

## HADDENHAM LEVEL DRAINAGE COMMISSIONERS

At a Meeting of the Haddenham Level Drainage Commissioners  
held at the Baptist Hall, Station Road, Haddenham on Thursday the 25<sup>th</sup> April 2019

### PRESENT

M Church Esq (Chairman)	J Dennis Esq
G L P Wilson (Vice Chairman)	W Dennis Esq
C H Bidwell Esq	K J Furness Esq
T B Chambers Esq	P Mappedoram Esq
S G Cheetham Esq	S M Smith Esq
A W J Darby Esq	N E Tebbitt Esq
Mrs M E Darby	R B Waddelow Esq
R J Darby Esq	N R W Wright Esq

A R Yarrow Esq

Miss Samantha Ablett (representing the Clerk to the Commissioners), and Mr David Jordan (District Engineer) were in attendance. Mr David Thomas, (Clerk to the Commissioners) attended for part of the meeting. Mr Kevin Johnson had been invited to attend the meeting to address the Commissioners with regard to agenda item 7. Mr Geoff Beel had been invited, as agent for the Dennis family, to address the Commissioners with regard to agenda item 13.

The Chairman enquired whether ALL Board members were happy for the meeting to be recorded. All members were in agreement.

### Apologies for absence

Apologies for absence were received from H Hurrell Esq and G R W Wright Esq.

### C.255 Declarations of Interest

Miss Ablett 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.

The Chairman declared interests in minute nos. C.267 and C.282.

Messrs J and W Dennis declared interests in minute no. C.260.

Mr Wright declared an interest in minute no. C.282.

### C.256 Confirmation of Minutes

Mrs Darby reminded the Chairman of her previous correspondence with him and Miss Ablett in that her enquiry as to when Mr Mappedoram would be reinstating his boundary hedge/fence, as per the conditions laid down and voted on by the Commissioners, was omitted from the minutes.

The Chairman enquired whether the Commissioners were in agreement with the amendment to the minutes.

Mr Mappedoram confirmed that he was aware of the conditions and that these would be adhered to when the work was carried out.

RESOLVED

That, subject to the amendment, the Minutes of the Meeting of the Commissioners held on the 8<sup>th</sup> November 2018 are recorded correctly and that they be confirmed and signed.

C.257 Appointment of Chairman

RESOLVED

That M Church Esq be appointed Chairman of the Commissioners.

C.258 Appointment of Vice Chairman

RESOLVED

That G L P Wilson Esq be appointed Vice Chairman of the Commissioners.

C. 259 Proposal to Culvert at Third Bridge Farm, Hillrow, Causeway

Further to minute C.254, the Chairman reminded the Commissioners of the original application which related to factory units, a builder's yard, storage, stable and a ménage and to the proposal to discharge the surface water into a soakaway. He advised that he had written to the applicant/agent regarding the Commissioners' concerns over the surface water disposal and both he and the Clerk had subsequently visited the site. However, although a consent application had been submitted, a lot of changes had since been made and he had therefore agreed that Mr Johnson could attend the meeting to present his proposals to the Commissioners.

Mr Johnson advised that due to vandalism and other problems encountered in the area he had decided to only continue with the building of stables, for which consent had been requested. He considered that this should have been granted by now, but, despite communication with the Commissioners, the matter had still not been resolved even though 5 months had passed.

Mr Johnson outlined to the Commissioners his amended plans/proposals, which were predominantly for security purposes.

The Chairman advised that the proposals now being put forward by Mr Johnson were not those as shown on the drawing provided to the Commissioners, and this was causing some confusion.

A heated debate between the Commissioners and Mr Johnson ensued, following which, Mr Johnson left the meeting in order that the matter could be discussed further by the Commissioners.

The Clerk advised that, under the Commissioners' current policy, consent would be refused. He reported that consent to culvert is usually granted for access purposes only and although the Commissioners could choose to grant consent in this case, based on the grounds of safety and security, it would be setting a precedent. Mr Cheetham stated that the Commissioners would at least have to be presented with more accurate drawings of the plans, but in his view the Clerk had already outlined the Commissioners' position. Mrs Darby advised that as Mr Johnson's concerns appeared to be that

of security, she felt that if the hedge was planted alongside the proposed fence and the ditch was left as is, this would be a far better deterrent and would provide added security.

