



Goole & Airmyn

Internal Drainage Board

**The Courtyard
Boothferry Road
Goole
DN14 6AE**

Meeting *Papers*

***Tuesday, 9 November 2021
3:00pm***



Shire

Group of IDBs

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Meeting Papers

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Purpose

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Agenda

1.	Governance	4
1.1	Apologies for Absence	4
1.2	Declaration of Interest	4
1.3	Minutes of the Meeting held 22 June 2021.....	4
1.4	Matters arising not discussed elsewhere on Agenda	7
1.5	FOI/Complaints	7
1.6	Board Key Performance Indicators.....	7
2.	Clerks Report.....	8
2.1	Legislation	8
2.2	Policy	8
2.3	Environment Agency	8
3.	Financial Report.....	9
3.1	Rating Report.....	9
3.2	List of Payments.....	10
3.3	Audit	11
3.4	Budget Comparison for the Year Ending 31 March 2022	12
3.5	Five-year Budget Estimate	14
4.	Engineer's Report	15
4.1	Asset Management	15
4.2	Maintenance.....	16
4.3	Environment Agency	16
5.	Environmental Report.....	17
5.1	Legislation	17
5.2	Policy	17
6.	Health and Safety Report	18
6.1	Accident, Incidents and near misses.....	18
6.2	Contractor Management.....	18
6.3	Risk Assessment.....	18
6.4	COVID-19.....	18
7.	Representation.....	18
8.	Date of Next Meetings	18
9.	APPENDIX A – IDB Byelaws.....	19

1. Governance

Recommendations:

- Note the information contained in this report

1.1 Apologies for Absence

1.2 Declaration of Interest

1.3 Minutes of the Meeting held 22 June 2021

Member	13.11.19	13.02.20	10.06.20	20.10.20	7.12.20	10.2.21	22.6.21
Mrs Rosemary J Webster (Chair)	√	√	√	√	√	√	√
Mr John Richard Fawbert	√	√	√	A	√	√	√
Mr Graham W Martinson	-	-	-	-	-	-	-
Mrs Rita Brough	√	√	√	√	√	√	√
Mr Mally Boatman	√	√	√	√	√	√	√
Mr Keith Moore (Vice Chair)	√	√	√	√	√	√	√
ERYC							
Mr Brent Huntington	√	√	√	√	√	√	A
Cllr Liz Sargeantson	New -	-	√	√	-	√	A
Cllr Nick Coultish	New√	A	√	-	-	A	√
Cllr David Jeffreys	New√	A	√	Unable to access	-	A	A
Cllr Barbara Jeffreys	New√	A	√	Unable to access	-	A	Resigned
Cllr Anne Handley	New√	A	√	-	A	A	A

In attendance on behalf of JBA Consulting, Clerk and Engineer:

Craig Benson (Clerk)	Clerk
Roger Smith (Engineer)	Eng.
David Blake (Finance Officer)	FO
Janette Parker (Ratings Officer)	RO

GOVERNANCE

2021.27 Apologies for Absence were received from B. Huntington, L. Sargeantson, D. Jeffreys and A. Handley.

2021.28 Declaration of Interest – None.

2021.29 Minutes of Meeting 10 February 2021 – **Minutes considered and proposed as true record by KM, seconded by RB.**

CLERK'S REPORT

2021.30 Re-constitution of Board – Clerk advised that the EA had requested clarification on the Board's intentions. The following statement was proposed - *"It was the desire of the Board to reconstitute its membership to 6 elected members and 7 nominated members, and to amalgamate the electoral districts to one district."* **Chair proposed agreement to the statement, seconded by MB and All Members in favour.**

2021.31 Environment Bill – Information noted.

2021.32 Finance Bill – Red Diesel Usage – Clerk confirmed that neither IDBs or the EA had been granted an exemption and despite lobbying by ADA on behalf of the industry, DEFRA and MPs had responded that this would stand. Discussions took place around possible implications with the Clerk adding that ADA were still lobbying and that a letter had been sent on the issue from the Board to the local MP, Andrew Percy, but that a response was still awaited.

