Appendix 9: East Sussex Steering Group Minutes
Recommendation:
Members are asked to note the progress since update last provided in October 2013 and asks for the committee’s support in achieving a consensus across local authorities on the preferred option for the future management of each of the IDDs.

1.0 Introduction

1.1 At its meeting on 10 July 2012, the Committee noted:

- The establishment of a project team with the objective “To dissolve the Environment Agency from its responsibilities regarding the running of the Environment Agency administered Internal Drainage Districts (IDDs) in West Sussex, East Sussex and Kent as swiftly as possible in an orderly manner”.

- The project programme.

1.2 An update on progress is presented to the Committee at every meeting. This report updates the Committee on progress since October 2014 and asks for the committee’s support in achieving a consensus across relevant local authorities on the preferred option for the future management of each of the IDDs.

2.0 Background

2.1 There are eight Environment Agency administered IDDs in South East Region:

In West Sussex:
- South West Sussex IDD
- River Arun IDD
- River Adur IDD

In East Sussex:
- River Ouse IDD
- River Cuckmere IDD
- Pevensey Levels IDD

In Kent:
2.2 The project plan aims to achieve its objective, by April 2015, by engaging Natural England, local authorities, riparian landowners and farmers and other interested parties in agreeing and implementing new affordable and sustainable land drainage management regimes for the IDDs.

2.3 Options for future management of water levels in the IDDs being considered are:

**Option 1**: Communities or other suitable organisations set-up a new independent Internal Drainage Board (IDD) to take over some or all of the interests of the existing IDD;

**Option 2**: Dissolve the existing IDD so that watercourses in the IDD become ordinary watercourses for which:
- Riparian landowners are responsible for the maintenance of the watercourse and structures (including pumping stations);
- District and borough councils have permissive powers to undertake maintenance. Under the Wildlife and Countryside Act 1981, district and borough councils are deemed competent authorities for ensuring no deterioration to designated habitat sites such as the Pevensey Levels;
- The Lead Local Flood Authority (LLFA) is responsible for enforcement and consenting.

**Option 3**: Dissolve the existing IDD and communities and other interested parties work in partnership to establish alternative arrangements (outside an IDD structure).

2.4 In response to the views expressed by IDD ratepayers, special levy payers and other key stakeholders, Steering Groups were formed for each of East and West Sussex in February. The Steering Groups were to further investigate alternative configurations of IDDs for the future management of the 3 IDDs in each county in order to agree a preferred option. However no commitment was made to any new IDD.

2.5 The Environment Agency provided the East and West Sussex Steering Groups with comprehensive reports on the costs and benefits of alternative arrangements for the IDDs in each county, including the implications with respect to responsibilities for designated sites.

2.6 Kent Chief Executives and Senior Management of LLFAs were briefed in April on the need, process and proposed Options. A briefing pack and feedback forms were also sent to East and West of Gravesend IDD drainage rate payers, residents, businesses and organisations affected and a stakeholder workshop was held in May 2013.

2.7 The Environment Agency and Local Authority partners agreed an information specification defining what information needs to be supplied and by whom. The first draft of the information report was sent to the local authorities on 25 September. The majority of information has been supplied by the Environment Agency with some content supplied by the local authorities.
3 Progress since October in West Sussex

3.1 At a meeting of the West Sussex Steering Group on 19 November 2013, officer representatives of Adur, Arun, Chichester and Horsham District Councils and West Sussex County Council agreed that, subject to robust arrangements being put in place to manage Amberley Wild Brookes and Pulborough Brooks designated sites, their preferred Option for all 3 IDDs in West Sussex is Option 2, i.e. dissolve the existing IDD and dot put in place a new IDD.

3.2 This was not the preferred Option of representatives of NFU and CLA, who believe their members would prefer an IDB (Option 1). Natural England, SDNP and the Environment Agency’s position is that they would support the Steering Group majority decision subject to the robust arrangements being put in place for the designated sites.

3.3 The District Council officers will be taking their recommendations to their elected members early in the New Year. A letter is being sent from the Chairman of the Steering Group to all drainage ratepayers and parish councils within the IDDs explaining what the recommendation will be, why, what it means for them and what happens next. The letter also informs ratepayers and parishes that they may give their views, either directly or through representative groups such as NFU or CLA, at this stage to local authorities or to DEFRA during the statutory process.

3.4 The works programmes and budgets for 2014/15 include for engagement with riparian owners and local communities and works necessary to ensure a smooth handover of responsibilities to riparian landowners and local authorities.

3.5 Subject to there being no objections raised during the statutory process, the existing West Sussex IDDs will be dissolved and alternative arrangements in place by 1 April 2015

4 Progress since October in East Sussex

4.1 Advice from the Association of Drainage Authorities was that, whilst a Pevensey Levels IDD would be viable, new River Ouse IDD or River Cuckmere IDDs would be too small to be viable as separate entities. For that reason the East Sussex Steering Group were focussing on a new IDD encompassing all 3 existing IDDs in East Sussex. This approach also supported an East Sussex County Council led project to investigate the costs and benefits of partnership working across all local authorities in the County on local flood risk (and coastal erosion).

4.2 The evidence supports this advice in suggesting that the benefits of a River Ouse IDD do not justify the costs to Special Levy payers (local authorities on behalf of residents and businesses in the IDD) or drainage ratepayers (agricultural landowners). Similarly, whilst there are substantial benefits to agricultural landowners, for Special Levy payers, the cost of the River Cuckmere IDD outweigh the benefits. However, as part of an East Sussex IDD, the benefits of economies of scale and the opportunities for a shared service could justify these costs.

4.3 The feasible Options for the River Cuckmere and River Ouse IDDs are therefore dependent on the decision made for Pevensey Levels IDD.
4.4 The benefit cost ratio of the Pevensey Levels IDD is greater than 50, primarily as a result of the protection of the internationally important environmental designations, almost exclusively within Wealden District. However, the costs of the IDD are largely apportioned, by the Land Drainage Act, to Eastbourne Borough Council (75%), rather than Wealden (15%).

