



**River Lugg**  
Internal Drainage Board

**Virtual Meeting**

***Microsoft Teams***

Log-in Instructions to be issued nearer the date

**Meeting Papers**

***Wednesday 24 November 2021, 11:00***



**Shire**

Group of IDBs

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**@ShireGroupIDBs**

## Meeting Papers

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Rating Officer - Janette Parker

## Purpose

These meeting papers have been prepared solely as a record for the Internal Drainage Board. JBA Consulting accepts no responsibility or liability for any use that is made of this document other than by the Drainage Board for the purposes for which it was originally commissioned and prepared.

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# 1. Governance

## 1.1 Declaration of Interest

Board Members are advised to declare a pecuniary or non-pecuniary interest on any item in the Agenda.

## 1.2 Apologies for Absence

## 1.3 Chair's Announcements

## 1.4 Minutes of the meeting held on 12 May 2021

### Members Present:

Elissa Swinglehurst	Chair
Charles Pudge	Vice Chair
Sebastian Bowen	SB
Christy Bolderson	CB
John Cawley	JC
Zita Chilman	ZC
Malcolm Davies	MD
Noorissa Davies	ND
John Hardwick	JH
James Hereford	JH
Peter Jinman	PJ
Trish Marsh	TM
Kenneth Mitcheson	KM
David Summers	DS

### In attendance on behalf of JBA Consulting

<b>Officer:</b>	Craig Benson	Clerk
	Anne-Clare Landolt	Engineer
	David Blake	Finance Officer
	Janette Parker	Rating Officer

### Members of the Public in Attendance

Jenni Gowan  
Lyn Langford

Chair opened meeting and invited Vice Chair to speak before proceeding with Agenda.

**2021.32** Vice Chair advised that previous Board Member Leonard Chase had recently passed away adding that he had been Chairman of the Board from January 1986 to January 2007. He confirmed that he had completed an article for the ADA Gazette and that a letter of condolence had been sent to his family.

**2021.33** Vice Chair confirmed to members that he and the Chair had recently made a presentation of a pastel painting of the River Wye to Les Harrison who had recently retired as the Board's Engineer and that a thank you letter had been received from his wife as his illness had deteriorated.

A minute silence was observed by Members in memory of Leonard Chase.

#### Declaration of Interest

**2021.34** None.

#### Apologies for Absence

**2021.35** Apologies for absence were received from Roger Phillips, Richard Corbett, John Stone and Nicholas Eynon. Late notifications of apologies were received from James Makin and John Harrington.

#### Introductions

**2021.36** At the invitation of the Chair the Clerk gave a brief introduction on members of the new Management Team. This included the new Engineer to the Board, Anne-Clare Landolt, who he explained had over 26-years' experience most recently at the Environment Agency and Forestry Commission.

**2021.37** Chair advised she had received correspondence from Wellington Parish Council by way of an introduction and highlighting several issues that would likely be a cost to the Board however, she stated that due to the end of the transition period and the pandemic she hoped this could result in a meeting in the near future to discuss the issues raised.

**2021.38** Chair raised the issue of the Government Consultation surrounding red diesel, indicating that the removal would mean increasing costs or a reduction in the work carried out by the Board and that as neither of these was a viable option the issue was being pushed further with Ministers.

#### Minutes of the Meeting held on 21 January 2021

**2021.39** Minutes of the meeting held 21 January 2021 were considered. Chair proposed to sign as true and correct record, all members in agreement.

#### Matters arising not discussed elsewhere on Agenda

**2021.40** None.

#### Complaints/FOI/EIR requests

**2021.41** None received.

#### CLERK REPORT

**2021.42** Policy – Clerk advised that revised Standing Orders signed by Ministers had just been received from DEFRA regarding the ability to allow IDBs to hold virtual meetings as and when required and that these had been circulated to Members just prior to this meeting. He asked for confirmation that Members had received and indicated that formal approval was required. **Approval proposed by JH and seconded SB.**

**2021.43** Legislation – Clerk stated that the Environment Bill would be going through the next parliament which would give IDBs the option for extended boundaries which this Board may consider moving forwards to enable being in control of full catchment area.

**2021.44** Meeting Dates – Clerk advised that he was aware from the Chair of the need to look at meeting dates in order to allow more Members to attend. He advised the critical dates where the Board needed to meet its legal requirements, as set out in the papers provided, and suggested that three meetings were held in line with these requirements and that the Board's regular Tour of Inspection could be held at a time to suit as a more informal meeting. Vice Chair commented that meetings were not possible on a Thursday due to Council meetings and that the day of the meeting was more important than the month. Chair proposed a Wednesday then JH stated he was Chair of Planning Committee which met on a

Wednesday but he had no objections provided these dates were considered. Chair suggested Clerk liaised with JH regarding these dates. DS suggested that the times of the meeting could be amended. Clerk acknowledged the Boards comments, advising that other IDBs planned the following year's meetings at their November meeting adding that November 10<sup>th</sup> was currently available for a meeting to be held but that he would liaise with JH regarding the planning dates after the meeting.

- 2021.45** Board Member Training – Clerk advised that the training held in March would be noted by the External Auditor. Chair enquired what other training was available, requesting a list be emailed to all Members so interest could be confirmed. Clerk agreed this would be sent.

## FINANCIAL REPORT

- 2021.46** Rating Report – RO advised closing balance for the year ending 31<sup>st</sup> March 2021 was £13,576.82 which was a marked increase on the previous year, in part believed due to the Covid pandemic with the % increase being similar to other Boards within the Shire Group. RO then referred members to Appendix B noting that 22 accounts which had no land attached required approval to remove current balances which would increase the amount outstanding to £13,758. **Approval proposed by Vice Chair, seconded by SB.** RO then advised members of the collection process that would be undertaken to reduce the outstanding balance stating that a reminder would be issued in September, a second reminder in October with a Solicitors Letter being issued after that before any necessary Court action was undertaken.
- 2021.47** Audit – Information noted.
- 2021.48** Risk Register – FO advised that the items in red had been amended since the last meeting and took members through the changes. JH queried the costs associated with the change from Red diesel to white. Clerk confirmed there would be a 50% increase and that this may not be feasible for some of the smaller contractors which was a concern for the whole industry. PJ queried why the register was in red regarding the Engineer when they had just been introduced to the new appointee and surely there should be a backup in place which would reduce the risk. FO confirmed that JBA had an extensive list of Engineers who could assist if necessary explaining that the report had been produced by the previous Management Company and going forward would be reviewed and changes incorporated. He then asked members to confirm if they were prepared to approve as it stands on the basis that it would be reviewed and amended as appropriate. **Approval proposed Vice Chair, seconded JH.**
- 2021.49** Annual Governance and Accountability Return (AGAR) Section 1 – Approval proposed by Vice Chair, seconded SB, all Members in agreement.
- 2021.50** Accounts for the Year Ending 31 March 2022 – FO referred members to the additional report provided with the meeting papers advising the Board was in a healthy financial position with a balance of £141,870 which equated to a 66% level compared to annual expenditure. Vice Chair pointed out that the Board had a good success rate with outstanding rates and that Members and the Engineer would visit ratepayers stating that a list of those outstanding would be helpful at the next meeting. **FO advised approval of Accounts was required, proposed Vice Chair, seconded JH, all Members in agreement.**
- 2021.51** Budget Variance Report – FO advised information for note, confirmed the rates set for the current year and that there would be a uniform rate across districts the following year. PJ asked how the rate set compared with other Boards. Clerk advised this was dependent on the nature and area of the IDB stating that another Board within the Group was a similar size with regard watercourses and had a rate of 12.5p, there was a small Board with one pumping station with a rate of 19p and a larger Board with a rate at 8.75p which had recently had a

tremendous amount of development which had reduced the rate. Clerk continued adding that the Board could set a reserve policy level which would help with budgeting and that a five-year budget was produced for other Boards which gave an idea of future costs and rates. Chair suggested a reserve be put in place with regard the issues surrounding red diesel and that a buffer to cover any uplift in costs would mean they could continue work as is. Clerk said this could be considered in the budget pointing out that the current maintenance contract expired at the end of March so a compliant tender needed to be prepared and additional costs could be expected due to the red diesel issue. Vice Chair stated with regard increase in costs the Board were consistently under spending due to either the weather or the recent pandemic and they had the option to increase the rate or borrow funds and felt whilst it needed monitoring it was not of a great concern.

