

NORDELPH INTERNAL DRAINAGE BOARD

At a Meeting of the Nordelph Internal Drainage Board
held at New Farm House, Oaks Farm, Outwell on Wednesday the 21st March 2018

PRESENT

R S Means Esq (Chairman)
D H Boyce Esq
D J W Boyce Esq

G D Boyce Esq
J D Clifton Esq
C J Crofts Esq

Miss Samantha Ablett (representing the Clerk to the Board) was in attendance.

B.843 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.

B.844 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the Board held on the 22nd March and 30th June 2017 are recorded correctly and that they be confirmed and signed.

B.845 Completion of the Annual Accounts and Annual Return of the Board – 2016/2017

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2017.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2017.

RESOLVED

- i) That in accordance with the Accounts and Audit Regulations the minutes record that approval of the accounts was given on 30th June 2017.
- ii) That the Chairman was authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2017.

B.846 Appointment of Chairman

RESOLVED

That R Means Esq be appointed Chairman of the Board.

B.847 Election of Members of the Board

Miss Ablett reported that, as the number of candidates for membership of the Board did not exceed the number of persons to be elected (eight), the following candidates were elected as Members of the Board for a period of three years from the 1st November 2017, viz:-

BOYCE David Henry	CROFTS Christopher John
BOYCE Dale John William	GADSBY Samuel
BOYCE Glenn David	MEANS Roger S
CLIFTON John David	SIELEY Nigel Walter

The Chairman welcomed Mr Crofts who was attending his first meeting of the Board.

B.848 Water Transfer Licences

Further to minute B.813, Miss Ablett referred to a letter received from ADA dated the 27th October 2017 and to the Clerk's response to Defra and also to the fact that licencing of water transfers came into force on the 1st January 2018. She advised that, as a licence is only required for transfers from EA main river and no inter-IDB transfers require licencing, this new arrangement will not directly impact the Board.

B.849 Roadway to Pumping Station

Further to minute B.814, Miss Ablett reported that a letter had been sent to Norfolk County Council, however no response had been received. She reminded Members that the Council's letter dated 10th May 2016 had confirmed that they were planning to surface the road by dressing or by retread during 2017 and enquired whether this work had now been carried out.

The District Officer advised that no work had been carried out to date.

RESOLVED

That the Clerk write again to Norfolk County Council, referring them to the Board's letter of the 23rd March 2017 and to advise that, despite their commitment to re-surface the roadway during the 2017 financial year, the roadway has still not been repaired

B.850 Byelaw infringement at Point 25

Further to minute B.815, the District Officer confirmed that the outfall to Pophams Eau River now had a 90^o bend fitted and he was satisfied that this had resolved the issue.

B.851 Pollution at Poplar Row Farm, Nordelph

Further to minute B.816, Miss Ablett confirmed that a letter had been sent to the Environment Agency requesting that the matter be resolved and the polluted material removed, however no response had been received.

Miss Ablett advised that she had left a message with the Environment Agency but they had failed to return her call.

The District Officer believed that a prosecution notice had been delivered.

RESOLVED

That the Clerk write again to the Environment Agency requesting to be kept informed of ongoing investigations, prosecution and to be advised of the date of any future court hearings.

B.852 Association of Drainage Authorities
Further Research on Eels

Further to minute B.825(e), the Board considered making a further contribution towards the research on eels.

RESOLVED

That the Board contribute an additional £20 towards further research on eels for 2018/2019.

B.853 Consulting Engineers' Report

The Board considered the Report of the Consulting Engineers, viz:-

Nordelph I.D.B.

Consulting Engineers' Report – February 2018

Eel Regulations

National IDB/EA meetings have been held and it is hoped that new, more appropriate evidence-led guidance, focussed on pumping stations, will be issued. However, this may take a year or two to complete.

Pumping Station

Only routine maintenance has been carried out since the last meeting and the pumping plant is mechanically and electrically in a satisfactory condition.

Pumping Hours

Hours Run January 2017 – January 2018 = 210

Hours Run January 2016 – January 2017 = 148

Hours Run January 2015 – January 2016 = 138

Hours Run February 2014 - January 2015 = 512

Internal Consultation with the Board

The process of “internal consultation” between the Commissioners and the Board (usually, but not always, with the Chairman and/or District Officer) to seek the Board’s comments and thus aid the decision-making process, is generally working well and will be continued and reviewed at a later date.