4.5 Whilst there are some benefits to Eastbourne Borough in being close to the designated sites and a reduction in flood risk to residential properties, Eastbourne Borough do not accept that these are significant and believe there are potential savings to be made for Eastbourne Borough Council (£200k per annum) if the Pevensey Levels IDD is dissolved. Rother and Hastings District and Borough Councils also contribute a small amount for little benefit apart from those associated with being close to the designated sites.

4.6 If the Pevensey Levels IDD is dissolved, the duties and powers under environmental legislation to protect and enhance the special features on SSSIs would pass from the Environment Agency acting as IDB to Wealden District Council and East Sussex County Council, with no additional funding at least until 2020. The additional cost to Wealden of exercising these powers could be around £200k per annum. Unless these powers are exercised there is a high risk that the designated features would be damaged and the designations lost. This could result in the European Union taking infraction proceedings against the British Government.

4.6 Currently there is no consensus on the preferred Option within the Steering Group. Discussions within and between local authorities continue aimed at identifying a way forward supported by all. In the absence of consensus by 31 March 2014, it is likely that the Environment Agency will initiate proceedings to dissolve all the IDDs in East Sussex by 1 April 2015 and put in place a new IDD and independent IDB for the Pevensey Levels IDD only.

4.7 The consensus of the whole Steering Group is not mandatory to the Environment Agency determining the preferred Option and progressing the statutory process to dissolve and, where appropriate, establish a new IDD. However, there are a number of opportunities during the statutory process for authorities/organisations to raise objections. This could lead to lengthy delays and ultimately the Minister being called upon to decide who should take on the risks and liabilities. This could lead to an expensive public enquiry and damage to the reputation of all authorities involved.

5 Progress since October in Kent

5.1 On 1 October a steering group of the five relevant local authorities reviewed a first draft information report and timeline with key activities and dates. Comments on a second draft will be used to inform release of a final draft (scheduled for week commencing 16 December).

5.3 The Environment Agency has sent local authorities a briefing re-confirming its intention to dissolve current governance arrangements by March 2015, the process and timelines for the different options and the need for them to progress their review of options, using the evidence in the Information Report to do so.

6 Next Steps

6.1 RFCC members are asked to facilitate consensus between the local authority members in encouraging their officers to progress their selections and recommendations of a
preferred option, and either approving their officers’ recommendations or reaching consensus on an alternative Option.

6.2 The Committee will be advised on progress and consulted on the recommended options in April.

7 Recommendation

7.1 That RFCC members facilitate consensus between the local authority members in either approving their officers’ recommendations or reaching consensus on an alternative Option.

7.2 That the Committee notes progress since October 2013.

<table>
<thead>
<tr>
<th>Name</th>
<th>Teresa Willway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title</td>
<td>Project Manager</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:teresa.willway@environment-agency.gov.uk">teresa.willway@environment-agency.gov.uk</a></td>
</tr>
<tr>
<td>Date</td>
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</tr>
</tbody>
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Meeting of
East Sussex Internal Drainage Districts Steering Group
Tuesday 24 September 2013, County Hall Lewes.

Attendees:
Nick Claxton - East Sussex County Council (NC),
Tim Bartlett - Lewes District Council (TBa),
Cathy Beaumont - Wealden District Council (CB),
Fiona Bishop - Mid-Sussex District Council (FB),
Nick Sangster - Hastings Borough Council (NS),
Peter Padget - Eastbourne Borough Council (PP),
Gareth Williams - Eastbourne Borough Council (GW),
John Archer – NFU (JA),
Tim Broomhead – CLA (TBr),
Sam St Pierre – OART (SS-P),
Teresa Willway - Environment Agency (TW),
Kath Jackson - Natural England (KJ),
Nick Botting – Romney Marsh IDB (NB)

Apologies:
Alan Dodge - Rother District Council,
Ray Drabble - SDNP,
Jean Venables – ADA,
David Robinson – Environment Agency
Malcolm Emery – Natural England

Notes:

1 Agree Chair – It was agreed that SS-P would Chair the Steering Group

2 Agree membership – It was agreed that SS-P would contact David Brown of the South East Rivers Trust to invite him to join the Group. ACTION SS-P

   It was also agreed that he could bring the views of the Cuckmere and Pevensey Catchment Partnership and other partnerships in that area.

3 Actions of previous meeting – Actioned except:
   How does Higher Level Stewardship affect the IDB/will it be affected?
   TW to ask Jim Seymour re HLS/IDDs ACTION TW

4 Reminder of process and purpose of this meeting – TW summarised and agreed to provide a brief note. ACTION TW

   TBr suggested that a “shadow board” be put in place for a period in order to inform the recommendation on the future Option and if that Option is for a new IDD to help prepare for the transfer. TW agreed to pass on suggestion to the project Board ACTION TW
CJ clarified that a shadow board would still be locked into EA procurement processes.

5 Discussion of Evidence provided by Environment Agency:

- General

TW to enlarge all maps to A4

**ACTION TW**

TBa reminded the Group that the evidence documents do not cover opportunities for additional benefits through an IDD to provide added value/value for money. NB stated that in Romney Marsh the IDB provides additional benefits through development control inside and outside the IDD. He stressed that in order for an IDD to be successful it needed to have a Board made up of the correct mix of interested parties and agricultural ratepayers. The Romney Marshes Area IDB district contains large areas of valuable Grade 1 & 2 agricultural land and its ratepayers are acutely aware of the importance of water level management and how this affects their interests.

Group agreed that there was not the capabilities and capacity with East Sussex local authorities to take on maintenance of IDD watercourses.

Group recognised that whilst the evidence documents may indicate that for some IDDs the benefits were limited, there is a benefit in catchment management which would be lost without an IDD (and is government policy).