**2021.52** Annual Governance and Accountability Return (AGAR) Section 2 – Approval proposed by Vice Chair, seconded PJ, all Members in agreement.

**2021.53** Schedule of Payments – **Approval proposed by Chair, seconded SB, all Members in agreement.** PJ queried amount paid for ADA subscription stating it was a substantial amount and what did the Board receive for that. Clerk advised that ADA did significant amount of work behind the scenes that Boards not necessarily aware of including lobbying of Government, as in the case of the red diesel issue. He added that he had been a member of the ADA policy & finance committee on two occasions and had worked on the rating issue that was currently going through the Environment bill which had an impact on the whole industry. He pointed out that the subscription fee was based on the size of the Board and its annual value. Vice Chair added that they received value for money as ADA were very approachable and had received plenty of advice over issues raised. JH concurred stating that they provided the IDBs connection to Government.

**2021.54** Chair asked DS for clarification on issue raised regarding River Lugg. DS said aware don't manage whole of Lugg area but queried if there was a document showing which parts were maintained. Chair confirmed map on website and said could be issued to Parish Councils and other parties. Clerk to arrange. JC confirmed that all members had been given a map so should be available to all council members.

## ENGINEERS REPORT

**2021.55** Eng. advised report was prepared by Les Harrison and for information. She confirmed she had started work last week and had already made contact with the Board's contractors.

**2021.56** Clerk referred to Item 4.2.1 advising that the EA had produced an annual maintenance programme which would show any works planned within the Board's area and that a new Riparian Rights document had been produced which replaced the previous Living on the Edge document and links to these had been provided in the papers.

**2021.57** Vice Chair gave his apologies to Engineer over their missed meeting and advised that the Board would support her in her role.

**2021.58** PJ advised that riparian rights were rising up the agenda at the Council so believed this issue would become more prevalent and stated that entering of land should be undertaken diplomatically and with biosecurity measures in mind as had problems in the area with TB. JH advised that both the Board and EA had permissive powers to enter land but that the EA had not been doing as much work as previously undertaken.

**2021.59** Chair queried if the programme of works was back to where it should be following the pandemic. Clerk confirmed a programme had been provided by Les Harrison and that any watercourses not completed were part of the current year programme.



**2021.60** DS queried about any legal concerns surrounding closed watercourses stating had issues with flooding within his area. JH pointed out that would always be a drainage authority and if not within the Board's area then the appropriate Council would have responsibility. Clerk confirmed that it would still come back to the riparian owner and landowners on both sides of a watercourse have the responsibility to keep clear.

**2021.61** Clerk referred to comments JH made regarding the EA and reduced level of works pointing out that himself and the Chair had recently attended a partnership meeting with the EA and would develop that relationship and encourage them to undertake works with the possibility of the Board also undertaking work under PSCA's.

## **HEALTH, SAFETY AND WELLBEING**

**2021.62** Information noted.

## **ENVIRONMENTAL ADVISER'S REPORT**

**2021.63** Information noted. Clerk encouraged members to read the report stating it was a very comprehensive report showing the work that could be done.

## **Any Other Business**

**2021.64** Chair referred to Tony Norman and the Black Poplars he was looking to move stating that that the Board could assist him further and requested the Clerk make contact to discuss adding that she was aware of existing catchments of Black Poplars that would be pleased to receive more. Clerk confirmed he would action stating that it would be a good legacy for Les Harrison who was keen on getting them planted.

## **Date of Next Meetings**

**2021.65** Clerk confirmed he would email proposals to members for consideration. JH advised that the Council Planning meeting was booked for 17<sup>th</sup> November and proposed that the Clerk's earlier suggestion of Wednesday 10<sup>th</sup> November would be okay. All members confirmed okay with date for 11.00am start.

**2021.66** Chair thanked all for attending and contributions and closed meeting at 12.20pm.

## **1.5 Matters arising there from not elsewhere on Agenda**

## **1.6 Complaints/FOI/EIR requests**

None received.



## 2. Clerk report

### Recommendations:

- To note the information contained in this report
- To approve the revised Byelaws 2.1.2

## 2.1 Policy

### 2.1.1 Byelaws

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

## 2.2 Legislation

### 2.2.1 Finance Bill

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.

### 2.2.2 Environment Agency – Draft Flood Risk Management Plans

The 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/>

## 2.3 Association of Drainage Authorities

### 2.3.1 AGM & Conference

This year's annual conference was held on Wednesday 10th November 2021 via Microsoft Teams conference platform.

There were 143 in attendance.

#### OPENING ADDRESS

**Robert Caudwell**

Chair, ADA

- Environment Bill received Royal Ascent yesterday.

#### OPENING ADDRESS

**Rebecca Pow MP**

Minister for the Environment, Department for Environment, Food & Rural Affairs

- Video message and unable to attend the conference.

- Net Zero commitment by 2050
- New Environmental Targets consultation next year
- Removing barriers for new IDBs and extending boundaries
- Drainage and Waste Water Management Plans – Requirement for Water Authorities
- Water Companies must reduce the discharge of sewage
- Reforming Abstraction Plan – licensing likely to move into EA Permitting System
- Under-used or harmful abstractions removed without compensation.
- EA developing a new National Guide on riparian responsibilities etc.
- Must improve water environment, adapt to climate change, and halt biodiversity loss

Reviewing Schedule 3 of F&WM Act 2010 SuDS approvals etc.

### **KEYNOTE PRESENTATIONS**

#### **Sir Dieter Helm CBE**

Professor of Economic Policy at the University of Oxford and Fellow in Economics at New College, Oxford and Independent Chair of the Natural Capital Committee

- Video message and unable to attend the conference.
- Natural capital assets
- To try to provide future generations with the benefits we see today
- Catchment as a system, all physical assets + natural capital, health & wellbeing etc.
- Maintain the assets first before considering enhancements / improvements

#### **Lord De Ramsey**

ADA President

A closing address from the president's last term.

### **2.3.2 ADA Marches Branch AGM**

We have not been notified when the next meeting of the Marches Branch will take place. The AGM usually happens in November each year. As soon as any information is received, this will be sent out to members.

## **2.4 Training**

A list of available training courses for members is shown below. These can be delivered on the same day as the Board meeting.

IDB Governance

Riparian Responsibilities

Declaration of Interest

IDB Procedures

Environmental Responsibilities

It is also recommended that a short presentation is given to members on the benefits of producing an hydraulic model of the Board's district.

## 3. Financial Report

### Recommendations:

- To note the information contained in this report
- To approve Drainage Rate Refund at Item 3.1.2
- To approve the list of payments

### 3.1 Rating Report

Details of the Rates and Special Levies issued, and payments received up to and including 9 November 2021: -

	£	£
Balance Brought forward as at: 1 April 2021		13,576.82
<b>2021/2022 Drainage Rates and Special Levies</b>		
Drainage Rates		96,142.64
<b>Special Levies</b>		
Herefordshire District Council	138,007.00	138,007.00
<b>Total Drainage Rates Due</b>		<b><u>247,726.46</u></b>
<b>Less Paid: -</b>		
Drainage Rates		88,621.55
Herefordshire District Council	138,007.00	
<b>Total Drainage Rates Paid</b>		<b><u>226,628.55</u></b>
<b>Rate Adjustments</b>		<u>166.63</u>
<b>Balance Outstanding as at: 9 November 2021</b>		<b><u>21,264.54</u></b>

#### 3.1.1 Debtor Updates

80.7% of agricultural drainage rates have been collected to date.

