

BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD

Board Meeting

Minutes of the meeting held on 29 January 2018 at 2pm at Vale House, Stewartby.

PRESENT: D McMurdo (Chairman), J Davison (Vice Chairman), R O Bennett, A Brown, M Egar, D Hodgson, B Huckle, R Morris, J Ream, J Russell, J Scott, M Towler T Turner and T Wootton.

IN ATTENDANCE: F C Bowler (Clerk/Chief Executive); J J Oldfield (Director of Operations); R C Easom (Committee Clerk).

1 APOLOGIES FOR ABSENCE were received from S Dixon, F Firth, S Hunt and R Odell.

2 DECLARATION OF MEMBERS' INTERESTS

The Chairman declared an interest, as a Bedford Borough Council member, during discussion of BBC and the Marston Vale Surface Waters Plan, under the Technical Report.

3 MINUTES OF THE BOARD MEETING HELD ON 13 November 2017

The minutes of the Board meeting dated 13 November 2017 were approved as an accurate record.

4 MATTERS ARISING FROM THE MINUTES OF THE BOARD MEETING HELD ON 13 NOVEMBER 2017.

Vacancy on the Joint Management Committee

The Clerk raised the issue of the vacancy on the JMC again. There were no names put forward. The Chairman suggested that any member interested in standing on the JMC should inform the Clerk by 14 February 2018. He said that, after that date, if there were still no names put forward, the Boards would have to consider changes to the Joint Management Committee's standing orders.

Post-meeting note: At the end of the meeting Mrs Turner agreed to sit on the Joint Management Committee and this was subsequently approved by the Chairman.

5 UNCONFIRMED MINUTES OF THE JOINT MANAGEMENT COMMITTEE HELD ON 15 JANUARY 2018

Members noted the Joint Management Committee minutes.

Discussion took place:

Plant Purchases and Funding - The Chairman pointed out that he had not said the leasehold sector had grown 'cheaper' in recent years, merely that it had grown.

Mr Wootton asked when the Board would be reporting on the outcome of looking into leasing. The Chairman said the Board meeting on 21 May 2018 would provide an update.

Personnel – The Chairman said that the sub-group had met again on 15 January, prior to the JMC meeting. It was ‘work in progress’ and he thanked the Clerk for her input.

6 REVIEW OF DEVELOPMENT CONTRIBUTIONS

The Director of Operations presented the Review of Development Contributions report.

Members approved the report and the following recommendations:

- (i) **The general development contribution should be increased to £5.00 per impervious square metre from 1st April 2018;**
- (ii) **The Clerk should be authorized to negotiate appropriate commuted sums from developers when the Board agrees to adopt new works.**

7 PROGRESS OF WORKS REPORT 2017/18

The Director of Operations presented the Progress of Works Report comprising the report and A3 plan. He pointed out that there remained three more months of works to be carried out, as the report was only up to the end of December 2017.

The Director of Operations said it was intended to use two contractors alongside the Board’s workforce. In addition, an 8 tonne excavator has been hired. He said he was reasonably confident, given the current good weather conditions, that the majority of the planned maintenance works would be completed.

Members accepted the Works Progress Report for the period April to December 2017.

Discussion took place:

Upper Caldecote

Mrs Turner said she was pleased to see the planned maintenance works for Upper Caldecote. She said a Parish Councillor had commented on the amount of debris left following maintenance works, saying that it can cause obstruction. She asked if officers could inform her about the amount of debris left following maintenance works. The Director of Operations said there can be a small amount of quite fine debris. If it is extensive it will be forked out by hand.

River Hit, Shefford

Mr Brown asked about which section of the watercourse was not the Board’s responsibility. The Director of Operations said it was the section which was Main River, where the black line showing works completed stops. The Chairman asked the Director of Operations to send a large scale map of this area to Mr Brown clearly showing which was Board maintained watercourse and which was Main River.

Reinstatement

Mr Bennett commented on the recommended reintroduction of basic reinstatement. He said the Board used to carry out a lot of reinstatement. Specialist seed mixes were often requested, which were expensive, but native grasses still took over. He asked whether the legislation permitting the Board to spread arisings still stood.

The Director of Operations said the Board was permitted to spread arisings as an exempted activity but farmers had become nervous about compliance with the Rural Payments Agency Stewardship schemes. However, when a public body, such as the Board, serves notice land owners cannot refuse access nor be penalised.

