

## BLUNTISHAM INTERNAL DRAINAGE BOARD

At a Meeting of the Bluntisham Internal Drainage Board  
held at Hanson's, Needingworth Quarry on Friday the 13<sup>th</sup> January 2017

### PRESENT

J R Anderson Esq (Vice Chairman)    M Francis Esq  
H Burgess Esq                                J M Green Esq  
A Holloway Esq

Mr Robert Hill (representing the Clerk to the Board) was in attendance.

The Clerk reported that the Chairman had given his apologies for this meeting

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In the absence of the Chairman, the Vice Chairman took the Chair.

The Vice Chairman welcomed Mr Mike Francis who was attending his first meeting of the Board.

### Apologies for absence

Apologies for absence were received from K Bird Esq and P B Burton Esq.

### B.563 Declarations of Interest

Mr Hill 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 Green declared an interest concerning the pumping station attendant.

### B.564 Confirmation of Minutes

## RESOLVED

That the Minutes of the Meeting of the Board held on the 10<sup>th</sup> June 2016 are recorded correctly and that they be confirmed and signed.

### B.565 Clerk to the Board

a) Further to minute B.538, Mr Hill reported that Mr David Thomas had been appointed as Clerk to the Board and that Miss Lorna McShane had been appointed Solicitor/Assistant Clerk.

b) Changes to bank mandate

Further to minute B.552, Mr Hill reported that, as most of the invoices raised came through the engineering department, the Internal Auditor had advised that David Thomas should not be named on the bank account and that the Treasurer and Assistant

Treasurer of the Middle Level Commissioners should be the officers authorised to make payments of authorised accounts and that in pursuance of minute B.552, the Chairman had authorised the appropriate changes to the mandate.

## RESOLVED

That the action taken be approved.

### B.566 Land Drainage Act 1991 Board Membership – Huntingdonshire District Council

Mr Hill reported that Huntingdonshire District Council had appointed Councillor M Francis to be a Member of the Board under the provisions of the Land Drainage Act 1991.

Mr Hill also reported that Mr Lummis was not re-appointed.

### B.567 Maintenance works in the District

Further to minute B.539, the Vice Chairman reported that he had discussed the matter with the Chairman and there were three main areas of work required this year; i) along section 1 to the Pumping Station, ii) section 1b, the main drain through Hanson's and iii) maintenance along the river bank section.

Mr Hill informed Members that, in preparing the budget, it had been recognised that the maintenance budget had remained the same for a number of years and it was proposed to increase it this year.

In response to Mr Francis, Mr Hill outlined indicative costs for the installation of automatic weedscreen cleaning equipment and pump overhauls.

### B.568 Hanson – Progress Report

Further to minute B.540, no representative from Hanson's was present to provide a report however, prior to the commencement of the meeting, Hilton Law had left a brief update which Mr Hill tabled.

The proposed future works were as detailed in minute B.540 but due to current conditions and archaeological requirements, commencement of these additional phases had been put back.

### B.569 Water Transfer Licences

Further to minute B.542, Mr Hill reported that ADA had met with Defra officials, including Sarah Hendry, on the 11<sup>th</sup> October to discuss the Water Transfer Licences and it appeared that the Minister was keen to avoid over regulation. ADA had proposed certain points to Defra, including that ADA would hold one licence for the industry or that the opportunity should first be given for the information which the Environment Agency allege that they do not have to be provided other by regulation but perhaps through a form similar to the present IDB1. Defra officials had, it was understood, agreed to consider these proposals.

Mr Hill gave a brief update on the current position in relation to proposed licensing changes and made it clear that unnecessary bureaucracy and unfair charging would be resisted.

B.570 Ouse Washes Section 10 Reservoir Inspection

Further to minute B.543, Mr Hill referred to a newsletter from the Environment Agency dated July 2016.

B.571 Consulting Engineers' Report

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

## **Bluntisham I.D.B.**

### **Consulting Engineers Report – December 2016**

#### **Asset Survey**

As an essential part of our work in seeking to reduce flood risk, the Middle Level Commissioners (MLC) have surveyed all MLC and third party owned penetrations through MLC river banks and embankments and recorded and uploaded these to our GIS (Geographical Information System). The condition and likely continuing use or otherwise of these penetrations (generally pipes or culverts) has been assessed. Should the Board wish for a similar exercise to be carried out on their own district assets this can also be arranged. Such a survey would assist the Board with future budgeting in ensuring that smaller but strategically/locally important assets such as culverts, slackers and adjustable and fixed weirs are not overlooked.

#### **Pumping Station**

Only routine maintenance has been carried out. The pumping plant is mechanically and electrically in a satisfactory condition.