2021.33 Policy – Revised standing orders **proposed for approval by KM, seconded by MB.**

FINANCIAL REPORT

2021.34 Rating Report – FO confirmed outstanding balance at year end had now been paid. He added that new rates for 2021/22 had been issued with 91% of rates and 50% of special levy collected to date.

2021.35 List of Payments – **Approval proposed by KM and seconded by MB.**

2021.36 Internal Audit – FO confirmed this had been completed and information sent to Members yesterday. MB queried point raised regarding non-attendance of nominated members. FO advised this was highlighted every year and that the Board needed to ensure the correct balance of attendees particularly in regard to decision making.

2021.37 Annual Governance and Accountability Return (AGAR) Section 1 – FO took members through the Return. **KM proposed approval of and RF seconded.**

2021.38 Budget Comparison – FO took members through the report. KM queried why maintenance costs were reduced and Eng. advised that more had been spent in the current year and that the previous year was reduced due to poor weather conditions. He added that a contingency was also built into the budget figures.

2021.39 Chair queried if all the bank accounts had now been transferred. FO confirmed they had and that there was one remaining account left to close.

2021.40 Accounts for the Year Ended 31 March 2021 – FO took members through the report with **approval proposed by KM and seconded by MB.**

2021.41 Annual Governance & Accountability Return (AGAR) Section 2 – FO took members through the report noting a slight error on one of the figures which he assured would be corrected. **Approval proposed by KM and seconded by MB.**

ENGINEER'S REPORT

2021.42 Hydraulic Model – Eng apologised that the proposed presentation of the model would not go ahead stating it had been postponed to the November meeting due to the modeller being on sick leave.

2021.43 Asset Management – Discussions took place around the information provided in the papers with the Eng confirming that once all the relevant information had been collated this would be presented to the Board for a decision on proposed actions.

2021.44 East Riding Local Plan - Eng confirmed he had only recently been made aware of this document and that after a brief scan was pleased to note that it highlighted information on riparian responsibilities along with several other areas that related to IDBs. KM queried if the Boards Engineer had been consulted on the Plan as Goole Town Council had not been. Eng. confirmed he had not. Discussions took place regarding the issues raised in the document. A consensus decision was reached that as soon as the Hydraulic Modeller had returned to work, an Extra Ordinary Meeting would be called to present the model findings whereupon a response could then be produced within the consultation period for the Plan. NC also advised he would arrange for a representative of East Riding Council to attend the meeting.

ENVIRONMENTAL REPORT

2021.45 Information noted.

HEALTH & SAFETY

2021.46 Information noted.

REPRESENTATION

2021.47 Information noted.

ANY OTHER BUSINESS

2021.48 Chair enquired if Oriel systems was now performing. Eng advised that issues had been experienced at Downes Ground pumping station with the Control panel not communicating as it should do. He added that the situation had improved slightly but that the telemetry system would be reviewed as the pumping stations came up for refurbishment.

DATE OF NEXT MEETING

2021.49 9 November 2021, 3.00pm at The Courtyard, Goole.

1.4 Matters arising not discussed elsewhere on Agenda

1.5 FOI/Complaints

The Board has received no complaints or FOI requests since the last meeting.

1.6 Board Key Performance Indicators

The table presents a reasonable assessment of Board status.

Goole & Airmyn IDB Key Performance Indicators		Inadequate	Work to be done	Adquate	Good	Very good
Management of the Board	Compliance with internal audit requirements					
	Governance					
	Health & safety					
	Partnership working					
	OVERALL					
Reduction of water logging and flood risk to assets	Asset management					
	Flood Risk management					
	Flooding - learning					
	OVERALL					
Environment	Biodiversity Action Plan					
	Partnership working					
	OVERALL					
Financial	Financial statements					
	Drainage rate collection					
	OVERALL					

2. Clerks Report

Recommendation:

- Note information contained in the report
- To approve the Byelaws Item 2.2.1

2.1 Legislation

2.1.1 Re-constitution of Board

Following the meeting in June, the minute of the Board's decision has been sent to the EA's legal team as requested. A request has been made for an update on the process and hopefully this will be provided before the Board meeting.

2.1.2 Environment Agency – Draft Flood Risk Management Plans

Environment Agency have published their draft Flood Risk Management Plans for public consultation, which is open for three months.

