

## NORDELPH INTERNAL DRAINAGE BOARD

At a Meeting of the Nordelph Internal Drainage Board  
hosted at the Middle Level Offices, March on Wednesday the 17<sup>th</sup> March 2021

### PRESENT

R S Means Esq (Chairman)

D J W Boyce Esq

G D Boyce Esq

J D Clifton Esq

C J Crofts Esq

Miss Lorna McShane (representing the Clerk to the Board) was in attendance.

Miss McShane reported that Mr Peter Beckenham (Conservation Officer) had hoped to attend the meeting but due to unforeseen circumstances was now unable to do so but he hoped to come along to a future meeting of the Board to introduce himself.

### B.948 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.

Mr G D Boyce declared an interest in minutes B.961 and B.974.

### B.949 Confirmation of Minutes

### RESOLVED

That the Minutes of the Meetings of the Board held on the 18<sup>th</sup> March and 26<sup>th</sup> June 2020 are recorded correctly and that they be confirmed and signed.

### B.950 Completion of the Annual Accounts and Annual Return of the Board – 2019/2020

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31<sup>st</sup> March 2020.

### RESOLVED

- (i) That in accordance with the Accounts and Audit Regulations the minutes record that approval of the accounts was given on 26<sup>th</sup> June 2020.
- (ii) That the Chairman was authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2020.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2020.

B.951 Appointment of Chairman

RESOLVED

That R Means Esq be appointed Chairman of the Board.

B.952 Death of Mr D H Boyce

Miss McShane referred to the death of Mr David Boyce on Thursday the 23<sup>rd</sup> April 2020. He had been a member of the Board since the 5<sup>th</sup> May 1969 representing 50 years' service on behalf of the Board.

Members observed a minutes' silence as a mark of respect for Mr Boyce.

RESOLVED

That the Board's appreciation of the services rendered by Mr Boyce be recorded in the minutes.

B.953 Election of Members of the Board

Miss McShane 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 1<sup>st</sup> November 2020, viz:-

BOYCE Dale John William

CROFTS Christopher John

BOYCE Glenn David

GADSBY Samuel

CLIFTON John David

MEANS Roger S

SIELEY Nigel Walter

B.954 Vacancy in Membership

Consideration was given to the filling of the vacancy on the Board caused by the death of Mr David Boyce.

RESOLVED

That Mrs Beryl Boyce be invited to fill the vacancy on the Board, if willing to do so.

B.955 Pollution at Poplar Row Farm, Nordelph

Further to minute B.923, Miss McShane reported that the pollution incident at Poplar Row Farm had been prosecuted by the Environment Agency. Since the prosecution Trevor Sieley had spread slurry on his field. This matter was to be investigated and a letter sent asking him to remove the slurry.

RESOLVED

That the Board continue to monitor the situation.

## B.956 Clerk's Report

Miss McShane advised:-

### i) COVID-19 Actions

That following the instructions given by government on 23<sup>rd</sup> March the following list of actions have been taken (this list is not exhaustive);

- Arrangements were made for all MLC staff to have the facility to work from home. This included access to email, and in most cases full remote access to work computers. This was implemented and fully operational by Wednesday 25<sup>th</sup> March.
- MLC operatives continue to attend work but in a more restricted manor following NHS guidelines.
- A skeleton rota to ensure that the office phones are manned has been put in place, post is received and processed and letters sent out where necessary.
- Other temporary arrangements have been implemented to help support the continued operation of the office whilst the COVID-19 government restrictions remain in place, this includes allowing more flexible hours of work, allowing access to the office as and when required to collect or deposit papers making arrangements for the post to be collected and delivered to a safe location outside the office.
- A licence to run video conferencing meeting was obtained and arrangements made to hold meetings by telephone and/or video. Chairmen were contacted at each stage as government advice emerged.
- A policy statement was issued via the MLC website stating the actions the MLC were taking.
- Consultation with ADA on more or less a daily basis were undertaken in the first few weeks encouraging them to take proactive action. Of value to us (and as called for) ADA have been able to secure IDBs 'Key Worker' status and have obtained approval from Defra to move to web/telephone conference meetings.

### ii) Middle Level Commissioners and Administered Boards Chairs Meeting

That a fifth Chair's Meeting was held on the 10<sup>th</sup> March 2020.

Topics discussed included health and safety, effective communications with the public, the move to electronic agendas, consideration of the level of planning information included in reports, planning fees and the work of WRE.

#### Planning and Consenting

One of the agreed actions from the last Chair's meeting was that each Board be asked to consider the degree of delegation and reporting they require on planning and consenting matters. This was in response to several queries over the extent of detail being reported on such matters and the delays in issuing responses due to the number of people being consulted. I have outlined several possible options below to assist the Board but of course there are many other permutations and it is for the Board to decide which suits its interests best.

- a) Remain with the current arrangements.
- b) Continue to delegate all commenting on consent applications and relevant planning matters to the chairman and in his absence (or where he has an interest) to the Vice Chair. The Chair to have the power to decide if a matter should be raised at the board meeting for its consideration where legal timeframes permit this. All matters however to be reported generally more briefly

within the Board report, ie number of applications responded to and number of consents issued or refused.

- c) As above but leaving the Clerk with the power to determine the appropriate responses to consent applications and planning matters without reference to the Chair or Vice Chair.

## RESOLVED

That the Board continue with the current arrangements.

That a sixth Chair's Meeting was held virtually on the 26<sup>th</sup> November 2020

Topics discussed included the Middle Level Commissioners' Chief Executive giving an update on COVID-19 actions and responses, the change of MLC Chairman from Marc Heading to Jonathan Brown, updates on the Technical Services Department review (which aims to address the delays in responding to planning and consenting matters) and an update on the work of WRE. He also advised that Defra had commented positively on the Good Governance Guide published by ADA and that on the back of this feedback ADA were currently working on an Environmental Good Governance Guide. It was also noted at this meeting that Agricultural and Environmental Bills were passing through Parliament, the later including clauses benefiting IDBs, allowing them to expand their boundaries or for entirely new IDBs to be created, which was welcomed by the Chairmen as a positive step forward. Paul Burrows spoke on the work of the Environment Agency covering topics such as carbon baselining, national strategies, the tactical plans (which are securing much needed grant allocation for the area) and the need to continue to grow partnership working. He also spoke for Brian Stewart, the RFCC Chairman, who unfortunately was suffering from a poor broadband connection. On behalf of Brian, he advised that following the re-shaping of the local RFCC, there were two extra EA nominated positions available and that in this respect he wanted to propose that an Ex-officio seat be created for the incumbent Chair of the Great Ouse branch of ADA. This is likely to be Marc Heading who is expected to take over from Harry Raby in the spring. The new post will inject a direct link to farming which is of course the major business sector covered by this RFCC. The meeting finally turned to the future amalgamation of IDBs which it was generally agreed are likely to increase over time as succession planning has to be addressed.

