

**Meeting of the South Holderness Internal Drainage Board
Held On Zoom
On Tuesday 2nd February 2021 at 9.30am**

PRESENT

J Maston – Chairman – Preston
G Nettleton – Vice Chairman - Winestead
R T Williams – Ottringham
M Jackson - Ottringham
P Lount – Skeffling
A T Annison – Thorngumbald
M Cook - Thorngumbald
H Sadler – Keyingham
M Grant - Keyingham
Cllr S Steel
Cllr B Skow
Cllr J Holtby

IN ATTENDANCE R Ward (Clerk), D Moss.

1. **Apologies for absence** – R Stephenson, C Leckonby, A Styche, Cllr J Dennis, Cllr D Edwards, Cllr D Tucker, Cllr S Winters (who has verbally tendered his resignation but awaiting formal notification from ERYC)
2. **Declaration of Interest**
All Farmer members have an interest as rate payers.
Cllr B Skow express an interest in Carrs Meadows, Withernsea
3. **Minutes of the Meetings held on Tuesday 7th July 2020 and 3 November 2020**
The minutes were agreed as a true record and signed by J Maston.
4. **Matters arising therein not included on agenda**
None
- 5a/b. **Maintenance works for IDB and Maintenance Works under the PSCA**
Keyingham/Burstwick: The weeding work had started in September and by the End of November 90% of the work had been carried out and the rest completed by Christmas.
Old Fleet Drain: The outfall has been dredged by the EA but it has not been too successful Humber Work Boats are going to carry out further work but heavy rain has hampered this at the moment and work will commence when the water level has dropped to a workable level.
Cllr S Steel had been in contact with residents regarding any flooding issues and the main concern was that the flap was not working properly but otherwise levels seem to be stable and no flooding issues had been reported.
Keyingham Drain: The doors at Stone Creek needed some attention but this should have been attended too as silt jetting had been arranged to be carried out.
Ottringham Drain: TW stated that the reeds had been cleared but had an issue with them returning. It was suggested to draw up a programme to clear the reeds in the middle of the drain around August time if harvest etc. allowed. It was going to be looked into as what restrictions the EA had on the spraying of reeds and if there were options available it was proposed that a small trial area is sprayed to see how effective this was.
The right-hand side door at Ottringham needs to be looked at and would benefit from been jetted.
Skeffling: There is a small amount of dredging to complete.

- 5c. Health & Safety**
Ralph Ward stated there was no incidents to report.
- 5d. Correspondence**
A list of correspondence, received and sent, was handed out to members.
- 5e. Planning Application**
A list of applications was handed out to members and approved.
Mr H Archer, Burstwick Service Station – Comments were made on this planning regarding clarification on the drainage and surface water.
INEOS Hull – Comments were made on this planning regarding the Boards issues with the culvert which carries Preston New Drain under the site which had previously been surveyed and found to be in need of maintenance works we are awaiting a maintenance programme from Ineos for this and until the Board received this and was to their satisfaction would object to the application. It was also noted that if the culverted section was not replaced/repared and it collapsed it would be catastrophic to the community.
Pensana Rare Earths plc – Similar comments are to be made as the INEOS planning application.
- 5f. Land Drainage Act Consents**
None
- 5g. Bank Accounts**
A summary of bank account activity was given out to members. Discussions took place and this was approved.
- 5h. Accounts for confirmation**
A summary of accounts for confirmation was given out to members. Discussions took place and this was approved.
- 5i. Other Expenses**
No expenses were brought to the meeting.
- 6. (a) Rates Collected** – £112,908.98 (99%) collected to date leaving £1,230.99 outstanding. The Clerk to pursue.
- (b) Drainage Rates to Write Off – Preston Area**
It was agreed by the Board that all outstanding rates under £4.50 would be written off. The total amount being £25.77 in Preston Area. The board agreed for these to be written off
- (c) Budget 2020/2021**
Three proposals were put forward to The Board (1) The Rates stay the same (2) A 2.9% increase (3) A 6% increase.
It was proposed by G Nettleton that the rates remained the same, seconded by M Grant and agreed unanimously by The Board.

