

# **BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD**

## **Board Meeting**

**Minutes of the meeting held on 30 January 2017 at 2pm at Vale House, Stewartby.**

**PRESENT:** D McMurdo (Chairman), J Davison (Vice Chairman), R O Bennett, A Brown, F Firth, B Huckle, J Ream, J Scott and T Turner.

**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 L Birt, M Egar, D Hodgson, S Hunt, R Odell and J Russell.

### **2 DECLARATION OF MEMBERS' INTERESTS**

During discussion of the Works Programme 2017/18 and the request for work at Holwellbury, Mrs Davison declared an interest.

### **3 MINUTES OF THE BOARD MEETING HELD ON 7 November 2016**

**The minutes of the Board meeting dated 7 November 2016 were approved as an accurate record.**

### **4 MATTERS ARISING FROM THE MINUTES OF THE BOARD MEETING HELD ON 7 NOVEMBER 2016.**

#### **Bells Brook, Biggleswade**

Mr Bennett asked whether the visit to Bells Brook (between Hill Lane and the confluence with the River Ivel) had taken place. The Director of Operations said it had not. The Chairman said he would like it to be arranged and he would accompany the Director of Operations.

#### **Damage to Electric Cable in watercourse, Luton Road, Wilstead**

Mrs Turner asked whether the Board had received a credit note for the invoice which had been sent by the electricity board for the damage to the cable. The Director of Operations said no credit had been issued but the electricity board had confirmed that the invoice had been cancelled.

#### **Pix Brook, post-flooding review of Stotfold**

Mrs Turner referred to the Director of Operation's comment that he was 'hopeful that the Board's study to assess the viability of relocating the trash screen may show a business case for highways to improve the culverts' and enquired whether there had been any progress.

The Chairman said progress was being made. Central Bedfordshire Council was taking the lead and carrying out a catchment area feasibility study. Mr Brown added that funding had been obtained, a review was being carried out and all problem areas were being investigated. A consultant has been appointed from 1<sup>st</sup> March 2017. The Director of Operations said the Board had agreed to contribute £10,000 towards the study.

Mr Brown said although he had reported in November 2016 that residents had flood kits available to them, they had not received them. However, they were now due to be supplied to residents.

**Planning Application Objection – former Pig Unit, Hitchin Road, Stotfold**

The Chairman said he had written to Central Bedfordshire Council, Planning Department regarding the planning application at the former Pig Unit, Hitchin Road, Stotfold and the erection of 131 dwellings, to which the Board had objected. He said the Board had objected and made clear that it wanted to be heavily involved in the planning permission for the actual development. It seemed the development had commenced and there had been no contact from CBC or the developer since November 2016. He had, therefore, followed up the issue in writing and had ‘copied in’ other CBC members.

The Director of Operations said, the Board works closely with CBC and as a Lead Local Flood Authority CBC had made similar objections to the Board but only the Board’s objection was published. The Director of Operations said a run off rate of 32 litres/second would be acceptable to the Board, as per the original FRA. The applicant had stated 37 litres/second in the most recent Flood Risk Assessment, which is unacceptable.

Mrs Turner said it was important that the general public know that we, the Board, have done what we can. She said she recognised that the Board was not a statutory consultee but sometimes the Board is unfairly blamed.

Mr Firth, a Central Bedfordshire Councillor Representative, who sits on the CBC Development Management Committee, said it was helpful to communicate and asked whether there had been any response following the Board’s comments. The Chairman said there had not and he urged Central Bedfordshire Councillors to make representations. He said the former Pig Unit was of particular concern and there was a need to agree with the Board’s technical details.

**Members agreed that the Board should write to Central Bedfordshire Council and point out that the development had commenced without consultation with the Board.**

**5 UNCONFIRMED MINUTES OF THE JOINT MANAGEMENT COMMITTEE HELD ON 26 OCTOBER 2015**

**Members accepted the Joint Management Committee minutes.**

Discussion took place:

**Training**

Mr Firth asked whether officers were confident that all excavator drivers had received the required training. The Director of Operations said all the Boards’ excavator drivers were very experienced and the formal certification was ‘best practice’ and not mandatory for drainage board works. However, the certification would be required if it was necessary to go on a construction or quarry site and most of the Boards’ excavator drivers had renewed their Construction Plant Competence Scheme (CPCS) certification.