### iii) Association of Drainage Authorities

#### a) Annual Conference

That the 83<sup>rd</sup> Annual Conference of the Association had been held virtually on Wednesday the 11<sup>th</sup> November 2020.

The conference this year was held in two distinct and separate parts, with the morning session comprising of key speakers and questions and the afternoon the AGM. Key speakers in the morning were;

**David Cooper**, Deputy Director for Flood & Coastal Erosion Risk Management Policy (Defra) – who first thanked the IDBs for the work they do and then endorsed the efforts being made to improve governance through the publication of the 'Good Governance Guide' and the work in hand on 'Good Environmental Governance'. He then went on to speak about the ambitious aims of government, the record investment agreed by treasury for the next six year funding cycle and the Agriculture Bill that if passed will facilitate the creation of new IDBs

and allow existing IDBs to expand districts. He finished by stating that the key was to educate people and to work together to share good practice.

**Chris Stoate**, Head of Research (Game & Wildlife Conservation Trust) – who spoke about the Allerton Project which was a carefully implemented scheme to directly measure the impacts of controlling headwaters using measures such as leaky dams. This work consisted of schemes on similar upland sub-catchments where a direct comparison could be made between interventions and non-interventions. The results were very promising with downstream peak flows being reduced by around a quarter where the most effective measures were installed. Chris accepted that there were challenges surrounding maintenance and that the choice of natural materials and design was key. He also noted that in the locations chosen any failed leaky dam materials would get caught on stream bends well before any risk of being washed downstream into urban areas.

**Toby Willson**, Executive Director of Operations (Environment Agency) – who is soon to leave the EA reflected on the target to be carbon neutral in less than a decade and in doing this noted that the equivalent carbon release linked to pumping alone from the February event this year was equivalent to that of 1200 houses. He went on to point out that the onus is on us to act now and that if we fail to do so it will be our children and grandchildren who will face the consequences. He acknowledged the hugely influential role of ADA's voice in the development of national strategies and the work being done in partnership with IDBs to be more resilient. He finished by setting out three challenges.

- 1) To develop true partnerships where all organisations are working unified towards the same goals.
- 2) To achieve net zero carbon emissions, asking specifically what the IDBs were doing towards this?
- 3) To develop and implement strategies to attract young people into the industry.

Questions were taken from the floor and were wide ranging from asking why there was so little information being shared on the development of ELMs to why it was necessary in one location for the EA to undertake an environmental check before removing a dead tree from across a watercourse.

A more formal question and answer session ended the morning, the panel being made up from, Julia Beeden from Cambridgeshire County Council, Emily Clarke from Anglian Water, John Curtin from Environment Agency, David Jenkins from Wessex RFCC, Innes Thompson from ADA and David Thomas from the Middle Level Commissioners. When asked a question David Thomas, your Clerk, took the opportunity to advise of the importance and value of the work being undertaken by WRE and also to point out to Toby Wilson that he absolutely agreed with the sentiments of partnership working and also the key aims of the EA but noted that true partnership working was a two way street and that there were still areas of policy development that ADA were not being involved with sufficiently. Toby accepted that the EA were not perfect and that more work needed to be done on this.

The AGM in the afternoon followed the usual format of recording appointments and electing office holders. It was noted that Robert Caudwell would be coming to the end of the normal Chair's term of office and that this would be reviewed next year. The formalities over a lively question and answer session followed which seemed to work very well and may influence how future conferences are arranged.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 10<sup>th</sup> November 2021.

RESOLVED

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

c) Meeting of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association was held virtually on Tuesday the 2<sup>nd</sup> March 2021.

Matters covered were that there was a change in Chairman with Harry Raby stepping down and Marc Heading taking his place. Councillor Doug McMurdo takes on the role of Vice Chairman. This maintains the balance of having upland and lowland members in key roles and also balances council and agricultural ratepayers' interests. John Heading was appointed for another three years on the ADA Board as branch representative. Robert Caudwell gave an update on ADA matters focusing in on progress of the agriculture bill through parliament and the lowland peat initiative which he considers must not negatively impact on livelihoods and the need to produce food for the nation. Next to speak was Brian Stewart who was seeking support for his initiative to create an Ex-Aficio post on the FRCC for the sitting Chairman of the Great Ouse branch of ADA (EA nominated post). This was supported unanimously and Marc Heading will take up this new role with immediate effect.

Claire Vouvray and Paul Burrows gave updates on the revenue funding position, which was quite healthy with sources of money found to deliver what had been targeted and on the long-term strategy for the area including the tactical plans which are set to make access to grant in aid smoother than it might otherwise be. A warning was raised that funding may get squeezed as time passes and the financial impact of COVID-19 gets addressed.

Approximately 30 people attended this virtual meeting, which should return to its normal format at Prickwillow Hall next year.

That the date of the next meeting is Tuesday the 1<sup>st</sup> March 2022.

d) ADA response to publication of EFRA Flooding Inquiry Report

That ADA have responded to the Government EFRA report into the winters flooding, which has the headline conclusion that the lack of clear flood-resilience targets is leaving England at risk of 'playing catch-up' with climate change.

Encouragingly, in addition to recognising these challenges, EFRA have also clearly stated that in light of ever more frequent and severe storms, there is an urgent need to provide long-term funding for the maintenance of existing and new flood defences, to match capital commitment together with a need to examine the mental health impacts of severe flooding, calling for an action plan to address this alongside the economic and physical effects.