FRMPs are strategic plans that set out how to manage flood risk in nationally identified flood risk areas (FRAs) for the period 2021-2027, and are statutory plans required by the Flood Risk Regulations 2009.

<https://consult.environment-agency.gov.uk/fcrm/draft-second-cycle-flood-risk-management-plans/>

2.1.3 Finance Bill – Red Diesel Usage

Red Diesel. Data has been provided to ADA who have been lobbying HM Treasury over the imposition to use white diesel for all IDB activities. The current position is that it is very unlikely that an exemption will be given to our industry and that the Board will have to review its options when setting future budgets.

2.2 Policy

2.2.1 Byelaws

The Board are requested to approve the updated Byelaws that have been amended by DEFRA. The draft byelaws are shown in Appendix A.

2.3 Environment Agency

2.3.1 Humber FRMS 2100+

Currently undertaking a Project review with respect to the current Governance structure and identifying the work needed to embed it in respective partner organisations and across the partnership.

Also aim to agree a pathway to get consensus on the data for tidal flood risk, its implications and the likely broad scale measures needed to manage that risk for the next 100+ years.

3. Financial Report

Recommendations:

- To note the information contained in this report
- To approve the schedule of payments

3.1 Rating Report

Details of the Rates and Special Levies issued, and payments received up to and including 21st October 2021: -

	£	£
Balance Brought forward as at: 1 April 2021		33.81
2021/2022 Drainage Rates and Special Levies		
Drainage Rates		5,397.77
Special Levies – East Riding of Yorkshire Council	257,414.00	257,414.00
Total Drainage Rates Due		<u>262,845.58</u>
Less Paid: -		
Drainage Rates		5,351.32
Special Levies – East Riding of Yorkshire Council	128,707.00	128,707.00
Total Drainage Rates Paid		<u>134,058.32</u>
Balance Outstanding as at: 21 October 2021		<u>128,787.26</u>

3.2 List of Payments

Payments made since those reported at the previous meeting:

DATE		REF	PAYEE	DESCRIPTION	TOTAL	
					PAYMENT	
2021					£	
Jun	2nd	2	JBA Consulting	Management Fees - April 2021	3,872.00	
		3-5	LAW Electrical (Selby) Ltd	Pumping Station Maintenance	507.00	
		6	Oriel Systems Ltd	Telemetry Maintenance Contract - Mileage	486.20	
	4th	-	Lloyds Bank plc	Lloyds Commercial Fees	50.30	*
	15th	12	Vodafone	Telemetry Lines	32.45	*
	21st	14	Woldmarsh Producers Ltd	Supply to Downes Ground PS	2,539.57	*
				Supply to Potter Grange PS	333.86	*
				Supply to Orchard Cottage PS	506.00	*
		-	Lloyds Bank plc	Bank Fees	7.45	*
	30th		JBA Consulting	Fee Accounts: -		
		8		Management Fees - May 2021	3,782.00	
		10		IDB Modelling Study	3,571.20	
		9,15	LAW Electrical (Selby) Ltd	Pumping Station Maintenance	395.46	
Jul	5th	-	Lloyds Bank plc	Lloyds Commercial Fees	50.90	*
	14th	22	Vodafone	Telemetry Lines	50.00	*
	19th	-	Lloyds Bank plc	Bank Fees	4.12	*
	20th	23	Woldmarsh Producers Ltd	Supply to Orchard Cottage PS	454.82	*
	21st	16	Brodericks GBC	Internal Audit Fee 2020/21	1,350.00	
		21	Environment Agency	Flood Defence Levy	34,429.76	
		17	F Martinson & Son	Downes Ground PS - Debris Removal	144.00	
		18	JBA Consulting	Management Services - June 2021	4,077.56	
		74	The Courtyard	Meeting Expenses	74.00	
		20	Towergate Insurance	Insurances	10,560.19	
Aug	2nd	-	Lloyds Bank plc	Lloyds Commercial Fees	51.50	*
	6th	25	Humber Nature Partnership	Membership Fees	126.00	*
		26	LAW Electrical (Selby) Ltd	Pumping Station Maintenance	428.46	*
	13th	27	Vodafone	Telemetry Lines	50.00	*
	17th	-	Lloyds Bank plc	Bank Fees	3.38	*
	19th	24	Information Commissioner	Data Protection Registration	35.00	*
	20th	39	Woldmarsh Producers Ltd	Supply to Downes Ground PS	681.82	*
				Supply to Hook Clough PS	568.17	*
				Supply to Orchard Cottage PS	140.12	*
				Supply to Potter Grange PS	220.18	*
				Supply to Southfield Lane PS	93.77	*
				Membership Fees	108.56	*
	27th	28	JBA Consulting	Management Fees - July 2021	3,800.00	
		29	Sweeting Brothers Ltd	Downes Ground PS – Weed-cutting	964.80	
Sep	3rd	-	Lloyds Bank plc	Lloyds Commercial Fees	51.80	*
	15th	33	Vodafone	Telemetry Lines	50.00	*
	20th	-	Lloyds Bank plc	Bank Fees	2.63	*
	23rd	71	The Courtyard	Meeting Expenses (Feb 2020)	131.15	*
	27th	34	ID Spares & Services Ltd	Hook Clough PS - Weedscreen Maintenance	471.90	
		30	JBA Consulting	Management Services - August 2019	3,942.37	
		31	LAW Electrical (Selby) Ltd	Pumping Station Maintenance	263.64	
			Total Amount of all Payments		79,464.09	
			*Total Amount of Direct Debits & Cheques Approved by the Clerk Only		6,772.01	