(d) Laying of the rates

It was proposed and seconded that the Drainage Board do hereby make a Drainage Rate for the purposes chargeable thereon assessed on the Annual Value of Agricultural Land and Buildings subject to the provisions of the Land Drainage Act 1991 as here under set out that is to say :-

An Occupiers' rate assessed at (as listed) in the £ for the period ending on the 31st Day of March 2022.

That the Drainage Board do hereby make a Special Levy assessed as hereunder, that is to say:-

A Special Levy chargeable to East Riding Yorkshire Council in the sum of (as listed) for the period ending on the 31st Day of March 2022.

THAT the purposes for which the said Rate AND Special Levies are made and the amount in the £. For each of the purposes are as hereunder set out. AND that the said Rate shall be payable on Demand.

AND that the seal of the Board be affixed on the said Rate and Special Levies accordingly. AND that the Clerk be and is hereby authorised to take all necessary steps to demand and collect the said Rate.

PURPOSES under the Land Drainage Act 1991 for which the Rate mentioned is made	AMOUNT of the Rate in the £. for the Occupiers Rate					
	Thorngumbald	Winestead	Skeffling	Keyingham	Ottringham	Preston
£p in the pound	5.427p/£	18.450p/£	17.365p/£	22.791p/£	8.683p/£	1.520p/£
Special Levy	£8250.59	£4959.50	£3743.04	£4396.27	£2103.74	£36096.33
Expenses of Administration under this Act.	0.02677	0.05125	0.04965	0.09266	0.03583	0.00985
Works of maintenance under the said Act.	0.0225	0.04425	0.064	0.09525	0.050	0.00535
Improvement of existing works under the said Act	0.000	0.000	0.000	0.000	0.000	0.000
New works under the said Act	0.000	0.000	0.000	0.000	0.000	0.000
Precept of the Environment Agency under the said Act	0.007	0.090	0.070	0.050	0.002	0.001
Total Expenses	0.05627	0.1855	0.18365	0.23791	0.08783	0.01620
Less Government Grants	0.000	0.000	0.000	0.000	0.000	0.000
Contributions from EA	0.002	0.001	0.010	0.010	0.001	0.001
Other Income	0.000	0.000	0.000	0.000	0.000	0.000
Total Income	0.002	0.001	0.010	0.010	0.001	0.001
£p in the pound	0.05427	0.1845	0.17365	0.22791	0.08683	0.01520

7. Internal Control Arrangements and Verification of Existing Policies.

Members had been asked to read and digest the Risk Management Policy, Financial Regulations and Standing Orders. These were discussed and their effectiveness was discussed. The Internal Control Arrangements throughout the year were discussed and found to have been followed and had been effective. Amendments were discussed and found not to be necessary.

8. Audit Findings and Actions Required

The annual report was submitted and the external auditor report comments were read out and discussed which stated the following: Except for the matters reported below, on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

- The smaller authority has confirmed that it owns fixed assets (land/outfall structures), which it believes have a negative market value in total, and that the recognition policy for those assets is to value them all at £1 in total. This policy does not give a reader of the Accounting Statements the ability to draw any meaning from the Box 9 figures stated on the AGAR or to recognise any changes in those assets year to year. The Practitioners Guide (the Guide) states that smaller authorities need to apply a reasonable approach to asset valuation which is consistent from year to year. Under this range of possible approaches, all assets are expected to carry some value, however small. In particular, the Guide states that where assets are gifted at zero cost to the authority they should each be recorded at a nominal value of £1. The smaller authority should therefore reconsider the valuation policy for all fixed assets and draw up a policy to be approved by the authority and recorded in both the authority's minutes and in the asset register. When submitting the 2020/2021 AGAR, the smaller authority should ensure that the 2018/19 comparative figure in Box 9 is restated for consistency and comparability.

They also raised the following: 'other' matters not affecting our opinion which we draw to the attention of the authority.