The full EFRA report can be found via the following link;  
<https://publications.parliament.uk/pa/cm5801/cmselect/cmenvfru/170/170.pdf>

iv) Vision for the Future of Boards administered by the MLC

Further to minute B.924(viii) Miss McShane reported that the general feeling of the Boards so far was that they recognised there could be problems with Boards and the need to amalgamate possibly 10 years down the road but most seemed happy to continue with their current arrangements. However, this should remain under review and where appropriate amalgamations between Boards supported.

v) Capital Funding Projects

That at the spring 2020 budget it was announced by Government that they would provide the Environment Agency with a settlement of £5.2billion for capital funding projects over the next 6 years, from April 2021 to March 2027, to better protect 336,000 properties. This includes both homes and non-residential properties and presents a significant increase over the current 6-year programme. It is noted that the definition of non-residential properties includes shops, businesses, industrial sites, schools, hospitals, etc. and the new arrangements also facilitate funded improvements to habitat and the environment.

In response to this the Environment Agency have issued new partnership funding rules which go alongside this increased funding programme. The new rules are considered critical to delivering the called for better protection to the target of 336,000 properties, but will also allow:

- updated payments which will now account for inflation and be based on new evidence on the overall impacts of flooding, such as mental health
- increased payments for flood protection schemes which also create a range of environmental benefits
- more funding for flood protection schemes which also protect properties that will later become at risk of flooding due to climate change
- a new risk category which will enable schemes that prevent surface water flooding to qualify for more funding

vi) What is Good Governance

That Defra have provided a summary of “What is Good Governance?”:-

- Good governance is about the processes for making and implementing decisions. It’s not about making ‘correct’ decisions, but about the best possible process for making those decisions - and therefore good governance, share several characteristics. All have a positive effect on various aspects of Boards including consultation policies and practices, meeting procedures, service quality protocols, officers’ conduct, role clarification and good working relationships.
- Boards should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community – and try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner. A community’s wellbeing results from all of its members feeling their interests have

been considered by Boards in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.

- People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation Boards considered, and which legislative requirements (when relevant) Boards followed. This means that decisions are consistent with relevant legislation or common law and are within the powers of the Acts.
- Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.
- Accountability is a fundamental requirement of good governance. Boards have an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

vii) Smart Level System/District Wide Telemetry Bid

That a Local Levy Bid has been submitted that appears to have been successful and will offer a contribution of half the cost of installing telemetry at pumping station sites. This will allow early warnings of pump or weedscreen failure and remote operation. Also, as the bid covers all MLC administered IDBs there is scale which will facilitate very competitive rates.

Note: The telemetry access will be cloud based, increasing the flexibility in access at the appropriate level for staff and District Officers.

RESOLVED

That, although the Board did not want to make any firm commitment at this stage they were interested in knowing the costs of the provision of telemetry for the Board.

viii) Anglia Farmers

Further to minute B.892(vii), Miss McShane advised that although the running of the remainder of the Anglia Farmers electricity contract had continued to be monitored it had been difficult to address some of the issues due to the restrictions caused by COVID-19.

In view of this, the Middle Level Commissioners' resolved to remain with Anglia Farmers for a further contract period post 30<sup>th</sup> September 2021 and to continue to monitor the performance of Anglia Farmers over the new contract period.

Miss McShane reported that in addition it was proposed that quotes for 'green energy' be included, with a view to moving over to this form of power supply if the cost differential is marginal. Miss McShane further reported that the need to show that IDBs carbon footprint is being actively managed over future years is expected to increase with the Environment Agency setting themselves the target of being carbon neutral by 2030.

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



## RESOLVED

That the actions of the Chairman be approved.

ix) Fens Biosphere

Further to minute B.924, Miss McShane referred to the leaflet from Cambridgeshire Acre.

x) Land Registry

That whilst it is a legal requirement for land occupiers to notify the Board of any change of occupation, including releasing contact details for the new occupiers, on many occasions this does not occur and time is spent trying to determine who the new occupier is. When the normal avenues fail to deliver any meaningful information we now use our Land Registry account to gain details of the current land owner. The costs of making an application via this method are small (currently £6) but obviously this will show up on the Board accounts, hence the need to draw this new way of working to the Boards attention.

xi) National Drainage Show & Floodex 2021

That the National Drainage Show & Floodex 2021 will be held at ExCel, London on the 9<sup>th</sup> and 10<sup>th</sup> November 2021.

B.957 Consulting Engineers' Report, including planning and consenting matters

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

## Nordelph I.D.B.

### Consulting Engineers' Report – March 2021

#### Pumping Station

Further to the last report, site tests on the 12<sup>th</sup> February showed an improvement in the insulation resistance on the motor phase previously giving poor readings. This is most likely a reflection on the high number of running hours over the Christmas/New Year period and points more towards there being cable damage rather than a failure of the motor windings themselves. This is significant as the KSB motor has a potted cable gland which prevents water getting down the cable into the motor housing thus protecting the motor. A new cable and gland assembly should be available from KSB however they are known to be expensive (around £5K) and it is considered this would provide poor value for money considering the age of the pump.

As previously advised this model of pump is no longer made, alternative pumps from other manufacturers were looked at and a suitable unit from Xylem has been found (subject to detailed review). The cost of this unit is £17K (£5K for fitting), this price relies on re-using the existing duckfoot arrangement (auto connection arrangement in bottom of the sump) however the pump has a smaller solids handling capacity, 92mm as opposed to 100mm for the existing. This is of concern as the existing screen spacing is nominally 85mm with areas over 100mm.

Replacement of the pump, if necessary, may trigger the requirement of the Pumping Station to comply with the Eel Regulations 2009.

As has been previously reported the weedscreen is very badly corroded. The likely cost to replace the screen is £17K and it would be prudent to reduce the spacing to 75mm to accommodate a new model of pump. This estimate assumes the drain can be pumped down sufficiently with the existing pump to survey the screen for its replacement design and manufacture.

#### Recommendations:

1. Replace the screen spring/summer 2021.
2. Remove the pump and inspect it for damaged cable, then repair if possible. If the reason for the fault is still not clear or the damage cannot be repaired economically then consider purchasing a new pump. **Note: delivery of a new pump is currently estimated at 8 weeks.**

## **Pumping Hours**

	Feb 20- Feb 21	Feb 19 - Feb 20	Feb 18 - Feb19	Feb 17 - Feb 18	Feb 16 - Feb 17	Feb 15 - Feb 16	Feb 14 - Feb 15
Hours Run	488	210	278	210	148	138	512

## **The Integrity of Corrugated Steel Pipes**

Several Boards both within and adjacent to the Commissioners' area have experienced problems with the sudden deformation and failure of corrugated steel pipes, many of which were installed during the 1980s/early 1990s, that have needed urgent action often requiring the total replacement of the structure concerned with its unexpected costs.