Planning Procedures Update

Informatives on Decision Notices

Despite positive steps being taken, a review of the decisions that have recently been made in other Boards for whom the Commissioners provide a planning consultancy service, has identified that very few informatives are being added to Decision Notices advising the applicants of their separate legal obligation to comply with the requirements of the Board’s Byelaws and the Land Drainage Act.

It is left to the Board’s discretion whether it wishes the Commissioners to make a formal response to the Councils concerned directly on its behalf, or whether it requests that its Council representatives ensure that such informatives are requested.

Planning Agents Training Day

Having identified engagement issues between “Developers” and the Commissioners and Associated Boards, a Training Day was held in late October. Approximately 50 invitations were sent out to a cross section of interested parties representing developers, agents and consultants and including all the LPA areas that we deal regularly with. Council Officers were also invited. The event was oversubscribed with twenty-five people attending but several others are on a ‘short list’ if another similar event is held. The feedback suggests the event was well received.

The format of the event was to inform those attending of the unique nature of the area; where the IDBs fit into the development process; what the issues are; and how the Middle Level Commissioners deal with them.

Analysing the figures very crudely 46% of attendees were agents; 34% consultants; 18% developers and less than 1% Council Officers. The areas covered were 37%, predominantly consultants, all the LPAs; 45% Fenland and 18% West Norfolk. There was no specific representation from Huntingdonshire District, East Cambs District, South Cambs District or Peterborough City Councils.

Planning Applications

No issues concerning previous applications have been dealt with. The following application has been received and dealt with since the last meeting:

<i>MLC Ref.</i>	<i>Council Ref.</i>	<i>Applicant</i>	<i>Type of Development</i>	<i>Location</i>	
009	17/00972/F	Mr & Mrs S Heywood	Residence (Conversion)	Outwell Road, Nordelph	S/A

From the information provided it is understood that the development proposes to discharge surface water disposal to soakaways, or similar infiltration systems. The applicants have been notified of the Board's requirements.

King's Lynn & West Norfolk Local Plan

Statement of Community Involvement (SCI) Consultation

Further to the last meeting the Middle Level Commissioners, on the Board's behalf, have been consulted on and provided responses to the Statement of Community Involvement (SCI) Consultation – Local Plan and planning applications.

This consultation document explained and sought comments upon the local planning system, the parties and processes involved, the method in which planning applications are made and considered and the means of consultation.

The response advised that the document was clear and succinct. However, the opportunity was taken to advise on the Board's status as a Non-Statutory consultee. Consultation during the application process was in respect of both the flood risk and water level management and Biodiversity and protected habitats and species aspects. The use of the Board's Pre-/Post-Application process was encouraged.

Joint Norfolk Authorities Strategic Flood Risk Assessment (SFRA)