3.3 Audit

3.3.1 Internal Audit

Nothing to report.

3.3.2 External Audit

The External Audit for 2020/21 is complete with no issues giving cause for concern that relevant legislation and regulatory requirements have not been met. A copy of the AGAR can be viewed at:

<https://www.shiregroup-idbs.gov.uk/idbs/goole-airmyn/financial/financial-documents/annual-return/>

3.3.3 Internal Audit Review Meeting

The Internal Audit Review meeting is due to take place on Monday, 22 November 2021 and will commence at 10.00am. It is expected to be a virtual meeting.

3.4 Budget Comparison for the Year Ending 31 March 2022

<u>GOOLE AND AIRMYN INTERNAL DRAINAGE BOARD</u>						
<u>ESTIMATES FOR THE YEAR ENDING 31ST MARCH 2022</u>						
2021/22				26/10/2021	2021/22	
Approved Estimate		Budget Todate			% of Budget	
£	£	£	£			
<u>INCOME</u>						
Drainage Rates on District 1:-						
196		196		4.9p in £ on Av of £4,004	100%	
Drainage Rates on District 2:-						
5,202		5,155		4.9p in £ on Av of £106,155	99%	
Special Levies						
East Riding of Yorkshire - District 1						
244,097		115,390		4.9p in £ on Av of £4,981,575	47%	
East Riding of Yorkshire - District 2						
13,317		13,317		4.9p in £ on Av of £271,778		
Other Income:-						
20,000		0		Department of Transport	0%	
250		150		Other Income	60%	
<u>0</u>	283,062	<u>5</u>	134,214	Bank Interest	0%	47%
<u>EXPENDITURE</u>						
70,926		34,430		Environment Agency Precept	49%	
7,374		7,374		Board Loans	100%	
Administration:-						
36,816		22,167		Management Fees	60%	
17,500		10,884		Other Administration Expenses	62%	
Other Expenditure						
3,500		1,040		Other Expenditure	30%	
25,000		8,839		Drain Maintenance	35%	
<u>46,324</u>	<u>207,440</u>	<u>17,321</u>	<u>102,055</u>	Pumping Stations	37%	49%
	75,622		32,159	Surplus - (Deficit)		43%
	263,740		273,890	Balance Brought Forward		
	<u>75,000</u>		<u>0</u>	Transfer to Capital Reserve Acc		
	<u>264,362</u>		<u>306,049</u>	Balance Carried Forward		116%