The Board will be aware of the implications of a structure failure particularly during a high rainfall event. Therefore, in order to reduce the risk of the failure it is considered appropriate for the Board to investigate the integrity of such structures for which it is directly responsible.

Where an asset's condition is recorded as requiring attention but is currently in a reasonable condition, it is recommended that the Board allows for remedial, replacement or removal works in its future maintenance and funding programme.

Structures for which the Board is not responsible but which could also impact on the Board's system should also be inspected and, where appropriate, a notice issued to the responsible parties in accordance with the Board's Byelaw No. 12, as detailed below:

### 12. Repairs to Buildings

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair –

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice."

## **Planning Consultation**

Following concerns raised by the Board following problems with development in the Three Holes/Outwell/Upwell area, a specific meeting with Kings Lynn & West Norfolk Borough Council (KL&WN) was held in early March 2020 to discuss development control related issues including planning and consenting matters that had recently occurred.

The meeting was primarily in relation to a five-plot development that is progressing at Townley Close, Outwell. However, many of the issues involved will also relate to developments in the wider local area within West Norfolk.

The meeting was attended by KL&WN Senior Planner, Principal Planner & Water Management Officer and Assistant Director Environment & Planning together with the Commissioners' Planning Engineer and Steve Calton, Chairman of two (and a member of another) IDBs within West Norfolk.

During the meeting KL&WN representatives were reminded that in respect of planning applications no bespoke responses were supplied to the planning authority unless the Board has specifically instructed the MLC to do so, or if it was the subject of a pre-/post-application consultation with the MLC. However, KL&WN was advised that the MLC and associated Boards do respond to strategic planning matters and had advised KL&WN of the respective Boards' concerns on several occasions but it was felt that these had been overlooked and allocations had subsequently been made.

Due to the topography and nature of the water level and flood risk management systems in the local area these allocations often raise issues which require resolution if the development is to meet the National Flood and Coastal Erosion Risk Management (FCERM) Strategy, more local strategies and policies ie Lead Local Flood Authority (LLFA) and Planning Authority, and the Boards' policies and requirements. Current national policy for resolving issues associated with new development is that "the developer pays" but the solutions can often be expensive to resolve, thus affecting the viability of the development, particularly for the minor, up to 999m<sup>2</sup> of floorspace 1-9 dwellings, and smaller major developments of, say 4,440m<sup>2</sup> between 10-40 dwellings, which is a particular issue in the local area. The solutions often require negotiation with relevant parties which can delay the delivery of the development and may have financial implications on the developer and local economy and affect the Council's "growth" targets, particularly housing. In addition, most developers, agents and consultants do not have adequate local knowledge to provide these solutions and it is often necessary for the relevant IDB to intercede or be requested to assist. This can impact on the Board's limited resources, the expense of which is ultimately paid for by the ratepayer. The funding of solutions using Section 106 and/or Community Infrastructure Levy (CIL) was discussed and KL&WN advised that it was possible to submit a request for these but there are many parties bidding for small allocations of money.

KL&WN did point to the increased special levy rate income generated as a result of development and advised that it currently provides a large contribution to both the MLC and associated Boards in the form of Special Levy.

## **Planning Applications**

No issues concerning previous applications have been dealt with and no further applications have been received and dealt with since the last meeting.

## **Planning Procedures Update**

Concern has been raised by various Board members for whom the MLC provide a planning service concerning the adequacy and competency of the agents and engineering consultants employed by applicants. The submission of poor application documents has been an issue for many years not only for the MLC and its associated Boards but also for other IDBs and the planning authorities.

In order to improve submissions and reduce delays in obtaining approvals the employment of suitably qualified agents/consultants with appropriate knowledge of water level and flood risk management is encouraged but whilst it is possible to “suggest” suitable agents/consultants who may be interested in providing a service to the applicant it would not be appropriate to make recommendations.

## **The use of Infiltration Devices**

There has been no further progress on this.

## **Flood Risk Management (FRM) for the Fens [previously reported as the Future Fenland Project]**

The Middle Level Commissioners’ Planning Engineer has represented both the Middle Level Commissioners and their associated Boards on the Technical Group since the last Board meeting.

## ***Tactical Plans for the Fens***

In response to the following question raised at the March East IDB meeting in June:

“Clerk to provide further information to members regarding the cost to the Board, of whether the Board has any input into the project and whether the Board is able to remove themselves from the arrangement if costs escalate.”

the Environment Agency’s Fenland Partnerships Advisor, FCRM, Vicky Eade, advised as follows:

“As you know, there has not been any cost to the Board in developing the plans, aside from officer time to provide data and information. The agreement to the plans is on the basis that any work in the Fens area will be to maintain the current Standard of Service (SoS) for the area, until the Flood Risk Management for the Fens project has set out the preferred direction and options for managing the flood risk infrastructure in the Fens. If the Board were to remove themselves from the Tactical Plans, then they would not be able to demonstrate they have taken a Strategic Approach in assessing options to managing risks, as set out in the Partnership Funding Guidance 2020, to avoid the double counting FCERM Grant in Aid (GiA). Which would then mean maximum amount of eligible grant available for any scheme in their Board area, would be capped at 45%.

Input to the Tactical Plans has been represented by David Thomas and Graham Moore at the Fens Technical Group.

I have noted that March East IDB do not have any capital works planned for the Tactical Plan period, so in terms of cost increases I assume you mean contribution to Phase 2 of the FRM for the Fens project. When we have developed that phase, any contributions to the project would be made with a legal agreement, which would specify how cost increases would be dealt with.”

### ***Baseline Report & Economic Appraisal Report***

The draft report documents have been the subject of an internal consultation with the Technical Group. A detailed response was issued by the Middle Level Commissioners’ Planning Engineer, who represents both the Middle Level Commissioners and their associated Boards on the Technical Group. The results of the consultation are currently being reviewed by the Agency and its consultant, Capita, and it is understood that the final reports will be launched by the end of March.

### **King’s Lynn & West Norfolk Borough Council (KL&WN)**

No further consultation has occurred since the last meeting.

### **Upwell Neighbourhood Plan 2018 – 2038**

Subsequent to the last Board Meeting, a report prepared by an Independent Examiner was submitted to the Borough Council in June and the Borough Council’s subsequent decision on the Examiner’s recommendation for the Upwell Neighbourhood Plan was issued in October.