## RESOLVED

That the Clerk write to Mr Johnson to advise that culverting would be contrary to the Commissioners' policy and that they considered that, if a hedge was to be planted alongside the fence and the ditch was to be retained, security would be enhanced, which appeared to be his priority.

### C.260 Construction of Irrigation Reservoirs – Willow Hall Farm

Further to minute C.246, the Clerk reported on the Commissioners' concerns regarding a number of issues; primarily the management of water during de-watering and on completion of the scheme, together with the impact of water draw-down on adjacent land during gravel extraction. In his opinion, he was not satisfied he had received answers to all his questions raised on behalf of the Commissioners, and in view of the complexity of the matter, he had advised the Chairman that the services of a specialist consultant should be sought to advise on the impacts of water draw-down and the effectiveness of the proposed mitigation measures.

The Clerk advised that there was no objection in principle with the proposal and future implementation of water resource reservoirs. However, the Commissioners must be satisfied that there would be no negative impact to the District, but that said, conversely, if all controls were in place, there would be no reason why consent should not be granted.

Mr Geoff Beel, as agent to the Dennis Family, who wished to undertake the work, was invited to speak on their behalf.

Mr Beel referred to the delays experienced in receiving a response from the Commissioners' and advised that, following a meeting with Cambridgeshire County Council's planning department and Enzygo, the family's consultants, an enquiry was made requesting the Commissioners' position as there had been no correspondence since their original objections. He stated that he had hoped there would have been further communication before tonight's meeting as he believed that all information and answers to questions had been supplied.

Mr Wright stated that if the scheme was granted, he would prefer to have been advised independently that all matters of concern had been dealt with and if the Clerk was advising a specialist was required then he considered that the Commissioners should appoint a consultant.

The Chairman reported that, following discussions with the Clerk, he had approached a specialist for a quote and had been advised that the cost would be in the region of £4,000 which, based on previous experience, he considered a bit low. Mr Bidwell proposed that the Chairman should appoint the consultant to deal with the matter on the Commissioners' behalf.

## RESOLVED

- i) That the Chairman be authorised to appoint a specialist consultant and obtain a timescale regarding their review of the scheme.
- ii) That the Clerk write to Cambridgeshire County Council to advise of the Commissioners' action and of the timescale required to review the scheme and that a copy letter be sent to Mr W Dennis.

Mr Beel and Mr J Dennis left the meeting.

### C.261 Clerk's Report

Miss Ablett advised:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

That a third Chair's Meeting was held on the 11<sup>th</sup> March 2019 and that discussions at this centred around :-

- 1) The provision of increased support to IDBs on Health and Safety management and control.
- 2) The Future investment planning for the Lower River Great Ouse catchment.
- 3) Future planning for IDBs and DDCs administered by the Middle Level Commissioners.
- 4) Member training.

One option for future Board arrangements discussed at the second and third meetings was the subject of a briefing paper.

The Chairman asked the Clerk to give a brief report on the Clerk's report, to include health & safety and potential amalgamations.

a) Health & Safety

The Clerk reported that, following last year's Board meetings and the request for Boards to appoint a Health and Safety Officer, the response reported back to the Chairs meeting, was that Members did not feel they had the necessary degree of expertise in this area and would like more support.

In view of this, three Health and Safety consultants were approached and asked to tender. The one chosen at the Chairs meeting was COPE Safety Management, who already undertake work for Kings Lynn IDB and some of the Lincolnshire Boards, and their annual payment would be split between the Boards. Assuming all Boards join the arrangement, the cost to the Commissioners would be £400 per annum. However, it is understood that, particularly in the first year or so, extra support will be needed and COPE will provide this at a day rate of £500 (Hourly rate of £85 for part days).

b) Future Board Arrangements

The Clerk reported in more detail on one option for future Board arrangements as outlined in the briefing paper included in the agenda. He acknowledged that the Chairman had strong views on this, but he wanted to make it clear the subject was raised purely to encourage discussion amongst members on the future of Boards and the options available.

Mr Bidwell raised the question of whether the Commissioners should meet more often, say 4 times a year, as he did not consider meeting twice a year allowed enough time to discuss all matters that arise over the previous 12 months that need to be discussed and addressed.

Mr Chambers suggested meeting once every 4 months to take account of the matters arising, like those specific items that had been discussed, as 6 months was too long to expect to wait for answers from the Commissioners.

After further discussion it was agreed the matter should be included as an agenda item for discussion at the next meeting.

