

NORDELPH INTERNAL DRAINAGE BOARD

At a Meeting of the Nordelph Internal Drainage Board
held at New Farm House, Oaks Farm, Outwell on Wednesday the 23rd March 2016

PRESENT

R S Means Esq (Chairman)
D H Boyce Esq
D J W Boyce Esq

G D Boyce Esq
J D Clifton Esq
S Gadsby Esq

The Clerk to the Board was in attendance.

B.773 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.

Mr G Boyce declared an interest in agenda item 18.

B.774 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Board held on the 24th March 2015 are recorded correctly and that they be confirmed and signed.

B.775 Clerk to the Board

The Clerk informed the Board that he intended to stand down from the office of Clerk of the Board at the end of 2016, that the Middle Level Commissioners would be taking appropriate steps to appoint his replacement and that he would keep the Board informed.

The Chairman expressed thanks to Mr Smith.

RESOLVED

That the Board's appreciation of the service the Clerk had given to the District be recorded in the Minutes.

B.776 Completion of the Annual Accounts and Annual Return of the Board – 2014/2015

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2015.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2015.

RESOLVED

- i) That in accordance with the Accounts and Audit Regulations the minutes record that approval of the accounts was given on 26th June 2015.
- ii) That the Chairman was authorised to sign the Annual Governance Statement, on behalf of the Board, for the financial year ending 31st March 2015.

B.777 Filling of vacancy

Further to minute B.751, Mr D J W Boyce confirmed that Councillor Crofts was quite keen to become a member.

RESOLVED

That Mr Crofts be formally co-opted to membership of the Board.

B.778 Water Framework Directive

Further to minute B.753, the Clerk reported that the Anglian River Basin Liaison Panel of which he was a member have considered the draft updated River Basin Management Plan revision and the regional programme of projects funded by Defra for WFD. He reported that he had also been advised that the statutory Plan to be sent to Ministers would be a “high level” generalised document and not contain the list of local “measures” which appeared in the many schedules to the 2009 Plan. Whilst this made the 2009 Plan rather cumbersome, it did at least set out the measures expected in relation to a water body, whereas the present framework leaves the relevant measures to be discussed locally. Part of the ongoing work is to settle what “mitigation measures” are appropriate to the artificial and heavily modified water bodies of the Fens to ensure that they satisfy the requirement to reach Good Ecological Potential. The Middle Level Commissioners' Environmental Officer, Cliff Carson, is a member of a Group, looking at reasonable mitigation measures for such bodies, which are likely in fact to correspond with what was already in our Biodiversity Action Plans and therefore require, as previously advised, little additional work.

The Clerk advised that he had commented on the revised plan but had to date received no feedback on either this or on the earlier flood risk management plans despite promises from the Environment Agency that this would occur.

The Clerk reported that he had, however, continued discussions with the Environment Agency's local Water Framework Directive teams.

B.779 Water Transfer Licences

The Clerk reported that Defra have advised that they propose to bring into force the changes to the water abstraction licensing system, which were outlined and enacted in the Water Act 2003. Successive proposed implementation dates have, however, come and gone. Most significant amongst these changes is the requirement that abstractions simply transferring water from one watercourse to another by IDBs become subject to licensing.

The Clerk reported that the Defra consultation appeared in December but was then withdrawn hours later. It was however, formally reissued in January with a period for responding lasting until 8th April. The Clerk would be formally responding to the consultation.

B.780 Roadway to Pumping Station

Further to minute B.754, the Clerk reported that Norfolk County Council had advised him that, as the planned re-tread process was not suitable for this location, the road would be made passable by levelling and filling the soft areas with sub-base material. He confirmed that the Board had not been advised of any change in the status of the road and as far as he was aware the road was still classed as a vehicle way.

The District Officer reported that the roadway to the pumping station had had a layer of crushed concrete spread across the entire length and grips excavated and that it was better than it was but had not been rolled.

Mr Clifton wondered if as a public road should it be tarmaced. Mr D J W Boyce referred to other public roads being repaired with planings. The Board discussed the condition of the road.

RESOLVED

That the Clerk write again to Norfolk County Council stating that if the roadway was classified as a public road should it be tarmaced.

