific to IDBs) which amend the Land Drainage Act 1991, addressing the technical issue of missing or incomplete data, which is preventing existing internal drainage boards from expanding and new ones from being established. Defra have stated that they will be working on the associated secondary legislation over the coming year and will be engaging with IDBs through ADA on this.

v) Smart Level System/District Wide Telemetry Bid

Further to minute B.224(v), the Clerk reported that the survey of the Boards System had been completed. An order had been placed for telemetry at all of the Boards six Pumping Stations and these had been approved.

vi) National Drainage Show & Floodex 2022

That the National Drainage Show & Floodex 2022 will be held at ExCel, London on the 23rd and 24th November 2022.

vii) Water Resources East (WRE)

A draft WRE plan went out for public consultation and responses to it were to be received by 28th February 2022. The latest news can be found by visiting www.wre.org.uk.

viii) Red Diesel

Following extensive lobbying and the efforts of ADA, DEFRA and Treasury have softened their stance on the potential loss of access to red diesel use by IDBs. Going forward then as long as the work undertaken by the IDB can be shown to have some agricultural benefit then red diesel use can continue. The exception will be construction works and works where the sole beneficiary is an urban area.

ix) Anglia Farmers

The Clerk reported that following the last meeting of each Board/Commissioners the Anglia Farmers electricity contract was renewed in October 2021 for a shorter period of 6 months to 31st March 2022 and this was due to the volatile energy market at the time. As there remains an enormous amount of volatility and uncertainty surrounding energy prices and as competition is very limited, it was decided that the Commissioners and Boards should remain within the Anglia Farmers buying group at the moment as there is likely to be little scope for

us to negotiate better deals. The Clerk will also report a new contract has been signed for a 12 month period to 31st March 2023 with EDF Energy through Anglian Farmers.

The Anglia Farmers Energy team does not have to commit to buying energy for years ahead at the current price levels and the flexible contract that they have to buy energy from 1st April 2022 allows them to risk manage the portfolio for their Members, which means they will be well positioned to take advantage of any energy market normalisation ahead. When market conditions have settled down/normalised the Board/Commissioners will be asked whether they wish to remain with Anglia Farmers. But this may not be for several years based upon current market assessments.

x) Fens Biosphere

The Clerk reported that this project is on hold and will remain so unless and until Fenland District Council is prepared to engage with a redefined brief and vision for it.

Cllr Jan French reported that Roger Mitchell – Chairman of Fens Biosphere – has written to Fenland District Council to set up a meeting with the Portfolio holder for the Environment at the Council

B.256 Consulting Engineers' Report, including planning and consenting matters

The Board considered the Report of the Consulting Engineers.

March & Whittlesey Area

Mr Lakey reported on the works carried out over the past year together with the proposed works for 2022/2023, including the phased programme of bank revetments works within the Boards drainage system.

Works had been carried out along the northern bank of Beggars Bridge main pump spur drain last winter.

Provisional notices for this years intended cleansing works had been sent out.

Mr Lakey advised that some of the draining in the Whitemoor Road area were suffering from bank slips, as these drains fall within this year's machine cleansing programme it is proposed that they will be reprofiled while the machine is in the vicinity.

An inspection of the Boards drains will be undertaken during the summer months to identify other areas of bank subsidence and then to prioritise & programme the bank revetment working.

An allowance had been included in the estimates for Roundup Hebicide application.

Mr R Dale had undertaken the Boards flail mowing last year and he was available to flail mow again this year.

White Fen Area

Mr Lakey advised that the maintenance works had been carried out last year generally in accordance with the Boards recommendations approved last year.

A recent inspection has shown that many of the White Fen area drains will only require light machine cleansing to retain their good status.

Mr R Dale will again do the flail mowing for this area.

Pumping Stations

Other than the matters described for the individual pumping stations – any routine maintenance had been carried out since the date of the last meeting.

Duncombes

Monitoring of the motor on pump 2 for signs of moisture ingress will continue to be carried out until the pump is removed for a full inspection and overhaul.

Pump 1 need to be removed for further inspection to determine if the tripping is a fault with the cable, connectors or the internal motor windings. If it is the winding the pump will need to be overhauled or replaced.

A quote from the manufacturer for a replacement pump has been requested but it is anticipated to be in the region of £30,000.

West Fen

Works to the weedscreen cleaner had now been completed.

White Fen

The outfall flap valve is badly corroded and will need to be overhauled in the current year and it was advised that the track bolts should be replaced at a cost of £2,000.

Pumping Hours

The Board noted that the pumping hours for the respective Pumping Stations.