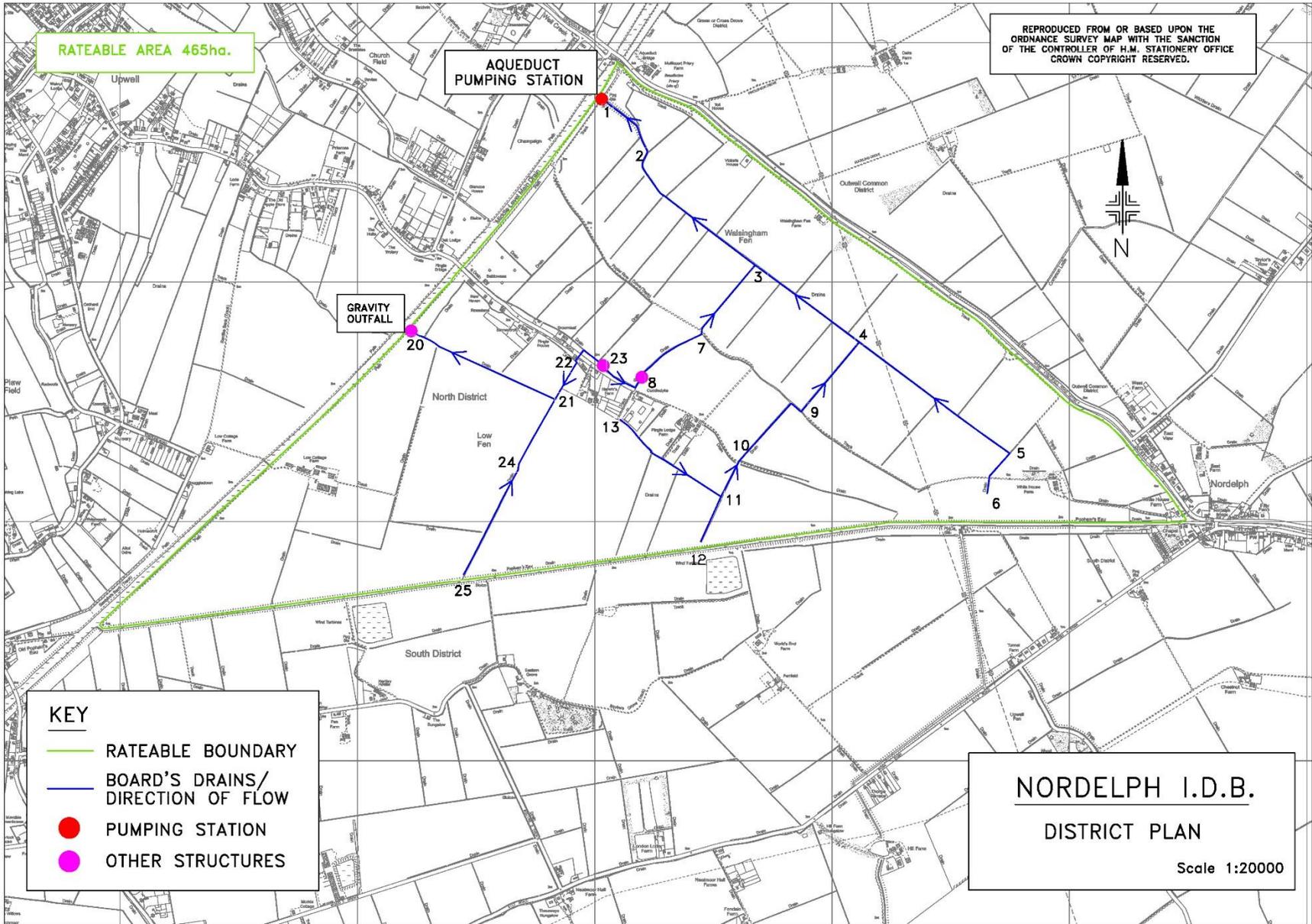
Note. *SFRAs are high level strategic documents and, as such, do not go into detail on an individual site-specific basis and are developed using the best available information at the time of preparation.*

The Joint Authorities of Greater Norwich (Norwich City, Broadlands and South Norfolk), Great Yarmouth, King Lynn & West Norfolk BC, North Norfolk DC and the Broad Authority are undertaking a joint Level 1 SFRA to inform their new emerging Local Plans. Unfortunately, the unrealistic timescale for providing a response, presumably imposed by the Councils involved, and the need to respond to other time related matters meant that it has not been possible to participate in this process.

Consulting Engineer

27 February 2018

Nordelph(321)\Reports\February 2018



Miss Ablett drew attention to the request of the Planning Engineer as to whether, in view of the fact that very few informatives are being added to decision notices issued by the Councils, the Board wished for the Commissioners to make a formal response to the Councils.

RESOLVED

- i) That the Report and the actions referred to therein be approved.
- ii) That the Consulting Engineers make a formal response to the Councils concerned, requesting that informatives be added to Decision Notices advising applicants of the legal obligation to comply with the Board's byelaws.

B.854 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.855 Environmental Officer's Newsletter and BAP Report

Miss Ablett referred to the Environmental Officer's Newsletter previously circulated to Members.

Members considered and approved the most recent BAP report, together with the information sheets about floating pennywort.

B.856 District Officer's Reports

The Board considered the Reports of the District Officer.

The District Officer was of the opinion that the quality of work being carried out by their current Contractor nowhere near met his expectations even with guidance being given and enquired whether the Board should continue as they are or approach a different Contractor.

Miss Ablett confirmed that Ben Wales, now working for Peter Lankfer Limited, had taken over works on behalf of Waldersey IDB and may be available. However, as they would be using a self-propelled Evergreen machine for flailmowing, she was unsure whether they would be able to carry out weed bucket works.