The contents of these documents have not yet been considered by the MLC Planning Engineer.

### **Norfolk Water Management Partnership [Norfolk County Council (LLFA)]**

#### ***RMA Review of Norfolk’s Local Flood Risk Management Strategy (FRMS)***

Members will recall that following the exceptional flooding across England in 2007 the Government commissioned Sir Michael Pitt to provide a comprehensive appraisal of all aspects of flood risk management in England by understanding the causes and consequences of the flooding and learn lessons from people’s experiences.

The Pitt Review produced 92 recommendations for the government to act upon.

To fulfil these recommendations locally, Norfolk County Council (NCC), in its role as the Lead Local Flood Authority (LLFA), is required to develop, maintain, apply and monitor a Local FRMS. Following a public consultation, the Local FRMS was revised to reflect the responses received. The Strategy was presented to the Council’s EDT Committee, with the final Strategy report being presented to full Council for adoption by the authority on 27 July 2015.

The Strategy requires that the FRMS is reviewed every five years and during the summer the relevant RMAs were requested to provide information on:

- a) Completed and current local flood risk and drainage schemes for the last 5 financial years and advise on any proposed schemes that were not delivered and the reasons why.
- b) The RMAs flood risk and drainage priorities over the next 5 years.
- c) Total maintenance spend on local flood risk and drainage assets in Norfolk for each of the last 5 financial years.

The RMAs were also asked to consider the policy review documents which proposed three new policies and included several minor word changes to other policies to ensure that the document is consistent with the National Strategy.

The following is an extract from the response issued to NCC on both the behalf of the MLC and the associated Boards administered in Norfolk.

**“ a) Email dated 6<sup>th</sup> August – Measures Proforma**

Investigations have begun on the replacement of the gravity outfall for the Needham & Laddus IDB which is within Cambridgeshire but serves the Board’s catchment within Norfolk. It is understood that this scheme is included within the Environment Agency’s long term plan and will be prepared for an application for FDGiA in due course.

I am aware of a flooding problem at Upwell Health Centre and Churchfield and Plawfield IDB are currently investigating this with a view to resolving this with some assistance from a local landowner.

**b) E-mail dated 24<sup>th</sup> August - Total maintenance spend**

I understand that these figures have been prepared and were sent to you by my colleague, Sam Ablett, on the 9<sup>th</sup> September.

**c) E-mail dated 4<sup>th</sup> September - Policy review documents**

As you are aware the relationship between the Middle Level Commissioners and our associated Boards within Norfolk has, at least recently, been limited and, to date, primarily involved the resolution of localised flooding issues.

I am not aware that the other LLFAs within the area of the Middle Level Commissioners and our associated Boards, Cambridgeshire County and Peterborough City Councils, have specific policies associated with the FRMS but note that Norfolk has several policies within their respective Local FRMS.

I have not previously been aware of these policies and my initial comments are below.

## Current Local FRMS Policies

### UC1: Sustainability

Should a reference to the larger water cycle process, water resources etc. be included?

### Policy UC2: Flood Investigation

This policy refers to your Council's Flood Investigation Protocol. Having located this it is noted that it has not been updated since 2013. Should this document be reviewed to incorporate any changes in subsequent legislation, policies and procedures etc?

### Policy UC 3: Flood Risk Asset Register

This policy refers to the Asset Register being available to view on-line. However, having viewed this it appears that only the details of the assets within Great Yarmouth are readily available. A note at the bottom of the relevant webpage (<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-homeowners/flood-risk-asset-register>) advises that:

“Officers are working on assessing assets in Norwich, King’s Lynn and West Norfolk for inclusion in the Register”

Is further clarification concerning the inclusion of SuDS on the Asset Register required? Presumably, infiltration devices or small balancing devices that serve single properties or minor developments would not be included? Should the policy refer to a de minimis that would be considered appropriate?

### Policy UC 4: Critical Drainage Catchments

The Middle Level Commissioners and our associated Boards within Norfolk applaud the inclusion of this policy but consider that more positive wording may be of benefit.

From experience within Upwell I would question the wording of the final paragraph. It is my understanding that your Council only provides responses to developments that contain over 100 houses. Therefore, given the sizes of the villages involved it is unlikely that this policy will be of benefit to any future development within the area of the Middle Level Commissioners and our associated Boards within Norfolk.

### Policy UC 8: Risk based approach to prioritisation of resources

Should the term “return period” be replaced by “Standard of Protection”?

### Policy UC 10: Planning

It is considered that all of the paragraphs should include “The Lead Local Flood Authority and other Risk Management Authorities (RMAs) ...”

In respect of the reference to “individual planning applications” included within the second paragraph I refer to the comment above that it is my understanding that your Council only provides responses to developments that contain over 100 houses.

The third paragraph advises that your Council

“... will expect planning authorities to take account of flood risk identified by Surface Water Management Plan modelling, Strategic Flood Risk Assessments and other sources of flood risk



modelling (such as the flood risk mapping provided by the Environment Agency) and either avoid locating new development within areas that are at risk of flooding, or if that is not possible, ensure that designs fully mitigate for the expected flood risk”

Should this also include Critical Drainage Catchments?

#### Policy UC11: Securing Sustainable Drainage

It is considered that all of the paragraphs should include “The Lead Local Flood Authority and other Risk Management Authorities (RMAs) ...”

#### Policy OW2: Enforcement.

Presumably the LLFA will only be involved in cases outside of an IDB district?

The Land Drainage Act also refers to the President of the Institution of Civil Engineers.

#### Policy OW3: Consenting of works on Ordinary Watercourses.

Presumably the LLFA will only be involved in cases outside of an IDB district?

#### Policy OW4: Culverting

Presumably the LLFA will only be involved in cases outside of an IDB district?

The Middle Level Commissioners and our associated Boards within Norfolk support the principle of rejecting applications for culverting (other than vehicle accesses) and, wherever practicable, will seek to have culverted watercourses restored to open channels.

Should the list of inappropriate areas include areas of known flooding, Critical Drainage Catchments etc?

Is the final paragraph duplication of that contained within paragraph 2?

#### Policy E2: Protect habitats

Should this policy refer to “habitats and species”?

#### Policy E3: Water levels (habitats)

Should this policy refer to “habitats and species”?

