

TRANSPORT AND WORKS ACT 1992

WRITTEN PROOF OF EVIDENCE  
BY THE MARCH WEST AND WHITE FEN  
INTERNAL DRAINAGE BOARD

NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING  
REDUCTION) ORDER

REFERENCE: DPI/Z1585/17/11

Date: 26<sup>th</sup> October 2017

## INTRODUCTION

My name is Christopher John Convine. I am the Senior Engineer with Middle Level Commissioners and also act as a Consultant Engineer for March West and White Fen Internal Drainage Board. I have been employed with the Middle Level Commissioners for 20 years.

The Middle Level Commissioners are a statutory water level, flood risk management and navigation authority responsible for the maintenance of major watercourses within the Middle Level catchment of The Fens. In addition to their statutory role, the Commissioners provide a consultancy service to the Internal Drainage Boards within and adjacent to their area, and I provide engineering advice to the March West and White Fen Internal Drainage Board. The Board is an autonomous water level and flood risk authority and supervises drainage at a more local level.

## CONSULTATION

The Middle Level Commissioners and March West and White Fen Internal Drainage Board were first consulted about the Network Rail (Cambridgeshire Level Crossing Reduction) Order on 14<sup>th</sup> March 2017 and the Commissioners submitted a general response to the consultation process on 25<sup>th</sup> April 2017 advising about the existence of three internal drainage boards in the area covered by the Order. We were aware at that stage that only one Board, March West and White Fen Internal Drainage Board, was particularly affected by the Order – this was at the C13 Middle Drove level crossing.

The Commissioners indicated on the 15<sup>th</sup> May 2017 that provided the requirements of the Board were satisfied, and necessary approvals obtained, that they would not formally object or appear at the Public Inquiry.

After that date, as the Consultant Engineer acting for the Board, I tried to engage with Network Rail to seek clarification from them about the impact of the proposed scheme on the drains of the Internal Drainage Board, and advised that the drains covered by the Order lead directly to the West Fen Pumping Station and that the hardstandings proposed to be constructed at C13 Middle Drove Level Crossing were on top of the drains.

Emails were sent on 30<sup>th</sup> June 2017, 17<sup>th</sup> July 2017 and calls made on 6<sup>th</sup> July 2017. I made approximately four further calls to Network Rail and in the end because I was unsuccessful in being able to speak to anyone at Network Rail, I contacted Kevin King, the local Level Crossing Manager, with whom I had previous dealings. Although helpful, Mr King said he did not know anything about the Level Crossing Reduction Order.

After several months of trying to get the necessary assurances about the proposed works and protection of the Board's drains at C13, the Commissioners' Solicitor contacted Miss O'Neill at the Department of Transport and submitted a Statement of Case on 5<sup>th</sup> September 2017 and I attended the Pre-Inquiry meeting on 7<sup>th</sup> September 2017.

At the Pre-Inquiry meeting I met a member of the Network Rail Anglia Team who gave me his contact details and our Solicitor wrote to him by email on 27<sup>th</sup> September confirming that the Internal Drainage Board would not continue with an objection to the Order if we could fully assess the impact of the works on the Board's statutory function and operational requirements, and asked for some detail about the mitigation measures proposed, but we received no response. This email was also sent to Network Rail's solicitors who finally responded by letter on 25<sup>th</sup> October 2017. This letter set out the legislative position about the Transport and Works Act Order but did not provide any detail about the mitigation measures or how Network Rail proposed to deal with the Board's drains.

#### SITE SPECIFIC ISSUES AT C13 – MIDDLE DROVE, MARCH

The proposed works at Middle Drove Level Crossing will affect the District watercourse within the March West and White Fen Internal Drainage Board area and will require their approval under Schedule 16 of the Order before any works can commence. From the drawings sent to the Board as part of the consultation, it would appear that engineering works will be required to extend existing culverts. There is a presumption against culverting drains as they are more expensive to maintain by the Board and they will only be approved in circumstances where there is no alternative.

Any culverts approved by the Board will need to be constructed to Middle Level Commissioners specifications including that pipes of the same size and type as existing be used and manholes installed at changes of direction of the culvert and where a pipe length exceeds 30 metres. There will also be a need to construct headwalls.

The following drawings are attached:-

Plan 1 – March West and White Fen Internal Drainage Board District Plan

Plan 2 – Network Rail’s drawing showing the proposed works to the Middle Drove Crossing.

Plan 3 – Plan showing the Internal Drainage Board drain in connection with the proposed works.

#### THE MARCH WEST AND WHITE FEN INTERNAL DRAINAGE BOARD SYSTEM

Watercourses within the Board’s system plus a maintenance corridor measured 9 metres from the bank top or the landward side of any raised flood embankment are protected by and are subject to the Board’s Byelaws and the Land Drainage Act 1991. Any works within this strip require the Board’s prior written consent.

The proposed Order will disapply Section 23 of the Land Drainage Act 1991 and the provisions of any Byelaws made under Section 66 of that Act. Whilst I am aware that there are protective provisions in Schedule 16, there has been no assurances given by Network Rail about the impact of the proposed works.

In view of the importance of the Board’s system, it is considered imperative that suitable access must be provided for the type of machinery and maintenance plant used by the Board and accommodated within any site layout design to enable future maintenance and/or improvement works or as a worst case, deal with an emergency flooding event.

The current proposal at C13 appears to encroach within the maintenance strip and as shown on Drawing 3, will require the drain to be culverted.

The Board will not give approval for any structures which may detrimentally affect existing flood defences or inhibit flood control and maintenance work.

Approval will also be required for any additional discharge into the Board’s system and Network Rail will need to provide adequate evidence to prove that if discharge is increased it does not have an adverse effect on the Board’s operations and the local water level management system.

## CONCLUSION

The primary concerns of the Internal Drainage Board are as follows:-

- The impact of the works on the Board's statutory function and operational requirements.
- The lack of detail about the mitigation measures proposed.
- The proposed works at C13 show that additional culverting will be required which places an additional maintenance burden on the Board and will be more expensive to maintain.
- There has been a failure to engage with the Internal Drainage Board and its Consultant Engineer to provide any assurances that the works proposed at C13 will meet the Board's operational requirements.

Prepared by

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# APPENDICES

## TO PROOF OF EVIDENCE

Plan 1 – March West and White Fen Internal Drainage Board District Plan

Plan 2 – Network Rail’s drawing showing the proposed works to the Middle Drove Crossing.

Plan 3 – Plan showing the Internal Drainage Board drain in connection with the proposed works.