NB estimated Romney Marsh administration costs to be about 13% which is not dissimilar to the Environment Agency’s administrative costs.

All agreed that clarification of responsibilities for designated sites and the implication re assets such as pumping stations is essential before local authorities and the Steering Group can make any recommendations. TW and NC agreed to share their request for legal advice on the issues but also suggested others should consider asking their own legal teams.

**ACTION TW/NC**

All agreed that once updates to documents made and clarification above received they would take the issue to their directors/members for decision on what option to support/way forward, within next 1-2 months.

**ACTION All**

- Pevensey Levels IDD

In Pevensey levels there are 200 owner occupiers and 46 agro-environment schemes. Farmers are highly constrained and not making large profits. CJ clarified that the HLS agreements in Pevesey level end in 2016 so can not be seen as a means of managing water levels for conservation purposes.

- River Ouse IDD

TW to check allocation of costs between Wealden and Lewes and clarify whether cost in Mid-Sussex are zero.

**ACTION TW**

TBa expressed surprise and disappointment re lack of benefits in Ouse IDD. TW to confirm consistency of benefits analysis for food production across IDDs

**ACTION TW**

- River Cuckmere IDD
CB asked that TW send her the Cuckmere evidence document.  

**ACTION TW**

6  
DoNM – 9 December, 13.00-16.00, Eastbourne Borough Council Offices, 1 Grove Road, Eastbourne.

TW  
27 Sept 2013.
Notes of Meeting of
East Sussex Internal Drainage Districts Steering Group
Monday 9 December 2013, Eastbourne Borough Council, Eastbourne.

Attending:
Tim Bartlett - Lewes District Council (TBa),
Cathy Beaumont - Wealden District Council (CB),
Fiona Bishop - Mid-Sussex District Council (FB),
Peter Padget - Eastbourne Borough Council (PP),
Gareth Williams - Eastbourne Borough Council (GW),
Tim Broomhead – CLA (TBr),
Sam St Pierre – OART (SS-P),
David Robinson – Environment Agency
Teresa Willway - Environment Agency (TW),
Kath Jackson - Natural England (KJ),
Chris Manning – SDNP (CM),
Lisa Medard - Eastbourne Borough Council (LM),
Graham Kean – Wealden District Council (GK),
Peter King – OART (PK),
Freya Scoates - Environment Agency (FS).

Apologies:
Nick Claxton - East Sussex County Council (NC),
Nick Sangster - Hastings Borough Council (NS),
Alan Dodge - Rother District Council,
John Archer – NFU (JA),
Nick Botting – Romney Marsh IDB (NB)
Ray Drabble - SDNP,
Jean Venables – ADA,
Malcolm Emery – Natural England
Dave Brown – Southern England Rivers Trust

1 Minutes of previous meeting (24 September) and actions arising – agreed

2 Responsibilities for designated sites
SS-P asked for clarification regarding the legal opinion which was sent to the Steering Group after the last meeting, which was followed by replies from Ray Drabble and Nick Claxton. DR stated that the opinion was sought as an independent response to comments regarding whether an HRA or SEA needed to be conducted.

Natural England agrees with the Counsel’s opinion regarding whether an HRA or SEA needs to be conducted, providing that the actions from the WLMP are still carried out to the required standard. DEFRA policy states that the WLMP must be continued and that if the WLMP cannot be delivered then a HRA will be required.

GK stated that Wealden District Council has no duties and few powers required to deliver the WLMP as a competent authority. They are seeking legal opinion regarding this.
CJ stated that while Natural England supports the Counsel’s Opinion that the IDB can be dissolved without an HRA or SEA, an IDB would be useful to help maintain the WLMP and make sure the work is cohesive and funded properly.

TBr suggested that a shadow board should be put in place to observe how the Environment Agency administers the IDB before taking over. TBa supported this suggestion as he felt that the arrangement needs to be flexible to allow people to find a comfortable solution which allows them to move forward from this issue.

Teresa Willway stated that the IDDs will be dissolved on 1 April 2015 and that the Environment Agency would like firm new arrangements to be in place from then on but is prepared to dissolve anyway while continuing to provide support until the new arrangements are in place.

3 Discussion and decision on preferred option for the East Sussex IDDs.
   - Pevensey Levels IDD
     Wealden members have expressed support for a new IDB but believe that Eastbourne members are unlikely to agree with them. Hastings and Rother representatives were not able to attend the meeting.
   - River Ouse IDD
     Lewes would like to explore the idea of an IDD if it could lead to improved Water Level Management across the whole area. This would be dependent on there being an IDD for Pevensey. Mid Sussex and Wealden do not support a River Ouse IDD as they feel they receive no benefit.
   - River Cuckmere IDD
     Wealden expressed an interest in an IDD for the River Cuckmere if and IDD were to be established for Pevensey Levels, with the two managed together (possibly with decisions made by sub-committees). They agree that Cuckmere is not viable as its own independent IDD.

4 Stakeholder Engagement
As Eastbourne have yet to go to members and so are unable to commit to a particular option the steering group members have decided that they will write a letter to ratepayers updating them that the steering group is in place and is making a decision, and that they should get in touch if they wish to make a comment before the decision is made. Another letter will go to the parish councils. Another will be sent with the final decision (if applicable) in spring 2014. **Action:** Teresa will draft a letter to go to the ratepayers and one for the parish council and send it to the group for approval.

5 Next Steps/Way Forward
**Action:** DR will ask the Environment Agency project board whether or not Pevensey can be maintained as an IDB individually.
**Action:** At the next meeting each LA will have to give a response about whether they want to put a new IDB in place for each of the current IDDs.