Final Demands have been issued to 70 ratepayers.

The list of outstanding debtors requested by the Vice Chairman at the previous meeting under **Item 2021.50** will be provided to Members shortly before the meeting as this is subject to change due to the above.

#### 3.1.2 Refund for Overpayment

Officers have received a refund request from a ratepayer who has had an outstanding query for some years in respect of a change to the annual value of their land. Previous Board Officers reduced the annual value in 2017 from £2,093 to £473 and yet no explanation for this was provided to the ratepayer.

Recent investigations have revealed that business rates are being paid on a section of the land held and therefore the Board cannot levy a drainage rate charge on this section. The ratepayer has been informed that, as per the legal rights of the Board, only 6 years can be claimed for. As drainage rates have been raised correctly since 2017 then a refund period of 2 years remains with a total overpayment made of £263.25.

**Officer's recommendation is that the £263.25 be refunded.**

## **3.2 Audit**

### **3.2.1 Internal Audit**

Nothing to report.

### **3.2.2 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/river-lugg-idb/financial/financial-documents/annual-return/>

### **3.2.3 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.

### 3.3 Budget Comparison for the Year Ending 31 March 2022

River Lugg Internal Drainage Board						
BUDGET FOR THE YEAR ENDING 31ST MARCH 2022						
	2021/22				2021/22	
Approved Estimate		Actual Todate		10 November 2021		
£	£	£	£			
				<b>INCOME</b>		
				<b>Lugg District Drainage Rates on Agricultural Land:-</b>		
87,011				9p in £ on AV of £966,787		
				<b>Wye District Drainage Rates on Agricultural Land:-</b>		
9,129				8.5p in £ on AV of £107,403		
<b>96,140</b>		<b>88,689</b>			92.25%	
				<b>Lugg District Special Levy:-</b>		
				Herefordshire Council		
119,664				9p in £ on AV of £1,329,603		
				<b>Wye District Special Levy:-</b>		
				Herefordshire Council		
18,344				8.5p in £ on AV of £215,807		
<b>138,008</b>		<b>138,008</b>			100.00%	
2,940		0		Contribution to Maintenance	0.00%	
100		0		Consents	0.00%	
<b>75</b>	<b>237,263</b>	<b>11</b>	<b>226,708</b>	Interest etc	14.53%	<b>95.55%</b>
				<b>EXPENDITURE</b>		
7,000		0		Biodiversity Action Plan- Ecological Consultant	0.00%	
150,000		74,197		Maintenance	49.46%	
20,550		8,594		Administration	41.82%	
<b>55,700</b>	<b>233,250</b>	<b>27,850</b>	<b>110,642</b>	Management Services	50.00%	<b>47.43%</b>
	4,013		116,066	Surplus - (Deficit)		
	<b>125,228</b>		<b>141,870</b>	Balance Brought Forward	113.29%	
	<b>129,241</b>		<b>257,936</b>	Balance Carried Forward	<b>199.58%</b>	

### 3.4 Five Year Budget Estimate

River Lugg IDB	0	0	1	2	3	4	5
Revenue Account	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
	Approved Budget	Estimated Out Turn					
	£	£	£	£	£	£	£
<b>Income</b>							
Drainage Rates	96,140	96,137	96,137	96,137	96,137	96,137	96,137
Special Levies	138,008	138,008	139,087	139,087	139,087	139,087	139,087
Contribution to Maintenance	2,940	3,028	3,028	3,028	3,119	3,119	3,119
Bank Interest, Other Contributions	175	175	180	185	190	200	210
Foreign Water Contribution	17,922	17,922	18,280	18,829	19,394	19,976	20,575
<b>Total Income</b>	<b>255,185</b>	<b>255,270</b>	<b>256,713</b>	<b>257,266</b>	<b>257,927</b>	<b>258,519</b>	<b>259,128</b>
<b>Expenditure</b>							
Flood Defence Levy	17,922	17,922	18,280	18,646	19,019	19,399	19,787
Maintenance of Drains	150,000	150,000	154,500	156,818	159,170	161,557	163,981
Additional Maintenance	-	-	-	-	-	-	-
Biodiversity Action Plan- Ecological Consultant	7,000	7,000	7,000	7,000	7,000	7,000	7,000
Management Services	55,700	55,700	56,536	57,384	58,244	59,118	60,005
Administration	20,550	10,664	11,877	12,054	12,415	12,786	13,167
-Tender for Administration	6,000	6,000					
-Audit	2,000	2,000	2,040	2,101	2,164	2,229	2,296
-Insurance	2,400	2,714	2,768	2,851	2,937	3,025	3,116
-Policy & Strategic Consultation	3,250	1,250	1,275	1,313	1,353	1,393	1,435
-Subscriptions & Conferences	3,300	2,700	2,754	2,837	2,922	3,009	3,100
-Office Expenses	2,750	2,000	2,040	2,101	2,164	2,229	2,296
-District Inspections	850	-	1,000	850	875	900	925
<b>Total Expenditure</b>	<b>251,172</b>	<b>241,286</b>	<b>248,193</b>	<b>251,901</b>	<b>255,848</b>	<b>259,861</b>	<b>263,940</b>
Surplus/(Deficit)	4,013	13,984	8,519	5,365	2,079	(1,342)	(4,812)
Balance Brought Forward	125,228	141,870	155,854	164,373	169,739	171,817	170,476
<b>Balance Carried Forward</b>	<b>129,241</b>	<b>155,854</b>	<b>164,373</b>	<b>169,739</b>	<b>171,817</b>	<b>170,476</b>	<b>165,663</b>
<b>Penny Rate in £</b>	<b>9.00p</b>	<b>9.00p</b>	<b>9.00p</b>	<b>9.00p</b>	<b>9.00p</b>	<b>9.00p</b>	<b>9.00p</b>
<b>Reserve Level (%)</b>	<b>51%</b>	<b>65%</b>	<b>66%</b>	<b>67%</b>	<b>67%</b>	<b>66%</b>	<b>63%</b>
Rate Av £1,074,190							
Levy Av £1,545,410							

### 3.5 Schedule of Payments

All payments made since those since the new Clerks took office are shown below.

DATE		REF	PAYEE	DESCRIPTION	TOTAL
					PAYMENT
2021					£
Apr	1st	n/a	John Meredith Plant Hire	Maintenance	9,000.00
		n/a	Les Harrison	Expenses	96.30
	6th	n/a	John Meredith Plant Hire	Maintenance	3,666.95
		n/a	PC Health & Safety Services	Health and Safety Advisory Service	1,200.00
	7th	-	Hoople Ltd	Sage Zero Fees	24.00
	14th	n/a	William Watson Ecological Consultants	Ecological Advisor's Fees	576.00
	30th	1	C&J Pudge	Leaving Gifts	465.00
May	7th	-	Hoople Ltd	Sage Zero Fees	24.00
	19th	2	John Meredith Plant Hire	Maintenance	9,717.61
Jun	7th	-	Hoople Ltd	Sage Zero Fees	24.00
	8th	3	JBA Consulting	Management Services - April 2021	6,792.00
	16th	4	John Meredith Plant Hire	Maintenance	5,905.30
Jul	9th	5,7	JBA Consulting	Management Services - May & June 2021	11,104.96
		8	John Meredith Plant Hire	Maintenance	7,323.16
		6	SWAP Internal Audit Services	Internal Audit Fee 2020/21	1,440.00
	20th	-	JAJ Rogers	Rate Refund	558.27
Aug	12th	9	John Meredith Plant Hire	Maintenance	9,392.29
	24th	10	JBA Consulting	Management Services - July 2021	5,570.00
		11	Towergate Insurance Brokers	Insurances	2,713.54
Sep	30th	13	John Meredith Plant Hire	Maintenance	27,957.73
		12	JBA Consulting	Management Services - August 2021	5,642.87
Oct	5th	14	Newsquest Media Group	Advertising - Tenders & Contracts	165.12
	22nd	15	John Meredith Plant Hire	Maintenance	28,740.84
	26th	16	PKF Littlejohn	Audit Fee 2020/21	720.00
		17	JBA Consulting	Management Services - September 2021	5,599.26
			<b>Total</b>		<b>144,419.20</b>



## 4. Engineer's Report

### Recommendations

- To note the information contained in this report
- Agreement from Board that the authority be given to the evaluation panel to make a decision on successful contractor

### 4.1 Water Level Management

#### 4.1.1 Maintained Ordinary Watercourses

**Spend to end of October £90,483**

##### **Spraying programme**

Spot spraying of watercourses commenced in April. 75% of planned programme complete.