#### Policy E4: Ecological Potential

The Middle Level Commissioners and our associated Boards within Norfolk have nature conservation duties under the Land Drainage Act 1991, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Countryside and Rights of Way Act 2000, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, the Eels (England and Wales) Regulations 2009, the Conservation of Habitats and Species Regulations 2010, the Flood and Water Management Act 2010, the Natural Environment and Rural Communities Act 2006, and are competent authorities under the Conservation (Natural Habitats etc) Regulations 1994.

As a result, these RMAs do not expect but require the provision of a proper and appropriate statement outlining the environmental impact of the proposals and identifying all likely effects on the environment, including opportunities for mitigation and enhancement is required in every case.

If the application does not properly consider this obligation it may be a reason for refusal of the application.

However, it is acknowledged that any request for enhancement has to be “reasonable”.

Should this policy refer to “habitats and species”?

Would it be relevant to refer to Biodiversity Action Plan (BAPs)?

#### Policy E5: River Morphology

Most of the rivers or ordinary watercourses within The Fens are manmade and cannot be considered as “natural”.

#### Policy E6: Landscaping

Should this policy precede Policy E4: Ecological Potential which refers to landscaping?

Should the opening sentence be amended to “Landscape proposals accompanying applications for works to an ordinary watercourse shall be designed, where appropriate, to:”

### **Draft Additional Policies**

The Middle Level Commissioners and our associated Boards within Norfolk generally support the principles included within the additional draft policies.

#### Draft Policy 2: Biodiversity and Environmental Net Gain

The content of this policy is acknowledged but it needs to be appreciated that any request for enhancement has to be “reasonable”. In addition, some areas of the County are more affluent than others and developers may be able to provide more extensive Biodiversity and Environmental Net Gain but viability may be an issue for some less affluent areas.

Growth has a large role within the economy and it is considered that this will be the prime driver behind any development and without “a planning system that supports beautiful design; and meets the challenges of climate change” any enhancements may be limited in some areas.

#### Draft Policy 3: Flood Resilience and Adaption

Could this policy be re-written as the following?

“The Lead Local Flood Authority and Risk Management Authorities, will:

- Provide support, where possible, to communities, other services and Risk Management Authorities through the process of planning and developing local flood risk adaption and resilience activities.
- Support other Risk Management Authorities in providing information and advice on property level preparedness, resistance and resilience improvements to property owners and occupiers at risk of local flooding.
- Encourage communities at local flood risk to develop community led and focused flood action plans and support groups to improve community resilience.”

The Middle Level Commissioners and our associated Boards within Norfolk look forward to further consultation and involvement in relevant issues in the future.”

No further correspondence has been received and the current status of the review is currently unknown.

### **Drainage & Wastewater Management Plans (DWMPs)**

Commissioned by Water UK in collaboration with defra, the Welsh Government, Ofwat, the EA, Natural Resources Wales, Consumer Council for Water, ADEPT and Blueprint for Water, Drainage and Wastewater Management Plans are the new way for organisations to work together to improve drainage and environmental water quality.

The DWMP Framework provides the basis for more collaborative and integrated long-term planning by water companies, working with other organisations that have responsibilities relating to drainage, flooding and protection of the environment. It makes use of the tools and approaches to enable investment to be targeted more effectively, provide customers and stakeholders with better information about the UK’s drainage and wastewater services and will set out how water and wastewater companies intend to extend, improve and maintain a robust and resilient drainage and wastewater system.

Whilst AWSL has a direct regulatory focus in relation to providing evidence in support of its strategic business plans, it is important to recognise that the responsibility for developing the drainage and wastewater plan is shared between all stakeholders and collaborative engagement is essential.

The framework follows a clear five step process which culminates in the identification of risk and the appropriate solution to mitigate this. The key focus is on co-creation to ensure the plan joins up the approach and considers all risks from growth, climate change, customer behaviours and that there is not a water company bias approach.

#### 1. Strategic context.

This document forms the first step in the process. Which includes outlining the background to the DWMP, identifying the key concerns of the stakeholders, and establishing the method of tracking the level of risk.

#### 2. Risk Based Catchment Screening (RBCS).

Initially an Anglian Water exercise, this identifies which of the ~1,100 water recycling catchments are triggered to go through the DWMP process based on a prescribed process using historic data. This list is then shared with stakeholders for comment. Any catchments previously excluded can be brought in at this point if required.

3. Baseline Risk and Vulnerability Assessment (BRAVA).

A collaborative exercise to identify the level of risk in each water recycling catchment and how complicated it may be to mitigate. A variety of future design horizons are considered to understand the progression of risk over time.

4. Options Development and Appraisal (ODA).

Where joint opportunities are possible, a collaborative exercise will identify the potential solutions to address the risk. Where joint opportunities are not possible, Anglian Water will identify their appropriate solution.

5. Programme appraisal.

Taking a regional view, the programme will have to balance the cost and risk of current and future customers, ensuring services are provided for both and must reconcile the need to keep bills affordable with the need to plan for future challenges, whilst meeting the expectations of our customers as understood through extensive customer engagement.

To be published in 2022, the DWMP will cover the period 2025-2050 and will be framed around AWSLs [Strategic Direction Statement](#), its new co-created 25 year forward vision for the region, which will follow on from the [Water Recycling Long-Term Plan \(WRLTP\)](#) published in 2018.

