

## HUNDRED FOOT WASHES INTERNAL DRAINAGE BOARD

At a Meeting of the Hundred Foot Washes Internal Drainage Board  
hosted at the Middle Level Offices, March on Tuesday the 12<sup>th</sup> April 2022

### PRESENT

S A Calton Esq (Chairman)	C A Carson Esq
L J Marshall (Vice Chairman)	P Harrington Esq
J Taylor (RSPB)	H Phillips (RSPB)
D Tough Esq	

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

### Apologies for absence

Apologies for absence were received from C James Esq, A Martin Esq, B Burling Esq.

### B.1296 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.

### B.1297 Confirmation of Minutes

### RESOLVED

That the Minutes of the Meeting of the Board held on the 20<sup>th</sup> April 2021 are recorded correctly and that they be confirmed and signed, with a minor correction to B1275 to note that the total number of culverts is 14.

### B.1298 Matters Arising

There were no matters arising.

### B.1299 Board Membership

Miss McShane reported that Mrs Hannah Phillips has accepted the invitation to become a member of the board and the Chairman welcomed Hannah to her first meeting.

### B.1300 Appointment of Chairman

#### RESOLVED

That S A Calton Esq be appointed Chairman of the Board.

### B.1301 Appointment of Vice Chairman

#### RESOLVED

That L J Marshall Esq be appointed Vice Chairman of the Board.

### B.1302 Ouse Washes Land Managers Group

Further to minute B.1266, The Chairman reported that Joanne Thomas has taken over the post for Natural England.

Harry Chalk has been appointed as Project Manager for delivery of the Water Level Management Plan and this was being progressed.

### B.1303 Ouse Washes Habitat Group (Ouse Washes Strategic Group)

Further to minute B.1267, Paul Burrows has been the previous contact for this group, but he is no longer in this post, and the Chairman reported that there had been no further update or progress with this group.

### B.1304 Ouse Washes Section 10 Reservoir Middle Level and South Level Barrier Bank works

Further to minute B.1268, Miss McShane referred to the Newsletters from the Environment Agency dated December 2021, which was noted and approved by the board.

Completion of the bank raising works is now anticipated to be October 2022.

### B.1305 Illegal Activity and Unauthorised Use of Slackers

Further to minute B.1269, the Chairman reported, since this matter was raised previously, there had been no further incidents of illegal activity with the slackers.

Paul Harrington advised that the only action needed was the replacement of 2 signs, which were damaged by the weather conditions.

## B.1306 Clerk's Report

The Clerk advised:-

### i) COVID-19 Actions

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

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

That a seventh Chair's Meeting was held on the 2<sup>nd</sup> November 2021.

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

- a) The MLC Chair introduced the meeting and took the opportunity to warn those present that government were pushing for land in this area to be set aside to mitigate the impacts of climate change. In this respect there was concern that the data underpinning this move was out-of-date and inadequate and that there was a risk that no proper account would be taken of the storage effects of the land as it is currently managed compared to how it might react if managed as wetland.
- b) To better fit in with the farming calendar the annual safety audits carried out by Cope are to be moved to January and February. In response to a question from the floor, Chairs were advised that it is ultimately the Board and not the MLC's responsibility to manage safety at Board owned assets, although the MLC will assist where they can.
- c) Chairs considered it was important that IDBs and the MLC have a policy on climate change. It was felt likely that this will become increasingly important as pressure mounts for action to be taken. In this respect the Clerk advised that the MLC intended to carry out a baseline assessment of its carbon footprint which would then be used to underpin plans for reductions in CO<sup>2</sup> release and for mitigation. This model would be made available to those IDBs which wished to follow a similar path. Once what could be reasonably achieved has been defined a policy to steer implementation would be produced. Obviously, the aim will be to achieve net zero or as close to it as can be realistically and practically achieved.
- d) The Chief Executive outlined the work of WRE, including the regional reconciliation of water supply just carried out, the proposals for two new reservoirs (one in Lincolnshire and one in Cambridgeshire) and the future plans for water security providing a 1 in 500 year level of drought tolerance for potable water supply. On this latter point he advised that he had been pushing hard for the needs of agriculture to be taken into account, noting that wet farming and environmental targets for farming would require extra water in this region. Also, he considered that separating agricultural need from environmental need was an error and failed to recognise the close tie between the two.
- e) It was reported that it seemed increasingly likely that despite lobbying MPs and Defra it will be the case from the 1<sup>st</sup> April 2022 that IDB's will lose access to red diesel for anything other than powering generators and for heating. This will increase costs and

will present problems with the use of contractors who also work for agriculture which will have an exemption, hence can continue to use red diesel in plant.