The Chairman said the reintroduction of reinstatement was welcome. It was a good morale exercise and beneficial in terms of health and safety leaving a neater bank in the future and it was included in the maintenance estimates.

Members agreed to the reintroduction of basic reinstatement of deposited silt, where appropriate.

8 WORKS PROGRAMME 2018/19, 2019/20 AND 2020/21 AND WORKS PROGRAMME COMMENTARY

The Director of Operations presented the Works Programme, including the commentary and the separate document with schedule and map. He said there was currently a regime underway to get watercourses in better order and return more regularly, for example, in year 3. Another advantage of more regular maintenance is reduced debris.

Members approved the Works Programme for the year 2018/19.

Discussion took place:

Greenfield Weir

Mrs Davison asked if there were problems with Greenfield Weir. The Director of Operations said revetment was carried out on the weir but now the garden owner has said that upstream of the weir there is erosion. During the 1970s, the Board had agreed it would take on responsibility to maintain this watercourse.

9 ESTIMATES

The Clerk presented the estimates. She added, with regard to Plant Purchases and Funding, that the possibility of leasing would also be explored.

Members approved the following estimates:

- (i) Joint – Group Account – Engineering and Administration, Labour on cost and Plant Purchases and Funding**
- (ii) Capital and Maintenance Development Fund;**
- (iii) Maintenance Estimates.**
- (iv) Occupiers’ Rate Fund/General Estimates**

Discussion took place:

Joint – Engineering and Administration

Mr Brown suggested adding to the solar panels on the Boards’ offices given that only approximately £1000 per annum was being received to offset electricity costs.

The Chairman asked that officers explore the viability of additional solar panels.

Capital and Maintenance Development Fund

Mr Hodgson asked that Cardington Hangers be referred to as Cardington Sheds.

Maintenance

The Clerk pointed out that a proportion of maintenance costs is received back from the Environment Agency in the form of Highland Water Contributions.

SUDs Maintenance

Mrs Turner said she was still concerned about the principle of charging developers for advice. There is a balance to be struck as the Board would want to engage with developers. She asked what stage had been reached with the consideration of the issue. The Clerk said that it had been discussed at the JMC and ADA were currently carrying out a project on guidance offered by the drainage boards. The Chairman said the Board should take the lead from ADA.

Mr Huckle said the issue of the Government guidance not encouraging commuted sums for SuDS maintenance was to have been raised at the ADA conference in November 2017 and asked if there had been any progress. He said he had seen developers in the area build houses but not complete their obligations as regards SuDS.

The Director of Operations said an invitation to attend the Boards' offices was made to Dr Thérèse Coffey MP, Under Secretary of State at the Department for Environment, Food and Rural Affairs, at the ADA conference but there was no response.

Mr Hodgson said that the late 1990s and early 2000s saw an increase in developers not paying commuted sums to local authorities. Mr Huckle added that it was a very serious problem and, nationally, nothing was being done.

Mr Wootton suggested including other bodies to add weight to any representations to Government.

The Chairman said addressing the issue was a high priority for ADA. The Clerk said that officers were awaiting a report on the issue from Department for Communities and Local Government (DCLG) which had been delayed.

Members agreed that officers should await direction from ADA in order to inform a letter from the Board to Dr Thérèse Coffey MP, Under Secretary of State at the Department for Environment, Food and Rural Affairs. Local authorities and the EA should be approached and asked to be additional signatories.

SuDS Land Drainage Operatives

Mr Brown asked whether the two SUDs LDOs were included in the estimates. The Clerk said they were, and that one was funded by commuted sum money from developers, and that they were both permanent positions.

Occupiers' Rate Fund/General Estimates

The Clerk said although she was proposing a zero percentage increase in the rate, there would be an increase in Special Levy charged to some Councils due to land in their districts moving from agricultural to urban/developed. The Clerk also highlighted the 1.5% increase in EA precept for 2018/19.

The Clerk said she did not envisage carrying on with no percentage increases in the rate, long term. The Chairman said the rate, if approved, would have been held at a zero percentage increase for six years. The Clerk pointed out that 16% of funds from developers was deducted for administration, 84% being for long term maintenance.

Mr Morris said he was nervous about no increases as he believed slow increments covered all eventualities. The Chairman said the decision to recommend a zero percentage increase was not taken without due consideration and he would be working with officers and looking into the long-term implications concerning commuted sums.

