

OVER AND WILLINGHAM INTERNAL DRAINAGE BOARD

At a Meeting of the Over and Willingham Internal Drainage Board
hosted at the Over Community Centre, Over on Friday 6th May 2022

PRESENT

B R Burling Esq (Chairman)	L Nicholas ESQ
S Burling Esq	M Church Esq
L M Cook Esq (Vice Chairman)	J Smith Esq

Mr David Thomas (representing the Clerk to the Board) was in attendance.

B.298 Apologies

H Garner Esq and R Holland Esq

B.299 Declarations of Interest

The Clerk 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.

The District Officer declared an interest in items 17, 19, 23 and 36.

B.300 Confirmation of Minutes

The previous minutes were approved with the exception that it was noted that item B266 suggested that the gate when opened crossed the highway. This was not correct but it was true that there was insufficient room to safely pull off the highway and open the gate. Also, item B277 should read 1 million metric tonnes of aggregate and not £1 million.

Item B278 – members were advised that the quote from M D Contractors had been sent in too late to be considered and to the wrong email address. The minute is therefore correct.

B.301 Matters arising from the minutes.

Further to B.266, It was noted that a line of fence posts had been erected on byway 13. It was considered that the Highway Authority needed to be asked to become involved in rectifying this matter.

RESOLVED

That the Clerk write to Cambridge County Council asking for a site meeting.

B.302 Vacancy in Membership

No suitable person has yet been found to fill the vacancy. Members were encouraged by the Chairman to think about who might be interested and be worth approaching.

The Clerk reported that Les Nicholas had replaced Tim Henshaw as the representative of the Church and Town Lands and Charity of Over.

B.303 Willows and Saplings alongside District Watercourse

Further to minute B.223, the Chairman reported that this matter remained an issue to be addressed.

B.304 Tree in water close to Hansons Conveyor

Further to minute B.223, the Chairman reported that the tree was still over the watercourse but as Hilton Law was not in attendance, no further discussion on this matter took place.

B.305 Dockerell Brook/Willingham Lode

Further to minute B.224, The EA have agreed that further work is needed on the watercourse. The difficulty is the section, still to be cleaned out, can only be accessed from one side, which incurs the removal of several trees and bushes, many of which are dead elms.

The District Officer is in contact with the EA concerning maintenance of Willingham Lode, which he hopes can be done in the near future.

B.306 Access to Over Pumping Station

Further to minute B.225, This item was covered in B.301 item.

B.307 Proposed Residential development– Station Road, Over – Discharge of Surface Water

The Chairman reported that this development had not gone ahead but around 40 houses were being built near the village. It is unclear where the water from this site discharges to. The location was described as the 'land on New Road'.

RESOLVED

That the Planning Engineer writes to the developer and or planning authority to find out what the method of surface water disposal is.

B.308 Clerk's Report

The Clerk's report was noted as follows:-

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) 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.

e) Updating IDB Byelaws

It was reported that further to minute B.185, ADA had 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 had 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 was no requirement either to readvertise, or seek Defra approval and the version now uploaded to the website is the corrected one.

RESOLVED

Members noted and approved this correction.

iv) 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.

v) 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.

vi) Water Resources East (WRE)

Further to minute B.268(xi), the Clerk reported that the requested contribution from this Board for 2021/2022 financial year is, once again, £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.

RESOLVED

To contribute £125 for both the 2021/22 and 2022/23 financial years

vii) Anglia Farmers

The Clerk 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 also reported 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.

viii) Fens Biosphere

The Clerk 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.

ix) Red Diesel

Following extensive lobbying and the efforts of ADA, DEFRA and Treasury had 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.309 Planning Updates & Consultations

The Clerk reported that in order to increase public transparency, information on the various strategic consultations and issues that may affect the Middle Level Commissioners and administered/associated Internal Drainage Boards has been relocated to our website and can be found on www.middlelevel.gov.uk towards the bottom of the page under “Strategic Planning Consultation Responses”.

B.310 Installation of Treatment Plant and Discharge of treated effluent to the Board’s Drain at Hygate Farm, west Fen Road, Willingham – Mr S Clark (354/1)

The District Officer reported that a discharge consent request had been received for the installation of a small treatment plant and discharge to a private ditch at the above location, due to the failure of the current septic tank on site. He believed that the matter had been resolved with works undertaken and the Board’s approval to consent granted.

B.311 Asset Survey of the Board’s Pumping Stations

Further to minute B.270, the Clerk made reference to the Asset Survey of the Board’s Pumping Station.

The Clerk reported that during the February 2021 routine inspection the pump was noticed to have a distinct wobble. The holding down bolts were checked and secure. The column bolts are badly corroded and need to be replaced. The pump chamber will need to be dewatered to change the bolts and the pump and impellor can be inspected at the same time to help determine the cause of the wobble.

He noted that to dam the drain and dewater the sump was going to cost in the region of £6000 and the pump bolt replacement around £2000 to £3000. The pump had over 23000 running hours since the last record of the pump being overhauled in 1988, so it was recommended that the Board considered scheduling a pump overhaul due to the long period since it had last been done.

Members agreed that the pump was due an overhaul and that it made sense to do this whilst the chamber was dewatered.