The District Officer reported that, as badger sets were slowly returning and filling the drain with soil once again, he had spoken with Cliff Carson for advice and he had been advised that the Board could apply for a licence to interfere with the setts, but that this would incur costs.

The District Officer enquired whether an estimate to replace the weedscreen had been provided. Miss Ablett advised that based on another Board who were in the process of having a weedscreen fitted, an estimate would be in the region of £10,000 and confirmed that the Board would have £1,000 in their pump plant replacement fund as at 31st March 2018.

RESOLVED

- i) That the Reports and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the District Officer be authorised to make arrangements for necessary drainworks and for flail mowing the District system in 2018/2019.
- iii) That the District Officer be authorised to make arrangements to ensure that debris is removed from the watercourse, without disturbing the badger setts, in order to keep water flowing.

B.857 District Officer's Fee

- a) The Board gave consideration to the District Officer's fee for 2018/2019.
- b) The Board gave consideration to the payment in respect of pumping station duties, plus expenses, for 2018/2019.

RESOLVED

- i) That the Board agree that the sum of £1,550 (plus an additional payment of £100.00) be allowed for the services of the District Officer for 2018/2019.
- ii) That the Board agree that the sum of £450 (plus an additional payment of £25.00 for expenses) be allowed for the provision of pumping station duties for 2018/2019.

(NB) – In addition to G D Boyce, D H and D J W Boyce agreed to go along with the decision of other members in this matter.

(NB) – Mr G D Boyce declared an interest when this item was discussed.

B.858 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

That no proposals be formulated at the present time.

B.859 Environment Agency – Precepts

Miss Ablett reported that the Environment Agency had issued the precept for 2018/2019 in the sum of £1,587 (the precept for 2017/2018 being £1,563).

B.860 Association of Drainage Authorities

Miss Ablett reported:-

a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Wednesday the 14th November 2018.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association for any Member who wishes to attend.

b) Annual Conference of the River Great Ouse Branch

On the Annual Conference of the River Great Ouse branch of the Association held in Prickwillow, Ely on Tuesday the 6th March 2018 and the fact that the administration of this branch has now been passed to the Middle Level Commissioners.

Miss Ablett advised that the new members elected to the Branch's Executive Committee included the Middle Level Commissioners' Operations Engineer, Jonathan Fenn and the Chairman, Marc Heading who was appointed Vice Chairman (with Harry Raby of the Bedford Group being appointed Chairman). She added that the agreed aim of this reworked branch will be to be more pro-active and accordingly it was expected that the Executive Committee will meet periodically to discuss catchment wide issues and will then report back to the Branch at its Annual Conference on what it has achieved over the year.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 1% in 2018, viz:- from £536 to £542.

RESOLVED

That the Board do not join ADA for 2018 and review the position in 2019.

d) Liability of Board Members

Miss Ablett referred to, and the Board noted, a Guidance Note received from ADA dated the 28th September 2017 which summarised the issue of when Members of an Internal Drainage Board may be held personally liable for actions which they take in that capacity.

Miss Ablett advised that the Board had management liability insurance in place, which was in respect of claims made as a result of a wrongful act against members of the Board arising from the management and operations of the Board and that the cover attached was £5,000,000.

e) Updating IDB Byelaws

Miss Ablett referred to a letter received from ADA dated the 20th October 2017.

Miss Ablett reported that most of the IDBs in the area have a set of Byelaws which were made under Section 34 of the Land Drainage Act 1976 for the secure and efficient working of the drainage system in their area.

Defra have now suggested that the Byelaws which have been adopted by IDBs should be updated to include within their purpose powers in relation to environment matters. To do

this it will be necessary to update the current Byelaws in line with the standard model byelaw published in October 2012.

RESOLVED

That the Clerk be requested to draft new Byelaws to include compliance with the environment regulations for consideration by the Board at their next meeting.

f) Floodex 2019

That Floodex 2019 will be held at The Peterborough Arena on the 27th and 28th February 2019.

B.861 Governance of Water Level Management in England

Miss Ablett referred to the publication of the National Audit Office's (NAO) Report on Internal Drainage Boards, available on their website, www.nao.org.uk/report/internal-drainage-boards; to the Report Summary and to the response from ADA.