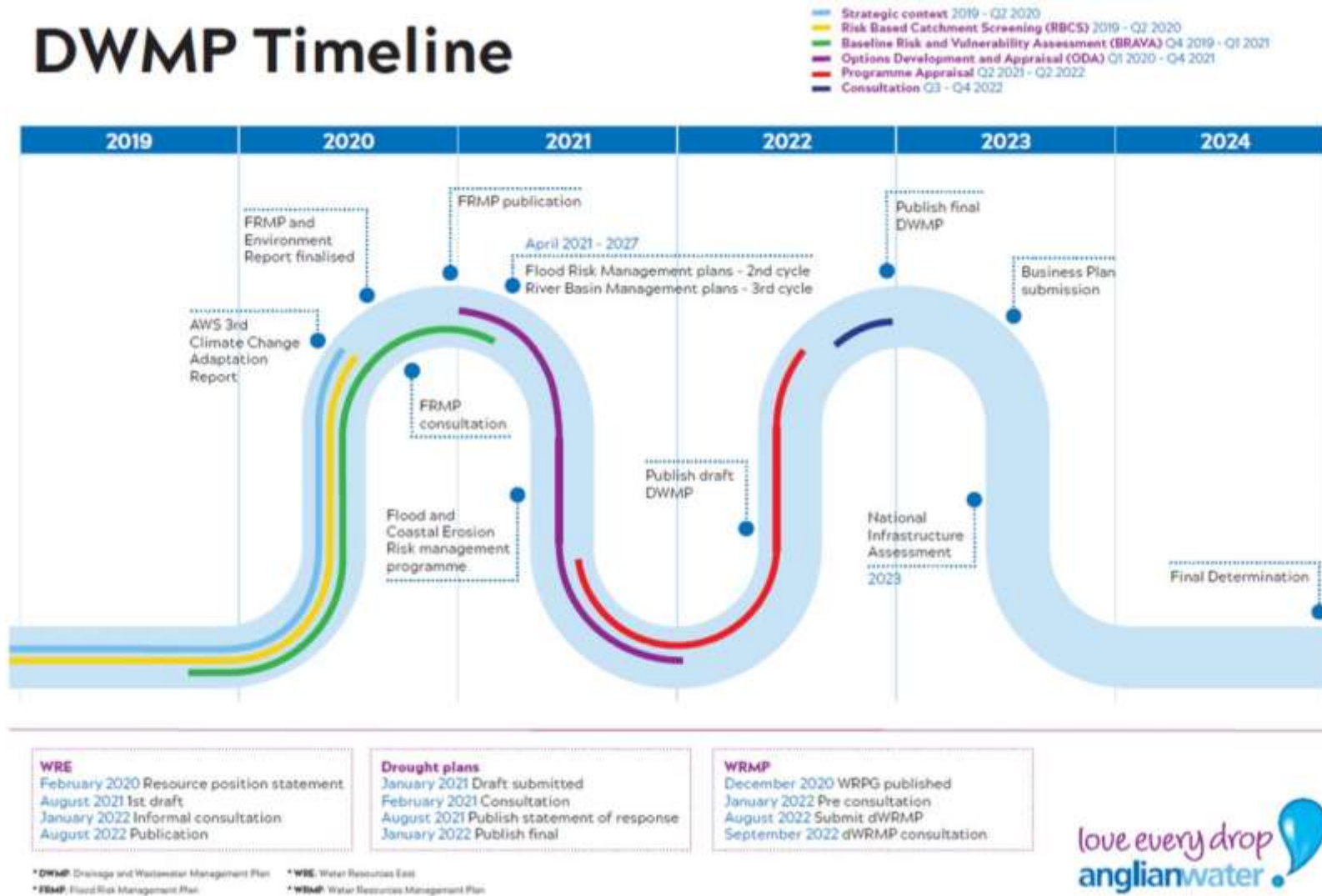
Further details can also be found at <https://www.anglianwater.co.uk/about-us/our-strategies-and-plans/drainage-and-wastewater-management-plan/>.

Of its approximately 1,130 WRC assets, AWSL progressed 573 of its catchments through to the Baseline Risk and Vulnerability Assessment (BRAVA). This equates to 51% of the catchments and covers almost 97% of the population served. It is hoped that the BRAVA results will be available by the end of December 2020.

The Middle Level Commissioners' Planning Engineer has represented both the Middle Level Commissioners and their associated Boards and has identified that there are currently twenty five WRCs which are of "interest" to the Middle Level Commissioners and associated Boards, either directly or indirectly.

It is acknowledged that the assets do not necessarily discharge directly into the Board's system but this could occur if the WRC was to fail.

# DWMP Timeline



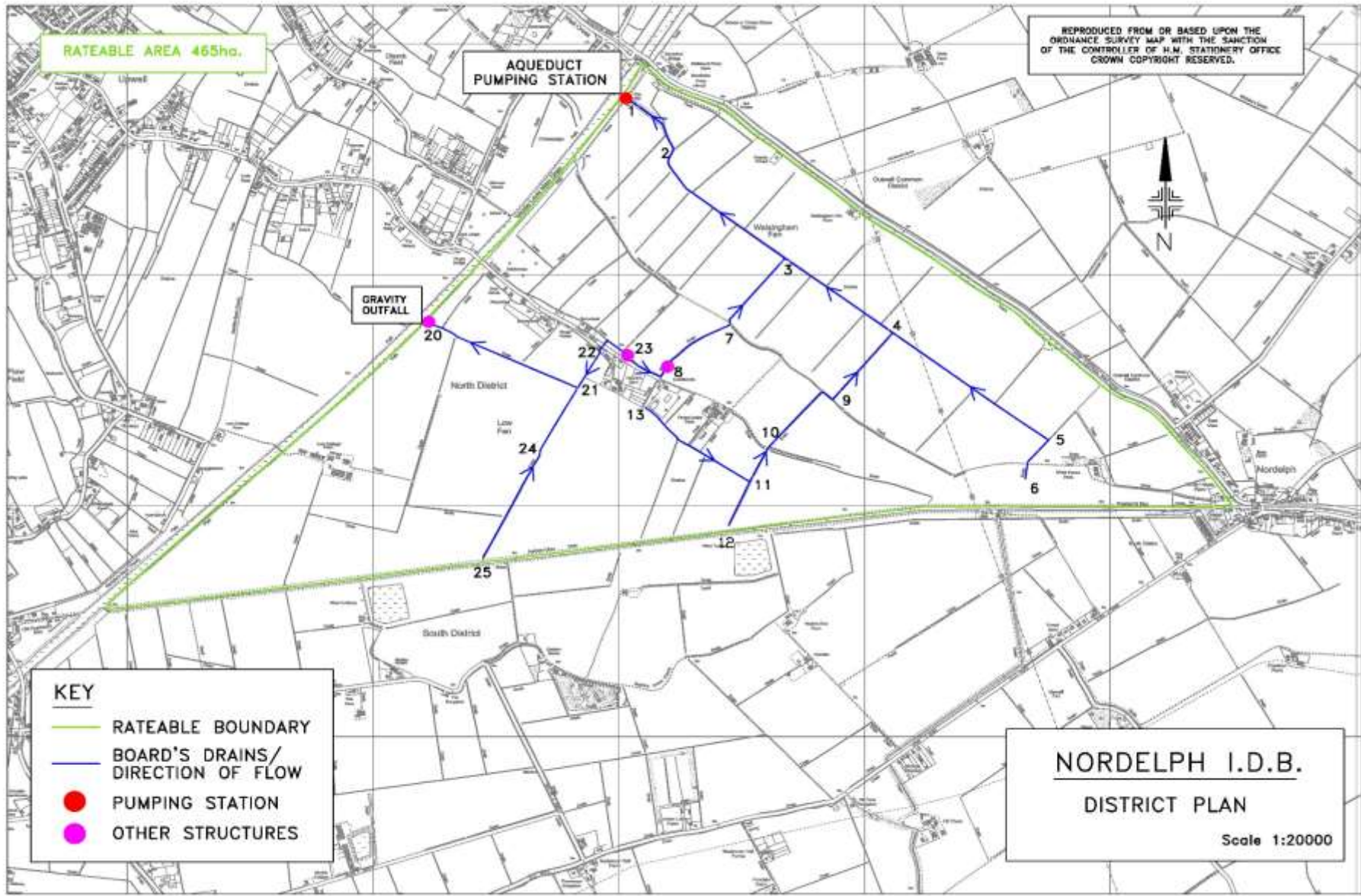
AWSL Ref	WRC Site	2019 Reported Population	Q1		Q2		Notes
			Concern about the Facility Rating		Concern about the Managed Watercourse Rating		
			Short Term 0-15 years	Long Term 15-25 years	Short Term 0-15 years	Long Term 15-25 years	
WWALSC	West Walton	101290	1	2	1	1	Large catchment with significant growth planned. Concerns about the adverse impacts on the receiving watercourse system involving the current and future outfall/catchment extents (including the sub-division of the catchment within MLC area), flood risk implications, volumetric flow and water quality permits/consents.

