

HADDENHAM LEVEL DRAINAGE COMMISSIONERS

At a Meeting of the Haddenham Level Drainage Commissioners
hosted at the Baptist Hall, Station Road, Haddenham at 7.30pm on Thursday 28th April 2022

PRESENT

M Church Esq (Chairman)
T Chambers Esq
A Darby Esq
R Darby Esq
R Waddelow Esq

K Furness Esq
W Dennis Esq
Cllr S Cheetham Esq
A Lensen Esq

Mr David Jordan (District Engineer) was in attendance.

Mr David Thomas – Clerk was also present

Apologies for absence

Apologies for absence were received from:

C Bidwell Esq	Mrs M Darby	J Dennis Esq	T Hughes Esq
R Lee Esq	P Mappledoram Esq	J Smith Esq	N Tebbit Esq
E Veal Esq	A R Yarrow Esq	N R W Wright Esq	H Hurrell Esq
G Wilson Esq			

C.434 Declarations of Interest

Mr W Dennis declared an interest in item 7 on the agenda.

The Chairman declared an interest in item 13 and 27 on the agenda.

C.435 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the Commissioners held on the 4th November 2021 are recorded correctly and that they be confirmed and signed.

C.436 Matters arising from the minutes.

Item C416 – The Chairman advised that he had attended a meeting with on this matter with Toby Chambers in attendance.

It was noted that both items C418 and C419 were on the agenda

Item C433 – The Chairman reported that he had heard nothing further from the EA following the incident where its contractors had dug through the clay lining of the 100-foot river.

C.437 Appointment of Chairman

RESOLVED

That M Church Esq be appointed Chairman of the Commissioners’.

C.438 Appointment of Vice Chairman

RESOLVED

That GLP Wilson Esq be appointed Vice Chairman of the Commissioners’.

C.439 Ouse Washes Section 10 Reservoir Middle Level and Level South Barrier Bank works

Further to minute C.417, the Chairman reported that works on this were recorded as ongoing but nearing completion. It was noted that following several attempts the access road used by the Board to get to its pumping station was useable.

Concern remains over the South Level Barrier Bank which suffers significant seepage and to-date this problem has not really been addressed nor does it appear that the EA have any intentions to do anything about it. They have referred to the Reservoir’s Act Panel Engineer who has stated that it is not classified as a flood embankment under the definition given in the Act.

C.440 Contravention of Commissioners’ Byelaws – Tree on Catchwater Bank and Review of Watercourses

Further to minute C.418, The Chairman reported it was advised that one side of the channel is kept clear of trees and other vegetation and that all channel maintenance is carried out from this side. Consequently, the Commissioners are to not maintain the trees or shrubs on the opposing bank and only act if a tree falls across the channel and is likely to impact upon flows. On this basis the Commissioners did not consider that they should step in and maintain the tree at the request of the land owner although it was accepted that should the tree fall to could conceivably strike his house. The reason being that it was the land owners’ tree to maintain.

RESOLVED

Write to the land owner and advise him of the Commissioners position on this matter.

C.441 Review of District Watercourses

Further to minute C.419, The Chairman asked for this item to be amalgamated with the District Officers report – see C.448

C.442 Vehicles along the banks of the Catchwater Drain

Further to minute C.420, The Chairman advised that he had been in communications with Andrew Lenson but that a formal meeting had not been held.

C.443 Clerk's Report

The Clerk advised:-

i) COVID-19 Actions

That due to the risk of COVID-19 mutations appropriate measures are being put in place, revised and reviewed as per government advice and using activity-based risk assessments.

ii) Middle Level Commissioners and Administered Boards Chairs Meeting

That a seventh Chair's Meeting was held on the 2nd 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 that it was considered 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 CO2 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 be 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 1st 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.

iii) Applications for byelaw consent

That the following applications for consent to undertake works in and around watercourses has/have been approved and granted since the last general meeting of the Commissioners:-