**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 £4.75 per impervious square metre from 1<sup>st</sup> April 2017;**
- (ii) Where the outfall flows into a Board watercourse the Board take a development contribution and/or where the outfall flows into a tributary, the developer will fully fund any necessary adoption;**
- (iii) The Clerk should be authorized to negotiate appropriate commuted sums from developers when the Board agrees to adopt new works.**

Discussion took place:

**‘Uncertainty about Maintenance presenting barriers to SuDS adoption, survey finds’ – Envirotech Magazine article**

Mrs Turner made reference to the article entitled ‘Uncertainty about Maintenance presenting barriers to SuDS adoption, survey finds’ from the January-February 2017 edition of Envirotech which the Director of Operations had tabled. She said she presumed the Board would need to be content before the adoption of any facility. The Director of Operations said that Officers of the Board work out a maintenance regime depending on what is deemed necessary if the Board is adopting. The problem arises when the developer opts for a private management company, and maintenance is not adequately provided for. The Chairman added that he had made representations at the Association of Drainage Authorities conference regarding commuted sums not being required from developers and responsibility for SuDS being put in the hands of management companies/residents’ associations. Defra’s Deputy Director of Flood Management, David Cooper, had been at the conference and the Chairman and Clerk had spoken to him about their concerns and also invited him to visit the Board.

Mrs Turner asked about the SAB (Sustainable Drainage Approval Body). The Director of Operations said the SAB was recommended under the Flood and Water Management Act “to approve and adopt” SUDS but never came into force. He said SuDS was now implemented under planning rules where the Lead Local Flood Authority is a statutory consultee for “approval” only. Adoption was left as a free choice for the developer. The Environment Agency only comment on Main River and Flood Zone 3. If there is a two tier authority this can be particularly challenging, for example, in some areas of Cambridgeshire, Cambridgeshire County Council is the LLFA but Huntingdonshire District Council is the planning authority.

Mr Bennett said he was concerned about the situation. Defra had been enthusiastic about the development of the Marston Vale Surface Waters Plan, first published in 2001, but current thinking was now going against it. Mr Huckle said it was an on-going problem and suggested the Board contact Andrea Leadsom, local Member of Parliament for South Northamptonshire and Secretary of State for Environment, Food and Rural Affairs. The Chairman said this was in hand; ADA were making representations to Andrea Leadsom.

The Director of Operations added that ADA’s Policy & Finance Committee were currently reviewing the issue of development contributions/commuted sums and SuDS.

**Members agreed that the Board should, together with other internal drainage boards, and via the Association of Drainage Authorities, continue raising the issue of Sustainable Drainage and ask that representations be made to Andrea Leadsom, Secretary of State for Environment, Food and Rural Affairs and David Cooper, Deputy Director of Flood Management, Defra.**

## **7 PROGRESS OF WORKS REPORT 2016/17**

The Director of Operations presented the Progress of Works Report comprising the report and A3 plan. He said the programme was generally progressing well and 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 2016.

He said so far it had been a good year as far as the weather was concerned and ground conditions had been good. However, Chapel End, in Elstow Brook catchment would not be completed as there were problems with ground conditions there. Also, there was an issue north of Sandy, near the railway line. Most of the works would be carried out but at the southerly end of the red line shown on the map some security fencing is on the wrong side of the watercourse and discussion with Rail Track is required.

Regarding the blue coloured watercourses (works awarded to contractor), at the bottom right-hand corner of the plan, north of Stotfold, the Director of Operations said the contractor was committed to finish the works.

The following contracts, detailed in the report were completed:

- 074WCB1 – Biggleswade
- 076WCB1 – Shefford flailing
- 072WCB1 – Roadside flailing
- 070WCB1 – Chemical spraying
- 059WCB1 – Shillington

The following contracts were underway:

- 073WCB1 - Cat Ditch
- 077WCB1 – Stondon & Holwell (flailing had started)
- 075WCB1 – Shillington

## **Members approved the Works Progress Report for the period April to December 2016.**

Discussion took place:

Mr Brown asked why there remained a red ‘blob’ showing works still to complete in Shefford, possibly on the River Hit. The Director of Operations said it could be that the outstanding work was handwork and he would need to investigate and report back to Mr Brown.

## **8 WORKS PROGRAMME 2017/18, 2018/19 AND 2019/20 AND WORKS PROGRAMME COMMENTARY**

The Director of Operations presented the Works Programme.

### **Members approved the Works Programme for the year 2017/18.**

The following Requests for Work were detailed in the Works Programme Commentary (neither request was in the Programme for 2017/18, or allowed for in the estimates, but officers had assessed them as affordable):

- Flitwick watercourses 167\_3, 167\_4 and 168\_2 between the railway and Greenfield Road. A request has been received from the landowner regarding bank erosion and dredging. The

watercourses has been due to be flailed and weed cut, but seepage has prevented access. Flailing, clearing and dredging is already programmed for 2019/20, so undertaking works for the request would result in works being moved from year 3 to year 1 in programme. Cost estimate of works is £20,000 for 1852m of maintenance works. The riparian owner would be responsible for erosion protection works.

