

CURF AND WIMBLINGTON COMBINED INTERNAL DRAINAGE BOARD

At a Meeting of the Curf and Wimblington Combined Internal Drainage Board
hosted at the Middle Level Offices, March on Tuesday the 10th May 2022

PRESENT

M E Heading Esq (Chairman)	D Nicholas Esq
C E Martin Esq	R J Angood Esq
D S Morris Esq	L A Nicholas Esq
C Gowler Esq	G Wakeham Esq
S Edgley Esq	R Mason Esq

The Clerk to the Board and Mr Morgan Lakey (representing the Consulting Engineers) were in attendance.

Apologies for absence

Apologies for absence were received from Cllr M Davies, R Gowler esq and A Morris.

B.511 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 Chairman declared interests (as a Member of the Middle Level Board) in matters concerning the Middle Level Commissioners.

B.512 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 11th May 2021 are recorded correctly and that they be confirmed and signed.

B.513 Vacancy in Membership

The Clerk reported that Timothy Boor had joined the Board.

B.514 Land Drainage Act 1991 - Board Membership – Fenland District Council

The Clerk reported that Fenland District Council have re-appointed Councillor Mrs M Davis to be a Member of the Board under the provisions of the Land Drainage Act 1991.

B.515 Inspection of District

The Chairman asked members if any felt there would be merit in arranging an inspection but the general feeling was that one was not required at this time. The Chairman suggested that should any member wish to view any of the Board's assets or lengths of maintained system then they can contact him and he will arrange for this to take place.

B.516 Contravention of Byelaws – Infilling of Ditch – Byall Fen Drove

It was noted that nothing further had been heard on this matter and the Chairman considered that it was largely a private boundary matter. It was agreed by members that this item no longer needs to be on the agenda.

Resolved

This item be removed from the agenda going forward unless new representations are made to the Board.

B.517 Clerk's Report

The Clerk advised as follows:-

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 an eighth Chair's Meeting was held on the 12th April 2022.

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

It was recorded that there had been a number of MLC staff changes over the period. These included the retirement of Deb Watts, Katie Hunt and Malcolm Downes. Also, Sarah Lemmon and Richard Lloyd had handed in their notice. New members of staff replacing them and linked with some restructuring of the finances and admin departments were Dave Bantoft (M&E Engineer), Sarah Bowd (Accounts Assistant), Polly Tombleson (PA Secretarial) and Claire Collings (Secretarial).

It was reported that following the successful telemetry grant bid for Local Levy £125K in grant had been secured and consequently an order had been placed for in excess of 45 new telemetry outstations. The MLC have tested the new system with the six stations they commissioned and were satisfied with its operation.

Training for Board members was covered and it was noted that ADA provide online training videos. Various methods for delivering these and recording attendance was discussed and it was finally resolved that the best way forward would be to ask all members to watch one or two videos a year and to record when they had been viewed. A record of who had watched which video would be retained and this information recorded at Board meetings and used to support DEFRA IDB1 returns.

A proposal to move from time charges to lump sum annual fees for planning and consenting matters was discussed and it was agreed that a proposal to move to this more efficient and effective way of working would be put to each Board. For similar reasons it was resolved that a proposal should be put forward which would reduce the scale of content reported to Boards under planning matters.

Inflationary pressures were touched upon and it was recognised that if this continues there will be pressure placed upon Boards to raise their rates more than has occurred in recent years. It was also recognised that along with these inflationary pressures there were increasing demands (with legal backing) evolving in relation to environmental gains and Boards should be aware of the costs of delivering on these. Examples are the government's commitment to protect 30% of all land by 2030 for the environment and of the Doubling Nature initiative in Cambridgeshire.

An update on work in relation to climate change and carbon reduction was given. Work currently in hand comprises of production of a Carbon baseline for the MLC. Once complete the scale of the challenge to target carbon neutrality will be known and work will be undertaken to identify possible opportunities for reduction and mitigation, prior to production of a policy statement. During these next stages it is expected that Boards associated with the MLC will be similarly assessed and plan proposals made for them.

iii) Application(s) for byelaw consent

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

<u>Name of Applicant</u>	<u>Details of Work Consented</u>	<u>Date of Consent</u>
W G Beaumont & Son Ltd	To undertake maintenance painting works to a Cadent Gas pipe at three locations: Site No. 1 Crossing the Board's watercourse at Point 88, Site No. 2 Crossing the Board's watercourse between Points 88 and Site No. 3 Near to Point 92.	04/10/2021

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.

b) 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.

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 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.

d) Updating IDB Byelaws

That further to minute B.404, 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 therefore no requirement either to readvertise, or seek Defra approval and the version now uploaded to the website is the corrected one.