6 Date of Next Meeting
The next meeting will be held at Eastbourne Borough Council Offices on Wednesday 26 March 2014.
**TW 10 Jan 2014**
East Sussex Internal Drainage Districts Steering Group

Wednesday 12 November 2014, 14.00-16.00, Meeting Room 1, Eastbourne Town Hall Grove Road, Eastbourne. BN21 4TW

Invitees:

Attendees:
Tom Schindl (TS) - East Sussex County Council,
Tom Ormesher (TO) – NFU,
Ray Drabble (RD) - SDNPA
Tim Bartlett (TBa) - Lewes District Council,
Sue Oliver (SO) - Eastbourne Borough Council,
Cath Jackson (CJ) - Natural England
Cathy Beaumont (CB) - Wealden District Council,
Liza Medard (LM) - Eastbourne Borough Council
Sam St-Pierre (SS-P) – OART and Chairman,
Peter King (PK) – OART,
Teresa Willway (TW) – Environment Agency.

Apologies:
David Robinson (DR) – Environment Agency
Angela Morris (AM) – Environment Agency
Fiona Bishop (FB) - Mid-Sussex District Council
Nick Claxton (NC) - East Sussex County Council,
Megan Cameron (MC) - CLA,
Dave Brown (DB) - SERT
Alan Dodge - Rother District Council,
Nick Sangster - Hastings District Council,
Jean Venables - ADA,
Nick Botting - Romney Marsh IDB,
Notes

1 Minutes of previous meeting (15 October) and actions arising - agreed

2 DCLG letter – still waiting for response.

**Action TW** to ask Defra for a contact to chase

3 Defra update
TW, AM met with Defra to update Defra and discuss progress/issues with Pevensey levels and other IDDs on 30 October. Agreed that EA and Defra now need to work closely to ensure appropriate orders are progressed as swiftly as possible and any outstanding concerns addressed. Defra agreed to provide a draft timetable for taking orders forward, including allowances for purdah. NE and EA to ensure necessary HRA assessments completed within timescales

4 Update from local authority meetings etc:

- Eastbourne taking recommendation not to object to IDD abolition and support for a new IDD for Pevensey to cabinet on Dec 10
- Wealden recommending not to object to IDD abolition and support for of a new IDD for East Sussex or if not supported by other local authorities, Pevensey and Cuckmere to cabinet on Dec 10. Also includes a recommendation to seek a service level agreement with the EA about condition of pumps on handover and support with liabilities for breakdowns in short term
- Lewes taking recommendation not to object to IDD abolition and not to support a new IDD for the River Ouse IDD but to continue to raise funds through council tax (as in past – did not collect via special levy) to fund a wider water level management/flood risk/coastal defence service to cabinet 5 Jan.
- East Sussex/SDNPA/ comfortable with Eastbourne/Wealden stance, nit so comfortable with Lewes position but NFU say they will support efforts to make it work

5 Update on Pevensey Levels WLMP review

The first section of the Water Level Management Plan, which concerns possible future scenarios for water level management, is almost complete. The steering group has offered some final revision which will shortly be taken in.

The second section of the WLMP, which looks at whether the present engineering is delivering the required objectives of the site, is being finalised. The third section of the review, which will detail an operating manual for all structures on Pevensey Levels, is being ground truthed with Environment Agency’s operations team.

6 Letter to ratepayers

**Action LM** to redraft Pevensey letter by Friday for circulation for approval/comment

7 AOB

8 Summary of actions and conclusions

9 DoNM – **Action all** note new date - 15 December location to be confirmed
East Sussex Internal Drainage Districts Steering Group

Wednesday 15 December 2014, 14.00-16.00, Trinity Room, Eastbourne Borough Council, 1 Grove Road, Eastbourne. BN21 4TW

Notes

Attendees:
Tom Ormesher (TO) – NFU,
Cath Jackson (CJ) - Natural England
Cathy Beaumont (CB) - Wealden District Council,
Liza Medard (LM) - Eastbourne Borough Council
Sam St-Pierre (SS-P) – OART and Chairman,
Peter King (PK) – OART,
Teresa Willway (TW) – Environment Agency.
Angela Morris (AM) – Environment Agency

Apologies:
David Robinson (DR) – Environment Agency
Fiona Bishop (FB) - Mid-Sussex District Council
Nick Claxton (NC) - East Sussex County Council,
Megan Cameron (MC) - CLA,
Dave Brown (DB) - SERT
Alan Dodge - Rother District Council,
Nick Sangster - Hastings District Council,
Jean Venables - ADA,
Nick Botting - Romney Marsh IDB,
Tom Schindl (TS) - East Sussex County Council,
Ray Drabble (RD) - SDNPA
Tim Bartlett (TBa) - Lewes District Council,
Sue Oliver (SO) - Eastbourne Borough Council,

Notes

1 Minutes of previous meeting (12 November) and actions arising – agreed
2 DCLG letter
None of the councils have received a response to the letter directly from DCLG. ESCC have been given a copy of the response to their joint letter with WSCC by Defra.

**Action** AM to ask Defra to chase responses to East Sussex, Eastbourne and Wealden letters. Also to ask Phil Winrow if he can help.

3  Defra update

EA working with Defra to agree a schedule of dates to submit and process orders. Order to abolish West of Gravesend submitted 15 December, starting statutory process. Will be advertised locally 17 December. Letters written to local councils etc including a copy of the notice. Representations to Defra by 15 January.

**Action** AM to share schedule when confirmed

Defra have asked to see the operations manual being prepared as part of the Pevensey Levels WLMP review.

4  Update from local authority meetings

Eastbourne BC Cabinet approved a new IDD for Pevensey which could be part of a wider IDD for east Sussex. Wealden approved a new IDD for Pevensey and Cuckmere which could be part of an East Sussex IDD if Lewes DC supported a new IDD for the Ouse. Wealden would like to agree a service level agreement with the AE about condition of assets and support in securing capital funding if required by new IDB.

It is possible that Lewes will not approve an IDD. Decision expected in February.

5  Next steps

Agreed one more meeting of this group to be pencilled in for March. New group(s) to be set up for taking forward recommendation(s).