- Old Ramerick, Holwellbury unadopted watercourse adjacent to 49\_1. A request to adopt and maintain 820 metres of watercourse has been received from landowner. The watercourse is overgrown with self-set trees and carries water all year around preventing the landowner from gaining access with a machine to undertake maintenance. The cost estimate to undertake maintenance works is £8,900.

The Director of Operations said the Board would experience the same constraints as the landowner regarding access. It was noted that previous requests such as this have been agreed by the Board on the basis that once the watercourse was in a good condition then the Board would adopt it and carry out future maintenance.

Discussion took place:

Mr Huckle asked how much per annum the cost of maintenance would be if the Board was to adopt the watercourse, once it was in a good condition. The Director of Operations said it would be several hundred pounds every year for flailing, but more for infrequent clearing and dredging.

Mr Brown said the Board would need to be sure about adding the watercourse to the maintenance regime as he believed it was in a very inaccessible place, at the bottom of the valley, which was always going to be a wet area.

The Director of Operation said he would provide members with a more detailed plan of the location of the watercourse.

**Members agreed:**

- **to the estimated £20,000 worth of works at Flitwick watercourses 167\_3, 167\_4 and 168\_2 between the railway and Greenfield Road being brought forward from year 3 to year 1 and included in the 2017/18 programme.**
- **that the Board offer, if ground conditions allow, to carry out the works on the unadopted watercourse adjacent to 49\_1 at Old Ramerick, Holwellbury, estimated at £8,900, at the landowner's expense.**

**Members also agreed, in principle, to the adoption of the unadopted watercourse adjacent to 49\_1 if the condition was brought up to the Board's required standard.**

**'Glyphosate (Roundup) the future?'**

The Director of Operations referred to the Chemical Spraying of Weed section of the commentary and tabled a two page document entitled 'Glyphosate (Roundup) the future?' which was a document produced by the Association of

Drainage Authorities' Technical and Environmental Committee and explained the current situation, highlighting paragraphs 3.2 and 2.2:

Following discussion the Chairman asked that officers establish what ADA's stance is and pursue the issue with them. He also asked officers to find out the position of the National Farmers Union on the subject.

## **9 ESTIMATES**

The Clerk presented the estimates, highlighting the fact that the Beds & Ivel Board's share of the Joint – Group Account - estimates was 60%.

**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**

Maintenance Estimates for the year 2017/18 – Engineer's commentary, included the following recommendation:

**The JMC to be authorised to review commuted sum income and the funding of development advice from officers.**

Discussion took place:

### **Joint – Engineering and Administration**

Security and Fire Equipment - Mr Firth asked whether the additional security equipment would bring down insurance costs. The Clerk said it would make no difference to the insurance premiums. She added that a hawthorn hedge was also to be planted on the perimeter of the site.

### **Capital and Maintenance Development Fund**

The Clerk said she had just heard that the commuted sum for Biggleswade has been received. Also, Cardington Sheds commuted sum money was likely to be received by the end of the financial year. The Director of Operations added that 16% of the commuted sum money was allocated towards recovery of engineering and administration costs.

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

The Chairman asked whether the Pix Brook works referred to in the report were separate projects. The Director of Operations said they were.

### **Maintenance**

Regarding the Director of Operation's recommendation that 'the JMC be authorised to review commuted sum income and the funding of development advice from officers', Mrs Turner was concerned about the implications of charging for advice.

The Director of Operations said the principle had worked well in the past where it had been applied, for example, Elstow Brook and the Marston Vale Surface Waters Plan. The Environment Agency also charge. Some other

drainage boards do too, usually a fixed fee for general advice. He felt it was something which should come under discussion due to the likelihood of reduced income in the future.

**The Chairman said the JMC would discuss the issue and bring a recommendation to all the Boards in the Bedford Group for uniformity.**

#### **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 Bedford Borough Council, Central Bedfordshire Council and North Hertfordshire Council due to increased development, which between the three authorities amounted to approximately £7,000.

The balance of the Occupiers Rate fund would be £769,749 and within the auditors' recommendation of no more than the total of one year's annual rate and special levy income.

### **10 TO SET THE DRAINAGE RATE FOR THE FINANCIAL YEAR 2016/17 AND TO AUTHORISE THE CHAIRMAN TO SEAL THE RATE**

**Members agreed a zero percentage increase in rate and special levy income for 2017/18 resulting in the rate of 3.95p in the pound and rate and special levy income of £912,556 and authorised the Chairman to sign and seal the rate.**

### **11 TECHNICAL REPORT (INCLUDING SCHEDULE OF CONSENTS) FOR THE PERIOD NOVEMBER AND DECEMBER 2016**

The Director of Operations presented the Technical Report and a separate document entitled Bedford to Milton Keynes Waterway Park.