Weather was wet in May and 2<sup>nd</sup> half of June. They did manage to do some spraying in July but then the vegetation was getting too overgrown.

There were also issues with access on some sites due to crops and the potential damage from the quad bike. The weed has been very bad this year.

It is also noted that weed is prevalent near the outfalls of sewerage works – Upper Ridgemoor, Dilwyn common ditch, Newbridge Brook, Leominster Compensation ditch, Shelwock outfall, Morton Brook and Withington Lakes.

The weed is a concern as in 2020 no spraying was completed due to COVID restrictions.

For 2022 consideration will be given to introducing a second period of spraying in September if weather conditions permit.

##### **Flailing**

Flailing of watercourse banks began in mid-July. As of the end of October flailing is 87% complete.

Again, there have been sections that were missed due to access issues.

##### **Other works**

In April desilt and management of bankside vegetation completed on broad Brook lateral and Aston Brook.

In October a new gate was fitted at Newbridge Brook.

##### **Winter Programme of works**

Works were identified in January 2021 for the 2021/22 winter programme. These have been revisited and other sites identified and added. Spend on winter works will be dependent on weather conditions. Current suggested programme for November 2021 to February 2022 included below. Extent of work may be limited by budget once more accurate contractor cost estimates are known. Some sites will need consultation with environmental adviser.

Watercourse	Activity	Notes
Little Lugg (Kymin section) at Westhide	Desilt and deweed	Residents here were flooded during Storm Dennis
Broad Brook	desilt/deweed/ management of bankside vegetation	Opportunity for some environmental works on Eyton Common this has been discussed with Environmental adviser
Little Lugg (Kymin Section) at Cross Keys	Desilt/ deweed / management of bankside vegetation	Residents here were flooded during Storm Dennis
Little Lugg Eau Withington	remove tree	
Filly Brook	Desilt/ deweed / management of bankside vegetation	Fence is being replaced so provides a good opportunity to gain access.
Wellington Brook	Desilt / deweed U/S A49 bridge, management of bankside vegetation, widen section by ford, deweed U/S of ford	Residents here were flooded during Storm Dennis Fence is being replaced U/S of ford so provides good opportunity to gain access
Broad Brook (North Rd)	Desilt d/s of bridge	
Moor Brook (Bodenham)	Deweed	Can be deferred to 2022 if necessary
Broom Ditch	Tree removal & gate replacement	Identified by previous engineer
Lugg Rhea	Desilt/ deweed / management of bankside vegetation	Dependent on meetings with HWT
Honeylake Brook	Desilt / deweed	In original 2021/22 maintenance programme proposed Jan 2021
Willocks Brook	Desilt / deweed	
Tippets Brook	Desilt	

Note: Ashgrove wood and the Homend Flood Channel were in the original maintenance programme. These have been removed as they are not considered a priority for this year.

#### Contractor Access Issues

On the Little Lugg (Preston Wynne Section) - Contractor was asked not to go in and spray in fields, 2 fields from the top of the Preston Wynne section. Apparently it's been left to be wild and the landowner was worried about driving over wild flowers and the loss of subsidies. Landowner does not want the IDB to spray or mow. This needs to be followed up by Engineer.

#### 4.1.2 Tender for Service Maintenance Contract

North Lincolnshire council appointed as procurement consultant.

7 board members volunteered to be on the sub-committee for the new maintenance contract.

Tender documents were prepared in August and September and comments requested week commencing 20 September 2021. Tender went live on 7 October 2021.

Tender opportunity was advertised in Hereford Times in Thursday 7 October 2021 edition.

Search of local contractors was carried out and list sent to procurement consultant.

Below is the timeline for tender process;

Action	Date
Despatch of Invitation to Tender Documents	7 October 2021
Deadline for the submission of Requests for Clarifications	4 November 2021

Deadline for the submission of Tenders	8 November 2021
Bid Clarification & Tender Evaluation	November 2021
Indicative date for award of contract	November/December 2021
Indicative date for contract commencement	April 2022

Please note the deadline for submission has been extended until 15 November 2021. This was due to an error in the grid references provided for watercourse locations and a request from one of the interested contractors for an extension. This extension was agreed.

Tender included a sentence on the red diesel issue and allowed for pricing against this.

**Engineer would like to get seek agreement from Board that the authority be given to the evaluation panel to make a decision on successful contractor.**

#### 4.1.3 Wellington Brook

Meeting with PC on 2 July attended by Engineer and Board chair along with Hereford Council, Balfour Beatty (in role as LFA) and local resident who also happened to be the Environment Agency.

Issues here are complex in terms of the flooding issues.

Balfour Beatty are preparing a grant application to EA for flood risk study this is awaiting business case. Engineer has asked that the IDB be included as a partner on this as it will give it more credibility. IDB will comment on application.

Once the detail and cost is known Engineer will bring proposal back to Board in terms of consideration being given to providing some funding towards the any recommended works.

Wellington is a sensitive with 40 properties flooded so Engineer has spent the last 4 months establishing a dialogue with the PC.

There has been regular correspondence with PC's rep who is dealing with their flooding element.

PC now has a brook officer who will keep in regular communication with Engineer.

Engineer attended PC AGM on 17 April and gave a presentation about the IDB and its role in general along with a focus on our role in Wellington.

Engineer has explored a number of possible additional maintenance / works that could be done through the winter – not to solve the issues but to provide some improvement.

Other developments of interest is the proposed attenuation ponds wetland upstream of village – outside IDB district.

#### 4.1.4 Lugg Rhea

Engineer attended meeting organised by HWT, there is a new Reserves Team Manager in place called Esther Clarke. Natural England were there as well as other interested environmental partners. This was on the 21 October. It was an interesting meeting as no-one could understand why the IDB had not been permitted to go in and do any maintenance since the Lugg Rhea was taken on in 2012. This was partially because everyone present was quite new to the project. There was agreement at this meeting that the IDB should start to undertake clearance of the Rhea. There was a realisation that drainage is beneficial on ecological grounds, HWT will put together a management plan. HWT are going to engage with the commoners association and other landowners as it was agreed that it would be much better that efforts were made to try and get everyone on board.

Engineer needs to look at the detail of the work involved and the potential costs. It is envisaged that this will be something that will have to be done over a number of years as there will be quite a lot of work and the cost will need to be spread.

In relation to this there have also been conversations with Dr Dowling who is one of our rate payers and also the Haywarden for the Lugg Meadows. He has also been corresponding separately with HWT. He has been flooded in the past and is very vocal about the lack of maintenance. He is refusing to pay his rates. A site meeting has been arranged for 12 November to understand Dr Dowling's concerns and see how he might be bought on side. HWT, engineer and Cllr Paul Andrews will be attending.