B.781 Pumping Station Subsidence Insurance Cover

Further to minute B.755(iii), the Clerk confirmed that the Board were covered against subsidence.

B.782 Pumping Station Insurance Valuation

Further to minute B.756, the Board considered the recommendations and figures produced by the Consulting Engineers. The Clerk advised that to insure at £290,000 would involve an additional premium of approximately £140.

The Chairman wondered about the condition of the rails at the pumping station. The District Officer said that their present condition was due to the actions of local ratepayers.

RESOLVED

That the insurance valuation be increased to £290,000 which the Members felt provided adequate cover for those items at high/medium risk.

B.783 Byelaw infringement at Point 25

Further to minute B.759(iv), the Clerk reported that, having forwarded a copy of the Consulting Engineer's report on this matter to the Chairman requesting his further advice before contacting Maurice Crouch Growers, a reply was still awaited.

The District Officer reported that a pipe had been put in directly to Pophams Eau which ran into the drainage system of the Board. Members were concerned at the possibility of water getting into the District. The District Officer thought that a stopper pipe on the end of the pipe would help.

RESOLVED

That Maurice Crouch Growers be informed that they either make their inlet controllable to the satisfaction of the District Officer or remove it by the 31st December 2016 and that failure to do so which result in the Board taking enforcement action and removal at their expense.

B.784 Pollution Test in the Drainage System

Further to minute B.759(v), the Clerk reported that, having met the District Officer on site in April 2015, the Environment Agency had advised him that they would be investigating the cause of the pollution and take appropriate actions to resolve the issue.

The District Officer confirmed that there had been no further contact.

RESOLVED

That the Clerk write again to the Environment Agency.

B.785 Consulting Engineers' Report

The Board considered the Report of the Consulting Engineers, viz:-

Nordelph I.D.B.

Consulting Engineers' Report – March 2016

Pumping Station

Other than matters described below only routine maintenance has been carried out since the last meeting and the pumping plant is mechanically and electrically in a satisfactory condition.

Electrical Retesting

The Periodic Electrical Condition Report on the fixed electrical equipment has been completed.

Pumping Hours

Hours Run January 2015 – January 2016 = 138

Hours Run February 2014 - January 2015 = 512

Changes to Planning Procedures

Further to the introduction of the previously discussed pre-/post-application discussion process other procedures have been introduced, currently on a trial basis. These include, where relevant, a fixed fee basis for some services which has arisen from discussions and agreement with applicants, agents and engineering consultants.

These include the following:

(a) In respect of relatively simple enquiries the Commissioners are currently offering a free Development Control and Consent “Surgery” on the third Tuesday of the month. Appointments are limited to 15 minutes during which applicants are able to discuss their proposals and at which it can be determined whether pre-/post-application discussion is required for Discharge/Byelaw Consent issues.

(b) A soakaway certification and checking service which has been introduced for the processing of the acceptability of soakaways/infiltration devices in compliance with the Land Drainage Act and the Commissioners'/Boards' byelaws where it can properly be shown to attenuate flows/volumes.

(c) Completing the “Acceptability of Surface Water and Sewage Effluent Discharge” form. This is a simple form where responses are made to four questions related to surface water/treated effluent disposal.

Initial internal discussions concerning the introduction of fixed fees for some types and sizes of development covered by the pre-application procedure have commenced.

Responses to Planning Applications

One of the complaints aimed at the Commissioners relates to the failure to provide responses to planning applications in a timely manner. The main reason for this is because some LPAs, not only the Kings Lynn & West Norfolk Borough Council and/or Fenland District Council, add planning applications to validation lists in week four or later. Unfortunately, the Middle Level Commissioners do not have the resources to check all the lists on a weekly basis (a potential total of 64 lists per week). Therefore, to maximise the number of planning applications captured the week 4 list is normally used.

Members will be aware that neither the Middle Level Commissioners nor the Board are statutory consultees and, therefore, do not actually have to provide a response to the planning authority, and receive no external funding to do so. The main reason for supplying responses is to protect the Board's district and ensure that any byelaw consents are sought.

