

MARCH FIFTH DISTRICT DRAINAGE COMMISSIONERS

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2 April 2020

Mr Chairman, Ladies and Gentlemen

Meeting of Commissioners
7th April 2020

I enclose the Agenda for the Meeting of the Commissioners to be hosted at the Middle Level Offices at 7.00 pm on Tuesday the 7th April 2020.

PLEASE NOTE THAT THIS AGENDA INCLUDES CONFIDENTIAL PAPERS. APART FROM THE COPY RETAINED WITH THE CONFIDENTIAL MINUTES THEY WILL BE DESTROYED FOLLOWING THE MEETING AND MEMBERS ARE REMINDED THAT THEY MUST NOT BE DISCUSSED WITH ANYONE OTHER THAN A BOARD MEMBER.

AFTER THE MEETING PLEASE DESTROY YOUR COPY OF THE PAPERS OR RETURN THEM TO THE OFFICE TO BE DESTROYED.

Please telephone or e-mail to confirm your attendance as soon as possible.

Yours truly

D C THOMAS

Clerk to the Commissioners

To the March Fifth District Drainage Commissioners

A G E N D A

1. Apologies for absence

2. Declarations of Interest

The Commissioners to declare any interests relating to the agenda.

3. Confirmation of Minutes

To confirm the Minutes of the Meetings of the Commissioners held on the 9th April 2019 and 24th January 2020.

(Copy pages 14-32)

4. Matters arising from the Minutes

5. Death of Mr Robert Jones

The Clerk will refer to the death of Mr Robert Jones on Sunday 18th August 2019.

6. Appointment of Chairman

To appoint the Chairman of the Commissioners.
(Present Chairman – T D Hopkin Esq)

7. Appointment of Vice Chairman

To appoint the Vice Chairman of the Commissioners.
(Present Vice Chairman – A Payne Esq)

8. Appointment of District Officer

To appoint the District Officer.
(Present Officer – T D Hopkin Esq)

9. Land Drainage Act 1991
Fenland District Council

The Clerk will report that Fenland District Council have re-appointed Councillors Mrs J French and M Cornwell to be Commissioners under the provisions of the Land Drainage Act 1991.

The Clerk will also report that Councillor S Court has not been re-appointed.

10. Water Transfer Licencing

Further to minute C.1029, the Clerk will report that the relevant licences have been applied for for the MLC and associated Boards. These are in the process of being validated and following this the EA have 3 further years to determine them. It is worth noting that the EA have confirmed that only MLC system to IDB transfers do not require a separate licence.

11. Land at the Slamp

Further to minute C.1074, the Clerk to report.

12. South Creek Pumped System

Further to minute C.1075, the Chairman to report.

13. Erection of 2 storey rear extension and porch (MLC Ref Nos. 379, 384 & 427) – Mr L Johnson & Mrs G Clarke

Further to minute C.1081(ii), the Clerk to report.

14. Erection of a cold storage building (MLC Ref No. 455) – March Cold Store

Further to minute C.1081(vii), the Clerk to report.

15. Erection of 30 dwellings (max) east of Berryfield, Berryfield, March (MLC Ref Nos 392 & 396)

Further to minute C.1106, the Clerk to report.

16. Clerk's Report

The Clerk advises:-

i) Middle Level Commissioners and Administered Boards Chairs Meeting

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

(Copy pages 33-35)

That a fourth Chair's Meeting was held on the 26th November 2019.

The meeting commenced with a presentation with slides covering the lottery funded 'Fens Biosphere' bid. This UNESCO designation would have no statutory backing but instead aims to draw attention to the unique nature of the area. Good practice sharing would be facilitated and a framework of support for positive action developed. The idea is to frame the application around the Cambridgeshire peat lands and the IDB districts which provide a network of interconnecting watercourses. As this designation would not lead to a set of actions which would be enforced but could have a positive impact on the area the Board are asked (at this stage) to consider giving its approval in principle to the bid. A summary document detailing the vision is appended.