*Action from Jan 2021 board meeting.*

#### **4.1.5 Other Matters**

From 1 May to 9 November RLIDB received 44 queries from landowners / rate payers / others. Nearly 50% were around maintenance issues and by default concerns with flooding.

Key areas identified Little Lugg Westhide, Little Lugg Cross Keys Bodenham (Moor Brook), Wellington and Sutton Rhea.

There have been no reports of flooding of dwellings during period Mar to Nov 2021.

Going forward Engineer would like to propose a number of suggestions:

- A maintenance statement is listed on the RLIDB website.
- That an as built programme is placed on the website. This can be updated on a monthly basis to list what works have been completed to date.
- RLIDB has a statement about riparian responsibilities on the website. The council have a useful one, the EA a not so clear one since they no longer have the leaflet 'living on the edge'.

These can be prepared for the next board meeting for approval.

#### **4.1.6 Rainfall**

Rainfall records for the period will be issued to members as soon as they are received.

### **4.2 Partnership Meetings**

Met with Wellington Parish Council on a number of occasions. Attended Wellington Parish Council AGM on 19 October 2021 and gave short talk about the role of the RLIDB. Used this as an opportunity to explain riparian responsibilities.

Meeting with Herefordshire Wildlife Trust and Natural England on 21 October 2021. Start of process to get partnership working. Have also made links with Wye and Usk Foundation.

Initial links made with Environment Agency difficulty in identifying key contacts.

Attended meeting with Herefordshire Council and Balfour Beatty in role as Lead Flood Authority 8 November. Review and updating of Local Flood Risk Management Strategy. Recognition that better communication is needed.

### **4.3 Planning, pre-application advice, and consents**

#### **4.3.1 Land Drainage Act 1991 Section 23 and 66 (Byelaws) Consents**

No consent applications have been granted between 1 May 2021 and 24 October 2021.

There have been consultations with 7 landowners concerning consents that will need to be submitted. One of these has decided not to do the works or changed their approach such that consent will not be required.

Watercourse	Description	Action to date
Broad Brook Lateral	Removal of culvert	This was a culvert that Les had already spoken to landowners about. Engineer visited site and looked at watercourse upstream and downstream. Advised landowner that this will be consented, awaiting completed consent
Little Lugg Westhide	Replacement of existing 6m long stone culvert with 40 m long pipe culvert	Advised landowner that this will not be consented unless he can demonstrate that it will not increase flood risk
Tarmac quarry	Consent for temporary works – filling in Moreton Lateral 2 and temporarily diverting watercourse into lagoons with pumping as required.  Consent for permanent works – Moreton Lat 2 becoming part of permanent lagoon – new inlet from Moreton Lat 2 into lagoon, replacement of existing outfall into Moreton Lat 1.	Engineer visited site on 28 Jul 21. In the opinion of the Engineer having reviewed the planning application and supporting documents and having been to site the proposed works do not propose any significant risks to the IDB but two consents will be required,  Tarmac did not submit consent for temporary works before work commenced so consent could not be given by IDB. A letter has been issued stating the fact and that Tarmac have liability for any resultant risk.  Tarmac will be applying for consent for permanent works.  <i>Action from Jan 2021 board meeting</i>
Luston Brook	Proposed wetland when there are a number of consenting issues, New bridge over the Luston Brook. New outfall into Luston Brook 9m easement is needed along the edge of Luston Brook.	Engineer visited site on 20 August with reps of Wye and Usk Foundation. WUF advised of IDB requirements.  Currently in planning process. IDB comments also made via consultation process.
Southalls Brook	Temporary storage of silt on bank of brook	Parish Council has been advised about consent requirements which are straightforward
Ebnall Ditch	Existing consent for discharge into ditch in relation to Barons Cross – this has expired	There is a change to the proposed discharge point. Engineer in consultation with planning consultant regarding requirements of any new discharge consent application.

#### 4.3.2 Planning Consultations

Between 9 March and 5 November received 34 planning consultations from Herefordshire Council. A further 32 were identified independently through searches.

A total of 40 consultations were sent back to the council. 24 had no objection or are of low risk and 16 had comments, refer to table 4.3.1. There were a further 6 on which the IDB would liked to have commented but the council did not include the IDB as a consultee and the deadline for comments had passed, refer to table 4.3.2. The rest were of low risk so no consultations were returned to the council.

It was observed in late August that the IDB appeared to have stopped receiving consultations from council. The last one received was 6 June 2021. Searches of the planning for July and August and September identified planning applications that were within the IDB area but on which the IDB were not asked to comment on any of them. The council was contacted about this issue and assured the Engineer that the IDB were on the

matrix. IDB started receiving consultations again from 1 October 2021 so this issue appears to have been resolved.

Key planning applications that the board should be aware of are where the potential impact on IDB watercourses are of significance.

- P211838/F - Demolition of existing agricultural building, construction of new concrete yard, agricultural building and associated drainage works and landscaping. Drainage works proposed will be discharging into the watercourse to the southeast of the site which is within the Board's area.
- P213571/F - Proposed creation of an Integrated Constructed Wetland (ICW). New bridge over the Luston Brook, new outfall into Luston Brook, 9m easement to Luston.



**Table 4.3.1 - Summary of Consultation Responses 9 Mar to 5 Nov 2021 where IDB may have an interest**

No	Planning Ref	Proposal	Address	Comments on Consultation	Other comments
345	P211094/F	Proposed demolition of existing buildings, including garage workshop, and replacement with new workshop, parking for apartments and associated landscaping	Withington Car Sales Cross Keys Hereford Herefordshire HR1 3NX	Not enough detail of drainage plan in planning application so not clear if consent would be required. Applicant advised of incidences of when consent would be required.	Approved with conditions. Condition 8 stipulates use of SUDs. Near a flood prone area so details of drainage plan is important.
385	P211227/F	Proposed erection of ten dwellings and associated works.	Land to the north of Boarsfield, Lugg Green Road, Kingsland, HR6 9SH	Not clear if development is within 9m of watercourse so not clear if consent would be required. Applicant advised of incidences of when consent would be required.	Not yet decided. Large development so probably good to keep an on this one.
387	P211339/F	Proposed construction of access track way, circular equine deep sand gallop and equine all-weather surface outdoor school/ menage and consequent change of use.	Twyford, Pembridge, Leominster, Herefordshire HR6 9JY	Consent will be required if from the IDB if; <ul style="list-style-type: none"> <li>The proposed gallop is closer than 9m to the stream shown in the plans</li> <li>There is an increase in surface water being discharged into the stream due to a change in the land use.</li> </ul>	Approved with conditions. Agent contacted IDB in Jun and was given advice on requirements
388	P211510/F	Proposed storage and workshop building for private/non-commercial use, associated with private dwelling.	The Farm, Bishops Frome, Worcester, Herefordshire WR6 5BJ	Consent will be required from the IDB; <ul style="list-style-type: none"> <li>As the proposed building is closer than 9m to the stream shown on the plans</li> <li>The applicant is proposing to discharge water from the roof of the new building directly into the stream.</li> </ul>	Approved with conditions. RLIDB consultation not attached on planning portal, officer sates that RLIDB did not respond. RLIDB to follow up with applicant and advise of consent conditions
474	P211838/F	Demolition of existing agricultural building, construction of new concrete yard, agricultural building and associated drainage works and landscaping.	Field c. 241m north east of the Ridgeway Road Sutton St Nicholas Hereford HR1 3NP	Consent will be required from the IDB. Although the proposed site is located just outside the Board's area the drainage works proposed will be discharging into the watercourse to the southeast of the site which is within the Board's area	Approved with conditions. Condition 3 stipulates need for SUDs Keep tabs on final drainage arrangements agreed.