GOOLE AND AIRMYN INTERNAL DRAINAGE BOARD							
CAPITAL RESERVE ACCOUNT							
ESTIMATES FOR THE YEAR ENDING 31ST MARCH 2022							
2021/22				26/10/2021	2021/22		
Approved Estimate		Budget Todate			% of Budget		
£	£	£	£		£	£	
				INCOME			
0		0		Contribution from Other Accounts	0%		
0		0		Grant in Aid	0%		
0		0		PWLB Loan	0%		
0		0		Contribution to Capital works	0%		
<u>100</u>	100	<u>0</u>	0	Bank Interest	0%		
				EXPENDITURE			
		0		Catchment Flood Man Plan			
0		2,976		Catchment Modelling	0%		
0		0		Pumping station refurbishments	0%		
<u>20,000</u>	<u>20,000</u>	<u>0</u>	<u>2,976</u>	Asset Inspection	0%		
	(19,900)		(2,976)	Surplus - (Deficit)	15%		
	190,226		187,054	Balance Brought Forward	98%		
	<u>75,000</u>		<u>0</u>	Transfer from Revenue Acc	0%		
	<u>245,326</u>		<u>184,078</u>	Balance Carried Forward	75%		

Goole & Airmyn IDB	0	0	1	2	3	4	5
Revenue Account	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
	App Budget	Estimated Out-Turn					
Income	£	£	£	£	£	£	£
Drainage Rates	5,398	5,398	5,398	5,398	5,508	6,039	6,304
Special Levies	257,414	257,414	257,414	257,414	262,668	264,027	264,706
Highways England Contribution	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Other Income	250	200	200	200	200	200	200
Grant in Aid	-	-	-	-	-	-	-
Bank Interest, consents etc	-	50	50	50	50	50	50
Total Income	283,062	283,062	283,062	283,062	288,426	290,315	291,260
Expenditure							
Flood Defence Levy	70,926	68,860	70,926	70,926	70,926	70,926	73,054
Drain Maintenance	25,000	25,000	25,750	26,523	27,318	28,138	28,982
Other Expenditure	3,500	3,500	3,500	3,500	3,500	3,500	3,605
Pumping Stations	46,324	39,799	45,000	46,350	47,741	49,173	50,648
Administration	54,316	54,749	55,945	57,624	59,353	61,133	62,967
PWLB Loan	7,374	7,374	7,374	7,374	7,374	7,374	7,374
New Loan							
Total Expenditure	207,440	199,282	208,495	212,296	216,211	220,244	226,630
Surplus/(Deficit)	75,622	83,780	74,567	70,766	72,214	70,072	64,630
Balance Brought Forward	263,740	273,889	264,362	263,929	259,694	256,909	251,980
Transfer to Capital Reserve Acc	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Balance Carried Forward	264,362	282,669	263,929	259,694	256,909	251,980	241,611
Penny Rate in £	4.90p	4.90p	4.90p	4.90p	5.00p	5.00p	5.00p
Commuted Sum Balance	190,287	190,287	190,287	190,287	193,057	193,057	193,057
Capital Reserve Account	245,326	239,128	200,401	275,501	250,601	203,669	120,834
% of Expenditure	127.44%	141.84%	126.59%	122.33%	118.82%	114.41%	106.61%
	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Capital Reserve Account	Estimated Out-turn						
	£	£	£	£	£	£	£
Income							
WLM Strategy Grant							
Interest/Other income	100	50	75	100	100	100	
PWLB Loan			-	-	-	400,000	650,000
FGIA Grant			30,000				-
PS Scheme Contributions						250,000	-
Catchment Modelling- Contribution							
Total Income	100	50	30,075	100	100	650,100	650,000
Expenditure							
Catchment Modelling		2,976					
Pumping Station Asset inspection	20,000	20,000	150,000				
New Loan - Capital	-	-	-	-	-	22,032	57,835
Pumping Station Refurbishment	-	-	-	-	100,000	750,000	750,000
Total Expenditure	20,000	22,976	150,000	-	100,000	772,032	807,835
Surplus/(Deficit)	(19,900)	(22,926)	(119,925)	100	(99,900)	(121,932)	(157,835)
Balance Brought Forward	190,226	187,054	245,326	200,401	275,501	250,601	203,669
Transfer from Revenue	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Transfer from Commuted Sum							
Balance Carried Forward	245,326	239,128	200,401	275,501	250,601	203,669	120,834

4. Engineer's Report

Recommendations:

- Note the information contained in this report

4.1 Asset Management

4.1.1 Asset Management

Telemetry Provision – Oriel Systems.