(Copy pages 36-39)

The Commissioners' approval in principle is sought.

Health and Safety discussions followed and it was agreed that the new arrangement with Cope Safety Management was working well.

The future vision for the MLC and IDBs was discussed and is covered as a separate agenda item.

On member training, after discussion, it was agreed that members would benefit from training on 'communications and engagement' as it was felt that Boards generally had challenges in getting messages across to the public.

The only other item covered in any detail was in relation to Board agendas and minutes. It was resolved that the Chairs supported the move to reducing the amount of paper leaving the MLC offices and it was also agreed, for reasons of efficiency, that Chairs be provided with an action points list as soon as practical after the meetings but in advance of issuing draft minutes.

That a fifth Chair's Meeting was held on the 10th March 2020.

Topics discussed included health and safety, effective communications with the public, the move to electronic agendas, consideration of the level of planning information included in reports, planning fees and the work of WRE.

ii) Association of Drainage Authorities

a) Annual Conference

That the 82nd Annual Conference of the Association had been held at the ICE building in Westminster on Wednesday 13th November 2019.

The conference was very well attended and the speakers this year were:-

Stuart Roberts - Vice President National Farmers' Union – an arable and livestock farmer who has also worked for Defra and Flood Standards Agency – who shared his views on the need for more radical and bold thinking on flood risk management and the supply of water for agriculture.

Bryan Curtis – Chair Coastal Group Network – Chartered Engineer and a member of CIWEM and ICE.

Bryan is Chairman of the Coastal Group Network. This is a network of Councils, Ports, Government bodies who provide a collective voice for the coast and management of the shoreline.

Robin Price – Interim Managing Director – Water Resources East (WRE)

Water Resources East is a partnership from a wide range of industries including water energy, retail, the environment, land management and agriculture who are working in collaboration to manage the number of significant risks to the future supply of water in the East of England. The NFU and ADA (via the David Thomas) have membership on the Board of WRE.

The conference was introduced by Robert Caudwell who asked all present to mark their appreciation of the work being done in the north east of England to respond to and manage the impacts of the floods. He stated his opinion that warnings at previous ADA conferences over the lack of river maintenance had fallen on deaf ears and that the flooding taking place at the time was clear evidence of the need to better balance capital investment with maintenance spending. He then went on to outline ADA's intention to lobby all parties throughout the general election. This included sharing the 7-point plan detailed below;

1. Long term investment horizons in the face of climate change challenges

Flood risk management delivers enduring benefits and authorities involved need to be able to plan ahead financially over multiple years and need to receive a sensible balance of capital and revenue funding, spread across the river catchments, in order to find efficiencies through climate change adaptation and resilience, and attract business investment.

2. Promote co-operation and partnership working to manage the water environment and reduce flood risk

Close cooperation between flood risk management authorities, water companies, communities, business and land managers needs the continued strong support of government to deliver adaptive and resilient flood risk maintenance and similar activities more efficiently and affordably.

3. Total catchment management

Total catchment management is now the widely accepted approach to managing our water and now is the time to increase and empower local professionals and communities to manage and operate these catchments together.

4. Sustainable drainage systems (SuDS)

The next government needs to fully implement Schedule 3 of the Flood & Water Management Act 2010, to ensure future development can keep pace with the challenges of the changing climate, by ensuring that SuDS are maintained over the lifetime of a development.

5. Support local governance in flood and water level management decision making

In some parts of England there is an appetite for greater local maintenance delivery on watercourses and flood defence assets than that currently afforded from national investment. This can be achieved via the careful transfer of some main river maintenance to local bodies or the expansion of areas maintained by those local bodies, such as Internal Drainage Boards, where there is local support and transitional funding.

6. Local Government Finances

It is vital that Special and Local Levy funding mechanisms for drainage, water level and flood risk management continue to be part of this funding landscape to maintain the democratic link with local communities affected.