No	Planning Ref	Proposal	Address	Comments on Consultation	Other comments
561	P212582/L	Proposed conversion of adjoining garages into additional living accommodation and other works including new vehicular access and detached garage.	Eardisland, Arrow, Staick Cottage Eardisland Leominster Herefordshire HR6 9BU	Consent will be required if from the IDB if there is an increase in surface water being discharged into the drain / watercourse that runs to the south of the site. The application will lead to an increase in surface water discharge and it has not been detailed in the application where this additional run-off will be draining to.	Still going through planning process IDB not consulted, found through independent search & comments submitted.
594	P213027/F	Proposed erection of 1 no utility/dayroom.	Yarkhill, Three Crosses, The Millstone Lower Eggleton Ledbury Herefordshire HR8 2UQ	Although this site lies within the Board's area no consent is required from the IDB. The application refers to the use of SUDs system but there are no details of this system included as part of the application plans. Note that if a SUDs system is not used and run-off is discharged directly into an existing drain consent will be required from the IDB.	Still going through planning process IDB not consulted, found through independent search & comments submitted..
595	P213213/AM	Proposed non-material amendment to planning permission NW2000/3287/RM (New Dwelling and Garage) Changes to the appearance of the design: removal of a bay windows, Fenestration changes, front porch redesign repositioning of chimney, additional height to allow for flood risk and re-orientation of the house	Eardisland, Arrow, Court House Eardisland HR6 9BW	This site lies within the Board's area. Consent will be required from the IDB <ul style="list-style-type: none"> <li>As the proposed building is closer than 9m to the watercourse on the plans</li> <li>If the applicant intends to discharge water directly into the watercourse. Please note the guidelines on the design of the proposed soakaway system - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.</li> </ul>	Refused IDB not consulted, found through independent search & comments submitted..



596	P213285/PBA	Application to determine if prior approval is required for a change of use of an industrial building (Use Class E) to 5 dwellinghouses.	Holmer & Shelwick, Holmer, Shelwick Grange Farm Shelwick Hereford Herefordshire HR1 3AW	<p>This site lies within the IDB district. Consent will be required if from the IDB if;</p> <p>There is an increase in surface water being discharged into any ordinary watercourses. Please note the guidelines on the design of the proposed soakaway system -If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year..</p>	Prior approval refused IDB not consulted, found through independent search
628	P213637/F	Proposed erection of building to house ground source heat pump system and for use as general purpose storage in connection with green energy business. (Retrospective).	Land adjacent Ivy Cottage, Lower Eggleton, Ledbury, Herefordshire HR8 2UQ	<p>Although the building is outside the Board's district it is approximately 19m from a drain within the Board's district which discharges into the River Lugg. The application refers to the use of a soakaway but there are no details of this system included on the plans or details of the sizing of this soakaway within the application. Please note the above guidelines on soakaways. If the soakaway is of insufficient capacity or ground conditions are not suitable run-off cannot be discharged directly into an existing drain without consent from the IDB and this is restricted to 1.4 litres per second per hectare or greenfield runoff.</p> <p>Also note that the planned orchard and ground source heat pump pipework (depending on cover to the pipework) may restrict access for maintenance of the drain.</p>	Still going through planning process



No	Planning Ref	Proposal	Address	Comments on Consultation	Other comments
629	P213571/F	Proposed creation of an Integrated Constructed Wetland (ICW) on previously arable farmland. The ICW will be connected to the final effluent from the local Wastewater Treatment Works (WWTW) to provide enhanced treatment to benefit the local watercourses.	Land at Hill Farm Eyton Leominster HR6 0DU	<p>Consents will be required from the IDB;</p> <ul style="list-style-type: none"> <li>For the proposed bridge over the Luston Brook.</li> <li>For the new outfall into Luston Brook</li> </ul> <p>A 9m easement is needed along the edge of Luston Brook for IDB access. Currently there is no means of accessing either bank of the Luston brook downstream of the proposed bridge. There is insufficient cover on the proposed pipeline to allow machinery to pass over it. Safe access for plant and machinery will need to be provided over the proposed pipeline on both sides of the Luston brook. The IDB would also have concerns that the proposed pipeline has insufficient cover or is above ground for much of its alignment.</p>	Still going through planning process
630	P213743F	Proposed re-profiling work to recreate wetland habitat. To include diversion of a spring fed stream to form a permanent pool, creation of wetland scrapes, creation of a water treatment wetland, installation of two bird hides and carpark area.	Oak Tree Farm, Dinmore, Herefordshire, HR1 3JP	Consent will be required from the RLIDB as the applicant proposes to divert an existing watercourse which lies within the IDB district	Still going through planning process
631	P213646/FH	Proposed single storey annexe to replace garage	Wellington House, Wellington, Hereford, Herefordshire HR4 8AX	Consent will be required if from the IDB if the works will lead to an increase in surface water being discharged into the nearby Wellington Brook.	Still going through planning process
656	P213851/F	The change of use of agricultural and stable buildings and land to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.	Buildings at Wellington Court, Wellington, Herefordshire, HR4 8BB	<p>Although this site lies within the Boards area no consent is required from the IDB as;</p> <ul style="list-style-type: none"> <li>surface water is to be discharged to a soakaway system</li> <li>there is no evidence in application of the new structure being closer than 9m to an ordinary watercourse</li> </ul> <p>However the applicant needs to ensure the proposed new drainage field is sufficiently far away from the proposed soakaways so that the overall soakage capacity of the ground is not exceeded. The application does not currently show the location of these in relation to each other</p>	Still going through planning process



No	Planning Ref	Proposal	Address	Comments on Consultation	Other comments
595	P213213/AM	Proposed non-material amendment to planning permission NW2000/3287/RM (New Dwelling and Garage) Changes to the appearance of the design: removal of a bay windows, Fenestration changes, front porch redesign repositioning of chimney, additional height to allow for flood risk and re-orientation of the house	Eardisland, Arrow, Court House <b>Eardisland</b> HR6 9BW	<p>This site lies within the Board's area. CONSENT will be required from the IDB;</p> <ul style="list-style-type: none"> <li>As the proposed building is closer than 9m to the watercourse on the plans</li> <li>If the applicant intends to discharge water directly into the watercourse. Please note the guidelines on the design of the proposed soakaway system -If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year..</li> </ul>	IDB not consulted, found through independent search
596	P213285/PBA	Application to determine if prior approval is required for a change of use of an industrial building (Use Class E) to 5 dwellinghouses.	Holmer & Shelwick, Holmer, Shelwick Grange Farm Shelwick Hereford Herefordshire HR1 3AW	<p>This site lies within the IDB district. CONSENT will be required if from the IDB if;</p> <p>There is an increase in surface water being discharged into any ordinary watercourses. Please note the guidelines on the design of the proposed soakaway system - if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year..</p>	IDB not consulted, found through independent search



**Table 4.3.2 - Planning applications where IDB did not have a chance to comment**

Planning Ref	Proposal	Address	Comments
O171573 & P212426/XA2	Site for the proposed erection of up to 10 dwellings with garages and construction of access road. Application for approval of details reserved by conditions 13 and 15 attached to planning permission 171573 (PLOT 6)	Moreton on Lugg, Sutton Walls, Land adjacent to Garrison House Moreton-on-Lugg Herefordshire	Major development which site partially in IDB area. IDB never consulted at any stage. Application has detail about the SUDs for highway and it is assumed the surface water from new houses discharge in to these but its not entirely clear? Condition 6 applies.
P193618/M	Proposed Southern extension and consolidation of existing planning permissions. (For DOC 11 12 13 14 17 & 28 see 210773)	Wellington Quarry Haywood Lane Wellington Herefordshire HR4 8BY	IDB not consulted about proposed extension. Engineer has been in consultation with Tarmac about consent requirements
P204352/F	Proposed erection of an agricultural building for general purpose use	Leominster, Leominster West, Stag Batch House Monkland Road Leominster Herefordshire HR6 9DA	This property is outside IDB area so we were not asked to comment. The application shows that surface water is to be sent through the existing drain into the Ebnall Ditch so it will need consent. Application states the use of SUDs. IDB to follow up with applicant
P211827/FH	Proposed two storey side extension.	Luston, Bircher, Willows Broad Lane Leominster Herefordshire HR6 0AL	Within IDB district but not consulted. IDB to follow up and explain consent process
P212332/FH	Construction of a new 3 bay garage	Eardisland, Arrow, Earlsleaen House Eardisland Leominster Herefordshire HR6 9BD	Within IDB district but not consulted. IDB to follow up and explain consent process
P212744/PA7	Application for prior notification for proposed agricultural store building and pool.	Pembridge, Arrow, Moseley House Pembridge Leominster Herefordshire HR6 9HY	Within IDB district but not consulted. IDB to follow up and explain consent process

#### **4.3.3 LDA 1991, Section 23 Breach**

##### **Berrington Watercourse**

Issues with fences being put up which have impeded access for maintenance.