The Boards current maintenance contract has expired with Oriel the agreement was for a five-year term with an annual fee of £3,142.00. The new contract for a 12-month term is £4,331.00, and £1,1189.00 increase from the previous year.

4.1.2 Pumping Stations

Downes Ground Pumping Station.

The weed screen cleaner encountered a breakdown, ID Spares were utilised to undertake the repairs and undertake a full service & inspection. The repair was a temporary fix to allow the weed screen cleaner to operate. The parts are currently on order.

Hook Clough Pumping Station.

The weed screen cleaner suffered a leaking hydraulic pipe which has been replaced, and the hydraulic oil replenished. The board received a NOTICE from ERYC with regard to the removal of graffiti from the exterior wall of the eastern face. The graffiti was classed as "explicit" and was assessed as significantly detracting from the from the visual amenity of the area.

Southfield Lane Pumping Station.

The culvert section underneath the railway (non IDB asset) has been inspected by QTS on behalf of Network Rail. The asset is just upstream of the pumping plant.

New Potter Pumping Station

Nothing to report.

Orchard Cottage Pumping Station

There is still an underlying problem with the telemetry communicating when an alarm is raised.

Weed Screen Cleaners.

There are currently 4 weed screen cleaners at 5 of the Boards pumping stations these to date have received on going periodic maintenance, with no significant issues. Board Officers have engaged with ID Spares further to implement an inspection & service programme for the near future to indicate any "wear and tear" potential problems.

LAW Electrical continue to support the Board with pumping station maintenance.

4.1.3 Hydraulic Modelling

To be discussed at the Board meeting.

4.2 Maintenance

4.2.1 Ordinary Watercourses

The watercourse maintenance programme commenced a fraction later than normal, however good progress has been made. Due to plant availability the small upstream section was completed before the main primary watercourses.

This year there has been significant weed growth within the primary watercourses which in turn increases the risk of blockages within the watercourse and problems at the pumping stations themselves as a result.

The Board's watercourse maintenance contract expires July 2022. The Board requires to consider its options moving forward.

4.2.2 Planning Applications

Between 8 June 2021 and 23 October 2021, the Board Officers have reviewed planning applications which may affect the Board and commented on 6 of these.

4.2.3 Land Drainage Act 1991 Section 23 and 66 (20th Byelaws) Consents

1 consent application has been granted between 8 June 2021 and 23 October 2021. Two more remain on hold awaiting further information from the applicant and one more is currently under consideration.

Following the last previous Board meeting when the ERYC DRAFT Local Plan was discussed a response on behalf of the Board was submitted.

Board Officers continue to enforce the Boards byelaws with regard to surface water discharge and proposed structures within 9.0 metres of a watercourse either through ERYC planning portal or directly with the proposed applicant.

4.2.4 LDA 1991, Section 23 breach

Nothing to report.

4.3 Environment Agency

4.3.1 NaFRA2

Nothing to Report.

5. Environmental Report

Recommendation:

- Note the information contained in this report

5.1 Legislation

The Environment Bill concluded Lords Committee stage on Wednesday 14 July. The Bill will commence Lords Report Stage after Summer Recess in September. Lords Report Stage commenced 6 September, it has received its third reading and consideration has been given to proposed amendments.

Acting as one of the key vehicles for delivering the bold vision set out in the 25 Year Environment Plan, the Environment Bill brings about urgent and meaningful action to tackle the environmental and climate crisis we are facing. This landmark Bill will enhance wildlife, tackle air pollution, transform how we manage our resources and waste and improve the resilience of water supplies in a changing climate to ensure the environment is left in a better state than that in which it is currently found.

5.2 Policy

5.2.1 Biodiversity Action Plan

On the weekend of 14/15th August Target Action 5.1 was undertaken associated with monitoring known water vole populations within the District.