7. Brexit: Ensuring a resilient regulatory framework for the water environment

The next government needs to provide clear policy messages about how they wish to make the delivery of environmental improvements to the water environment easier and more effective as we transition from European legislation such as the Water Framework Directive.

Unfortunately, because the conference was held during the pre-election period sometimes known as Purdah, which restricts certain communications during this time, there were no representatives available from the Environment Agency or Defra which significantly restricted the debate on flood risk management, funding and maintenance issues. However, there was considerable support from the floor of the conference for the view that lack of maintenance had significantly contributed to the recent problems with the River Don and the flooding of Fishlake village.

Officers of the Association were re-elected, including Lord De Ramsey as President and Robert Caudwell as Chairman.

Subscriptions to ADA would be increased by 2% for the following year.

b) Annual Conference

That the Annual Conference of the Association of Drainage Authorities will be held in London on Wednesday the 11th November 2020.

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 3rd March 2020.

The meeting format was as per the 2019 Conference with a workshop in the morning and the Conference in the afternoon. Topics covered were control of invasive species, water resources, planning and effective communications with the wider public.

That the date of the next meeting is Tuesday the 2nd March 2021.

d) Good Governance Guide for Internal Drainage Board Members

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 member of this Board 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 Board may wish to consider an order of priority for future training and a timetable for delivery.

e) Further Research on Eels

Further to minute C.1002(e), ADA have advised that the valuable research work being carried out by Hull University on eels and eel behaviour in pumped catchments will be continuing for at least another two years. ADA consider that the financial support to the project to date provided by IDBs has been positive and noted by the regulator (EA), leading to positive engagement on finding practical solutions at pumping station sites. They therefore consider that it would be useful if IDBs could consider whether they would be willing to continue their annual contributions to this research over that period.

The Commissioners' instruction is requested.

f) Emergency Financial Assistance for Internal Drainage Boards

That whilst in East Anglia we have not had the unprecedented levels of rainfall which have occurred further north and in the west of the county in recent years this by no means equates to there being no risk of it occurring here. ADA have written to DEFRA (Copy pages 40-41) seeking to formalise a mechanism for IDBs providing support to the EA in a major event to recover costs. An update will be given should there be any substantive movement from DEFRA on this matter as a result of this request.

iii) 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.

iv) Environment Agency consultation on changes to the Anglia (Central) RFCC

That a consultation took place on the constitution of three RFCCs following a formal proposal for two new unitary authorities to be formed in Northamptonshire (West Northamptonshire and North Northamptonshire) and was submitted and approved by the Government. These authorities will come into existence on the 1 April 2020.

In Buckinghamshire the decision to create a single unitary authority replacing the existing five councils has been made by the Government, subject to Parliamentary approval. Again this will come into existence on the 1 April 2020.

Each new authority will be a unitary authority, delivering all local government services in their respective areas, including their functions as a Lead Local Flood Authority (LLFAs).

The membership of Thames RFCC, Anglian (Central) RFCC, and Anglian (Northern) RFCC included representation from one or both county councils. To reflect the changes, membership of all three RFCCs will be varied before 1 December 2019.

At the same time to better reflect a catchment-based approach the name of Anglian (Central) RFCC has been changed to Anglian (Great Ouse) RFCC. ADA stated that it supported the naming revision.

v) Tactical Plans for the Fens Agreement

That the Environment Agency have set up a multi-partner group (FRM for the Fens) to steer work on developing strategic plans for managing flood risk in the lower Great Ouse catchment. This work is considered necessary to address the impacts of population growth and climate change, which are particularly relevant in this area (Copy pages 42-43). The EA is requesting approval to the approach being taken in principal and follows the letter sent in January 2019. The perceived value of this work is that it pre-apportions the benefits (land and property which would flood if not defended) so that applying for grant should be more straight forward and the amount of grant possible clearer. This should give increased certainty and clarity and resolves the issue of double counting benefits where for example a property is protected from flooding by both EA and IDB assets. Work on developing the strategy could take up to 15 years though and the proposal also therefore includes a mechanism for allowing grant-in-aided works to progress during this time on a hold-the-line basis.