#### **Wixams (land south)**

Mr Bennett asked for clarification on the last sentence in the paragraph. There was a typing error and the sentence should have read: 'However, they propose a residents' association arrangement for SuDS maintenance rather **than** Board adoption'.

The Director of Operations said officers were working with the LLFA, Central Bedfordshire Council, to put the right conditions in place if a residents' association was to take over maintenance of the SuDS. However, so far there is nothing definite as to who will carry out maintenance.

Mr Huckle was concerned there was nothing that could be done to legally enforce developers to have a maintenance regime in place.

Mr Bennett said the fact that Bedford Borough Council and Mid-Bedfordshire Council (now Central Bedfordshire Council) were signatories to the Marston Vale Surface Waters Plan should mean something.

The Chairman said he was aware of the situation and representations were being made, through ADA to Andrea Leadsom, the Secretary of State for Environment, Food and Rural Affairs and the Defra's David Cooper, Deputy Director of Flood Management.

#### **Kings Ditch, Bedford**

The Chairman said it would be good if the Kings Ditch project could be progressed as soon as possible as Bedford Borough Council has the funds available.

### **Bedford to Milton Keynes Waterway Park.**

Mr Bennett said he had, until recently, represented the Board from day one of the establishment of the Bedford to Milton Keynes Waterway Trust and ‘fought the Board’s corner’ when the Trust was a less professional body than it is now. He agreed that it was something the Board could become involved in again, especially as the actions of the Trust could impact on the Board’s activities and byelaws.

**Members agreed that the Bedford to Milton Keynes Waterway Park Trust should be invited to give a presentation to members.**

### **Environment Agency and Defra**

Mrs Turner said she was disappointed to learn that although the Public Sector Cooperation Agreement between the Board and the EA was in place, it had not yet been used.

The Clerk said the EA had been asked to carry out some modelling for the Board and, as yet, nothing had arisen for the Board to carry out on behalf of the EA.

**Members accepted the Technical Report.**

## **12 INTERNAL AUDIT**

### **(i) INTERNAL AUDIT REPORT – INTERIM REPORT ON 2016/17 AUDIT**

The Clerk presented the report of the internal auditor, David Gowing, which was a follow up of the 2015/16 audit.

In Mr Gowing’s opinion the Board continues to have good controls and he provided Adequate Assurance. The Clerk said that the main reason that the Group does not achieve Substantial Assurance is due to the small number of staff employed in the finance department. Mr Gowing audits other drainage boards in the Lincolnshire Group and some of them have the same issue.

The internal auditor had carried out the first part of the audit in December 2016 and would be returning on 1 March 2017 to complete the 2016/17 audit.

**Members accepted the Internal Auditor’s Interim Internal Audit Report dated December 2016.**

### **(ii) TO RE-APPOINT THE INTERNAL AUDITOR**

**Members approved the re-appointment of Gowing Internal Audit Services Limited as Internal Auditor to the Board.**

## **13 FINANCE REPORT for the period to 31 December 2016**

The Clerk presented the Finance Report which included:

- Receipts and Payments through the Board’s individual bank account with Lloyds from 1 April to 31<sup>st</sup> December 2016;
- Cheque/Direct Debit list;
- Investment and Bank Account Balances as at 31<sup>st</sup> December 2016;

- Income and Expenditure for the period ending 31<sup>st</sup> December 2016 and
- Balance Sheet as at 31<sup>st</sup> December 2016.

**Members approved the Finance Report.**

#### **14 TO APPROVE THE RE-REVISED FINANCIAL REGULATIONS**

**Members approve the re-revised financial regulations with the following addition to the end of the paragraph headed Ordering of Goods and Services:**

**Orders signed in the absence of the RFO or the Director of Operations should be countersigned by them on their return.**

#### **15 ANY OTHER BUSINESS AT THE CHAIRMAN'S DISCRETION**

##### **Overhead projection of Board maps/plans**

The Chairman suggested officers pursue the provision of a large screen in the boardroom. Plans of the Board's drainage district could be projected on to the screen and so aid discussion.

The Clerk said officers had been pursuing this.

##### **Invitation to Local Authority Officers to attend Board Meetings**

The Chairman suggested that Local Authority Flood Risk Officers be invited to attend Board meetings as observers.

The Clerk pointed out that data protection would need to be strictly observed and care would need to be taken when producing the Joint Management Committee meeting minutes and during Board meeting discussion.

##### **Bedford Borough Council Planning Department**

The Chairman said the Bedford Borough Council, Planning Department was very pleased with recent discussions with the Board, including discussion concerning the Local Plan.

**16 DATE OF NEXT MEETING: 5 June 2017 – Board Meeting**

The meeting closed at 3.39pm.