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date Consent Granted</u>
Mr W Dennis	Replacement culvert under road during road improvement works, to tie into existing drainage network	29 th November 2021
Civil & Fibre Ltd	Refurbishment and repairs to existing track adjacent to a Board's watercourse at Mingay Solar Farm, Twenty Pence Road,	7 th December 2021

Wilburton

iv) Association of Drainage Authorities

a) Annual Conference

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

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

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

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

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

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

c) Annual Conference

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

d) Meeting of the River Great Ouse Branch

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

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

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

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

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

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

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

v) Environment Act

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

C.444 Smart Level System/District Wide Telemetry Bid

Further to minute C.388(iii) the Clerk reported that an order has been placed for two outstations for the Board's pumping stations and that the final cost to the Board will be just under £5K total (with Local Levy grant matching this). This cost includes equipment, installation and 5 years of mobile data and website hosting.

vii) National Drainage Show & Floodex 2022

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

viii) Red Diesel

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

C.445 Water Resources East (WRE)

Further to minute B.388 (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 28th February 2022. The latest news can be found by visiting www.wre.org.uk.

The Board approved these payments.

RESOLVED

To pay the requested WRE contributions for 2021/22 and for 2022/2023

x) Anglia Farmers

The Clerk will reported that following the last meeting of each Board/Commissioners the Anglia Farmers electricity contract was renewed in October 2021 for a shorter period of 6 months to 31st March 2022 and this was due to the volatile energy market at the time. As there remains an enormous amount of volatility and uncertainty surrounding energy prices and as competition is very limited, it was decided that the Commissioners and Boards should remain within the Anglia Farmers buying group at the moment as there is likely to be little scope for us to negotiate better deals. The Clerk will also report a new contract has been signed for a 12 month period to 31st March 2023 with EDF Energy through Anglian Farmers.

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

xi) Fens Biosphere

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

C.446 Consulting Engineers' Report, including planning and consenting matters

It was noted that there had been a single discharge contribution of £2,835.15

The Linden Homes outline planning application for 173 was discussed and it was felt that the Board's concerns had not been addressed. It was the same for the Groundworks and Construction Ltd application for change of use.

RESOLVED

Continue to object to the Linden Homes and Groundworks and Construction Ltd applications (MLC ref No. 001 and 006).

It was noted on the Haddenham and Aldreth Neighbourhood plan that this was now currently out for consultation.

C447. Capital Improvement Programme

The Chairman advised that this year, it was planned to dam off the inlet to Sutton pumping station. The pump would then be removed and the bolts associated replaced with stainless steel ones. The Clerk suggested that a visual survey could be taken during this process which could assist in determining whether or not a refurbishment of the pumping station might be favoured over its full replacement.

The potential availability of grant-in-aid was discussed and there were some reasonable concerns that the quantum of grant may be limited due to the rural nature of the station's catchment. If full grant could not be found to replace the station fully, then there may be a better chance to get full or nearly full funding for a refurbishment as long as the station's life could be extended by a significant period.

It was also noted that the steps and platform on the pump chamber were unsafe and would be removed as part of the damming off works.

RESOLVED

To dewater and replace the pump bolts and inspect the station structure. Then using this information ascertain whether it would be cost effective to refurbish the station. Should this prove possible, estimated figures are to be brought before a future meeting for member consideration.

C.448 District Work Report

The Chairman advised that the low level of winter rainfall had assisted with pumping costs. He went on to report that the District Engineer had managed to get around all main drains plus the line dykes.

It was reported that Atlas had recalled all rams on excavators, such as that owned by the board and that three of the rams had been replaced but a fourth could not be attended to as the pin holding it in place could not be removed. Atlas were due to return with cutting equipment a new pin and ram shortly.

The Chairman reported that the Commissioners had again carried out work for the EA on the Dockeral Brook. This particular watercourse had become overloaded and needed frequent maintenance. Flooding of Over had very nearly occurred on a number of occasions. The length tackled most recently was a section close to Willingham and this appeared to have a positive impact on levels following heavy rainfall.

It was reported that the District Engineer was being encouraged to raise water levels in drains which support abstraction and that he had responded to these requests. It was also noted that several dam boards were in poor condition and had been replaced.