More timely responses would be of benefit to all parties and discussions have been held with the leading Planning Authorities but none are prepared to contribute to funding to improve resources. The now former Head of Planning at Fenland District Council advised in a letter dated 7 December that ".....the Council is not in a position to consider providing additional resourcing"". As a result, the Middle Level Commissioners' Planning Engineer has been instructed to concentrate on responding to pre-/post-application related issues and resultant planning applications as a priority with responses to other planning applications being dealt with when time permits, with greater reliance being placed upon our "Standing Advice". This particular document may require further strengthening if this arrangement is to continue over the long term.

However, the Council's letter does advise that it "will continue to encourage applicants and agents to engage directly with yourselves at pre-application stage which clearly has benefits of providing at an early stage greater certainty to developers of your requirements". Whilst there has been an increase in enquires concerning prior discussion these have, to date, primarily been just prior to or just following the submission of a formal planning application.

Despite the Planning Authorities' position the Middle Level Commissioners are requested to respond to planning applications that may potentially be contentious and informal requests have been received from Fenland's Planning Officers to reinstate the weekly surgery session that occurred between late 2009 and late 2013. However, as the Board is not a statutory consultee it is considered that whilst the comments provided by the Middle Level Commissioners on the Board's behalf would be of benefit to the Planning Authorities in making informed decisions, this request is not followed up.

Following the decision to “stand back” from the planning process standard letters are currently being sent to applicants to remind them of their responsibilities and duties under the Land Drainage Act and associated Byelaws.

Following several years of working closely with Peterborough City Council (PCC), Fenland District Council's planning team will, from January 2016, be providing a shared service to share resources and enable the delivery of an improved and more cost-effective service that will, reportedly, save Fenland £137,000 a year and a total of £446,000 by the end of the 2018/19 period.

In addition, PCC will be providing both Fenland District Council and the Borough Council with a consultancy service to meet its requirements under the Floods and Water Management Act. Whilst this will cover ‘major’ planning applications, informal concerns have been expressed within Fenland and the potential adverse impacts on meeting its “growth” targets given that much of the development is self-build and/or “minor” developments.

Planning Applications

In addition to matters concerning previous applications, the following 2 new development related matters have been received since the last meeting and dealt with where appropriate:

| <i>MLC Ref.</i> | <i>Council Ref.</i> | <i>Applicant</i> | <i>Type of Development</i> | <i>Location</i> |
|------------------------|----------------------------|-------------------------|-----------------------------------|------------------------|
| 007 | 15/00550/F | Mr & Mrs L Parker | Residence | The Pingle, Upwell |
| 008 | 15/01589/RM | Mr & Mrs D Jimson | Residence | Downham Road, Outwell |

It is understood from the information provided that the above developments propose surface water disposal to soakaways/infiltration systems or sustainable drainage systems, where applicable.

King's Lynn & West Norfolk Local Plan

Responses were made to the Borough Council, on the Commissioners’ behalf, in respect of:

- (a) Site Allocations & Development Management Policies Pre-Submission Document

- (b) An application for the designation of a Neighbourhood Area by Upwell Parish Council - This advised that whether or not a neighbourhood area, compliance with the provisions of the Land Drainage Act and the relevant Boards’/Commissioners’ byelaws would still be required.

Both the Middle Level Commissioners' Planning Engineer and Assistant Engineer have and will continue to represent both the Middle Level Commissioners' and associated Boards'/Commissioners' interests by attending meetings and considering the various draft documents.

A handwritten signature in blue ink, appearing to read 'Thomas', with a long horizontal flourish underneath.

Consulting Engineer

3 March 2016

Nordelph(321)\Reports\March 2016

RESOLVED

That the Report and the actions referred to therein be approved.

B.786 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.787 Environmental Officer's Press Release and BAP Report

The Clerk referred to the Environmental Officer's Press Release dated December 2015, previously circulated to Members.

Members considered and approved the most recent BAP report.

The Chairman and District Officer commented that two owl boxes were being used.

B.788 District Officer's Reports

The Board considered the Reports of the District Officer.

The District Officer advised that Ben Wales could not carry out the Board's flail mowing in 2016. Mr D J W Boyce mentioned Kings Lynn IDB but advised that the Board's drains would have to be ready when Churchfield & Plawfield IDB's drains were finished. The Board discussed possible contractors. The District Officer advised that he would be speaking to Mr Christian that week and welcomed suggestions.