Mr Bennett referred to the auditors' recommendation of no more than the total of one year's annual rate and special levy income in balances. He said the rate of construction throughout the district has led to increases in special levy income. He believed the rate should be kept at a zero percentage increase as the Board's objectives could still be achieved and the increase in balances, if the rate was to be increased, would become indefensible.

10 TO SET THE DRAINAGE RATE FOR THE FINANCIAL YEAR 2018/19 AND TO AUTHORISE THE CHAIRMAN TO SEAL THE RATE

Members agreed a zero percentage increase in rate and special levy income for 2018/19 resulting in the rate of 3.95p in the pound and rate and special levy income of £921,810 and authorised the Chairman to sign and seal the rate.

11 TECHNICAL REPORT (INCLUDING SCHEDULE OF CONSENTS) FOR THE PERIOD NOVEMBER AND DECEMBER 2017

The Director of Operations presented the Technical Report.

Members accepted the Technical Report.

Discussion took place:

West of Bedford Growth Area

The Director of Operations said he was pleased to report that the three agreements (Marsh Leys, Culvert 6 and Ponds D2&E) had been signed by Persimmon Homes (Fields Road north developer). He said this was a milestone and the agreements had now moved on to Gazeleys, the penultimate signatory, with the Board being the last one.

Bell Farm Employment development

The Director of Operations said headway was also being made with this development as another draft agreement had just been received.

Bedford to Milton Keynes Waterway Park.

The Director of Operations said he was proposing that the Bedford Group joined the Waterway's consortium, with a Member representative at the Consortium and an officer representative at the Joint Programme Executive.

The Chairman said the Bedford Group would take the initiative and only the two larger Boards, Bedfordshire & River Ivel and Buckingham & River Ouzel, would be involved as it was within their drainage districts. He asked that officers speak to the Chairman of the Alconbury & Ellington Board to explain decision not to include that Board.

Mr Brown said the Bedford to Milton Keynes Waterway Park was a major concern. The waterway has formed part of the proposals for new villages at Marston Vale; included in Central Bedfordshire's Local Plan. He believed it was urgent that the Board get involved and he was prepared to put his name forward.

Members agreed that Mr Brown, also a councillor representative on the Buckingham & River Ouzel Board, should represent the Bedford Group of IDBs in the Waterway's Consortium as a Member representative, and an Officer representative should join the Joint Programme Executive.

Pix Brook Catchment Study

Mr Brown added that the Pix Brook Catchment Study modelling, on which Central Bedfordshire Council had taken the lead, was now completed. He expected that the results of the study would be available by mid-March 2018 at the latest.

Environment Agency

The Director of Operations said one of the key issues to be raised with the EA Area Manager, Charlie Beardall, on his visit to the Boards' offices of on Monday 5th February 2018, was concerning the insufficient level of maintenance undertaken on Main River. The Chairman asked members if they could notify the Director of Operations of any specific issues prior to the meeting on 5th February 2018.

Consultation – Bedford Borough Council's SuDS Supplementary Planning Document

Mr Bennett commented on the third concern raised by the Board in its response to the document in December 2017:

3. There seemed to be a positive position from the Borough to divorce itself from the Marston Vale Surface Waters Plan philosophy of strategic SuDS that are adopted by a public body. This Plan has served as an exemplar to significant development pressures with the provision of large scale SuDS. A move away from SuDS adoption will increase flood risk as you will be relying on many private individuals to manage SuDS features. This is not appropriate for a growth area.

Mr Bennett said the Bedford Borough Council was an enthusiastic signatory to the Marston Vale Surface Waters Plan. The Plan had worked and made a big difference to development in the area, including the beginning of Wixams. It was hailed as a step forward by ADA. He wondered where Bedford Borough Council's enthusiasm had gone and said its current stance blew a big hole in the concept.

Mr Hodgson, Mayor of Bedford Borough Council, said the Board's concern regarding Bedford Borough Council's stance on the Marston Vale Surface Waters Plan was noted and he would go back to Bedford Borough Council regarding this.

Planning Application Objections

Bedford Borough Council Planning Application no 17/02734/AGR, Little Birchfield Farm, Birchfield Road, Great Barford MK44 3HQ - The Chairman said that this application had been approved by BBC. The Director of Operations said the applicant may have planning permission but if their attenuation swale is in the Board's seven metre byelaw strip then it will need to be put back. He said he would pursue the issue with the Planning Authority.

The Chairman asked that the Director of Operations provide members with an update once he has contacted the Planning Authority.