For new IDD (currently Pevensey and Cuckmere):

- Required to be included in the order submitted to Defra to establish the new IDD:

  Decision on boundaries

  Rating system – assume keep the same, would we want to ensure funds raised in Cuckmere are spent in Cuckmere etc (would need a differential rating order)

  Number on Board

  Name of new IDD/B

  - Required before IDD/B established

Nominations for Board for first year

Administrators in place – could be another IDB, consultants, EA by arrangement in short term.
**Action TW** to ask JBA if she can share their tender for services

Means of delivering work – direct labour/contracts/psca with other risk management authority

- Smooth transition

Shadow Board in place 6 months before abolition/set up

**Action TW** to check procurement rules for IDBs

Information/data

Pevensey Advisory Group have agree to go through Pevensey Operations Manual to identify structures that are in poor condition or failing and suggest what needs doing. Pumps look good, now looking at feeds and exit structures.

**Action TW** to arrange a workshop for January to help create a plan for taking forward the IDD.

Invite district and county councils, NE, EA (including Ian Russell), NFU, CLA, ADA (Ian Moodie). Medway District Council (who are slightly ahead in setting up a new IDD). TW to liaise with officers who will ensure they get invite appropriate people from council eg portfolio holder, someone from Cuckmere.

Ask East Sussex to chair

**Action TW** Draft agenda and outcomes

**Action LM** to arrange location

**Action CJ** and Dan sergeant are running Pevensey WLMP review surgeries in February

Training

6 AOB
SDNPA have withdrawn from the Steering Group (see attached letter)

7 DoNM
March 15 - tbc

TAW
18 Dec 14
Internal Drainage Board

Summary
This report recommends a way forward for Wealden District Council following the decision by the Environment Agency (EA) to dissolve its responsibility for managing the Internal Drainage Districts (IDDs) in East Sussex.

Portfolio Holder: Cllr Claire Dowling, Public Health and Community Safety

Recommendation
To recommend that Cabinet:
A. In the light of the Environment Agency’s decision to dissolve its responsibility for managing the current Internal Drainage District’s (IDDs), support the option to set up a new Internal Drainage Board (IDB) across the whole of East Sussex to manage the Cuckmere, Ouse and Pevensey IDD’s, or if this option is not supported by all the Authorities across East Sussex, to support an IDB to manage the Cuckmere and Pevensey IDD’s; and
B. Support the development of a Service Level agreement between the new Internal Drainage Board and the Environment Agency to ensure that all the assets within any IDDs that the IDB is responsible for are maintained in line with the currently scheduled capital maintenance plan prior to the assets being transferred to the new IDB and that a guarantee be developed to financially assist the IDB in the first few years if there was a failure in a critical asset.

Reason
For the Council to have an agreed approach for the management of Internal Drainage Districts when the EA dissolves its responsibility for their management.

Introduction
1. The Environment Agency (EA) has advised that it intends to dissolve its responsibility for managing the Internal Drainage Districts (IDDs) within East Sussex. IDDs are special areas of drainage need and there are three within the area. These are the Pevensey Levels, the Cuckmere and the Ouse IDDs. These areas have been managed by the EA in order to reduce flood risk to people, properties and infrastructure and to ensure that water levels are managed to meet the local need.
2. The EA and Central Government are of the view that arrangements for drainage districts should have a greater degree of local accountability.
3. The EA has asked Local Authorities that are affected if they object to the proposal to dissolve the IDDs and asked for an opinion on the options for the future management of these drainage areas.
4. The three options that the Council has been asked to considered are:
(a) **Option 1** – Communities or other suitable organisations set up a new Independent Drainage Board (IDB) to take over some of the interests of the existing IDDs;

(b) **Option 2** – Dissolve the existing IDD’s so the watercourses within the IDD become ordinary watercourses for which:
- Riparian owners are responsible for the maintenance of the watercourse and structure (including pumping stations);
- District and Borough Councils have permissive powers to undertake maintenance.; and
- East Sussex County Council (the Lead Local Flood Authority (LLFA) is responsible for enforcement and consenting; or

(c) **Option 3** – Dissolve the existing IDD and communities and other interested parties work in partnership to establish alternative arrangements (outside of an IDD / IDB structure).

**What is an IDB?**

5. An Internal Drainage Board is an independent local public authority that manages water levels within IDDs. Much of its work involves the maintenance of rivers, weirs, sluices, culverts, embankments, drainage channels, outfalls and pumping stations, facilitating drainage of new developments and advising on new planning applications. It has permissive powers with the IDDs to undertake such works as well as a statutory duty in regard to the environment and recreation when exercising its powers. It has a specific duty to further the conservation and enhancement of all designated environmental sites within their districts such as Sites of Special Scientific Interest (SSSI’s) and RAMSAR sites (Internationally protected wetland sites).

6. Defra is responsible for IDB’s and IDB’s and work closely with the EA and with Lead Local Flood Authorities (East Sussex County Council in our area) and with Local Authorities in regard to planning issues. IDB’s are not responsible for main rivers; the EA supervises the management of these. An overview of IDBs, their management, responsibilities, and funding sources is best explained by Association of Drainage Authorities’ (ADA’s) Introduction to Internal Drainage Boards, which can be found in Appendix A. There is also some information about how they are constituted and governed in Appendix 1 to Appendix A.