## RESOLVED

- i) That COPE Safety Management be appointed for a period of three years at a cost of £400 per annum, together with additional charges for any extra assistance requested.
- ii) That an agenda item for the next meeting be included to discuss the possibility of holding meetings more frequently
- ii) Association of Drainage Authorities
  - a) Annual Conference

That the 81<sup>st</sup> Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 14<sup>th</sup> November 2018 and had been well attended with the main speakers being Sue Hayman MP, Shadow Secretary for Environment Food and Rural Affairs, Robert Hössen crisis management expert from the Netherlands, John Curtin, Executive Director of Flood and Coastal Risk Management at the Environment Agency and David Cooper Deputy, Director for Flood and Coastal Erosion Management at Defra.

Sue Hayman spoke about her first-hand experience of flooding in Cumbria, the impact of flooding on mental health, building on flood plains and river management without environmental change and funding.

Robert Hössen gave a presentation on how incident management is organised and dealt with in the Netherlands.

John Curtin gave a presentation on the effects of climate change and referred to the government's discussions regarding the likelihood, impact and severity of climate change.

David Cooper referred to the 25 year environment plan and to various Government publications made in 2018, which can be viewed online.

That the Officers had been re-elected, subscriptions would be increasing by 2% for the following year and the Conference marked the launch of the Good Governance Guide for Internal Drainage Board Members.

That the Conference also marked the first presentation of the Chairman's award which were presented to Ian Russell from the Environment Agency for his work on Public Sector Co-operation Agreements and to Cliff Carson, former Environmental Officer of the Middle Level Commissioners and the Boards, for his work which was instrumental in changing views concerning conservation.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 13<sup>th</sup> November 2019.

RESOLVED

That the Clerk be authorised to obtain a ticket for the Annual Conference of the Association for any Commissioner who wishes to attend.

c) Annual Conference of the River Great Ouse Branch

That the Annual Conference of the River Great Ouse branch of the Association was held on Tuesday the 12<sup>th</sup> March 2019. The meeting format was changed this year and included a morning workshop session led by the EA. Topics covered were water resources, PSCAs and future planning of FRM. Robert Caudwell spoke for ADA in the afternoon followed by talks from Brian Stewart, the FRCC Chair, Paul Burrows, the FRM Area Manager and Claire Jouvray, the Operations Delivery Manager.

That the date of the next meeting is Tuesday the 3<sup>rd</sup> March 2020.

d) Good Governance Guide for Internal Drainage Board Members

That, at the Annual Conference last November, ADA launched the publication of the Good Governance Guide for IDB Board Members. It provides Members with a comprehensive guide to their role as water managers servicing the local communities. The document has been produced with the financial support of Defra and will provide Members with knowledge to help expand their grasp of the role, and how best to execute their responsibilities on the Board.

That a copy of the Guide for each Member has been included with this agenda and can be downloaded from the ADA website.

That ADAs workshops were well attended and are helping to deal with the questions being raised by Defra following the Audit Commission Report which criticized aspects of IDB governance. At least one Commissioner attended one of the two local workshops in the area and hence the Board will be able to record in the IDB1 Defra return that training has been provided on Governance. In addition to governance Defra appear to expect over time that training will be given for the following; Finance, Environment, Health, safety and welfare and Communications and engagement. The Commissioners may wish to consider an order of priority for future training and a timetable for delivery.

The Chairman reported that both he and Mr Yarrow had attended the workshop on Good Governance organised by ADA in Peterborough and referred to the Good Governance booklet which had been distributed to all Commissioners.

The Vice Chairman thanked both the Chairman and Mr Yarrow for attending on behalf of the Commissioners.

e) Workstreams

That ADA annually review their workstreams and an update is included.

iii) Water Resources East Group Meeting

That the Middle Level Commissioners are setting up a Committee to discuss how they can work more closely with Anglian Water and other partners to ensure that the management of water and the quantity taken from the River Nene can be maximized in stressed years.

iv) The New Rivers Authorities & Land Drainage Bill

That this Bill has completed its Committee stage in the House of Commons and passed through its Third Reading. It has now started its progression through the House of Lords.

The Bill, which has been prepared by Defra, aims to put the Somerset Rivers Authority onto a statutory footing as a precepting body, but it would also enable the reform of IDB ratings annual value lists. It does this by recognising the need to ensure that the methodology through which IDBs calculate and collect drainage rates and special levy sits on a sound legal basis that can be periodically updated to contemporary values better reflecting current land and property valuation.