Berrington – landowner has erected a deer fence immediately adjacent to the watercourse. This prevented access for flailing over a 50m stretch. Engineer visited landowner on 20 Aug 2021 to inform them. They had put the fence up to stop their dog jumping over.

They had only bought the property recently and were not aware that the IDB maintained the watercourse. As they are homeowners they would not have received a rate demand but rather their IDB rate would be included in their council tax bill. This raises a question of how we ensure new homeowners are made aware of IDB access requirements.

Requested that the owner look at options to either reduce the height of the fence to allow flail to reach over or to move the fence back away from the watercourse.

This is still to be resolved.

##### **Eyton Brook**

Water has been diverted out of the Eyton brook using a weir to run a ditch through the Muddy Puddles play park north of Leominster and then outfalls back into the brook further upstream. This was reported to the IDB by the Environment Agency as there were issues of diffuse pollution. The landowner did not obtain consent from the IDB.

Engineer visited the site on 6 July 2021 to look at ways to resolve the issue. Landowner has since decided to close the play park and will be returning the brook to original so no official enforcement action was deemed necessary as this issue has resolved itself. Cannot yet confirm that brook has been reinstated.

##### **Tippets Brook**

Fence not set back far enough to allow access for tractor and flail over a section of approximately 70m.

Historically this section has problems with erosion. It is a windy section of watercourse. The landowner has had issues with IDB contractor damaging the fence in the past. The fence could not be installed along the bank top as on the past it has been damaged due to erosion. The engineer understands that the IDB took the fence down to undertake bank repairs.

This is still to be resolved.

##### **Wellington Brook**

Various problems along watercourse.

Owners of the Vinery have a substantial volume of garden waste stored on the bank on the brook. Initially it was believed that this bund had been built to protect themselves from flooding. The parish council have written to all riparian owners along the brook reminding all about the risk of garden waste. This owner has not responded to this request.

Engineer visited the owner on 13 October 2021. He stated that it was garden waster not a flood protection bund. He has been asked to remove the bund. A letter will be sent to the owner requesting the bund be removed. Originally it was felt unwise to request the removal of the bund as the landowner might hold the IDB liable if he then floods at a later date but now that he has confirmed that it is just garden waste this issue no longer exists.

A tree has been planted at the back of Causeway cottage on 'common' land. The owners of Causeway cottage have been asked to remove it.

A new office in one of the gardens is out falling its roof runoff straight in to the watercourse. The owner has been asked to install a small soakaway to attenuate the flow.



## 5. Health, Safety and Wellbeing

### Recommendation:

- To note the information contained in this Report

### 5.1 Health and Safety

#### 5.1.1 Accident, incidents and near misses

There have been no incidents, accidents or near misses reported since the last meeting.

#### 5.1.2 COVID-19

##### Board operations

During this period, the Board's day to day activities have not been adversely affected and the Board Engineer has been able to undertake site visits.

#### 5.1.3 Health and Safety Reports

Health and safety site visit to Monkland by Philip Chandler and Engineer on 25 August 2021. Site Observation Checklist from this visit can be viewed in Appendix B.

#### 5.1.4 Health and Safety Quarterly Briefings

The H&S quarterly briefing is scheduled during the week commencing the 15 November. Minutes of this meeting will be provided in time for the board meeting.

#### 5.1.5 Health and Safety Statement

The Board's H&S statement needs updating. Changes will be made and discussed at the H&S meeting and then approved by the Board at the next meeting.

## 6. Environmental Adviser's Report

### Recommendation:

- To note the information contained in this Report
- To support the purchase of phosphate testing kits and to share data with our Risk Management Partners
- To promote the introduction of buffer strips alongside Board maintained watercourses.

### 6.1 Legislation

#### 6.1.1 Environment Bill

The Bill is making slow progress through Parliament. The House of Commons has considered the House of Lords proposed amendments and rejected several. These included proposals associated with a duty being placed on sewerage undertakers to take all reasonable steps to ensure untreated sewage is not discharged from storm overflows and implementation of a storm overflow discharge reduction plan. Both these suggested clauses would have provided greater protection to our rivers and seas from point source pollution incidents. The Bill is now in its final stages and should shortly receive Royal Assent.

Update: The Bill has now received Royal Assent.

### 6.2 BAP Implementation and Benefits

The Board's Environmental Advisor has met with the Engineer prior to the maintenance desilting activities. He advised that, for Environmental benefit, where desilting takes place and an excavator is on site, consideration should be given to constructing berms along the watercourse. Where appropriate ponds or scrapes could be dug, they could be retention ponds designed with wildlife in mind. Of course, noting that the Board are dependent on the landowner permission.

The advisors also look favourable to the suggestion to encourage landowners to introduce buffer strips alongside those watercourses that the Board currently maintain. With a view to reducing the impact of siltration and phosphate run-off into the watercourses and consider phosphorus monitoring as a very worthwhile exercise. Should you need further advice or other information for comparison the Ice-age Pond Project have been carrying out water chemistry analysis of ponds in north-west Herefordshire with support from Birmingham University. Mr Watson is their ecologist. It is the intention to purchase some phosphate testing kits so the maintenance contractor can monitor the water quality whilst they are on site carrying out their activities.

To this end a newsletter will be produced and issued to all of our ratepayers stating some of our objectives. We appreciate that this will be difficult as we do not own the watercourses that we maintain but hopefully there will be some landowners who will support our initiatives.

## 7. Any Other Business by Leave of The Chairman

## **8. Date of Next Meeting**

19 January 2022  
15 June 2022 (including Tour of Inspection)  
23 November 2022

## **9. APPENDIX A – IDB Byelaws**

The draft byelaws can be found over the following pages.

**LAND DRAINAGE BYELAWS  
RIVER LUGG INTERNAL DRAINAGE BOARD**

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Amended November 2021

## **RIVER LUGG INTERNAL DRAINAGE BOARD BYELAWS**

The River Lugg 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. **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.

19. **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.

20. **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.

21. **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.

22. **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.

23. **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.

24. **Defacement of Notice Boards**

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

25. **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.

26. **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.

27. **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.

28. **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.

29. **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.

30. **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 amended<sup>1</sup>the said Act and the said Regulations shall prevail.

31. **Revocation**

The Byelaws made by the Board on the 18th day of January 2018 are hereby revoked.

32. **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;

"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 River Lugg 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;

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<sup>1</sup> SI 2017/1012

"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**

**RIVER LUGG INTERNAL DRAINAGE BOARD was hereunto affixed on the 24 November  
2021**

**in the presence of:**

**Chairman**

**Clerk**

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## **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)



## **10. APPENDIX B – Health & Safety Checklist**

A copy of the checklist mentioned in the Health & Safety section can be found over the following pages.