#### ***Pumping Hours***

***Total Hours Run Nov 15 – Nov 16 = 560 (approximately)***

Total Hours Run Nov 14 – Nov 15 = 520

Total Hours Run Nov 13 – Nov 14 = 932

#### **Development within the Floodplain**

The floodplain, its definition, derivation and extents have been an issue not only for the Commissioners and associated Boards but other IDBs since its introduction. This has become of more concern since the elevated importance of the Sequential Test in the National Planning Policy Framework (NPPF).

The matter of development within the floodplain has been discussed at several sites within our areas of interest, and the Clerk to the Commissioners/Boards has advised that the definition and extents of a “floodplain” are matters for the planning authority to resolve with the relevant authority who prepared the hazard map, be it the Environment Agency (EA) for its various flood maps, the Local Planning Authority (LPA), for its SFRA, and/or the Lead Local Flood Authority (LLFA) for its SWMP. It is acknowledged that whilst there may be specific issues relating to future proposed aspects of development within our catchment we will not oppose it simply because it is within the floodplain. The Commissioners and associated Boards have policy statements, available on the

Middle Level website, which set out the Standard of Protection (SoP) that they will seek to provide, floodplain or not.

In short, the Commissioners and associated Boards do not agree with the generic content of the NPPF and argue that “The Fens” is a special case and should be considered as such.

The main purpose of an IDB is to aim to manage flood risk up to an appropriate SoP. Above this SoP there will be a residual flood risk which must be accounted for.

## **Changes to Planning Procedures Update**

### **Pre- and Post-Application Consultation**

Despite an increase in the number of planning applications being processed and planning enquiries received it appears that the number of pre-/post-application consultation discussion requests has reduced over previous years. The reason for this is unknown but “developers” are failing to maximise the benefits of this procedure.

### **Local Land Charges Register (LLCR)**

As previously advised requests are made to the Local Planning Authority (LPA), when appropriate, to make an entry on the LLCR to highlight that the requirements of the relevant authority have not been met. This process is providing results, particularly within the Fenland District Council (FDC) area, but enquiries from other LPAs are low. Shortly after the introduction of this procedure Huntingdonshire District Council’s (HDC) representative on the CFRMP expressed concerns and advised that the authority was unsure under what powers these were being requested. As a result there is concern that the Board’s requests are being ignored and it may be appropriate for the position to be clarified. However it is appreciated that the areas of interest are generally smaller than that of FDC, feature smaller urban areas and that the solicitors concerned may not be undertaking a thorough search.

Previously enquiries were only received from local solicitors but more recently enquiries are also received from independent search providers who provide specialist conveyancing services, such as Index Property Information, who undertake local authority searches, drainage and water reports, environmental reports etc.

Whilst researching and processing such enquiries have cost and time implications on the officers concerned it protects the parties involved, including the Board, and is believed to have been a significant contributing factor in moving forward a long standing issue associated with the Cardea development at Stanground, to the west of the Commissioners’ catchment.

## **Treated effluent discharges from Anglian Water Services (AWS) Water Recycling Centres (WRC) or from the Public Sewerage System**

Developers are becoming increasingly aware of the Supreme Court's decision that any connection to a public sewer under Section 106 of the Water Industry Act 1991 or agreement to construct a public sewer under Section 104 of that Act also requires our consent where our systems would be affected. Therefore, in addition to any permission from the LPA, the EA and AWS, the consent of the Board/Commissioners is also required for the acceptance of any increased flows or volumes to our systems. Such consent will not be given unless it is considered that the discharge can be properly dealt with within the receiving system and the costs of accommodating that discharge are met.

### **Planning Applications**

No issues concerning previous applications have been dealt with. The following 3 applications have been received and dealt with since the last meeting:

<b><i>MLC Ref.</i></b>	<b><i>Council Ref.</i></b>	<b><i>Applicant</i></b>	<b><i>Type of Development</i></b>	<b><i>Location</i></b>
005	H/16/00770/HHFUL	Mrs V Rigby-Pickering	Residence (extension)	Harris Crescent, Needingworth
006	H/16/01469/FUL	Mr B Godsell	Residence	The Furlongs, Needingworth
007	H/16/01999/FUL	Mr B Mortlock	Residence	Greenacres Way, Needingworth

From the information provided it is understood that all the developments propose to discharge surface water disposal to soakaways, or similar infiltration systems. The applicants have been notified of the Board's requirements.

### **Huntingdonshire District Council (HDC) Local Development Scheme (LDS)**

Further to the last meeting the MLC, on the Board's behalf, have been consulted on the following documents:

### **Housing and Economic Land Availability Assessment (HELAA): Additional Sites Consultation**

A public consultation on the Council's HELAA, formerly known as the Environmental Capacity Study, was held between 26 September and 7 November.