C449 Charges for hire of plant when engaged on private work

Members discussed the rates for hiring out plant and considered that the rates should be increased to reflect the increased costs of parts, labour and in particular diesel.

RESOLVED

- a) That the charges for hire of the Commissioners Atlas 360 (including operator and travelling) be set at;

£28 per hour inside the district

£43 per hour outside the district
- b) That the district Engineer monitor's the daily usage of diesel used by the excavator over a number of days and that this information be supplied to the Board to ensure that it can assess better the impacts of fuel price increases.

C.450 Conservation Officer's Report

It was noted that this report was smaller than previous ones but also that this was not seen as an issue. The Chairman was pleased to be able to advise that a Mink had been caught in the Commissioner's smart trap. The District Engineer also reported that Barn Owls were nesting in the Commissioner's Barn Owl box.

It was noted that when heavy maintenance/improvements were required on watercourses (that might disturb water voles) then the MLC Conservation Officer would be contacted to discuss the works first. The Chairman encouraged members also to consider contacting him as well should they wish to undertake reprofiling on their own private watercourses.

C.451 State-aided Schemes

No State-aided schemes are imminent at this time.

C.452 Environment Agency - Precept

The Clerk 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 £35,953.00.

C.453 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

The Clerk reported that following his submission of claims for contributions the gross sum of £517.41 (£9,300.91 less £8,783.50 received on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2020/21 based on the Commissioners' actual expenditure on maintenance work for that financial year and the sum of £9,141.84 in respect of 80% of the Commissioners' estimated expenditure for the financial year 2021/22.

C.454 Association of Drainage Authorities

RESOLVED

To pay the subscription fee in the sum of £649 for this year.

C.455 Contributions from Developers

The Board noted the contribution reported.

C.456 Health and Safety Report

The Chairman reported that there had been no meetings with the H&S consultants since the last meeting. He further reported that the only outstanding matter was Sutton pumping station steps and platform which, as reported earlier, is to be attended to.

Discussion took place over the potential value in adding a height limiter to the Atlas machine. David Lenson advised that he had recently had one added to one of his machines and the cost had been around £2.5K. All Commissioners considered that such a device would be

advantageous and were supportive of placing an order in principle, subject to it being at a reasonable cost.

RESOLVED

That the District Engineer obtain a quote or quotes for a height limiter and that if in the order of £2.5/3K then the Chairman be authorised to place an order. If, however the cost is significantly more than this, an email will be sent around to see if the Commissioners were content to sanction the increased expenditure.

C.457 Review of Internal Controls.

- a) The Commissioners considered and expressed satisfaction with the current system of internal controls.
- b) The Commissioners were satisfied with the proposals for the appointment of the Internal Auditor and for the proposed Strategy and Audit plan 2023-25

C.458 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with the current system of internal controls
- b) The Commissioners did not express a wish for the current values of its building to be reviewed.

C.459 Exercise of Public Rights

The Clerk made reference to the publishing of the Notice of Public Rights and publication of unaudited Annual Returns, Statement of Accounts, Annual Governance Statement and Notice of Conclusion of the Audit and right to inspect the Annual Return.

C.460 Annual Governance Statement – 2021/2022

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31st March 2022.

C.461 Payments 2021/2022

The Chairman request that in future it would be helpful if all payments were presented as net of VAT

C.462 Annual Accounts of the commissioners – 2021/2022

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

C.463 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 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 64.28% and 35.72%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £192,450 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 £123,715 and £68,735 respectively.
- iv) a) That a rate of 38p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £68,735 be made and issued to the 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.

C.464 Any other business

2nd Drain – Mr Waddelows land.

It was advised that the District Engineer had maintained this ditch and that a bank slip had occurred. It was suggested that either piling or culverting be considered here.

RESOLVED

That David/Michael Church would visit site and review what actions might be most suitable.

It was enquired whether or not it would be possible to lower the bed level of the Catchwater Drain. The Chairman noted that there were major structures e.g. culverts under the old railway line, the A1123 and Tinkers Lane Bridge, that would make this a difficult and costly task.