The District Officer reported that the profiling of the Board's drain had now been totally ruined and that the fox holes had re-opened.

The District Officer advised that the weedscreen was still acceptable and that as the main damage was below the water level he felt it would still suffice for the time being.

RESOLVED

- i) That the Reports and the actions referred to therein be approved and that the Officer be thanked for his services over the preceding year.
- ii) That the District Officer be authorised to make arrangements for necessary drainworks and for flail mowing the District system in 2016/2017.
- iv) That the District Officer be authorised to take appropriate action regarding the fox holes and to contact the Conservation Officer, if necessary.

B.789 District Officer's Fee

a) Agreement relating to the District Officer's duties

Further to minute B.760(iii), the Clerk reported that Mr G D Boyce had duly signed the agreement.

- b) The Board gave consideration to the District Officer's fee for 2016/2017.
- c) The Board gave consideration to the payment in respect of pumping station duties, plus expenses, for 2016/2017.

RESOLVED

- i) That the Board agree that the sum of £1,195 (plus an additional payment of £100.00) be allowed for the services of the District Officer for 2016/2017.
- ii) That the Board agree that the sum of £335 (plus an additional payment of £25.00 for expenses) be allowed for the provision of pumping station duties for 2016/2017.

(NB) – In addition to G D Boyce, D H and D J W Boyce agreed to go along with the decision of other members in this matter.

(NB) – Mr G D Boyce declared an interest when this item was discussed.

B.790 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 no proposals be formulated at the present time.

B.791 Environment Agency – Precepts

The Clerk reported that the precept for 2016/2017 would remain unchanged at £1,540.

Further to minute B.762, the Clerk reported that because of the appeals against the precept lodged some two years ago by the Board (and other Boards) the Agency had introduced a Local Choices Precept Programme which involved a far greater input from IDBs and IDBs being much more able to influence the Agency on the works on which the precept would be spent.

B.792 Association of Drainage Authorities

The Clerk reported:-

a) Annual Conference

That the Annual Conference of the Association of Drainage Authorities would be held in London on Thursday the 17th November 2016.

b) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association would be held in Prickwillow, Ely on Tuesday the 8th March 2016.

c) Subscriptions

That it was proposed by ADA to increase subscriptions by approximately 5% in 2016, viz:- from £510 to £536. [The increase in 2015 was 4%]

d) Floodex 2016

That Floodex 2016 will be held at The Peterborough Arena on the 18th and 19th May 2016.

The Clerk advised that the pump was last overhauled in 2011.

RESOLVED

- i) That the Board do not join ADA for 2016 and review the position in 2017.
- ii) That the ADA subscription (£536) be transferred to the pumping station account.

B.793 Health and Safety Audits

The Clerk drew attention to the continuing need to ensure that the Board complied with Health and Safety Requirements and reminded Members of the arrangements with Croner.

B.794 Norfolk Flood Risk Management Partnership Update

Further to minute B.765, the Clerk reported that the main items discussed were road flooding; developments in relation to SUDS and a presentation relating to the proposed Somerset Rivers Authority.

B.795 Information regarding Asbestos

The Clerk reported that the Board had a duty to provide details of any asbestos in their installations to be recorded in a Register so that these were known and any contractors could be made aware.

RESOLVED

That the Register record no asbestos present.

B.796 Banking Arrangements

a) Changes to the bank mandate

The Clerk reported that, due to his impending retirement relevant changes to bank mandates to name his successor would be required in due course and that it was necessary to appoint a second signatory for the Board's current account.

RESOLVED

i) That the Chairman be authorised to make the necessary changes to the Board's bank mandates.

ii) That, in addition to the Chairman, Mr J D Clifton be authorised to sign cheques and authorise payments on behalf of the Board.

b) Changes to the National Savings Accounts signatories

The Clerk reported that it was necessary to update the signatories on the National Savings Accounts .

RESOLVED

That the Chairman and the Clerk be the authorised signatories on the National Savings Accounts.

B.797 Payments

The Board considered and approved payments amounting to £3,912.45 which had been made during the financial year 2014/2015 (1st February – 31st March 2015) and £10,753.40 made during the financial year 2015/2016 (1st April 2015 – 31st January 2016).