Resolved

- a) That a quotation for refurbishment of the pump be prepared and that a way to reduce the £6K estimate for installing and removing dams and dewatering be looked at.
- b) That a possible timetable be drawn up for the works.
- c) That the quotation be sent to the Chairman and District Officer and if they then required to all members for approval.

B.312 Capital Improvement Programme

The required replacement of the culvert in Ouse Fen bank was discussed and it was noted that it had not yet been possible to get contractors to offer to formally quote to undertake these works. It was expected that the cost of pipes would be around £1K and that there would be a similar amount due in contractors' charges. Hence overall cost could be £2.5/3K. The District Officer advised that he had spoken with MLC officer Chris Convine as a footpath closure would be required.

RESOLVED

That the District Officer would speak again with Chris Convine to arrange for the temporary footpath closure and further efforts would be made to get a contractor appointed to undertake the works.

It was also noted that the works to the pumping station would be funded from the capital improvements budget.

B.313 District Work Report

The District Officer reported that the main drains maintenance works had been successfully undertaken. He noted that efforts needed to be concentrated on the Hanson's Lake to Long Holme length of watercourse as this gets easily clogged up with weed. The drain from Overcote had been cleaned out from the Pump to Sharpes Corner, and flailed from Overcote Road to the Conveyor.

He noted that maintenance cost were a concern for this and next year, pointing out that the hire costs of a machine and driver from the Haddenham Board had increased from £38.50 per hour to £43 per hour. He did point out however, that this still remained cheaper than the competition as far as he was aware.

B.314 Conservation Officer's Newsletter and BAP Report

The Conservation Officer's newsletter and report were noted and approved.

B.315 District Officer's Fee

The Board gave consideration to the District Officer's fee for 2022/2023. Following member request the Clerk advised that the MLC salary increase award had been 3% this year.

Resolved

That the District Officer's Fee be increased by 3%.

B.316 State-aided Schemes

None are currently under consideration.

B.317 Agreements between the Drainage Board, Hanson Aggregates and RSPB

It was noted that there had been no movement on the agreement. It was assumed that sooner or later Hanson would wish to progress matters as it would be in their financial interests to do so. The draft agreement was prepared many years ago and can be picked up at any time.

RESOLVED

To take no action until approached by Hansons and RSPB.

B.318 Gravel Extraction, programme for 2022/2023

The District Officer reported that extraction was currently being undertaken adjacent to the drain which was dug 3 years ago but that it was expected that this drain will need to be relocated again sometime in the future to allow works to progress.

B.319 Flail Mowing

Further to minute B.278, It was noted that a two-year contract had previously been awarded for flail mowing hence there was no action required from this meeting.

B.320 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 £16,169.

B.321 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 £1,163.29 (£3,243.62 less £2,080.33 paid on account) (inclusive of supervision) has been received from the Environment Agency for the financial year 2020/2021 based on the Board's actual expenditure on maintenance work for that financial year and the sum of £2,099.10 in respect of 80% of the Board's estimated expenditure for the financial year 2021/2022

B.322 Association of Drainage Authorities Subscriptions

The Clerk reported that ADA has increased subscriptions by 1% for 2022 from £565 to £571

RESOLVED

That payment of subscriptions for the 2022/23 year in the sum of £571 be made.

B.323 Determination of annual value for rating purposes

The Clerk submitted the recommendation for the determination of annual value for rating purposes.

RESOLVED

That the recommendations be accepted and approved.

B.324 Health and Safety

Further to minute B.284, the District Officer reported on the report received from Cope Safety Management following their visit to the District on the 27th October 2021. The Board noted the content of the report.

B.325 Completion of the Annual Accounts and Annual Return of the Board – 2020/2021

- a) the comments of the Auditors on the Annual Return for the year ended on the 31st March 2021.
- b) The Board noted the Audit Report of the Internal Auditor for the year ended on the 31st March 2021.

RESOLVED

That the Internal Auditor be appointed for a further year.

B.326 Defra IDB1 Returns

The Clerk referred to the completed IDB1 form for 2020/2021 and the Board noted it.

B.327 Budgeting

The Clerk referred to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken. The Board noted and approved the content.

B.328 Review of Internal Controls and appointment of Internal Auditor

- 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

The Clerk reported that the agreement with the Commissioners` Internal Auditor ended in 2021 and that, due to restrictions caused by COVID-19 and increased workloads from the winter rainfall events, it had not been possible to properly tender for a new agreement. Following discussions with Whiting & Partners it had therefore been agreed that the current arrangements would be extended by one year to allow sufficient time for the tender process to be carried out.

RESOLVED

That the Board approve the one-year extension of the appointment of Whiting & Partners as Internal Auditor.

B.329 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.

B.330 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.

B.331 Annual Governance Statement – 2021/2022

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.

RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement for the year ended on the 31st March 2022.

B.332 Payments

The Board considered and approved payments amounting to £48,082.57 which had been made during the financial year 2021/2022.

The District Officer requested that in future it would be helpful if all payments were presented as net of VAT

B.333 Annual Accounts of the Board – 2021/2022

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

RESOLVED

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

B.334 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 40.07% and 59.93%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £35,298 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 £14,143 and £21,155 respectively.
- iv) That a rate of 27.0p in the £ be laid and assessed on Agricultural hereditaments in the District.

- v) That a Special levy of £21,155 be made and issued to South 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.335 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Tuesday the 25th April 2023 at 3pm at Over Community Centre.

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Chairman
23rd April 2023