- f) On member training it was agreed that the MLC would set up a Zoom type seminar running several of the ADA video training sessions back-to-back. All members of all MLC administered IDBs would be invited and attendance will be recorded. This was seen as the most efficient way of delivering the training that Defra expects members to have undertaken.
- g) For the next round of IDB meetings, the MLC website secure pages will be used for Board meeting documents. Members will be sent links to the appropriate webpage with a password. The documents can then be downloaded whenever it is convenient to do so. **MEMBERS WILL BE ENCOURAGED TO FOLLOW THIS ROUTE RATHER THAN REQUIRE PAPER COPIES OF DOCUMENTS.** In exceptional circumstances – for example for those members without email addresses - a paper copy of the relevant documents can still be printed off, bound and sent out. The use of the Microsoft Teams software is also to be explored for future years.
- h) GDPR was discussed and it was resolved that for internal matters, or where working with partner organisations all email addresses will be visible to allow members to see who has knowledge of the matter under discussion. All external communications will normally be blind copied unless there is a need to show the address or the address is already known (for example when a member is passing on a query he or she has received themselves). It was also agreed that the website could continue to show names and primary contact numbers as long as addresses were not identified.

The Chairman also referred to the Middle Level Commissioners and Administered Board Chairs meeting which had been held that morning (12<sup>th</sup> April 2022), which had discussed a number of items including the changes to staff at the Middle Level Commissioners, Telemetry and the Middle Level Bank Raising Project, the provision of training by ADA, climate change initiatives and the progress with the MLC Carbon Audit.

iii) Association of Drainage Authorities

a) Annual Conference

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

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

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

Topics covered included the challenges of climate change and the need to step up to the plate in delivering on the aim to achieve a net zero target as soon as possible, the importance of partnership working and the importance of agriculture in feeding the nation. The latter included the need to better educate the population, who clearly desire

to move forward on delivering climate change and ecological objectives, but do not fully appreciate the role of agriculture, its real impacts or even properly understood where and how food is sourced. One example given that challenged a common assumption that agriculture was bad for the environment was that recent monitoring of CO<sup>2</sup> release had shown that a well irrigated peat field of onions released less CO<sup>2</sup> than adjacent dry grassland.

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

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

b) Annual Conference

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

c) Meeting of the River Great Ouse Branch

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

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

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

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

Phil Hulme and Amanda Macloughlan spoke on behalf of the EA covering the challenging associated with significant staff changes at the EA and noted that with the

capital program for this six year cycle being double that of the previous one this would be generating considerable additional work load.

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

The date of the next meeting is Tuesday 7<sup>th</sup> March 2023.

d) Updating IDB Byelaws

Further to minute B.1270 d), ADA have advised that there was an error in the Model Byelaws relating to a Penalty Notice which referred to s37 of the Criminal Justice Act 1982, which was actually repealed on the 1.12.2020 by the Sentencing Act 2020. Consequently, Defra has amended the Penalty Notice attached to the byelaws to include the correct reference. This Penalty Notice is not part of the Byelaws and, as such, is a simple correction. There is no requirement either to readvertise, or seek Defra approval and the version now uploaded to the website is the corrected one.

iv) National Drainage Show & Floodex 2022

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

v) Water Resources East (WRE)

Further to minute B.1270 (vii), the requested contribution from this Board for the 2021/2022 financial year is once again £125. Also, the contributions for 2022/23 had been confirmed at £125. Contributions from drainage boards within the East of England secure a direct stake in WRE and help to ensure their needs and opinions are taken into account.

A draft WRE plan went out for public consultation and responses to it were to be received by 28<sup>th</sup> February 2022. The latest news can be found by visiting [www.wre.org.uk](http://www.wre.org.uk).

RESOLVED

That the Board approved the payments of £125 for 2021/2022 and 2022/2023.

vi) Red Diesel

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

## B.1307 Consulting Engineers' Report, including planning and consenting matters

### a) The right to connect.

Miss McShane reported that during the passing of the Environment Act through the House of Lords, an amendment was sought to minimise the impact of new housing development on levels of local flood risk and the likelihood of storm discharges of untreated sewage effluent into rivers and coasted waters. It aimed to ensure that housing developers designed drainage systems that seek to reduce to a minimum the volume of rainwater entering combined sewage systems by removing the current 'right to connect' to public sewers.

## RESOLVED

This was not really an issue for a Board such as the Hundred Foot Washes IDB as there is very little development or house building.

### b) Cranbrook/Counter Drain

The Consulting Engineer provided an update on the Cranbrook/Counter Drain FRM Strategy and the work that had been progressed during 2021. Modelling activities will start at the beginning of 2022 and are the key activities in developing the detail of how the flood storage options on ground water will operate.

A formal Steering Group Workshop which will bring all stakeholders together is planned for June 2022.

The Board considered the update on the Flood Risk Management Strategy and the proposals. It was not really an issue for Hundred Foot Washes IDB but it may in future save water being pumped onto the washes. The RSPB are a stakeholder and have contributed as a body to the proposals.

## B.1308 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

A survey of the slackers needs to be carried out to establish what, if any, refurbishment works need to be undertaken. A Public Works Loan can be applied for to carry out this work, if necessary.

## B.1309 Washes Superintendents' Reports

The Board considered the Reports of the Washes Superintendents, Paul Harrington & Leigh Marshall.

## RESOLVED

The Superintendents reports were noted and approved

#### B.1310 Conservation Officer's Newsletter and BAP Report

Members considered and approved the most recent BAP report.

A request was made for 2 more mink traps to be provided by the Board and 2 more would be paid for by The Fenland Wildfowlers' Association.