Asset Approval

Prior to his departure, Richard Lloyd, had carried out an appraisal of the White Fen Pumping Station. This was considered by the Board and Miss McShane referred to the revised valuation for the replacement of the pumping station which members should consider later in the agenda when considering their insured values.

The Right to Connect

The Board considered and discussed the report on the Right to Connect.

Planning Applications

The Board noted the Planning Applications which had been received and dealt with since the last meeting and approved the actions of the Planning Engineer.

Cllr Jan French advised the Board that the Application submitted by Force One Ltd for development North-East of the Middle Level Offices in Whittlesey Road March had recently been approved by Fenland District Council Planning Committee, who had also placed a Tree Preservation Order on the tree adjacent to the proposed access to the site.

RESOLVED

- (i) That the report and actions referred to therein be approved
- (ii) Weed Control & Maintenance
That the recommendations in the report be adapted.
- (iii) That R Dale undertake the flail mowing requirements in the White Fen & March and Whittlesey areas for the coming year.

(iv) Pumping Stations:

Duncombes - The winding resistance of pump 2 continue to be monitored.

Pump 1 – quotation for the replacement pump be considered when it is received.

West Fen – The completed works to the Pumping Station be noted.

White Fen - The outfall valve should be overhauled in Summer 2022. The track bolts on the weedscreen cleaner be replaced and refitted at a cost of approximately £2,000.

(v) Right to Connect

That the views of the Board were that Water Companies do not have the capacity to receive water. The Right to Connect should be on an approval basis which would give some control and management to the Water Companies.

- (vi) *Agricultural buildings and warehousing – MBM Produce (MLC Ref Nos 135 & 267) and Erection of 2 x warehouse extensions to existing building and the erection of a 2.4m high (max height) palisade fence to boundary – Ken Thomas Warehousing Ltd (MLC Ref No 693) on land and buildings at Glenthorn Farm, 133 Whittlesey Road, March*

Residential development including the formation of vehicular accesses on land south of 710 Whittlesey Road, March - R Green (MLC Ref Nos 430, 502 & 504), Ideal Prestige Properties (MLC Ref Nos 570 & 572) and Prestige Properties Turves (MLC Ref No 717)

Erection of office building, four bay coach garage and 2m high palisade fencing to west and north boundaries with associated parking at 49 Whittlesey Road, March - Fenn Holidays Ltd (MLC Ref Nos 435 & 712)

Various developments at West Fen Farm, Whitemoor Road, March – Hetherington Properties Ltd (MLC Ref Nos 448, 569 & 724), Client of Cannon Consulting Engineers (MLC Ref No 680), R H & R W Clutton LLP (MLC Ref No 690) + RKE Biogroup Ltd (MLC Ref No 725)

Agricultural buildings at Burnthouse Farm, Burnthouse Sidings, Turves – Royston Farms Ltd (MLC Ref Nos 455 & 714)

Residential development on land north of 35 Whittlesey Road, March - Greene King PLC (MLC Ref Nos 525, 544 & 561), Client of Caldecote Group (MLC Ref No 566) & MJS Construction (March) Ltd (MLC Ref No 708) & MJS Acquisitions (March) Ltd (MLC Ref No 762)

Erection of two pig rearing buildings and feed stock storage area; an anaerobic digester plant and process building; formation of digestate lagoon and construction of 2.0 metre high earth bunding on land to the south of Bates Farm – Client of Roy Lobley (MLC Ref No 666) & J Bates & Son (MLC Ref Nos 675 & 706)

Formation of a vehicular access and piping of drain at Fenn Lodge, 37 Whittlesey Road, March – Mr & Mrs M Griffin (MLC Ref Nos 691 & 723)

RESOLVED

That no further action is required

(vii) Development at Crazy Acres – Mr A Smith

The Engineer to write to the Applicant to advise that although the Board can and will maintain this drain from the land on the other side of the drain, they reserve the right to maintain from the development side and access should not be restricted and there should be no tree planting in the 9 metre easement strip.

(viii) Change of use of Former Agricultural Building to residential at Bank Farm Whittlesey Road, Benwick.

The Board require the existing access to White Fen Pumping Station to be maintained for access by vehicles and construction plant.

B.257 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

That the Capital Programme be approved in principle and kept under review.

B.258 Conservation Officer's Newsletter and BAP Report

Miss McShane referred to the Conservation Officer's Newsletter, previously circulated to Members.

Members considered and approved the most recent BAP report.

B.259 Pumping Station duties

The Board gave consideration to the payments in respect of pumping station duties for 2022/2023.

RESOLVED

That the Board agree an increase of 3% on the payments to Pumping Stations Attendants for their duties for 2022/2023.

(NB) – Messrs Mottram and Whittome declared interests when this item was discussed.