Our reply to this document, made on behalf of both the MLC and Board, provided responses on the Assessment of Broad Locations including statements on the NPPF Floodplain extents; treated effluent disposal; nature designations and our position concerning the provision of FRAs; Capacity calculations and illustrations; together with specific responses on 94 Great Whyte, Newtown Road and Biggin Lane. None of the specific sites are within the Board's area.

### **Huntingdonshire SFRA Update**

The draft 2015 Huntingdonshire SFRA has recently been provided by the District Council's Flood & Water Management consultant, JBA Consulting, and this document is currently being reviewed.

### **Cambridgeshire Flood and Water Supplementary Planning Document (SPD)**

**Note:** *A Supplementary Planning Document (SPD) is a document that provides further details and/or guidance with reference to policies and proposals contained in a Development Plan Document (DPD) or Local Plan.*

Further to the last meeting, the SPD has now been endorsed by the County Council and the completed document has been circulated to the relevant planning authorities and risk management authorities (RMAs). Each District will then present the SPD to its next appropriate committee meeting for adoption. The County Council envisages that most authorities will adopt the SPD within the next 12 months. Members will recall that it was originally intended for this document to be adopted in 2014.

Consulting Engineer

13 December 2016

Bluntisham(357)\Reports\December 2016

With regard to the Asset Survey, Members considered that, with the inspections and repairs carried out to the main river structures in recent years, they would continue to monitor their condition themselves at present.

#### RESOLVED

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

#### B.572 Capital Improvement Programme

Members considered the Board's future capital improvement programme.

#### RESOLVED

That the Capital Programme be approved in principle.

#### B.573 National Flood Resilience Review

Mr Hill referred to the publication of the above review by the Government in September 2016 and to the response from ADA.

Mr Hill referred to the ADA response and drew attention to the lack of reference to the SUDS issue, which still remained unsatisfactory.

#### B.574 Environmental Officer's Newsletter

Mr Hill referred to the Environmental Officer's Newsletter dated December 2016 which had previously been circulated to Members.

#### B.575 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.576 Environment Agency – Precepts

a) Mr Hill reported that at the IDB/EA Strategic Group meeting it had generally been agreed for the precept to rise by 1.5% for 2017/2018 and that this recommendation would be put to the Regional Flood and Coastal Committee meeting in February 2017.

b) Local Choices Update

Further to minute B.548(b), Mr Hill referred to the Environment Agency's newsletter dated October 2016.



## B.577 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

- a) Mr Hill reported that the sum of £157.09 (£1,003.92 less £846.23 paid on account) (inclusive of supervision) had been received from the Environment Agency based on the Board's actual expenditure on maintenance work for the financial year 2015/2016 together with the sum of £995.76 in respect of 80% of the Board's estimated expenditure for the financial year 2016/2017.
- b) Further to minute B.549(b), Mr Hill referred to the discussions with the Environment Agency over the monies likely to be available to fund highland water claims.

## RESOLVED

That the position be kept under review.

## B.578 Association of Drainage Authorities

### a) Annual Conference

Mr Hill reported on the Annual Conference of the Association held in London on Thursday the 17<sup>th</sup> November 2016 and to the address given by the Minister Therese Coffey in which she expressed support for IDBs and ADA, recognised the importance of maintenance and confirmed that special levy funding from Local Authorities would continue. The Environment Agency Chairman, Emma Howard Boyd, explained that the Environment Agency had spent £40 million on 660 repair projects to restore and improve defences of flood hit areas impacted in 2015-2016 and cited a number of ongoing projects.

Minette Batters the Deputy President of the National Farmers Union, advised that the NFU Flood Manifesto would be published in early 2017 in which the NFU would set out the clear policy tasks and actions it would like to see the Government take to mitigate flood risk in the future. She commented that in setting its flood management policy the Government must not overlook the importance and contribution of our food and farming sectors to the economy.

### b) Annual Conference of the River Great Ouse Branch

Mr Hill reported that the Annual Conference of the River Great Ouse branch of the Association would be held in Prickwillow, Ely on Tuesday the 7<sup>th</sup> March 2017.

### c) Subscriptions

Mr Hill referred to minute B.526(c) and to an e-mail received from ADA dated the 16<sup>th</sup> December 2016 and reported that the Clerk had been advised that subscriptions for 2017 will remain unchanged at £536.

### d) Floodex 2017

Mr Hill reported that Floodex 2017 would be held at The Peterborough Arena on the 17<sup>th</sup> and 18<sup>th</sup> May 2017.

e) Further Research on Eels

Mr Hill referred to an e-mail received from ADA dated the 15<sup>th</sup> November 2016 and to the research specification from the Environment Agency regarding the eel research proposed over the next 2 years.

The Board discussed the ongoing eel research and the request from ADA seeking contributions.

RESOLVED

- i) That the requested ADA subscription for 2017 be paid.
- ii) That the Board contribute £50 per year over the next two years towards further research on eels.