7. The majority of IDB’s across the country are set up and run as independent bodies rather than by the EA.

**How are IDBs funded?**

8. The expenses of an independent IDB are predominantly funded by the local beneficiaries of the water level management work they provide. The Land Drainage Act 1991 determines that the expenses of an IDB shall be met by:

   (a) Drainage rates collected from agricultural land and buildings within the Internal Drainage District;
(b) Special Levies issued on District and Unitary Authorities within
the Internal Drainage District; The Special Levy is the
contribution from the non-agricultural landowners within the
Internal Drainage District (IDD) to the IDB; and

(c) Contributions from the Environment Agency (see Higher Land
Water Contributions). (There is more information detail on
funding in Appendix 1 to Appendix A)

9. The Special Levy is collected for the IDB from Council Tax payers by
Local Authorities and then paid to the IDB. The 2014-15 forecast from
the EA Annual Report for East Sussex IDDs is as follows:

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<thead>
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<th>Pevensey IDD</th>
<th>Special Levy (£)</th>
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<td>Eastbourne Borough Council</td>
<td>£193,186</td>
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<td>Hastings Borough Council</td>
<td>£9,779</td>
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<tr>
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<td>Wealden District Council</td>
<td>£38,435</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>£244,984</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ouse IDD</th>
<th>Special Levy (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewes District Council</td>
<td>£123,530</td>
</tr>
<tr>
<td>Mid Sussex District Council</td>
<td>£11,640</td>
</tr>
<tr>
<td>Wealden District Council</td>
<td>£8,834</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£144,004</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cuckmere IDD</th>
<th>Special Levy (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wealden District Council</td>
<td>£3,814</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£3,814</strong></td>
</tr>
</tbody>
</table>

10. The above monies have historically been reimbursed by the Department
of Communities and Local Government through their Revenue Support
Grant. This funding is to be superseded by the Settlement Funding
Assessment or Baseline Funding Assessment, which is guaranteed to
continue until 2021. ESCC, EBC and WDC are pursuing the future
uncertainty of this government funding with the Secretary of State. See
copy of letters sent to DCLG in September / October 2014 (Appendix C)

11. It is worth noting that if an IDB is established it is a separate legal entity
with its own financial responsibilities and duties.

**Analysis**

12. In response to concerns about the EA’s proposal to dissolve its
responsibility for this area a small working group was set up in the
spring of 2014 to consider the implications for the District and Borough
Local Authorities within East Sussex. More recently this exercise has
been led by officers from Eastbourne Borough Council and Wealden District Council.

Options
13. Discussions and analysis of the original options led to the development of three potential scenarios. These are summarised in the table below;

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Additional Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1</td>
<td>No Local Authority consensus as to what drainage arrangement should be put in place</td>
<td>Defra imposes IDB for Pevensey (This is the most likely scenario if there is no consensus)</td>
</tr>
<tr>
<td>Scenario 2</td>
<td>No Objection to IDB Dissolution; No Replacement IDB</td>
<td>Drainage areas revert back to land-owner control; alternatively, recommend community-led water-level management.</td>
</tr>
<tr>
<td>Scenario 3</td>
<td>New IDB</td>
<td>New, independent Board to take over drainage area(s).</td>
</tr>
</tbody>
</table>

14. These scenarios have been reviewed and the ‘Options Appraisal’ is set out in Appendix 1. The Appraisal has identified known costs, opportunities and risks for each ‘Option’ and a risk assessment has been undertaken based on the information available.

15. The objective in adopting the above approach was to compare the relative risk and to identify an option that would be preferred by the Local Authorities involved with the IDDs in East Sussex. The conclusions from the Appraisal are as set out in the table below.

<table>
<thead>
<tr>
<th>Options ranked in order of preference</th>
<th>Scenario/Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Option</td>
<td>Scenario/Option 3, New IDB: New, independent Board to take over drainage area(s).</td>
</tr>
<tr>
<td>Second preference</td>
<td>Scenario/Option 1, No Consensus: Defra imposes IDB (Pevensey).</td>
</tr>
<tr>
<td>Third preference</td>
<td>Scenario/Option 2, No objection to dissolution, no replacement IDB: Drainage areas revert back to land-owner control; alternatively, recommend community-led water-level management.</td>
</tr>
</tbody>
</table>

16. In undertaking this work the Portfolio Holder has been supported by the Cabinet Advisory Group (CAG) who have explored the subject and considered the options in depth.

17. The preferred option identified is Scenario/Option 3: to form a new IDB. It is therefore recommended to proceed on this basis with, ideally, the three IDD’s coming under a single IDB.
Timetable

18. Schedule of Key Dates for Dissolution of EA Administered IDDs in East Sussex:

<table>
<thead>
<tr>
<th>Detail</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Authorities confirm decision in regard to preferred option</td>
<td>January 2015</td>
</tr>
<tr>
<td>Discussion with other Stakeholders and DEFRA about likely option</td>
<td>February – May 2015</td>
</tr>
<tr>
<td>Draft Order submit to DEFRA</td>
<td>End of June 2015</td>
</tr>
<tr>
<td>Dissolution of IDB by Secretary State for the Environment</td>
<td>March 2016</td>
</tr>
<tr>
<td>Alternative Arrangements in place</td>
<td>April 2016</td>
</tr>
</tbody>
</table>

Funding and Assets

19. The Government provides no specific grants to finance this area and it looks very unlikely that there will be any change in this as finances are calculated or set until 2021.

20. As mentioned above Wealden District Council collects a Special Levy which is currently paid to the Environment Agency for undertaking the work of the Internal Drainage Board (IDB). This Levy is collected and goes up to make up overall Council Tax. If there was no IDB the Council would be expected to reduce Council Tax accordingly. If it was not reduced current principles indicate that the Government would be likely to intercede as not using it for the purpose for which it was collected and they would want it returned to the Tax Payer (Referendum Principles). Levies of this type are for special purposes.

21. There is also a Drainage Rate that is levied on the owners of agricultural land and buildings within Internal Drainage Districts. This is collected and administered by Internal Drainage Boards in the relevant area. Currently within Wealden the Environment Agency and Upper Medway Internal Drainage Board collect this tax. If there was no IDD and associated IDB then the Drainage Rate could not be collected.