- Regulation 12 (3) of the Accounts and Audit Regs 2015 (signing and approval of the statement of accounts for Category 2 authorities) requires the Responsible Financial Officer as soon practicable after the date on which the authority complies with regulation 12 (2c) (re: accounts approved and signed following meeting) to do the following on behalf of the smaller authority:
 - a) commence the period for the exercise of public rights in accordance with regulation 14 and regulation 15; and
 - b) notify the local auditor of the date on which that period was so commenced.

We note that Section 1, the Annual Governance Statement was approved on 7 July 2020 and Section 2, the Accounting Statements were approved on 7 July 2020, however, the public rights period did not commence until 31 July 2020. We fully appreciate the difficulties arising as a result of coronavirus restrictions; however, please consider the requirements of the Accounts and Audit Regulations 2015, when setting the date for the approval of the AGAR in relation to the public rights period in the future years.

The annual internal audit report focuses on a series of internal control objectives covering an authority's key financial and accounting systems and concludes whether, in all significant respects, the internal control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the authority. We note that the internal auditor has not provided a conclusion on internal control objective L, or an adequate explanation where the response given is 'Not Covered'. The annual internal audit report will inform the authority's response to assertions 2 ad 6 in the annual governance statement. As a result, the authority must ensure that assurance that has not been provided via these control objectives has been sought elsewhere.

These points and comments were forwarded to Mark Hewson at J W Smith for his reference and information for next years return and duly noted.

9. Bramble House, Middle Lane, Preston – Flooding Issues/Actions

This is still an ongoing issue and further to various correspondence between Matthew and Ingrid Potter and the South Holderness IDB and various inspections and work carried out at the Boards expense a solution is still been sought to resolve the issue. Following recent investigations it has been found that a gas pipe runs along the ditch opposite and this is trying to get resolved to be able to look at cleaning it out in a safe manner. There is still an issue with riparian ownership and their responsibilities.

Following communication by Mathew Potter with Innes Thomson at ADA - Innes Thomson replied as follows:

Thank you and I note that you are situated within the IDB District boundary.

To understand the role of IDBs and their permissive powers, please do take a look at our website if you have not done so already. Similar to the Environment Agency, they do not have any duties or obligations to maintain but they do set priorities for work in conjunction with the EA, Local Authorities and IDB agricultural ratepayers. The Local Authority also has a certain say on how IDB funds are spent through their appointed members on the IDB Board.

Riparian ownership applies where a culvert or ditch lies within the property boundaries of someone's home or business. Very often, if a ditch lies between two properties, or a property and adjacent land, the ownership division is assumed to lie in the middle of the ditch with each landowner having a part responsibility for half of the ditch (or culvert) unless otherwise clearly set out in property title deeds.

I attach quite a definitive guide on the subject of Riparian Ownership produced by the Environment Agency which hopefully you will have seen.

I am really pleased that the LLFA has taken action to clear the drains which are causing you concern. You are fortunate to have a Local Authority which takes a very professional approach to flood risk management.

If you are not doing so already, there is merit in pursuing the creation of a local flood action group one for your locality or associating with one already in existence nearby, such as at Burstwick. Your local Parish Councillor would be a good starting point for this. Cllr Sue Steel (councillor.steel@eastriding.gov.uk) is both the South West Holderness Ward Councillor for Preston as well as being a Local Authority appointed IDB Board Member and who may be a good point of contact for you to engage with.

With best regards,

Innes Thomson

Ing J Innes Thomson BSc CEng FICE

Chief Executive

Following further discussions it was agreed, when covid restrictions allowed, a further site inspection would take place to try and establish from where and to the systems runs and who's responsibility it is to maintain the system. J Maston, G Nettleton, R Ward and Cllr S Steel were to liaise with relevant parties to set up a site inspection.