B.579 Cambridgeshire Flood Risk Management Partnership Update

Further to minute B.964, Mr Hill reported that the main issues considered by the Partnership were:-

1. The proposal to extend the provision of rain gauges in that a feasibility study was being carried out.
2. Discussions over the maintenance of Sustainable Drainage Systems (SUDS).
3. The provision of Community flood kits. The LLFA are sourcing funds to provide kits to certain groups, i.e. March town council, but certain criteria are having to be met.
4. Work on the A14 project has now commenced.
5. The Supplementary Planning Document on flood risk has now been endorsed by Cambridgeshire County Council.
6. An update on the surface water management plan. Requesting quotes for surveys to be undertaken for property level protection
7. Partner projects were discussed. The Embankment raising in the Middle Level with the Environment Agency was currently in the feasibility stage and firm costs are expected later in the year when funding sources would be looked into.

B.580 Health and Safety Audits

Mr Hill 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.581 Authorisation to appear in court to obtain distress warrants

RESOLVED

That under the provisions of section 54 of the Land Drainage Act 1991, in addition to Mr R Hill and Miss S Ablett, Miss Lorna McShane be authorised generally to institute or defend on behalf of the Board proceedings in relation to a drainage rate or to appear on their behalf in any proceedings before a Magistrates' Court for the issue of a warrant of distress for failure to pay a drainage rate.

### B.582 Potential Changes in Rating Valuation

Mr Hill reported the consideration presently being given by ADA and Defra to possible changes in the way in which drainage rates and special levies may be calculated in future. He advised that the present system, under the Land Drainage Act 1991 and the Internal Drainage Board (Finance) Regulations, provides for agricultural property to be valued at a notional rental value for that property as at 1<sup>st</sup> April 1988 with non-agricultural hereditaments being valued at the "average acre" rate, calculated by reference to pre-1988 development within the District of the individual Board. The current legislation does however require that properties that existed before 1<sup>st</sup> April 1988 are valued according to their old rateable values, records for which may no longer exist and this causes problems for IDBs which are looking to extend their boundaries and particularly where there are proposals to create new IDBs. Mr Hill understood however, that, at present, Defra are unlikely to progress the issue urgently and that some further consideration will have to take place before any change is proposed. In addition, as a change to primary legislation would be required, Parliamentary time would have to be found for this. At this stage Mr Hill wished therefore to simply alert the Board to these discussions and further reports will no doubt be made to the Board in the future should legislative amendment be proposed.

### B.583 Completion of the Annual Accounts and Annual Return of the Board – 2015/2016

- a) The Board considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31<sup>st</sup> March 2016.
- b) The Board considered and approved the Audit Report of the Internal Auditor for the year ended on the 31<sup>st</sup> March 2016.

### B.584 Review of Internal Controls

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

### B.585 Risk Management Assessment

- a) The Board considered and expressed satisfaction with their current Risk Management Policy.
- b) The Board considered and approved the insured value of their buildings.

### B.586 Transparency Code for Smaller Authorities

Mr Hill 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 and that following the completion of the 2016/2017 accounts and annual return, the matter could be discussed at the next of the Board in June 2017.

### B.587 Exercise of Public Rights

Mr Hill 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.588 Payments to 16<sup>th</sup> December 2016

The Board considered and approved payments amounting to £14,692.68 which had been made from the 1<sup>st</sup> April to the 16<sup>th</sup> December 2016.

Mr Francis queried the process for tendering for maintenance works. Members considered that they were happy with the service and value for money provided by Lattenbury Farm Services, but recognised that for greater overall transparency they should be looking at 'benchmarking' the value for money aspect of the maintenance programme.

### RESOLVED

That the Vice Chairman review and discuss the drain maintenance works with the Chairman.

### B.589 Expenditure estimates and special levy and drainage rate requirements 2017/2018

The Board considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2017/2018 and were informed by Mr Hill 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 40.24% and 59.76%.

### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £17,839 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 £7,179 and £10,660 respectively.
- iv) That a rate of 11.50p in the £ be laid and assessed on Agricultural hereditaments in the District.
  - v) That a Special levy of £10,660 be made and issued to Huntingdonshire 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 levy referred to in resolution (v).
- vii) That the Clerk be authorised to recover all unpaid rates and levy by such statutory powers as may be available.

B.590 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.591 Date of next Meeting

Mr Hill reminded Members that the next Meeting of the Board will be held on Friday the 9<sup>th</sup> June 2017.

Mr Hill reported that the Chairman had referred to the analysis of administration charges and if the Board needed to consider only having one meeting per year. Mr Hill referred to the requirement to approve the Accounts and Annual Return by the 30<sup>th</sup> June.

RESOLVED

To continue to have two meetings per year