<table>
<thead>
<tr>
<th>AREA</th>
<th>Special Levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuckmere</td>
<td>£3,814</td>
</tr>
<tr>
<td>Ouse</td>
<td>£8,834</td>
</tr>
<tr>
<td>Pevensey Levels</td>
<td>£38,435</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£51,083</strong></td>
</tr>
</tbody>
</table>

23. Wealden Council has also traditionally received a Revenue Support Grant from Central Government to support the actual amount paid to an IDB in the preceding year. In April 2012 this amount became a fixed sum based upon km of river length (managed by the EA) and a lower fixed sum for each km of ordinary watercourse (managed by an IDB).
24. In April 2013, local authorities have a new ‘start line’ budget for their local authority derived from a range of indicators. The funding from central government has reduced and the authority is now able to retain a proportion of our business rates. The budget is fixed until 2021.

25. The concern is that if there is no Special Levy collected then this will affect the government’s Base Line Funding Assessment. The formula for this assessment has a factor that considers whether Local Authorities are paying a Special Levy, if we are not paying this Central Government will adjust the level and reduce the level of our Base Line Funding accordingly. Local Authorities have been considering whether it is feasible to retain the level of funding from central government for specific drainage projects or for other uses within the Local Authority. Clarification is being sought in regard to this area and a letter has been sent to DCLG asking for their opinion on this (Appendix C to Appendix 1).

Assets

26. There are a range of physical assets within the IDD’s. A summary of the relevant assets are set out in Appendix 1 of the Options Appraisal. The assets are currently managed by the EA and if an IDB is set up the assets would pass to them to maintain, service, upgrade and repair. There would therefore be no liability for WDC in regard to the assets.

27. There have been a number of discussions held about the assets and where the funding will be derived from if there was a critical failure in one of the more expensive assets or structures within the IDB. There is a capital fund that could be available in the eventuality that there was an issue in this regard (Flood Defence Grant in aid – FDGiA). It is however recommended that an agreement would need to be drawn up with the EA that they would ensure that the assets be maintained in line with the currently scheduled capital maintenance plan prior to the assets being transferred to any new IDB that is set up. In addition that some guarantee be also available that they would financial assist the IDB in the first few years if there was a failure in an expensive critical asset.

28. If there is no IDB then there would be concerns about the assets particularly in the Pevensey Levels. The liability for these assets would however be with the landowners on whose land the assets are situated or with the EA. WDC would have no liability for the assets.

Conclusion

29. An appraisal of the options available has considered the risks to the Local District and Borough Authorities and identified that the preferred option is for a new Independent Drainage Board (IDB) to be set up to manage the internal drainage districts within East Sussex.

30. The particular implications for Wealden District Council have also been highlighted and this confirms that it is essential that adequate arrangements are in place to manage flooding and water levels in Pevensey and that there are benefits from also having good arrangements in place for the Cuckmere and also potentially the Ouse.
31. The draft Pevensey Levels Water Level Management Plan Review has particularly highlighted the importance of ensuring that there are satisfactory arrangements in place as this area is a nationally and internationally important wetland site.

32. It is important however that any new IDB that is set up is supported and that transitional arrangements are in place to ensure that the new public authority is funded adequately. The organisation will need to be able to manage its assets, environmental impacts including flooding, maintain water levels to meet the needs of the local community and also comply with conservation obligations.

Corporate Management Team Advice

33. Cabinet is recommended to:
   (a) Agree that the Council does not object to the EA’s application to dissolve its responsibility for managing the current Internal Drainage District’s (IDDs);
   (b) Support the option to set up a new Internal Drainage Board (IDB) across the whole of East Sussex to manage the Cuckmere, Ouse and Pevensey IDD’s, or if this option is not support by all the Authorities across East Sussex, to support an IDB to manage the Cuckmere and Pevensey IDD’s; and
   (c) Support the development of a Service Level agreement between the new Independent Drainage Board and the Environment Agency to ensure that all the assets within any IDD’s that the IDB is responsible for are maintained in line with the currently scheduled capital maintenance plan prior to the assets being transferred to the new IDB and that a guarantee be developed to financially assist the IDB in the first few years if there was a failure in an expensive critical asset.

Financial Implications

34. As set out in the body of the report

Legal Implications

35. Certain aspects of this issue have raised concerns about the legal liabilities for the Local Authorities if certain options are adopted. Clarification was therefore sought to develop some degree of certainty around this aspect of the proposal. The conclusions are set out in the Options Appraisal in Appendix 1.

36. It is worth noting that if an IDB is established, it is an independent legal entity and as such it would carry its own legal responsibility and duties. It would also be free to appoint such legal advisors as it saw fit and as such the Council would not carry any legal burden if an IDB is established.

37. If there was no IDB the Council does have permissive powers to undertake works to resolve or improve problems in certain instances but would incur costs for the Council if enforcement was deemed
appropriate. Natural England are also concerned about the costs to themselves in the eventuality that there is no IDB.

Human Resources Implications

38. None

Other Implications

39. As discussed in the Options Section there are risks and benefits to District and Borough Councils from each option. These have been carefully considered in the Options Appraisal in Appendix 1. There are however specific implications that could particularly affect this Council if there is no adequate arrangement in place to manage particular IDDs and these are set out below.

Environmental, Flooding and Economic Risks

In Pevensey

40. The implications for Pevensey set out below are from the ‘Pevensey Level Water Level Management Plan Review 2014’ and the Options for the future of the Pevensey Levels Internal Drainage District –July 2013’.

41. The Pevensey Levels Site of Special Scientific Interest (SSSI), RAMSAR and Special Area of Conservation (SAC) is a nationally and internationally important wetland site. Stable water levels are crucial for the nature conservation interest of the site and there are 60 active farms and approximately 200 landowners.

