

HADDENHAM LEVEL DRAINAGE COMMISSIONERS

At a Meeting of the Haddenham Level Drainage Commissioners
held at the Baptist Hall, Station Road, Haddenham on Thursday the 9th November 2017

PRESENT

M Church (Chairman)	K J Furness Esq
G L P Wilson Esq (Vice Chairman)	D Gillett Esq
C H Bidwell Esq	T Hughes Esq
I C Chambers Esq	P Mappledoram Esq
T B Chambers Esq	K Robinson Esq
S G Cheetham Esq	N E Tebbitt Esq
A W J Darby Esq	E F Veal Esq
Mrs M E Darby	R B Waddelow Esq
R J Darby Esq	N R W Wright Esq
J Dennis Esq	A R Yarrow Esq

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

Apologies for absence

Apologies for absence were received from P G Dennis Esq, H C Hurrell Esq, R J Lee Esq, S M Smith Esq and G R W Wright Esq.

Mr D Jordan (District Engineer) also apologised for being unable to attend the meeting.

The Chairman welcomed Mr Robinson who was attending his first meeting of the Commissioners and also Mr Joshua Dennis who was representing Mr Peter Dennis.

C.160 Declarations of Interest

Mr Hill reminded the Commissioners of the importance of declaring an interest in any matter included in today's agenda that involved or was likely to affect any of them.

Mr Mappledoram declared an interest in agenda item 15.

C.161 Confirmation of Minutes

RESOLVED

That the Minutes of the Meeting of the Commissioners held on the 27th April 2017 are recorded correctly and that they be confirmed and signed.

C.162 Land Drainage Act 1991
East Cambridgeshire District Council

Mr Hill reported that East Cambridgeshire District Council had re-appointed Councillors S G Cheetham and S M Smith to be Commissioners under the provisions of the Land Drainage Act 1991.

C.163 Water Framework Directive

Further to minute C.130, Mr Hill advised that there was nothing further to report at the present time.

C.164 Water Transfer Licences

Further to minute C.131, Mr Hill referred to a letter received from ADA dated the 27th October 2017 and to the Clerk's response to Defra.

Mr Hill reported that Defra had now issued the Government response to the Consultation on Water Transfer Licences, which ended in January 2017, and it appears that, from the 1st January 2018, Defra will require Boards that transfer water from Main River to District Drains to obtain a licence. He advised that the licence fee will be £1,500 which would cover a period 12 year period, however no inter-district IDB transfers will be caught by the licencing regime. At the moment Defra have said the details to be contained in the licence will be flexible and that only if there is significant risk to water quality will a lot of detail be required in the licence. Only basic detail will be required where there is no risk to water quality and the environment.

ADA's position has been that they were reasonably happy with the licencing, but wanted an exemption for IDBs from paying the fee as the Boards get no income from Main River to IDB extractions.

On behalf of the Middle Level Commissioners and IDBs, the Clerk had written to Sarah Hendry, Policy Director for Floods and Water at DEFRA, requesting further information, expressing his disappointment with the lack of engagement with IDBs and with the implementation of the changes being made with virtually no notice.

The Chairman confirmed that the Commissioners had intakes from two Main Rivers and had eight inlets in total.

RESOLVED

That the Chairman and the Clerk be authorised to take any actions considered necessary in relation to this matter.

C.165 Restricted access to District drains

Further to minute C.132, the Chairman reminded the Commissioners that this referred to restricted access to the District drain due to conifers being in place alongside the watercourse. The Clerk had recently written to the owner of the land explaining the position and the actions that needed to be taken to comply with the Commissioners' byelaws and to allow the Commissioners access to the watercourse for routine maintenance operations.

In response to a query raised, the Chairman considered that the conifers had been in place for a number of years and that a small section of fencing had also been recently erected along the line of the conifers.

The Commissioners considered taking enforcement action to rectify the problems, and in response to Councillor Cheetham, Mr Hill confirmed that the Commissioners would need to pass a resolution to allow enforcement action to proceed. Mr Gillett considered that the Chairman and Clerk should continue to try to resolve the matter amicably, but that the Commissioners should approve the commencement of enforcement action, should this fail.

