

NEEDHAM AND LADDUS INTERNAL DRAINAGE BOARD

At a Meeting of the Needham and Laddus Internal Drainage Board
hosted at the Middle Level Offices, March on Tuesday the 19th April 2022

PRESENT

J F Martin Esq (Chairman)
M Scott Esq
Cllr C J Crofts Esq
P W West Esq
M Fenn (District Officer)

J H Fenn Esq (Vice Chairman)
Cllr W Sutton Esq
P M Tegerdine Esq
S Carlton Esq
A Giles Esq

J Scott Esq

Miss McShane Solicitor and Assistant Clerk was in attendance.

Apologies for absence

Apologies for absence were received from Councillor K Harrison and N Scantlebury.

B.343 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.

- i) Councillor Sutton declared an interest in any planning matter as he is a member of the Fenland District Council's Planning Committee.
- ii) Mr Michael Fenn District Officer declared an interest in item 15 of the agenda – District Officer's Fee.
- iii) Jonathan Fenn declared an interest as an employee of Middle Level Commissioners.
- iv) Paul West declared an interest as a member of Middle Level Commissioners Board.

B.344 Standing Orders

Miss McShane reported Further to minute B.278, ADA have obtained agreement from Defra for the flexibility which allowed the Board to choose how they wished to hold Board meetings during the pandemic to become permanent. This change will allow remote attendance or fully virtual meetings to take place in future should that best meet the Board's particular requirements at that time.

RESOLVED

That the revised Standing Orders be approved

B.345 Confirmation of Minutes

RESOLVED

That the Minutes of the Meetings of the Board held on the 20st April 2021 are recorded correctly and that they be confirmed and signed.

B.346 Matters Arising

No Matters arising.

B.347 Election of Board Members

Miss McShane reported that the term of office of the members of the Board will expire on 31st October 2022 and the register of electors which is applicable to the 2022 election is available for inspection.

B.348 Resignation of Mr Hartley

Miss McShane referred the Board to the letter of resignation received on 15th November 2021 from Mr Hartley. She advised the Board that Mr Hartley had been a member of a previous Needham, Burial & Birdbeck District Drainage Commissioners from March 2011.

The Board expressed their thanks to Mr Hartley for his valuable contribution to the Board over a number of years and that his knowledge and experience of Board matters would be greatly missed.

RESOLVED

A letter of thanks be sent to Mr Hartley in recognition of his very valued service to the Board.

B.349 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) Application(s) for byelaw consent

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

<u>Name of Applicant</u>	<u>Description of Works</u>	<u>Date Consent Granted</u>
Mr Paul West	Installation of 1 no field underdrain outfall – district watercourse between Points 26 and 27 adjacent to Laddus Drove	08/04/21
Ms C Fitzpatrick	Construction of a replacement dwelling 6m from the top of the Board’s drain at Mill House, The Common, Upwell – Board’s Drain points 45 – 41 and 42 - 40	20/05/21

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 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 7th March 2023.

d) Updating IDB Byelaws

Further to minute B.250, ADA has 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.

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) 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

vii) Fens Biosphere

The Clerk will report 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.

viii) 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.

ix) 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.350 Consulting Engineers' Report, including planning and consenting matters

The Board considered the Report of the Consulting Engineers.

Mr Fenn reported that the weed control and drain maintenance had been carried out in accordance with the programme approved by the Board.

The Joint inspection of the Board had reported the growth of cott. This is becoming an annual problem and needs to be treated to prevent blockage of culverts.

Mr Fenn advised that to alleviate the problems of access at reach 10-11, it is proposed to install a 600mm culvert in the drain to allow access and a provisional sum has been included in the estimates.

Harrison Agricultural Contractors have indicated they will be available to undertake the boards flail mowing.

Culvert replacements at points 1 & 2.

Mr Fenn reported that following last year's meeting a grant-in-aid application had been completed and approved by the EA. The project was awarded grant aid of 92% of costs with the Board funding the further 8%.

Point 2 works were completed in December 2021.

The Point 1 works will be commencing in early May 2022 and will take up to a month to complete. Fen Group will be contacted to carry out the works on behalf of the Board.

Planning applications

The Board noted the planning applications which had been dealt with since the date of the last meeting.

Residential development on land west of Tikka Chef, Isle Road, Outwell.

Beech Property Investments (MLC ref: No.347), Partner Construction (MLC ref: No.364) & NFC Homes (MLC ref no: 377) & Freebridge Community Housing (MLC ref No: 392 – 50 dwellings).

The Board noted the concerns of the engineer about the issues of funding management and maintenance arrangements for the surface water drainage of this site.

RESOLVED

That a letter be sent to local Planning Authority at Kings Lynn and West Norfolk BC and to the applicant setting out concerns of the engineer about the surface water issues on this site.

Proposed replacement dwelling at Mill House, The Common, Upwell – Miss C Fitzpatrick – (MLC ref no: 383)

Since the last meeting of the Board an application for encroachment within the Boards 9 metre strip has been processed. An application for Byelaw consent for a new laurel hedge around the site has been received and the proposed planting is very close to the boards drain.

RESOLVED

That the Chairman, Vice Chairman and Graham Moore make a decision on the Byelaw consent for this proposal.