(NB) – The District Officer declared an interest in the payment made to him and Messrs D H and D J W Boyce declared an interest in the payment made to D J Boyce (Outwell) Ltd.

B.798 Annual Accounts of the Board – 2015/2016

The Clerk reported that in accordance with the Accounts and Audit Regulations, Internal Drainage Boards' accounts were required to be approved by resolution on or before 30th June.

The Clerk also reported that due to the updated accounts practitioners' guide certain further documents would be required to be included with the accounts, which would be sent to the members at that time.

B.799 Review of Internal Controls and Risk Management

a) The Board considered their current Risk Management system.

The Clerk reported that the Board had in place a Risk Management Policy which was last reviewed in 2015.

He reported that the Board had in place operational, financial and governance polices and considered all of their key risks and how to mitigate against them at each scheduled meeting, at which operational and environmental risks were discussed, based upon engineer's reports, officer reports, budgets and costings covering the short/medium and longer term issues. Budgets were prepared and approved by the Board.

The Clerk reported that insurances were in place that confirmed the cover was appropriate to the business. Budgets/year-end forecasts were reviewed at intervals by the Board. This was deemed adequate for the size of the business and the District system was monitored on a regular basis to identify new/emerging areas of risk.

The Board considered this current policy/strategy to be appropriate in between carrying out more substantial, periodic formalised reviews of risk assessment/management and met the requirements that they were assessed by.

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

b) Appointment of External Auditor

The Clerk reported that, as had been previously mentioned, the recent Local Audit and Accountability Act changes the audit requirements for smaller public bodies including IDBs and such bodies as the MLC and Parish Councils.

The Act abolished the Audit Commission from 1st April 2015 and, from that date, responsibility for external auditor appointments has transferred to a new body, Public Sector Audit Appointments Ltd. Most contracts with existing external auditors will however continue until they expire after completion of the 2016/2017 audits.

The Clerk advised that a new Code of Audit Practice will be issued in respect of accounts for 2015/2016.

The Clerk reported that from April 2017, smaller authorities will also be legally responsible for the appointment of their own external auditor and that this appointment must be made before the 31st December before the audited year, eg by 31/12/2016 for 2017/2018. The Clerk advised that the Secretary of State can however, appoint a body with power to appoint auditors for such smaller bodies which must then opt out from an appointing body. This has now been proposed, with a body proposed to procure audit services "en bloc" for these bodies. The new body is also supported and being funded by DCLG. The new arrangements will operate for a period of 5 years initially but is likely to run on 5 year cycles. It is likely that the procedures for opting out of this sector led body arrangement and appointing an external auditor individually will not be worthwhile for smaller authorities since this will involve the authority establishing an auditor panel and following a statutory appointment process and it is also likely that audit fees will be higher than under the "en bloc" arrangement.

The Clerk advised that all IDBs had to decide by 31st January 2016 whether they were going to opt out of the new sector body arrangements and that the position can be reviewed during the first five year cycle. The Chairman had, in view of this, agreed that the Board would opt in to the Sector Led body.

The Clerk also reported that from 2017/2018 smaller public bodies (Boards with income or expenditure less than £25,000) would not be required to undertake a formal audit but would need to have greater publication requirements in place. He advised that it would also be

necessary to question the effect of "one off" payments such as development contributions taking the Board above the £25,000 limit, in a particular year.

RESOLVED

That the Board approve the actions of the Chairman to join the Sector Led Auditor Appointment body.

B.800 Expenditure estimates and special levy and drainage rate requirements 2016/2017

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2016/2017 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 special levy on local billing authorities would be respectively 93.19% and 6.81%.

RESOLVED

- i) That the estimates be approved, save that the provision for insurances be increased by £140 to allow for the increased insured value of the pumping station.
- ii) That a total sum of £14,818 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 £13,809 and £1,009 respectively.
- iv) That if additional works are required at the pumping station, the costs be taken from the General Fund.
- v) That a rate of 20.00p in the £ be laid and assessed on Agricultural hereditaments in the District.
- vi) That a Special levy of £1,009 be made and issued to the Borough Council of Kings Lynn and West Norfolk for the purpose of meeting such expenditure.
- 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.801 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.802 Date of next Meeting

RESOLVED

That the next Meeting of the Board be held on Wednesday the 22nd March 2017.