B.862 Middle Level Commissioners and Administered Boards Chairs Meeting

Miss Ablett reported that a meeting of the Chairmen of all of the Middle Level Commissioners' administered Boards met on the 8th March 2018 to discuss the challenges facing Boards. Innes Thomson, Chief Executive of ADA, spoke on the arrangements adopted by other Boards around the country.

Matters raised included:-

- 1) Advantages, disadvantages and barriers to amalgamation.
- 2) Future meetings and the opportunity for Boards to request items be added to the agenda.
- 3) Reviewing Board membership numbers.
- 4) Frequency of Board meetings.

B.863 Capital Programme Strengthening and Delivery

Miss Ablett referred to, and the Board noted, the slides presented by the Environment Agency at the Great Ouse IDB and EA Strategic Group meeting on the 19th April 2017.

B.864 Member training and the appointment of a Health and Safety Officer

Miss Ablett reported that ADA has been encouraging member training for a number of years and Defra will, from 2018, require Boards to report upon any training that has been provided to members. This was to be reported by way of an entry on the IDB1 forms and the listed topics on this form are; Governance, Finance, Environment, Health, safety and welfare, Communications and engagement, amongst others. The Board may wish to pick an area where they consider specific tailored training is pertinent for it in a given year or alternatively might ask that the Middle Level Commissioners arrange some joint training with other Boards which they are happy to do.

On Health and Safety, after reviewing arrangements for a number of Boards, it has become clear that it would be helpful if Boards could appoint a member to be in charge of Health and Safety matters. This person would take overall responsibility for Health and Safety supported by Croner through the Middle Level Commissioners. This will help provide clarity going forward as ultimately it is the Boards' role to ensure that sites, equipment and working practices are as safe as can be reasonably expected. Whilst IDBs have an enviable record on safety and much that is needed is likely to already be in place, the HSE would probe the organisational structure should a reportable accident occur and would take a dim view if clarity on the lines of responsibility were unclear.

RESOLVED

- i) That the District Officer be appointed Health and Safety Officer.
- ii) That the Clerk contact the District Officer to discuss his attendance at any Manual Handling course that may be carried out by the Middle Level Commissioners.
- iii) That the Clerk be requested to arrange training through the Middle Level Commissioners regarding Health and Safety for all Board Members interested and for the District Officer to attend.

B.865 Defra IDB1 Returns

Miss Ablett reported on the proposed changes to the Annual Defra IDB1 Returns.

She advised that the IDB1 form is completed each year in accordance with the Land Drainage Act 1991 and is submitted to Defra, the Environment Agency and to each Council which pays an IDB Special Levy. The form provides information on such items as income, expenditure, a policy delivery statement, the bio-diversity action plan, asset management and governance matters.

Miss Ablett reported that for the year ended 31st March 2017 the IDB1 return was amended and additional information requested, such as details of board membership, attendance at meetings, whether elections are held and confirmation that the complaints procedure is accessible from the home page on an IDB's website. This information will enable Defra to gather more data in relation to IDBs.

For 2018 the IDB1 form will be further expanded. The additions were developed in co-operation with the Environment Agency, ADA and invited IDB representatives including David Thomas on behalf of the Middle Level Commissioners. The inclusion of items within the form which would either be difficult to report on or provide information which collectively would be of little value have been resisted and the new IDB1 form should, as a result, allow Defra to gain a much clearer insight into what IDBs deliver annually. It is hoped that this in turn will assist with raising further the profile of IDBs.

B.866 Requirements for a Biosecurity Policy

Miss Ablett reported that, from 2018, Board's will be required to advise (through the IDB1 returns) whether they have in place a Biosecurity Policy. This is considered necessary following increased concern over the spread of alien invasive weeds from one waterbody to another, possibly through the use of contracted or shared plant which can carry elements of such plants if not properly cleaned after being moved from contaminated locations. ADA have stated that they support the principle of having a policy in place and, conscious that for most boards the policy requirements will be identical, they are producing a model document. The Board were asked to confirm that

they were content to adopt a policy as long as it is suitable and will not include overly onerous steps which might restrict their activities.

RESOLVED

That the draft policy be reviewed by the Board at their next meeting.