In order to more readily identify the issues and catchments that are of concern, AWSL requested that a rating of the relevant assets was provided. The comments issued for the assets within the Board's catchment area are detailed in the above table.

Consulting Engineer

7 March 2021

Nordelph(321)\Reports\March 2021



The Board considered the options available for the replacement of the pump weedscreen which was badly corroded. The Board considered the options and felt that the replacement of the weedscreen should be given priority and it was agreed that the District Officer would obtain a quotation from Cobra Engineering. The Board considered the recommendation for inspection of the pump and if necessary the purchasing of a new pump however at the current time the pump was operating satisfactorily and the Board would therefore continue to monitor it.

The pumping hours for the pumping station were noted.

#### RESOLVED

That the Report and the actions referred to therein be approved.

#### B.958 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

In view of the cost of automatic weedscreen cleaning equipment the Board asked whether they could get grant funding.

#### RESOLVED

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

#### B.959 District Officer's Report

The Board considered the Report of the District Officer.

#### 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 2021/2022.

#### B.960 Conservation Officer's Newsletter and BAP Report

Miss McShane referred to the Environmental Officer's Newsletter, dated December 2020, previously circulated to Members.

Members considered and approved the most recent BAP report.

#### B.961 District Officer's Fee and Pumping Station Duties

- a) The Board gave consideration to the District Officer's fee for 2021/2022.
- b) The Board gave consideration to the payment in respect of pumping station duties, plus expenses, for 2021/2022.



## RESOLVED

- i) That the Board agree that the sum of £1,700.00 (plus an additional payment of £105.00) be allowed for the services of the District Officer for 2021/2022.
- ii) That the Board agree that the sum of £495.00 (plus an additional payment of £25.00 for expenses) be allowed for the provision of pumping station duties for 2021/2022.

(NB) – In addition to G D Boyce, 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.962 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.

The Board queried whether grant aid funding could be obtained for a new pump or a new weedscreen.

## RESOLVED

That no proposals be formulated at the present time.

### B.963 Environment Agency – Precepts

Miss McShane reported that the Environment Agency had issued the precept for 2021/2022 in the sum of £1,708.00 (the precept for 2020/2021 being £1,708.00).

### B.964 Association of Drainage Authorities Subscriptions

Miss McShane reported that the Clerk had been advised that subscriptions for 2021 will remain unchanged at £565.

## RESOLVED

That the requested ADA subscription for 2021 be paid.

### B.965 Health and Safety

Further to minute B.933, the District Officer referred to the reports received from Cope Safety Management following their visits to the District on the 6<sup>th</sup> February and the 19<sup>th</sup> November 2020.

The District Officer reported that all of the items recommended during the inspections had now been completed with the exception of the installation of a perimeter fence at the pumping station. A warning sign had been erected to highlight the deep water hazard. It was felt that a

perimeter fencing would be expensive and that these funds would be better spent in the provision of a new weedscreen and pump.

#### B.966 Special Circumstance Policy on Tendering

Miss McShane referred to the policy that had been produced and advised Members that there had been issues for some IDBs during the COVID-19 pandemic in respect to meeting their normal policy on numbers of valid tenders or quotations. It was intended that this policy would only apply in special conditions such as these and that to invoke the policy the Chairman would need to record what the special circumstance was before it could be used.

#### RESOLVED

That the Board formally adopt this policy.

#### B.967 Annual Accounts of the Board – 2020/2021

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

#### B.968 Defra IDB1 Returns

Miss McShane referred to the completed IDB1 form for 2019/2020 which the Board noted and approved..

#### B.969 Review of Internal Controls

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

#### B.970 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.971 Transparency Code for Smaller Authorities

Miss McShane reported that, as resolved at its last meeting, the Board will continue with a limited assurance review and not take advantage of the audit exemption available for smaller public bodies with income and expenditure less than £25,000.

#### RESOLVED

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

### B.972 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.973 Payments

The Board considered and approved payments amounting to £243.65 which had been made during the financial year 2019/2020 (1<sup>st</sup> to 31<sup>st</sup> March 2020) and £21,807.76 made during the financial year 2020/2021 (1<sup>st</sup> April 2020 to 28<sup>th</sup> February 2021).

The District Officer asked if he could be advised why the previous practice of sending invoices for approval had been changed.

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

### B.974 Expenditure estimates and special levy and drainage rate requirements 2021/2022

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2021/2022 and were informed by Miss McShane 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 the additional allowance made for transfer to the pump replacement fund.
- ii) That a total sum of £20,635 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 £19,229 and £1,406 respectively.
- iv) That a rate of 27.85p in the £ be laid and assessed on Agricultural hereditaments in the District.
- vi) That a Special levy of £1,406 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.975 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.976 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Wednesday the 16<sup>th</sup> March 2022 at 7.00pm at New Farm House, Oaks Farm, Outwell.