Towns Drain was resurveyed from its furthest extent within the west of the district. The drains had not yet received flail mowing and to a great extent the channel was dry. However, drain access was possible as a result of the conditions and overhanging vegetation could be pushed back in order to look for water vole field signs. Various bank holes were noted although to a great extent, as no obvious “mowing” by water vole around burrow entrances was identified, it is only possible to say evidence of a burrowing mammal was seen. One good field sign was the evidence of three separate latrines which relatively fresh droppings were noted, indicating the continued presence of the species within this drain.

Southfield Lane Drain was surveyed. Again, maintenance had not yet been undertaken and the channel was dry along its length and adjacent to the Whin Croft housing estate. Channel access was possible due to the dry conditions and pushing back vegetation revealed two latrines, a positive identification of water vole activity. Approximately 4km of drain surveyed.

It is intended to recommence surveys early spring before vegetation starts growing vigorously or possibly earlier if the winter is mild as water vole can be active all year.

6. Health and Safety Report

Recommendations:

- To note the information contained in the report

6.1 Accident, Incidents and near misses

There are no accidents or incidents to reported since the last meeting.

6.2 Contractor Management

Nothing to report.

6.3 Risk Assessment

There have been no requirements to review or create new risk assessments since the last meeting.

6.4 COVID-19

As the country slowly comes out of the lockdown restrictions, the Board's day to day activities remain virtually unaffected.

Board operations

During this period, the Board's day to day activities have not been adversely affected.

7. Representation

Officers represent the Board in several fora:

Environmental	Flood Risk Management	Other
Humber Estuary Relevant Authorities Group	Humber Flood Risk Management Steering Group	
Humber Nature Forum	Comprehensive Review Humber FRMS working group	

8. Date of Next Meetings

8 February 2022

21 June 2022

8 November 2022

9. APPENDIX A – IDB Byelaws

The draft byelaws can be found over the following pages.

**LAND DRAINAGE BYELAWS
GOOLE & AIRMYN INTERNAL DRAINAGE BOARD**

INDEX

Preamble

1. Commencement of Byelaws
2. Application of Byelaws
3. Control of Introduction of Water and Increase in Flow or Volume of Water
4. Control of Sluices etc
5. Fishing Nets and Angling
6. Diversion or Stopping up of Watercourses
7. Detrimental Substances not to be Put into Watercourses
8. Lighting of Fires
9. Notice to Cut Vegetation
10. No Obstructions within 9 Metres of the Edge of the Watercourse
11. Repairs to Buildings
12. Control of Vermin
13. Damage by Animals to Banks
14. Vehicles not to be Driven on Banks
15. Banks not to be Used for Storage
16. Not to Dredge or Raise Gravel, Sand etc
17. Fences, Excavations, Pipes etc
18. Tidal Outfalls
19. Interference with Sluices
20. Mooring of Vessels
21. Unattended Vessels
22. Removal of Sunken Vessels
23. Navigation of Vessels
24. Damage to Property of the Board
25. Defacement of Notice Boards
26. Obstruction of the Board and Officers
27. Savings for Other Bodies
28. Saving for Crown Lands
29. Arbitration
30. Notices
31. Limitation
32. Revocation
33. Interpretation

Common Seal

Penalty Note

Amended November 2021

GOOLE & AIRMYN INTERNAL DRAINAGE BOARD BYELAWS

The Goole & Airmyn Internal Drainage Board (“the Board”) under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:-

- a) securing the efficient working of the drainage system in their District,
- b) regulating the effects on the environment in the Board’s district of a drainage system, or
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of the Act,

together, “the Purposes”;-

1. Commencement of Byelaws

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

2. Application of Byelaws

- (a) These Byelaws shall have effect within the District;
- (b) the watercourses referred to in these Byelaws are watercourses and drainage works which are for the time being vested in or under the control of the Board.

3. Control of Introduction of Water and Increase in Flow or Volume of Water

No person shall for any purpose, including as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District [Area] so as to directly or indirectly increase the flow or volume of water in any watercourse in the District [Area] (without the previous consent of the Board).”

4. Control of Sluices etc

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the District or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Board with a view to securing or furthering one or more of the Purposes.

5. Fishing Nets and Angling

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw “nets” includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

6. **Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Board, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

7. **Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. **Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees, growing on land forming the banks of the watercourse.