Construction of weighbridge office, welfare facilities and provision of sampling laboratory with associated office – The Myrtles (Mill Farm) Pius Drove, Upwell – Robinsons Farms (MLC ref no: 386)

RESOLVED

That the Chairman and Vice Chairman consult with the Consulting Engineer and make a decision on the treatment of surface water for this development.

Change of use of part of land for the stationing of three static caravans for gypsy/traveller occupation, Provision of three day rooms, erection of small agricultural barn. Hard and soft landscaping on land to the south east of Bramley's and east of the Myrtles, Pius Drove, Upwell – Mr Beaney.

The Board expressed concerns that this development is surrounded on three sides by the boards drains and a post and rail fence, mixed hedge, mobile homes day rooms and a barn are all shown within the Boards 9 metre access strip.

- i) A letter be sent to the Planning Department at Kings Lynn and West Norfolk BC about the Byelaw infringement and that it is unlikely to receive approval by the Board.
- ii) A letter be sent to Mr Beaney the applicant advising of the need for Byelaw consent and requesting that the existing fence already erected and within the 9-metre strip be removed.

Harrison Agricultural Contractors

The Chairman advised that he had been approached by Nigel Harrison asking if the Board would consider a contract for a longer period.

The Board expressed the view that as this was public money, it was important to demonstrate that the Board were getting best value on any contracts.

RESOLVED

That the Chairman ask for a quotation for the work from Nigel Harrison for a longer period for 2/3 years up to a period of 5 years and that the Chairman and Board give this further consideration.

B.351 New Culvert Installation

The Clerk reported that this matter has been reconsidered as part of the Consulting Engineers report.

B.352 Robbs Chase/Cotton Corner

The Clerk reported that this matter had been considered as part of the consulting Engineers report.

B.353 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

RESOLVED

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

B.354 District Officer's Report

The District Officer stated that he had nothing further to report to the Boards update on the drain maintenance.

B.355 Conservation Officer's Newsletter and BAP Report

The Board considered and approved the most recent BAP report produced by the Conservation Officer.

B.356 District Officer's Fee

The Board gave consideration to the District Officer's fee for 2022/2023.

RESOLVED

That the Board agree that the sum of £1,749.97 be allowed for the services of the District Officer for 2022/2023 – 3% increase.

B.357 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.

RESOLVED

That there were no further proposals be formulated at the present time.

B.358 Environment Agency – Precepts

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 £6,463.

B.359 Association of Drainage Authorities Subscriptions

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

RESOLVED

That the increased subscription be agreed and paid to ADA.

B.360 Health and Safety

The Vice-Chairman reported that Cope Safety Management had carried out their visit to the Board on 9th November 2021. The only outstanding issue in the Boards audit was the replacement of the old structure upstream of the syphon at point 2 and provision had been made in this year's estimates.

B.361 Completion of Annual Accounts

- a) The Board considered 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 ending on the 31st March 2021.

B.362 Defra IDB1 Returns

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

B.363 Budgeting

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

B.364 Review of Internal Controls and appointment of Internal Auditor.

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

b) The Board considered and approved the appointment of the Internal Auditor and the proposed Audit Strategy and Audit Plan for 2022-2025.

B.365 Risk Management Assessment

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

B.366 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.367 Annual Governance Statement – 2021/2022

The Board considered and approved the Annual Governance Statement for the year ending 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.368 Payments

The Board considered and approved payments amounting to £144,668.41 which had been made during the financial year 2022/2022.

A query was raised about the Upwell IDB Rates refund.

(NB) –Councillor Sutton declared interests (as a Member of the Middle Level Board) and Mr J Fenn (as an employee of the Middle Level Commissioners) in the payments made to the Middle Level Commissioners.

B.369 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 Annual Return, on behalf of the Board, for the financial year ending 31st March 2022.

B.370 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 42.13% and 57.87%.

RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £52,392 be raised by drainage rates and special levy and by way of contribution from Hundred of Wisbech IDB.
- 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 Hundred of Wisbech IDB are £25,941, £4,293 and £142.00 respectively.
- iv) That a rate of 8.75p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v)
 - a) That a Special levy of £25,941 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.
 - b) That a Special levy of £4,293 be made and issued to Fenland District Council for the purpose of meeting such expenditure.
 - c) That a contribution of £142.00 be made by Hundred of Wisbech IDB in respect of the Friday Bridge outfall.
- 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.

(NB) – Councillor Crofts declared an interest as a member of the Borough Council of Kings Lynn and West Norfolk.

B.371 Display of rate notice

RESOLVED

That notice of the rate be affixed within the District in accordance with Section 48(3)(a) of the Land Drainage Act 1991.

B.372 Date of next Meeting

RESOLVED

That next Meeting of the Board be held on Tuesday the 18th April 2023 at 7pm at the Crown Lodge Hotel.

B.373 AOB

- i) The Vice-Chairman reported that Anglian Water pipeline to Essex would cross several farms in the District. The Consulting Engineer at the Middle Level Commissioners had been supplied with a plan showing the route of the pipeline.
- ii) The Board requested that a letter of support be sent to the Parish Council concerning the right of way which had been obstructed. The Board wished to support the Parish Council in keeping the right of way open.