The Commissioners' approval in principle is sought.

vi) Water Resources East (WRE)

That the Middle Level Commissioners' Chief Executive has been appointed as ADA's area representative on the Board of WRE. He will act as spokesman for IDBs who have an interest in the future management and provision of water in the East of England. This is particularly important as government consider plans to make the area more resilient and as the impacts of climate change start to bite in an area of rapid housing growth.

vii) Vision for the Future of Boards administered by the MLC

That Members will be aware that the Chair's meetings hosted by the MLC has had an item on the agenda for the last few meetings on future planning of administration and delivery of operations for the Board's collectively. As part of this process it has been agreed that members thoughts should be sought on what they envisage the collective future can and should look like to ensure the most resilient, delivery focused approach that can be achieved. Members should when developing their vision of water management in the fens in 2030 consider the challenges of maintaining representation, improving financial resilience, reducing duplication of work, the potential for cost savings, advantages and disadvantages of the various options available, the impacts of technology and sharing of resources and knowledge.

The general feeling of the Boards so far was that they recognised there could be problems with Boards and the need to amalgamate possibly ten years down the road but most seemed to be happy to continue with their current arrangements. However, this should remain under review and where appropriate amalgamations between Boards supported.

17. Consulting Engineers' Report, including planning and consenting matters

To consider the Report of the Consulting Engineers.

(Copy pages 44-68)

18. Capital Improvement Programme

To review and approve the Commissioners' future capital improvement programme.

(Copy page 69)

19. District Officer's Report

To consider the Report of the District Officer.

20. Conservation Officer's Newsletter and BAP Report

The Clerk to refer to the Conservation Officer's Newsletter, previously circulated to the Commissioners, and to consider the most recent BAP Report.

(Copy pages 70-83)

21. District Officer's Fee

To give consideration to the District Officer's fee for 2020/2021.

22. State-aided Schemes

To consider whether to undertake further State-aided Schemes and whether any future proposals should be included in the forward capital forecasts provided to the Environment Agency.

Update on the EA grant-in-aid position

The Clerk will report that the EA undertook a 'refresh' of its grant allocation schedule and optimised it to increase the likelihood of meeting the government outcome measure targets. As part of this some schemes were deferred in favour of those which could be delivered within the next two years with certainty and the programme has, as a consequence, become financially oversubscribed. This effectively means that there will be little or no chance of receiving grant for any new schemes between now and 2021 (at the earliest). This date marks the end of the six-year funding commitment and whilst it is understood that the EA are pressing hard to have another six-year settlement and, if agreed to by treasury, for this to be larger than the previous one to help address the increasing

investment required to tackle climate change driven impacts. At this point in time we do not know what will happen and changes could be made in any event to the funding model, what outcome targets are or the process of securing grant. What is clear is that the further ahead that IDBs collectively plan their investment needs the more likely whatever grant is available will be accessible by them.

Some members will recall that in 2009 asset surveys were carried out on all IDB pumping stations. As ten years has now passed it might be timely to revisit and update these to reflect any changes that might have occurred and for this updated information to be used to plan for future investment needs. Similarly, as it is five years since these assets were valued for insurance reasons, it is also considered worthwhile revising the rebuilding estimates to reflect construction cost inflation.

The Commissioners' instruction on this matter is requested.

23. Environment Agency – Precept

The Clerk will report that the precept for the financial year 2020/2021 has been fixed at £2,118.00 representing a rate (including special levies) of 0.438p.

The precept for 2019/2020 was £2,066.06.

24. Claims for Highland Water Contributions – Section 57 Land Drainage Act 1991

The Clerk will report that following his submission of claims for contributions the gross sum of £1,049.96 (inclusive of supervision) has been received from the Environment Agency (£1,536.56 representing 80% of the Commissioners' estimated expenditure for the financial year 2019/20 less £486.60 overpaid in respect of the financial year 2018/19).