## Site observation checklist – River Lugg Internal Drainage Board (RLIDB)

Auditors Names: Philip Chandler / Anne-Clare Landolt		Date of visit: 25 <sup>th</sup> August 2021
Site Location: Monkland What3words: corrosive.tinted.able Map Reference: 453576	Nature of activity on this site: Failing banks of Moor lateral No.1  Working close to road, public footpath and near overhead lines	
Number of operators on site: 2		
Key Specifics to Check	Comments	Corrective Actions
1. Site control (Safety & Security): Is there is adequate signage in place for security and to protect visitors and members of the public?	At the time of arrival, the contractors were working on or close to the road. There were no signs evident at the time of the visit	Ensure signs are displayed where appropriate
2. Appropriate PPE being worn and in date Check date on helmets and condition of any PPE/PPC (Protective equipment and clothing) Personal Clothing & Equipment	Bump hat for one operative was not available for use. It had been left in his truck. Reflective clothing in cab	Ensure hats are available as required by the risk assessment
3. A Risk Assessment and Method Statement (RAMS) is available which is site specific?	RAMS available in tractor, however it was noted that some of the paperwork was several years old. The H&S Policy was dated 2019	Review the documents carried and update accordingly. It is recommended that the H&S Policy should be reviewed at least annually
4. Is there a Full First Aid Kit in place with appropriate equipment? (Haemostatic bandages/tourniquets, eye pads etc.)	First aid kit checked – One (Burns) dated and in date – Main First Aid Kit not dated but bandages in date	Suggest a checked by date is added to the main kit list -This is outstanding from the last visit
5. Equipment Is equipment in good condition? Look for damage to guards and are they correctly adjusted.	Two tractors with flails in operation and appear in good order	
6. Fire safety As a result of the Fire Risk Assessment:  Are suitably qualified staff available for Fire Safety and are there suitable numbers of in-date/tested fire extinguishers?	Risk assessment in place – Fire extinguisher in date	

7. Buoyancy Aids and Throw Lines Are appropriate buoyancy aid on site and being worn where appropriate?	N/A - Ditch not containing water	
8. Traffic Management As part of the specific RAMS has traffic flow and management been identified and how is it managed?	As above a sign is to be in place at both ends of work area to warn motorists and pedestrians that work is being carried out in the area	
9. Are there natural/environmental hazards: Look for deep water, working alongside electrical powerlines or close to road. Are the risks for these hazards adequately controlled?	Overhead cables in the immediate area where work was being undertaken	See corrective actions in section 1
<b>SUPPLEMENTARY QUESTIONS</b>  Covid security: What security is still in place to control covid.	The sharing of one vehicle to and from the work area has been relaxed and both travel together, but team work as in a bubble. However, there is biosecurity still in place with hand gel, gloves, wipes held in the tractors and they operate separate tractors	

**Issues Raised by:** Phil Chandler 09/12/2020

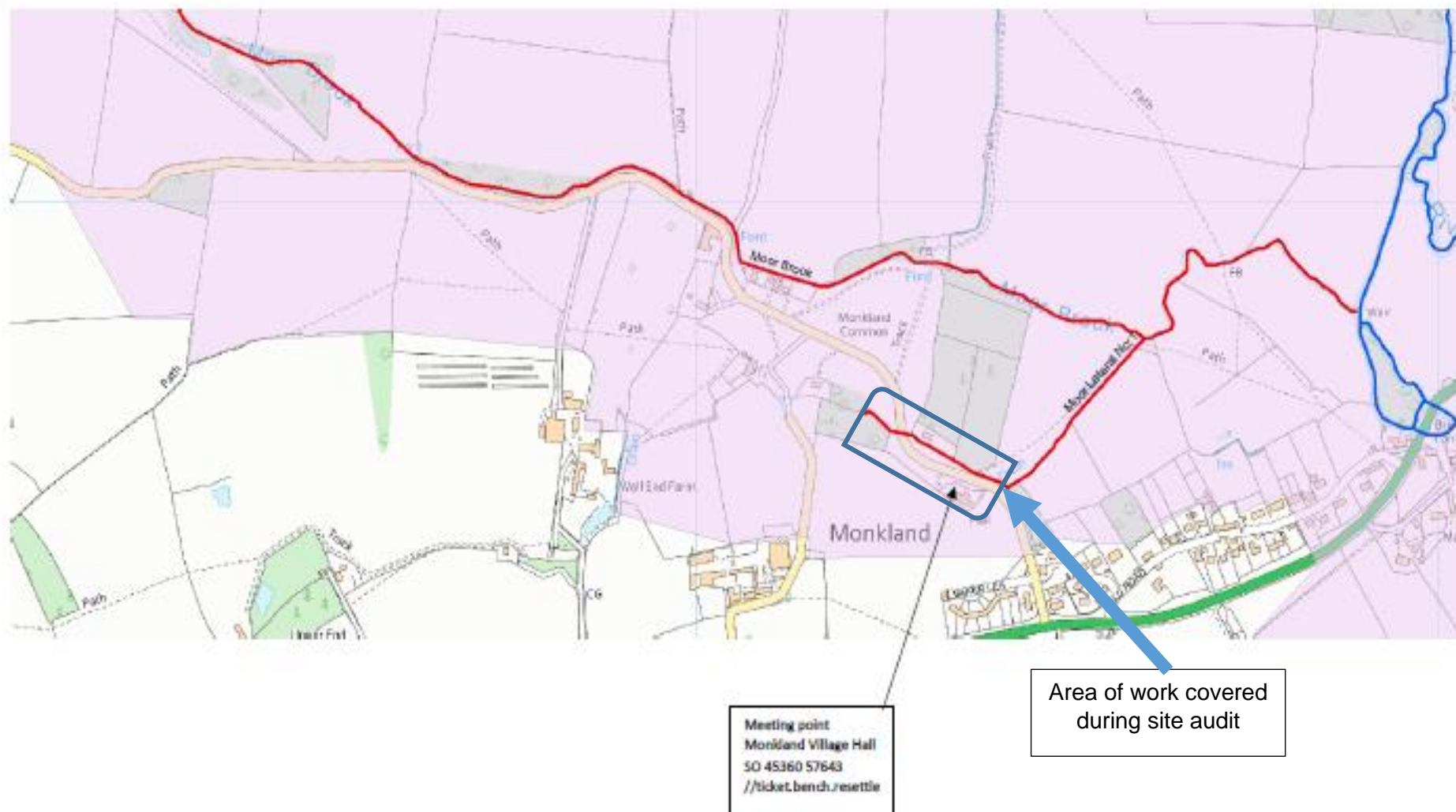
**Summary of findings:**

**ACTION PLAN –**

Actions required Section	Corrective Actions Options/Recommended	Who By	When	Signed off as Completed
1. Ensure appropriate signage	Ensure signage is used where there are likely to be traffic and pedestrians and especially as a warning where there are overhead cables	Contractor	By next working day	
2. Appropriate PPE/PPC	Ensure bump hats are being worn when working outside of the cab	Contractor	By next working day	
3. RAMS/Documentation	Update documentation and H&S policy in line with current codes of practice	Contractor	Within a month for H&S Policy all other documentation within a week	
4. Suggest label on first aid kit noting last checked, taking note of date on bandages	Affix label with date of checks and date of replacement of stock	Contractor	By next visit	
<b>Review of Findings carried out by: Philip Chandler (Health and Safety Advisor RLIDB)</b>			<b>Signed: <i>Phil Chandler</i></b>  <b>Dated: 25/08/2021</b>	

**ALL OUTSTANDING ACTION COMPLETED**

NAME(Print):	Date:	Nominated signatory (PRINT):	Date:
Signature:		Signature:	





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