With the above in mind ADA has been working with Defra and a number of IDBs to test a new methodology using contemporary valuation and Council Tax lists that could be applied via this legislative change.

C.262 Restricted Access to District Drains

Further to minute C.231, the Chairman reported that Mr Tyrell had removed the fallen tree from the watercourse and had agreed to prune the conifers when weather and cropping allowed. He further reported that the fence had not yet been removed or a consent application made.

RESOLVED

That no further action be taken at this time, but the position regarding the conifers be monitored. Mr Thomas left the meeting.

C.263 Updating DDC Byelaws

Further to minute C.229, the Commissioners considered their updated Byelaws.

RESOLVED

That the updated Byelaws be adopted.

C.264 Environment Agency – Wetland Creation

Further to minute C.228, the Chairman advised that there nothing further to report.

### C.265 Ouse Washes Section 10 Reservoir Middle Level and Level South Barrier Bank works

Further to minute C.232, Miss Ablett referred to the Newsletters from the Environment Agency dated October and December 2018.

### C.266 Repair of Terex 130W Excavator

Further to minute C.240, the Chairman reported that permission had been granted for the Commissioners to borrow and the Public Works Loan Board had authorised a loan of up to £75,000 over 10 years. He tabled a schedule to the Commissioners detailing options for the agreed purchase of a new excavator for their consideration.

### RESOLVED

- i) That a Public Works Loan be taken out for £40,000 repayable over 5 years
- ii) That £60,000 from the asset replacement fund be used for the purchase of the excavator.

### C.267 District Work Report

i) The Chairman reported on the works which had been undertaken during the last six months in respect of drain maintenance and of the reduced pumping in view of the continued lack of rainfall. He confirmed that the Commissioners had been able to provide all water required for irrigation purposes for 2018 without any restrictions, but he was not confident this would be the case going forward. The Chairman advised that it was planned to continue with a similar drain maintenance programme for the coming year.

He reported that, following the new engine being fitted to the excavator, contract work amounting to £9,900 had been carried out and he believed the Commissioners had the opportunity to carry out even more work, possibly for the Environment Agency, the RSPB, the Over & Willingham IDB and other farmers outside of the District.

### RESOLVED

That the Report and the actions referred to therein be approved and the Chairman in conjunction with the District Engineer be authorised to arrange for the District work programme to be undertaken.

- ii) District Officer's fee

The Chairman declared an interest and the Vice Chairman took the Chair.

The Commissioners gave consideration to the District Officer's fee for 2019/2020

### RESOLVED

- (i) That the Commissioners agree that the sum of £2000.00 be allowed for the services of the Chairman for 2019/2020, together with all legitimate expenses.
- (ii) That the Chairman submit half yearly invoices to the Commissioners in respect of his fees.

(iii) That the Commissioners agree that 45p per mile be allowed for travelling expenses incurred on behalf of the Commissioners by Mr Church.

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The Chairman resumed the Chair

(NB) - The Chairman declared an interest when this item was discussed.

#### C.268 Capital Improvement Programme

The Commissioners considered their future capital improvement programme.

#### RESOLVED

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

#### C.269 Conservation Officer's Newsletter and BAP Report

Miss Ablett referred to the Conservation Officer's Newsletter, dated December 2018, previously circulated to the Commissioners.

The Commissioners considered and approved the most recent BAP report.

#### C.270 Charges for hire of plant when engaged on private work

Consideration was given to whether any revisions were necessary in the Commissioners' charges for hiring plant for private work (last reviewed – April 2018).

#### Terex 360 Wheeled Excavator

Present charges - £25.00 per hour in the District ) inclusive of operator's wages and  
£37.50 per hour outside the District ) travelling time

#### RESOLVED

That no change be made to the hire charges.

#### C.271 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.

### C.272 Environment Agency – Precepts

Miss Ablett reported that the Environment Agency had issued the precept for 2019/2020 in the sum of £35,076.49 (the precept for 2018/2019 being £33,406).

### C.273 Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

(a) Miss Ablett reported that the sum of £8,713.67 (inclusive of supervision) had been received from the Environment Agency (£8,877.61 representing 80% of the Commissioners' estimated expenditure for the financial year 2018/2019 less £163.94 overpaid in respect of the financial year 2017/2018).