9. **Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Board requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. **No Obstructions within 9 Metres of the Edge of the Watercourse**

No person without the previous consent of the Board shall erect any building or structure (including a fence), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.

11. **Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. **Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Board by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. **Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Board to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Board.

14. **Vehicles not to be Driven on Banks**

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

15. **Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Board or the right of the Board to deposit spoil on the bank of the watercourse.

16. **Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Board dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

17. **Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Board -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.

18. **Tidal Outfalls**

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish or other object or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

19. **Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

20. **Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

21. **Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

22. **Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Board serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

23. **Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to injure the bank of any watercourse and where the Board have by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited.

Provided that the Board shall not exercise their powers under this Byelaw so as to limit the speed of -

- (a) vessels in any tidal waters except after consultation with the Department for Transport, or
- (b) vessels navigating waterways of the Canal and River Trust for which speed limits are prescribed by the Byelaws of such Trust.

24. **Damage to Property of the Board**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Board.

25. **Defacement of Notice Boards**

No person shall deface or remove any notice board, notice or placard put up by the Board.

26. **Obstruction of the Board and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Board exercising any of his functions under the Act or these Byelaws.

27. **Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or of any navigation, harbour, conservancy or local authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
 - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
 - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
 - (iv) any navigation, harbour or conservancy authority;
 - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic (including passengers) thereof;
 - (vi) any local authority;
 - (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (viii) any undertaking engaged in the operation of a telecommunications system;
 - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986;
 - (x) the Civil Aviation Authority and any subsidiary thereof;

- (xi) the Canal and River Trust;
- (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
- (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
- (e) affect any liability arising otherwise than under or by reason of these Byelaws.

28. **Saving for Crown Lands**

- (a) Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.
- (b) Nothing contained in any of the foregoing byelaws should be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the seashore.

29. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board, he may within 21 days after the service of such notice on him give to the Board a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Board the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Board the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;
- (b) where by or under these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Board shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the

arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;

- (c) where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Board such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Board may consider appropriate and where any dispute arises as to whether in such a case the consent of the Board is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Board be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

30. **Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these Byelaws shall be served or given in the manner prescribed by section 71 of the Act.

31. **Limitation**

- (a) Nothing in these Byelaws shall authorise the Board to require any person to do any act, the doing of which is not necessary for securing or furthering one or more of the Purposes or to refrain from doing any act, the doing of which does not affect the environment or adversely affect either the efficient working of the drainage system of the District or the effectiveness of flood risk management within the District.
- (b) If any conflict arises between these Byelaws and
 - (i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Board's duties with respect to the environment), or
 - (ii) the Conservation of Habitats and Species Regulations 2017, as amended¹the said Act and the said Regulations shall prevail.

32. **Revocation**

The Byelaws made by the Board on the 27th day of June 2011 are hereby revoked.

33. **Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

"the Act" means the Land Drainage Act 1991;

"Animal" includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

¹ SI 2017/1012

"Bank" includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

"Board" means the Goole & Airmyn Internal Drainage Board;

"Consent of the Board" means the consent of the Board in writing signed by the Clerk for the time being of the Board or other duly authorised officer;

"District" means the area under the jurisdiction of the Board;

"Occupier" means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

"Owner" includes the person defined as such in the Public Health Act 1936;

"Relevant Railway Asset" means

(a) a network, operated by an "approved operator" within the meaning of section 25 of the Planning Act 2008,

(b) a station which is operated in connection with the provision of railway services on such a network,

or

(c) a light maintenance depot

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, ("railway" not having its wider meaning) and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

"The Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"Vegetation" means trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growths;

"Vessel" includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

"Water control structures" means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, pump or pumping machinery;

and other expressions shall have the same meanings as in the Act.

THE COMMON SEAL OF THE

**GOOLE & AIRMYN INTERNAL DRAINAGE BOARD was hereunto affixed on the 9
November 2021**

in the presence of:

Chairman

Clerk

PENALTY NOTE

By section 66(6) of the Land Drainage Act 1991 every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in section 122 of the Sentencing Act 2020 and a further fine not exceeding Forty pounds for every day on which the contravention or failure is continued after conviction. By section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Board may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

(N.B. This note may accompany the Byelaws, but is not part of them)



Shire

Group of IDBs

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