B.867 The General Data Protection Regulation (GDPR)

Miss Ablett referred to the Guidance Note on the implementation of the GDPR and that all organisations must become fully compliant by the 25th May 2018.

RESOLVED

That Miss Lorna McShane, Solicitor and Assistant Clerk be appointed the Board's Data Protection Officer.

B.868 Charging for Environmental Permits

Miss Ablett reported on the consultation on charging for Environmental Permits which closed on the 26th January 2018. It is suggested within the consultation that charging should be designed to recover costs and as such there may be significant increases in the charges for obtaining Environment Agency permits for some IDB activities which require such consents. ADA have responded on behalf of the industry and their response is available on their website, www.ada.org.uk/2018/01/ada-responds-environment-agency-charge-proposals-2018.

B.869 Anglia Farmers

The Board considered their contractual arrangements with Anglia Farmers for the supply of electricity.

Miss Ablett reported that the contract with Anglia Farmers ceases on the 30th September 2018 and advised that, in view of the problems encountered over the past 15 months with the operation of the contract, a report had been sent to all Chairmen.

Miss Ablett further advised that, although the Clerk was able to recommend to the Board that they remain with Anglia Farmers for a further contract period, usually 18 months to 2 years, during which time the service provided by them will be monitored, it was the Board's decision and should they wish to be removed from the buying group then it would be the Board's responsibility to negotiate its own separate electricity contract with a supplier.

Miss Ablett reported that the Chairman had agreed for the Board to remain with Anglia Farmers.

RESOLVED

That the actions of the Chairman be approved and the current arrangements be continued for a further contract period, during which time the service provided by them, in relation to the running of the contract, be monitored.

B.870 Annual Accounts of the Board – 2017/2018

Miss Ablett reported that in accordance with the Accounts and Audit Regulations, Internal Drainage Boards' accounts were required to be approved by resolution on or before 30th June.

B.871 Governance and Accountability for Smaller Authorities in England

Miss Ablett referred to the recently issued Practitioners' guide to proper practices to be applied in the preparation of statutory Annual Accounts and Governance Statements which will apply to Annual Returns commencing on or after 1st April 2017.

B.872 Review of Internal Controls

- a) The Board considered and expressed satisfaction with the current system of Internal Controls.
- b) The Board considered and approved the appointment of Whiting & Partners as Internal Auditor for the three period 2018/2019 to 2020/2021.
- c) The Board approved the Audit Strategy and Audit Plan.

B.873 Risk Management Assessment

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

B.874 Appointment of External Auditor

Further to minute B.799(b), Miss Ablett referred to the decision by the Board to join the Sector Led Auditor Appointment Body for the appointment of the External Auditor and that the Smaller Authorities' Auditor Appointments (SAAA Ltd) had formed for this purpose. She reported that they had now confirmed the appointment of PKF Littlejohn to carry out the external audit of the Board for a five year period commencing with the financial year 2017/2018.

B.875 Transparency Code for Smaller Authorities

Miss Ablett reported that from 2017/2018 smaller public bodies (Boards with income or expenditure less than £25,000) would not be required to undertake a formal audit but would need to have greater publication requirements in place. She advised that it would also be necessary to question the effect of "one off" payments such as development contributions taking the Board above the £25,000 limit, in a particular year.

RESOLVED

To continue with a limited assurance review as has been carried out in previous years.

B.876 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.

B.877 Payments

The Board considered and approved payments amounting to £4,257.77 which had been made during the financial year 2016/2017 (1st to 31st March 2017) and £11,038.48 made during the financial year 2017/2018 (1st April 2017 to 28th February 2018).

(NB) – The District Officer declared an interest in the payment made to him.

B.878 Expenditure estimates and special levy and drainage rate requirements 2018/2019

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2018/2019 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 93.19% and 6.81%.

RESOLVED

- i) That the estimates be approved, subject to an allowance made in the sum of £325 for an increase in the District Officer's fee and pumping station duties, together with the removal of the ADA subscription and to raise funds for the pump plant replacement fund.
- ii) That a total sum of £16,300 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 £15,190 and £1,100 respectively.
- iv) That a rate of 22.00p in the £ be laid and assessed on Agricultural hereditaments in the District.
- vi) That a Special levy of £1,100 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.
- vii) 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).
- viii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.879 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

B.880 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Wednesday the 20th March 2019.