Central Bedfordshire Council Planning Application no CB/17/04476/OUT, Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade SG18 9BJ - Mr Bennett highlighted the Board's objection

to this application. He said that the area of land concerned has a very high water table. He knew that, historically, it had been necessary to use shutters because of running sand. He said the Board must maintain its objection to the question of soakaways.

The Chairman pointed out that the Board has no statutory powers to prevent planning applications gaining consent. The Director of Operations said the Board's officers had directed the planners to use Building Research Establishment Digest 365.

12 INTERNAL AUDIT

(i) INTERNAL AUDIT REPORT – INTERIM REPORT ON 2017/18 AUDIT

The Clerk presented the report of the internal auditor, David Gowing, which was a follow up of the 2016/17 audit. He had visited the Boards' offices in November 2017 and it would be his last audit for the Boards.

There were no recommendations arising from the audit. Mr Gowing's opinion in respect of the areas covered by the report was that he could provide adequate assurance on the system of controls. The Clerk highlighted that he had stated in the report that 'most systems now have good control so with a continued, consistent approach this year it is expected that a substantial assurance opinion will be provided at year end'.

Members accepted the Internal Auditor's Interim Internal Audit Report dated December 2017.

Discussion took place:

Mr Brown said he did not like the term 'most systems'. The Clerk said that due to the organisation being small, with few staff, there were problems with segregation of duties. Despite the use of the word 'most' the Board could still achieve substantial assurance. The Chairman added that it was not unusual for IDBs to have problems with the segregation of duties. A majority of Boards only achieve adequate assurance. However, the Board has, in recent years appointed more accounting staff and the internal auditor is satisfied that, with a consistent approach, substantial assurance will be provided.

Mr Brown maintained that 'most systems' was still not adequate. The Chairman asked that officers obtain clarification on this.

(ii) TO APPOINT THE INTERNAL AUDITOR

The Clerk explained that Gowing Internal Audit Services Ltd would no longer be offering their services to the Board after the current financial year as Mr Gowing was retiring.

The Lincolnshire Drainage Boards, which the Bedford Group are aligned with, has carried out a formal tender process and a company called TIAA had been chosen to carry out the internal audits. Some of the Lincolnshire Boards are already using them for the current financial year. The JMC have been kept informed of the process. The programme for each annual internal audit will be approximately 4 days @ £300 per day, fixed for the next three years, with the cost shared between the two larger Boards in the Group.

Members approved the appointment of internal auditors, TIAA, to the Board.

13 FINANCE REPORT for the period to 31 December 2017

The Clerk presented the Finance Report which included:

- Receipts and Payments through the Board's individual bank account with Lloyds from 1 April to 31st December 2017;
- Cheque/Direct Debit list;
- Investment and Bank Account Balances as at 31st December 2017;

The Clerk said there was no longer any joint investment between the Boards as interest rates were still so low. If interest rates improve she will discuss the re-introduction of joint investment with the JMC.

Members approved the Finance Report.

14 Byelaws – Defra amendment

The Clerk presented the report on the following Defra amendment to the recently approved Byelaws:

The addition of item 1(c) shown in red.

1 Application of Byelaws

- (a) these Byelaws shall have effect within the District;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Board.
- (c) **for the purpose of these Byelaws, references to a watercourse are to be construed as including:
a drainage system as defined by the Flood and Water Management Act 2010;
a large raised reservoir as defined by the Reservoirs Act 1975; and
a body of water as defined by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.**

The deletion of "*Watercourse*" means *watercourse or waterbody*" from the list of expressions and their meanings under:

33 Interpretation

~~—"Watercourse" means watercourse or waterbody;~~

Members approved the Defra amendment to the Byelaws and the revised copy was presented for the Chairman and Clerk to sign and seal.

15 ANY OTHER BUSINESS AT THE CHAIRMAN'S DISCRETION

Development adjacent to the Boards offices, Stewartby

Mr Wootton suggested that officers' become involved in the land drainage infrastructure for the planned development in the vicinity of the Boards' offices in Stewartby. He said it would be an opportunity to showcase the Boards' expertise and also prevent loss of face in the event of a major flood.

Mr Hodgson said it was important to have such conversations with potential developers early in the development stage.

The Chairman said he and officers were open to the possibility of that type of discussion.

16 DATE OF NEXT MEETING: 21 May 2018 – Board Meeting

The meeting closed at 3.42pm.