B.260 State-aided Schemes

Consideration was given to the desirability of undertaking further State-aided Schemes in the District and whether any future proposals should be included in the capital forecasts provided to the Environment Agency.

RESOLVED

- i) That no proposals be formulated at the present time.
- ii) That a business plan be compiled for the works required at White Fen pumping station, with a view to proceeding with a Grant-in-aid application

B.261 Environment Agency – Precept

Miss McShane reported that at the Environment Agency Flood Defence Committee meeting the Committee voted to adopt an indicative 2% increase in the precepts on Internal Drainage Boards for the next 6 years commencing from 2022/23, with the ability to revisit annually should exceptional circumstances indicate this is required. The Committee voted for a 0% increase (for exceptional circumstances) above the indicative 2% increase for the year ending 31st March 2023 - total of a 2% increase on the level of precept on Internal Drainage Boards for the year ending 31st March 2023.

The precept for 2021/2022 was £16,059.

B.262 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

Miss Ablett reported that following his submission of claims for contributions the gross sum of £254.29 (£774.39 less £520.10 paid on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2020/2021 based on the Commissioners' actual expenditure on maintenance work for that financial year and the sum of £513.86 in respect of 80% of the Commissioners' estimated expenditure for the financial year 2021/22.

B.263 Association of Drainage Authorities
Subscriptions

The Clerk will report that ADA has increased subscriptions by 1% for 2022, from £866 to £875.

RESOLVED

That the requested ADA subscription for 2022 be paid.

B.264 Determination of Annual Value for Rating Purposes

The Board considered and approved the recommendations for determination of annual rate for rating purposes.

B.265 Rate Arrears

Consideration was given to right off rate arrears amounting to £11.02.

RESOLVED

That the Boards write off rate arrears amounting to £11.02

B.266 Contributions from Developers

Miss McShane reported that contributions towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume have been received.

B.267 Health and Safety

The Chairman reported that the inspection for Cope Safety Management for the current year still needed to be arranged and completed.

B.268 Completion of the Annual Accounts and Annual Return of the Board – 2020/2021

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2021.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2021.

B.269 Defra IDB1 Returns

Miss Ablett referred to the completed IDB1 form for 2020/2021 which the Board noted and approved.

B.270 Budgeting

Miss McShame referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31st March 2022.

B.271 Review of Internal Controls and appointment of Internal Auditor

The Board considered and expressed satisfaction with the current system of Internal Controls.

RESOLVED

That the Board approve the one-year extension of the appointment of Whiting & Partners as Internal Auditor.

B.282 Risk Management Assessment

- a) The Board considered and expressed satisfaction with their current Risk Management Policy.
- b) The Board considered the insured value of their buildings.

RESOLVED

That the insured value of White Fen Pumping Station to be increased to £771,850 in accordance with the Asset Valuation, and that the other Pumping Stations in the ownership of the Board increase their insurance valuation by the same percentage increase as White Fen.

B.283 Exercise of Public Rights

Miss McShane 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.

B.284 Annual Governance Statement – 2021/2022

The Board considered and approved the Annual Governance Statement for the year ended on the 31st March 2022.

B.285 Payments

The Board considered and approved payments amounting to £164,297.40 which had been made during the financial year 2021/2022.

(NB) – Messrs Mottram and Whittome declared interests in the payments made to them.

(NB) – Mr Whittome declared interest (as Members of the Middle Level Board) in the payments made to the Middle Level Commissioners.

Mr Robert Hill – Treasurer – Joined the meeting.

B.286 Annual Accounts of the Board – 2021/2022

Following the explanation of the Annual Accounts by Mr Hill, the Board considered and approved the Annual Accounts and bank reconciliations for the year ended on the 31st March 2022 as required in the Audit Regulations.

RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Board, for the financial year ending 31st March 2022.

B.287 Expenditure estimates and special levy and drainage rate requirements 2022/2023

Mr Hill explained that as it had been 5 years since the amalgamation of the Boards this was the first year that the Board did not have to set a deferential rate for its different areas, the Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2022/2023 and were informed by Mr Hill 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:-

Drainage rates	70.33%
Special levy	29.67%

Councillor Cornwell raised concerns about any increase in the Special Levy because Fenland District Councils budgets were very tight: but understood why the rate needed to be increased in the current year.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £142,614 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 £42,134.

- iv) That a rate of 14.5p in the £ be laid and assessed on Agricultural hereditaments in the District
- v) That a Special levy of £42,134 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 and to the special levy 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.

B.288 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on **Tuesday** the 9th May 2023 at 10am at Middle Level Offices.

B.289 Any Other Business

The Chairman expressed his thanks to the officers attending for all their help and assistance with the meeting.