(b) Further to minute C.202, Miss Ablett referred to the discussions with the Environment Agency over the monies available to fund highland water claims.

### RESOLVED

That the position be kept under review.

### C.274 Association of Drainage Authorities

#### a) Subscriptions

Miss Ablett reported that it was proposed by ADA to increase subscriptions by approximately 2% in 2019, viz:- from £616 to £629.

### RESOLVED

That the increased subscription be paid for 2019.

#### b) Future ADA Communications

Miss Ablett referred to a letter received from ADA dated 18<sup>th</sup> October 2018 and to the form included with the agenda.

In order to continue to receive communications from ADA in 2019, ADA required a completed form from each Member. The form could also be completed and returned electronically via the link at [www.ada.org.uk/communications](http://www.ada.org.uk/communications).

### C.275 Rate arrears

Consideration was given to writing off rate arrears amounting to £65.14.

### RESOLVED

That the arrears be written off.

### C.276 Cambridgeshire Flood Risk Management Partnership Update

Further to minute C.238, Miss Ablett referred to the most recent matters raised by the Partnership.

### C.277 Budgeting

Miss Ablett referred to the budget comparison of the forecast out-turn and the actual out-turn for the financial year ending 31<sup>st</sup> March 2019.

### C.278 Review of Internal Controls

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

### C.279 Risk Management Assessment

- a) The Commissioners considered and expressed satisfaction with their current Risk Management Policy.
- b) The Commissioners considered and approved the insured value of their buildings and gave consideration to having a professional valuation of the Commissioners' real estate assets, for insurance purposes.

### RESOLVED

That no changes be made to the valuation at this time and for the matter to be reviewed again at the next annual meeting.

### C.280 Exercise of Public Rights

Miss Ablett 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.

### C.281 Annual Governance Statement – 2018/2019

The Commissioners considered and approved the Annual Governance Statement for the year ended on the 31<sup>st</sup> March 2019.

### RESOLVED

That the Chairman be authorised to sign the Annual Governance Statement, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2019.

### C.282 Payments

The Commissioners considered and approved payments amounting to £208,516.61 which had been made during the financial year 2018/2019.

(NB) – The Chairman declared an interest in the payments to him.

(NB) – Mr Wright declared an interest in the payments made to A G Wright & Son.

### C.283 Annual Accounts of the Commissioners – 2018/2019

The Commissioners considered and approved the Annual Accounts and bank reconciliation for the year ended on the 31<sup>st</sup> March 2019 as required in the Audit Regulations.

### RESOLVED

That the Chairman be authorised to sign the Return, on behalf of the Commissioners, for the financial year ending 31<sup>st</sup> March 2019.

### C.284 Expenditure estimates and special levy and drainage rate requirements 2019/2020

The Commissioners considered estimates of expenditure and proposals for special levy and drainage rates in respect of the financial year 2019/2020 and were informed by Miss Ablett 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 64.41% and 35.59%.

### RESOLVED

- i) That the estimates be approved.
- ii) That a total sum of £187,039 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 £120,476 and £66,563 respectively.
- iv) That a rate of 37.00p in the £ be laid and assessed on Agricultural hereditaments in the District.
- v) That a Special levy of £66,563 be made and issued to East Cambridgeshire District Council for the purpose of meeting such expenditure.
- vi) That the seal of the Commissioners 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.

### C.285 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.

### C.286 Date of next Meeting

Miss Ablett reminded the Commissioners that the next meeting will be held on Thursday the 7<sup>th</sup> November 2019.

### C.287 Appointment of a Commissioner

Mr Bidwell reported that this was Mr Cheetham's last meeting as he was not standing for re-election and enquired whether there was a way in which he could be co-opted to become a Commissioner.

The Chairman wished to thank Mr Cheetham, on behalf of the Commissioners, for his attendance at and contribution to meetings. He advised that there were 30 individuals who farmed more than 40 acres who were eligible to become a Commissioner and was sure that one of these would be more than willing for Mr Cheetham to be appointed to represent them.

#### RESOLVED

- i) That a letter of thanks be sent to Mr Cheetham.
- ii) That the Chairman be authorised to make enquiries of landowners in the District to enquire if any would be willing for Mr Cheetham to be co-opted to the Commissioners as their representative.
- iii) That the recording of the meeting be kept until after the next meeting.