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.

vi) Smart Level System/District Wide Telemetry Bid

Further to minute B.484 (vi), the Clerk reported that an order has been placed for telemetry at all 5 pumping stations and that installation should take place during the summer of 2022.

vii) Anglia Farmers

Further to minute B.484(vii), the Clerk advised that although the running of the remainder of the Anglia Farmers electricity contract has continued to be monitored it has 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 30th September 2021 and to continue to monitor the performance of Anglia Farmers over the new contract period.

The Clerk 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. The Clerk 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.

The Clerk reported that the Chairman had subsequently agreed for the Board to remain with Anglia Farmers.

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) Water Resources East (WRE)

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.

x) 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.

Members wished to that MLC staff and ADA for their extensive efforts in securing this position.

xi) Planning and Consenting Fees

The Clerk outlines a number of proposed changes to planning and consenting service supply charging.

The two changes that were proposed and reasoning for them was given as outlined below.

1. The current arrangements for charging for Technical Services advice and support, for planning and consenting matters, is based upon a direct cost recovery arrangement. To achieve this all time spent on every item of work undertaken has to be logged and recorded in detail. This information is then pulled together and invoices prepared and checked before being passed to the Board Chairs for sign-off. This requires a considerable amount of time and effort and this time is of course included in the eventual fees paid. It is considered that a more efficient model would be to mirror the one used for charging for Clerking services which is based upon a lump sum annual fee. This has a number of advantages. It reduces internal workload which in turn releases time to carry out productive work. It also allows Boards to budget for the fees knowing at the time of rate setting what the annual fees will be.

To ensure that a fair assessment is made it is suggested that the last five years of fees are looked at and an average taken. If there is clearly one or two years where one or two planning matters have impacted heavily upon the figures then an appropriate adjustment will be made. The final fee will be converted into a fraction of the costs of overall cost of supplying planning and consenting services for all Boards including the MLC and this percentage will become fixed until such time that a review is called for.

In addition, we will still actively encourage developers and their agents to enter into Pre/Post application contracts. This will help keep the overall planning costs to a minimum. We will also be looking to move more and more to lump sum charges for developers for the same reasons outlined above, ie to reduce internal administration work and costs where possible.

It is not proposed that this change will extend to other Technical Services work, such as surveys, catchment analysis, and refurbishment/replacement/improvement scheme work or associated advice which will continue to be logged and charged on a “hours spent” basis.

2. Many members have noted that the reporting in relation to planning application comments and responses is comprehensive. Again, it often takes many hours to produce such detailed reports for which the Board is charged. This time could be spent in dealing with and taking action on planning and consenting matters.

There is also the issue of the potential time lapse between any planning/byelaw issue raising its head and the meeting of the Board. It is of course normally advantageous to take action as soon as possible after any issue had become apparent. It is therefore proposed that going forward the Board nominate who they wish to be copied in on all planning correspondence, for example the Chair and Vice-Chair. They will then be able to liaise with the Planning Engineer if they wish to and will be conversant with discussions being undertaken. The

Board may also wish to delegate decision making for initial actions for byelaw infringements to the Board nominee/s.

To ensure that the Board is consulted on the most important matters it is proposed that when it is wished for a matter to be raised within the Board report then a request from the Chair can be made and a detailed report would follow. This would normally be the case where significant costs might be associated with enforcement, including perhaps incurring legal fees or where an unusually large or significant development is proposed.

Should the above change be agreed to, then going forward the Engineer's report will provide a list of all planning applications of interest to the Board and consents applied for/approved but unless requested by the Chair no detail will be provided.

The Board discussed both proposals and drilled down into the detail of the proposals. At the end of the discussions, they agreed that there were clear benefits to be had. One question raised was what would happen if not all MLC administered Boards chose to adopt the new arrangements. The Clerk advised that at least for the time being parallel systems could be run and that those Boards who chose to retain the old arrangements would obviously also still be paying for the extra costs of associated admin.

RESOLVED

- 1) That the Board no longer receive comprehensive planning and consenting reports and that instead the Chairman and Vice Chairman would respond and instruct as necessary on planning issues, save where the Chairman specifically asks for a particular planning or consenting matter to be reported upon.
- 2) That subject to the Chairman finding the finalised figures acceptable the Board move to an annual lump sum payment arrangement for planning and consenting advice.

xii) 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.

B.518 Consulting Engineers' Report, including planning and consenting matters

Mr Lakey advised that Ashman was again available to assist with the Board's maintenance activities but noted there were likely to be increases in the hourly rates due to higher fuel costs.

The right to connect consultation was discussed and the merits of both options considered. It was generally felt that the current arrangements were the better option given the risks associated with the alternative proposal. Members however had concerns over the state of Anglian Waters assets and believed them to be under capacity leading to releases of untreated effluent in times of high rainfall.

It was noted that a quote for Fincham's pumping station was still awaited.