25. Association of Drainage Authorities
Subscriptions

The Clerk will report that it is proposed by ADA to increase subscriptions by approximately 2% for 2020, viz:- from £553 to £565.

26. Kart Track, Creek Fen, March

The Clerk to report.

27. Boat on Mooring at 2 Riverdown, March

The Clerk to report.

28. Determination of annual value for rating purposes

The Clerk will submit the recommendation for the determination of annual value for rating purposes.

(See Confidential Papers)

29. Rate arrears

To consider writing off rate arrears.

(See Confidential Papers)

30. Health and Safety

a) Further to minute C.1090, quotes were sought and a letter sent to the Chairman on the 25th April 2019 advising that it had been agreed at the Chairs meeting to enter into a 3 year contract with Cope Safety Management with the annual payment being split between the Boards. Assuming all Boards joined the arrangement, the cost to the Board would be £400 per annum. However it was understood that particularly in the first year or so extra support may be needed and this could be provided at a day rate of £500 or at an hourly rate of £85 for part days.

The Clerk advises that the Chairman had confirmed that the Board wished to be included in the arrangement with Cope Safety Management.

b) Further to minute C.1090, the Chairman will report and will refer to the report received from Cope Safety Management following their visit to the District on the 8th August 2019 and the second visit on 18th February 2020

(Copy pages 84-93)

The Clerk will remind the Commissioners that they are responsible for ensuring they are compliant with all Health and Safety legislation and are adequately insured. In view of this, all points for action raised by its' Health and Safety consultant must be implemented so as to avoid the Commissioners' insurance policy from becoming invalid.

c) The Clerk will refer to the ADA Internal Drainage Boards' Health, Safety & Welfare Survey 2018.

(Copy pages 94-99)

31. Completion of the Annual Accounts and Annual Return of the Commissioners – 2018/2019

a) To consider the comments of the Auditors on the Annual Return for the year ended on the 31st March 2019.

(Copy pages 100-105)

b) To consider the Audit Report of the Internal Auditor for the year ended on the 31st March 2019.

(Copy pages 106-112)

32. Defra IDB1 Returns

The Clerk will refer to the completed IDB1 form for 2018/19 and to the letter received from Defra dated August 2019.

(Copy pages 113-136)

33. Budgeting

The Clerk to refer to the budget update reviewed by the Chairman, with comparison to year end out-turn added, and any actions taken.

(Copy page 137)

34. Review of Internal Controls

To consider the system of Internal Controls.

35. Risk Management Assessment

a) To give consideration to the Commissioners' Risk Register.

(Copy pages 138-149)

b) To review the insured value of the Commissioners' buildings.

(Copy page 150)

36. Transparency Code for Smaller Authorities

The Clerk will report that, as resolved at its' last meeting, the Board will continue with a limited assurance review and not take advantage of the audit exemption available for smaller public bodies with income and expenditure less than £25,000.

37. Exercise of Public Rights

The Clerk to refer 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.

38. Annual Governance Statement – 2019/2020

To review and complete the Annual Governance Statement.

(Copy page 151)

39. Payments 2019/2020

The Clerk to report on payments made during the financial year 2018/2019.

(Schedule pages 152-153)

40. National Savings & Investments – Change of signatories

The Clerk to report.

41. Annual Accounts of the Commissioners - 2019/2020

To consider the Annual Accounts and bank reconciliation for the year ended on the 31st March 2020 and the completion of Section 2 of the Annual Return as required in the Audit Regulations.

(Copy pages 154-158)

42. Expenditure estimates and special levy and drainage rate requirements 2020/2021

To consider estimates of revenue expenditure and levy and rate requirements in respect of the financial year 2020/2021.

(Copy pages 159-160)

43. Date of next Meeting

44. Any other business