RESOLVED

- i) That the Chairman and Clerk continue to discuss the matter with the landowner in an effort to try to resolve the byelaw infringements.
- ii) That, if it is not possible to resolve all matters, the Commissioners approve for enforcement action to be taken to correct the byelaw infringements.

C.166 District Engineer's Wage Increase

The Commissioners gave consideration to the District Engineer's wages for 2017/2018.

A proposal of an increase of 1.5% was made and seconded.

In response to Mr R Darby, the Chairman detailed the District Engineer's current wage rates.

RESOLVED

There being no further proposals, that the wages of the District Engineer be increased by 1.5% from 1st December 2017 as indicated on the Supplementary Schedule.

C.167 District Work Report

The Chairman reported that it had been a fairly dry period with all planned maintenance works attended to and that drains which ran alongside droves had been left at this stage, as these could be attended to later without causing problems to crops. He informed the Commissioners that, to date, £3,780 had been charged in relation to contract work, the majority of which being for work carried out for Over and Willingham IDB.

In response to Mr Yarrow, the Chairman confirmed that he did not have to hand the hours that the machine had worked.

The Chairman requested that he be contacted if any Commissioner had queries regarding maintenance works in any area or concerns over the way water levels had been maintained.

RESOLVED

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

C.168 Tidal River Action Plan Scoping Workshop

Further to minute C.111, Mr Hill advised that there were no further developments to report.

Mr Gillett reported that the scheme had been delayed due to concerns raised over the possible settlement of the silt downstream of the works and that any works would be carried out during October to December, meaning the earliest they could commence would be 2018.

C.169 Ouse Washes Section 10 Reservoir Middle Level and South Level Barrier Bank works

Further to minute C.136, Mr Hill referred to Briefing notes from the Environment Agency dated August, September and October 2017.

The Chairman reported that he had raised concerns as there had been "as raised" material on site, but following discussions with the Environment Agency, he had been assured that this material had only been used to stabilise the landward toe of the bank where access was an issue.

Mr Gillett confirmed that this was the case and the material was only used for stabilisation on the landward side of the clay.

C.170 Ouse Washes Landscape Partnership Scheme

Mr Hill referred to a letter received from Cambridgeshire Acre dated 1st May 2017.

The Chairman reported that this was a 3 year project and as this was now ending there was a proposal for a new scheme 'New Life in the Old West' to enhance biodiversity. He confirmed that, as supported by studies and reports, the Commissioners' District supported a wide and varied range of plants and wildlife.

C.171 Environment Agency – Wetland Creation

Further to minute C.137, the Chairman reported that following the meeting in January he had recently received updates from the Environment Agency.

Mr Gillett confirmed that at the moment, the proposals are a 'Conceptual Design' which will need working through in detail to establish their validity before any proposals can be put forward.

C.172 Request to fill a watercourse at Aldreth

Further to minute C.146, the Chairman reported that after contacting the Commissioners' Consulting Engineer, they had carried out a site visit following which the Engineer had issued a report which confirmed that, in this case, the proposal to pipe and fill the watercourse was the most viable option. In response to queries raised, Mr Mappedoram confirmed that it was not possible to pile in this area as previous attempts to do so had failed due to the presence of 'bed-rock' close to the surface. Mr Bidwell raised concerns over piping the watercourse close to the road culvert, as further watercourses joined close to this point.

In response to further queries, the Chairman confirmed that the proposal was to pipe approximately 30m of the watercourse. The Commissioners raised concerns over future cleansing of the pipework and felt that other proposals should be considered. The Chairman confirmed that, if approved, any works would be carried out to the specifications of the Consulting Engineers.

Following further discussions, Mr Gillett confirmed that the Commissioners' responsibilities were to land drainage and to ensure that any proposals would not be likely to cause any drainage issues in the area. He further considered that there could be conditions relating to the future maintenance of the section included in the consent, should it be approved.

RESOLVED

That the Chairman and Consulting Engineer continue to discuss the proposals with Mr Mappledoram to see if there was another option acceptable to both the applicant and the Commissioners.

(NB) – Mr Mappledoram declared an interest when this item was discussed.