RESOLVED

1. To employ Ashman again, noting that rates may be higher this year reflecting increases in fuel costs
2. To record that the Board wishes the current arrangements to continue on the right-to-connect.
3. To write to Anglian Water expressing concern that their system was stressed and under capacity leading to risks to public health and damage to the environment.

B.519 Capital Improvement Programme

The Board reviewed its programme of improvements, noting the need to invest in Fincham's and Curf pumping stations very soon to avoid risk of failures occurring. The Board considered the expected cost of refurbishing Benson's pumping station which is in the programme for this year and concluded that given the predicted costs, the timings and the amount of work and delay trying to obtain GiA would cause the scheme would continue to be fully funded by the Board. For the other pumping stations it was felt that a combined phased GiA application should be developed and submitted to the EA. As part of this it was suggested that the figure for Fincham's should be re-examined as members felt it was higher than expected.

RESOLVED

- 1) Progress with the Benson's scheme without grant this year
- 2) Develop a GiA bid for the remedial works/improvements planned for the other pumping stations needing investment in the next 5 or 6 years. Works to be phased over this EA funding cycle if possible.

B.520 Conservation Officer's Newsletter and BAP Report

The Clerk referred to the Conservation Officer's Newsletter previously circulated to Members.

Members considered and approved the most recent BAP report.

B.521 Pumping Station duties

The Board gave consideration to the payments in respect of pumping duties for 2022/2023 and asked what the MLC pay award had been this year. The Clerk advised that the award had been 3%.

RESOLVED

That the payments for the 2022/23 be increased by 3% as compared to those of the previous year.

B.522 State-aided Schemes

See B.519

B.523 Environment Agency – Precepts

The Clerk will report 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 £10,121.00.

B.524 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

The Clerk will report that following his submission of claims for contributions the gross sum of £3,572.62 (£8,047.85 less £4,475.24 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 £6,311.50 in respect of 80% of the Board's estimated expenditure for the financial year 2021/2022.

B.525 Letting of Herbage

The Board considered the letting of herbage 2023.

Members agreed that the rates should remain at the previous year's figure, namely:-

- i) Narrow Drove, Green Drove (from Narrow Drove to the South Bank) and South Bank (from the Commissioners' Pumping Station to Block Fen Drove) to Mr Robin Gowler for £10 per annum.
- ii) North Bank (from Boots Bridge to the Commissioners' Pumping Station) to M F Martin Limited for £5 per annum.

B.526 Association of Drainage Authorities - Subscriptions

The Clerk reported that ADA has increased subscriptions by 1% for 2022, from £642 to £648.

RESOLVED

That the subscription rate for this year of £648 be paid.

B.527 Review Flail Mowing for 2021 season and consider 2022 season

The Chairman reported that it was intended to continue with the current arrangements and that just alternating banksides would be flailed each year.

B.528 Contributions from Developers

The Clerk reported that contributions towards the cost of dealing with the increased flow or volume of surface water run-off and treated effluent volume had been received and were as detailed in the confidential papers.

B.529 Health and Safety

The Chairman reported that any matters which had arisen during the year had been attended to.

B.530 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 31st March 2021.
- b) The Board considered and approved 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.531 Defra IDB1 Returns

The Clerk referred to the completed IDB1 form for 2020/2021 which Members noted and approved.

B.532 Budgeting

The Clerk referred to the budget update 2020/2021 reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken.

The Board noted and approved the content.

B.533 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

B.534 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.535 Exercise of Public Rights

The Clerk 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.536 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.

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

RESOLVED

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

B.537 Payments

The Board considered and approved payments amounting to £112,505.41 which had been made during the financial year 2021/2022.

The Board noted and approved the payments made on the behalf of the Board.

(NB) – The Chairman declared an interest (as a Member of the Middle Level Board) in the payments made to the Middle Level Commissioners.

(NB) – The Vice Chairman declared an interest in the payments made to R & J A Gowler.

B.538 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.539 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 the Clerk that under the Land Drainage Act 1991 the proportions of their net expenditure to be met by drainage rates on agricultural hereditaments and by contributions would be 90.01% and by special levy on local billing authorities and by contribution would be 9.99%.

RESOLVED

- i) That the estimates be approved,
- ii) That a total sum of £105,042 be raised by drainage rates and special levy and by way of contribution from the Middle Level Commissioners under the Wimblington 2nd District Drainage Order 1922.
- 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 and contribution from the Middle Level Commissioners are £90,277, £9,753 and £5,012 respectively.
- iv) That a rate of 25.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £9,753 be made and issued to Fenland District Council for the purpose of meeting such expenditure.

- vi) That a contribution of £5,012 be made by the Middle Level Commissioners in respect of Byall Fen in accordance with Wimblington 2nd District Drainage Order 1922.
- 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.540 Date of next Meeting

RESOLVED

Tuesday 9th May 2023 at 2pm – MLC Offices