10. Update of Farmers use of pumps in the Keyingham Area

It was noted that an e-mail had been received from Jonathan Hodgson (as well as a number of verbal concerns from ratepayers) over their concerns regarding the Keyingham Level Drain:

'As we are all aware that KLD does not function as it once did due to factors that have been discussed many times (stoney creek out fall I believe is the main issue) however it has come more apparent that many land owners are now taking upon themselves to raise there banks on there land and pump water into KLD making the problem worse elsewhere up and down the drain. As we farm at the far east of the drain this makes the problem even worse as the water take longer to make its way through Holderness to Stoney Creek making our land that adjoins KLD is now pretty much unusable due to these practices and we feel this is unfair. Also correct me if I'm wrong landowners are legally not allowed to raise banks and pump water into the drain? They should be taking their share of the water and lowering the burden on the rest of us levy payers who do not pump into the drain. '

This needs to be bought back in line as it is causing issues with water backing up and flooding other ratepayers land for a significant period of time with access being unavailable and the land not able to be farmed.

It needed to be reiterated the importance of the proper use of the pumps and their legal obligations set out in the By-Laws and the legal action The Board could take to ensure the By-Laws are adhered to.

GN was going to talk to ratepayers involved and put The Boards legal obligations across regarding pump usage and the withdrawal for consent if required and ask that the pumps are used responsibly and concerns regarding the unauthorised raising of the banks causing raised water levels and flooding on other ratepayers land.

It was suggested barring all use of pumps and breaching the banks that had been raised in order for the land to take a share of the water.

It was also suggested that the use of the pumps be licenced and a charge made to ratepayers who wish to operate a pump with and a possible compensation scheme set up for land owners who suffer flooding and the land becomes unfarmable.

Looking at designated areas for flooding was suggested with the landowner being compensated but this raised the issue of who's land.

The Clerk would reply to Mr J Hodgson and also draft a letter to all ratepayers.

11. Update of Proposed Pumps at Stone Creek

RW and HS looking at a PTO pump from Italy.

RW to look into getting permission to discharge.

12. Update Sand Le Mere

GN has carried out culverting work with a control valve on behalf of the IDB and a temporary bridge structure has also been installed.

The ERYC are scheduled to start work, that had been delayed last year, until April 2021 but no actual date has been set.

13. New Tenders 2021/2022/2023

These are due for renewal this year – We are obliged to get three tenders for the works. The Clerk is to report back at our June Meeting. The Clerk instructed to get a price for sludging Keyingham Drain.

14. Elections – Autumn 2021

A schedule for elections drawn up and a 'Register of Electors' to be submitted at the next meeting in June.

15. Update on revising New Board Area

Still waiting on the new Environment Act – Looking at Autumn 2021 at the earliest and if it does go through it will enable the Board to fix new board and rates.

16. Update on Skeffling Managed Retreat

Very little to report The Environment Agency have now got possession of the land – The scheme will happen but at the moment there is no timescale.

17. Update on Hedon and Paull Developments

The ABP development is due to go before ERYC Planning committee this week.

Hedon Development – a decision notice has been issued for this development to go ahead – Andrew Mclachlan is going to look over this as there are concerns that the issues raised have been backtracked on and to detail what has actually got passed.

18. Update on Carrs Meadow, Withernsea

The developers are looking to officially adopt the drainage system but The Board have refused approval at this time due to system being in the wrong place and the levels and flow are incorrect and until these issues are resolved they will not be approved. Andrew Mclachlan has been asked to look into this matter on behalf of the Board to help to resolve the issue.

19. Biodiversity Action Plan

A draft updated model is now available and it was agreed by the Board to go ahead with drawing this up.

20. Any Other Business



It was with sadness that Peter Turner, a founder member of the Board, has passed away. The Board will arrange to extend their sympathy to the family on behalf of the Board Members.

An e-mail had been received from Matthew Millington/ERYC regarding trials and tests on Environmental Land Management – anybody wishing to look into taking part in this to ask for contact details.

21. Future Meetings

Tuesday 1st June 2021 at 9.30am – Venue to be confirmed

There being no Further Business the meeting was closed at 11.15am.

Chairman's Signature.......... Date..........
Mr J Maston