C.173 Association of Drainage Authorities

a) Annual Conference

Mr Hill reminded the Commissioners that the Annual Conference of the Association of Drainage Authorities will be held in London on Thursday the 16th November 2017.

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 6th March 2018.

c) Subscriptions

Mr Hill reported that subscriptions had not increased for the current year but it was likely that there would be a small increase for 2018/2019 which would be discussed and approved at the forthcoming Conference.

d) Liability of Board Members

Mr Hill referred to, and the Commissioners noted, a Guidance Note received from ADA dated the 28th September 2017 which summarised the issue of when Members of an Internal Drainage Board may be held personally liable for actions which they take in that capacity.

e) Updating IDB Byelaws

Mr Hill referred to a letter received from ADA dated the 20th October 2017.

Mr Hill reported that most of the IDBs in the area have a set of Byelaws which were made under Section 34 of the Land Drainage Act 1976 for the secure and efficient working of the drainage system in their area.

Defra have now suggested that the Byelaws which have been adopted by IDBs should be updated to include within their purpose the regulating of the effects of the environment. To do this it will be necessary to update the current Byelaws in line with the standard model byelaw published in October 2012.

RESOLVED

That the Clerk be requested to draft new Byelaws to include compliance with the environment regulations for consideration by the Commissioners at their next meeting.

C.174 Proposed Development at Haddenham

Mr Hill reported that an inquiry had been received regarding the preparation of a flood risk assessment for a residential development in Haddenham. Although outside the Commissioners' area, the Clerk had advised that run-off from the proposed development was likely to eventually end up in the Commissioners' area and therefore needed to be satisfied that appropriate arrangements were in place.

RESOLVED

That details of the proposals be forwarded to the Chairman.

C.175 Capital Programme Strengthening and Delivery

Mr Hill referred to, and the Commissioners noted, the slides presented by the Environment Agency at the Great Ouse IDB and EA Strategic Group meeting on the 19th April 2017.

C.176 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.149, Mr Hill updated the Board on matters considered at the last meeting of the Partnership on the 6th September 2017 including staff updates, major projects at the A14, A47 and A48, the appointment of the Strategic Flood Risk Planning Officer and rain gauges.

C.177 Defra IDB1 Returns

Mr Hill reported on the proposed changes to the Annual Defra IDB1 Returns.

He advised that the IDB1 form is completed each year in accordance with the Land Drainage Act 1991 and is submitted to Defra, the Environment Agency and to each Council which pays an IDB Special Levy. The form provides information on such items as income, expenditure, a policy delivery statement, the bio-diversity action plan, asset management and governance matters.

Mr Hill reported that for the year ended 31st March 2017 the IDB1 return was amended and additional information requested, such as details of board membership, attendance at meetings, whether elections are held and confirmation that the complaints procedure is accessible from the home page on an IDB's website. This information will enable Defra to gather more data in relation to IDBs.

For 2018 the IDB1 form will be further expanded. The additions were developed in co-operation with the Environment Agency, ADA and invited IDB representatives including David Thomas on behalf of the Middle Level Commissioners. The inclusion of items within the form which would either be difficult to report on or provide information which collectively would be of little value have been resisted and the new IDB1 form should, as a result, allow Defra to gain a much clearer insight into what IDBs deliver annually. It is hoped that this in turn will assist with raising further the profile of IDBs.

C.178 Completion of the Annual Return of the Commissioners – 2016/2017

- a) The Commissioners considered and approved the comments of the Auditors on the Annual Return for the year ended on the 31st March 2017.
- b) The Commissioners considered and approved the Audit Report of the Internal Auditor for the year ended on the 31st March 2017.

C.179 Expenditure/Estimate Update

The Commissioners considered the Estimate Update.

RESOLVED

That the update be approved.

C.180 Dates of next Meetings

RESOLVED

That the next Meetings of the Commissioners be held at The Baptist Hall, Haddenham as follows in 2018, viz:-

- i) Thursday the 26th April 2018
- ii) Thursday the 8th November 2018.

C.181 Rate Arrears

In response to Mr Yarrow, the Chairman confirmed that penalties had been raised on any outstanding drainage rates and that currently in total, approximately £2,000 remained outstanding.