Paul Harrington RSPB asked about the removal of a silt bank which potentially had badgers present, If the bank was to be removed. Badger Gates would need to be supplied by the Conservation Officer.

The Conservation Officer be contacted about the need to obtain a licence from Natural England for the removal of badgers.

#### B.1311 Cleaning of culverts

The Chairman reported that in previous years the cleaning of culverts had been carried out at a cost of £10 per culvert by the Wash Superintendents.

#### RESOLVED

That, going forward, a payment of £20 be made in respect of each culvert per year.

(NB) – Mr Harrington and Mr Marshall declared a financial interest when this item was discussed.

#### B.1312 Washes Superintendents' Fees

The Board gave consideration to the Washes Superintendents' fees for 2022/2023. The sum of £1462 had been paid in 2021/2022.

#### RESOLVED

That the Superintendents fee be increased by 3% for 2022/2023

(NB) – The Vice Chairman and Mr Harrington declared a financial interest when this item was discussed.

### B.1313 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.

### B.1314 Slubbing and spreading work

#### a) Slubbing work

The Board considered the tender received from Fen Group to undertake slubbing work on behalf of the Board in 2022/2023.

#### RESOLVED

i) That the tender received from Fen Group in the sum of £43 + VAT per hour to undertake slubbing work be accepted by the Board. It was noted that the transport costs will remain at one-off charge of £120 for delivery and collection from site.

ii) That tenders be requested again from both Fen Group and Russell Fowler Agricultural Contractor & Plant hire in 2023.

#### b) Spreading work

Members considered the question of the undertaking of spreading work within the District.

Mr Harrington reported that there was a bank of silt that needed to be removed, and that it would be necessary to use badger gates in case there were badgers present. Peter Beckenham had badger gates stored at the Middle Level depot. Any licence to remove badgers could be obtained from Natural England.

Miss McShane agreed to contact Joanne Thomas at Natural England regarding the renewal of consent for spreading on the SSSI site.

### B.1315 Environment Agency – Precept

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

The precept for 2021/2022 was £1,326.00.

### B.1316 Association of Drainage Authorities (ADA) Subscriptions

Miss McShane reported that the Clerk had been advised that ADA had increased subscriptions by 1% for 2022 from £565 to £571.

#### RESOLVED

To pay the subscription fee at £571 for this year.

### B.1317 Health and Safety

Further to minute B.1281, the Chairman reported that there were no changes to report and in view of this wondered if it was necessary for a further visit from Cope Safety Management.

Miss McShane advised that it was necessary to review and update the Risk Assessment for the current year.

### B.1318 Completion of the Annual Accounts and Annual Return of the Board – 2020/2021

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

### B.1319 Defra IDB1 Returns

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

The Chairman reported that the IDB1 asked for information about training and that this had been discussed at the Middle Level Chairmans Meeting. Training was to be provided using training material from ADA and would be available for all Board members to watch.

Leigh Marshall referred to the Canal and River Trust training material – ‘Working by Water’ which would be useful for Board Members.

### B.1320 Budgeting

Miss McShane referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31<sup>st</sup> March 2022.

### B.1321 Review of Internal Controls

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

#### B.1322 Risk Management Assessment

The Board considered and expressed satisfaction with their current Risk Management Policy.

#### B.1323 Transparency Code for Smaller Authorities

Miss McShane reported that, as resolved, 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.

#### B.1324 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.1325 Annual Governance Statement – 2021/2022

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

#### RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31<sup>st</sup> March 2022.

#### B.1326 Payments

The Board considered and approved payments amounting to £29,048.25.

(NB) – The Vice Chairman declared an interest in the payments made to him.

(NB) – Mr Harrington declared an interest in the payment made to him.

#### B.1327 Annual Accounts of the Board – 2021/2022

The Board considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2022 as required in the Audit Regulations.

## RESOLVED

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

### B.1328 Expenditure estimates and special levy and drainage rate requirements 2022/2023

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2022/2023 and were informed by 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 99.39% and 0.61%.

## RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £26,040 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 £25,880 and £160 respectively.
- iv) a) That a rate of 25.23p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) a) That a Special levy of £151 be made and issued to the Borough Council for Kings Lynn and West Norfolk for the purpose of meeting such expenditure.  
b) That a Special levy of £9 be made and issued to East Cambridgeshire District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Board be affixed to the record of drainage rates and special levies and to the special levies referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levies by such statutory powers as may be available.

### B.1329 Date of next Meeting

## RESOLVED

That the next Meeting of the Board be held on Tuesday the 14<sup>th</sup> April 2023.

*[Miss McShane reported that as this date is close to the Easter Break an email to be sent to all members of the Board 1month before the date of the meeting]*

B.1330 Any other business

Paul Harrington reported that because of lack of maintenance on the ditches at Slade's wash, flooding of adjoining land had occurred.

RESOLVED

The Chairman would send a map of the area to Miss McShane showing the land in question and a letter would be sent to the landowner requesting him to maintain his ditches as they are holding up the conveyance of water.

Mr Harrington offered to meet the landowner on site and this offer is to be included in the letter to the landowner.