42. Natural England is currently reviewing the Pevensey Water Level Management Plan and this has identified that there would be a range of risks from ceasing the work of the current EA IDB (The Draft Executive Summary from this report is set out in Appendix B). The risks that would be likely to affect WDC area are:

43. In Pevensey there is an increased risk of flooding and effects on the:

(a) Transport system (estimated cost £3.0 Million per year):
- There are likely to be economic effects on business within the area if road or rail networks are blocked or unavailable for periods of time.
- Parts of the A259 and the junction with the B2095, Whartling Road, Rickney Lane, Newbridge Road and Down Ash Road.
- 13kms of mainline railway and four railway stations within the Pevensey IDD (in the longer term this may undermine the structure of the embankments supporting the railway)

(b) Food Production (estimated cost £1.5 Million per year)
- It is estimated that many of the current farming businesses on the levels would become unsustainable if they were expected to take on the management of water levels. Certain farmers are likely to be particularly affected as they have water pumps and other water control structures on their land.
- Under riparian owner management, the risk of failure is high – water level management would become less strategic as individual farmers may not have the skills, financial resources or time to maintain structures and ditches or follow the required water level regime. Farmers would also be required to work together in order to co-ordinate works and this is likely to cause considerable conflicts which would not be easily resolvable.
- Estimated that food production would decrease as land would convert from arable to grazing. There would also be a loss as some of the area would be converted from grassland to permanent marsh and would not be viable for grazing.

(c) Designated Sites (estimated cost £11 million per year)
- The loss of the IDB is likely to affect wildlife within the RAMSAR and SSSI sites within the area. This has serious implications for certain species that are endangered if the water levels are not correctly managed.

(d) Flooding of properties
- If the work of the IDB was to cease likely to be an increase in the risk of flooding to one business property within the levels. Likely that during periods of prolonged rain or intense storms water would get into this property.

In Ouse
44. In Ouse there are implications for (from ‘Options for the Future of the River Ouse Internal Drainage District – Evidence, July 2013’):
(a) Food Production (estimated cost £36 thousand per year)
- The main area that benefits from works within the IDD is Food Production. It is estimated that work on IDD watercourses supports 87ha land being cultivated for crops and 50 ha of livestock being used for grazing.

(b) Flood Risk (no estimate available)
- The main source of flood risk in the Ouse Valley is from the river Ouse and its tributaries at times of intense rainfall and high tides there is a risk of overtopping or bank failure. If flooding occurs from the Ouse, initially the flood plain and the IDD water courses would be inundated. Though the IDD water courses would not affect the potential for higher areas and associated infrastructure from being flooded, the IDD water courses and pumps help to drain the flood affected areas as the levels of water in the river Ouse drop.

In Cuckmere
45. In Cuckmere there are implications for (from Options for the Future of the River Cuckmere Internal Drainage District – Evidence – July 2013’):
(a) Transport System (no estimate provided)
- There are likely to be economic effects on business within the area if the road network is blocked or unavailable for increased periods of time. There has been no detailed investigation of the effect on businesses but clearly this was an issue for Alfriston last year when the road was blocked for a long period. The car park, shops, pubs and hotel were all affected. An IDB will not be able to resolve this issue as much of the flooding is due to the main river which the EA will still remain responsible for but if IDD structures are not managed properly this is likely to exacerbate and worsen the situation.
- Without the work of the IDB it is estimated that there would be more frequent flooding of 3kms of road in the Cuckmere IDD area.

(b) Food Production (estimated cost £170 thousand per year)
- There are concerns about the loss of this IDD as local landowners would become responsible for flood management. This is an important area of the district and there are concerns that food production in this area will be adversely effected as some grazing will be lost as areas of land become permanent marsh.

(c) Flooding of Properties (estimated cost £25 thousand per year)
- There is a concern that a lack of maintenance of structures on the landward side of the tidal river walls could have a significant effect on the flood risk of four properties in and near to Alfriston and it is likely that during periods of prolonged rain or intense storms that water would be more likely to get inside two residential and two business properties.

Reputational Risk

46. Local taxpayers will expect Wealden Council to have carefully considered the risk to those that live, work and visit our district. The Pitt report on flooding which reported in 2008 recommended that all the agencies that have a responsibility for water management and flood risk should co-operate. In 2010 the Floods and Water Management Act strengthened local flood management and ESCC became the lead local flood authority for the area.

47. The Pitt report highlighted that there is likely to be an increased risk from surface water flooding in the future. It emphasised that strong governance and investment will be required to tackle the risks.

48. It is therefore important that Wealden District Council considers this issue very carefully as the local community are likely to be very critical of the authority if we do not take on a leadership role in supporting an option that brings benefits to the area and avoids those risks that are likely to have a serious negative impact on our community.
49. There are a large number of land owners in the Pevensey levels area that will be affected if water is not managed appropriately. If flooding becomes an issue and roads or rail networks are affected and land is increasingly not economically available then the local community will be lobbying this Council as well as other agencies to resolve problems. This has happened in other areas such as in Gloucestershire in 2007 and in the Somerset Levels earlier this year.

<table>
<thead>
<tr>
<th>Other Implications</th>
<th>Applies?</th>
<th>Other Implications</th>
<th>Applies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Rights</td>
<td>No</td>
<td>Equalities and Diversity</td>
<td>No</td>
</tr>
<tr>
<td>Crime and Disorder</td>
<td>No</td>
<td>Consultation</td>
<td>No</td>
</tr>
<tr>
<td>Environmental</td>
<td>Yes</td>
<td>Access to Information</td>
<td>No</td>
</tr>
<tr>
<td>Sustainability</td>
<td>Yes</td>
<td>Exempt from Publication</td>
<td>No</td>
</tr>
<tr>
<td>Risk Management</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Director/ Proper Officer: Nigel Hannam, Director of Environment and Community Services
Report Contact Officer: Catherine Beaumont, Deputy Head Environmental Health
Telephone Number: 01424 787329
e-mail address: catherine.beaumont@rother.gov.uk
Appendices: Appendix 1 – Options Appraisal
Background Papers: None
Appendix 10: East of Gravesend Steering Group Minutes
East of Gravesend IDD Steering Group Meeting  
Thursday 26 June 2014 14:00-16:00  
Meeting Room 11 Gun Wharf

Attendees:  
Priscilla Mumby, Medway Council (PM)  
Stuart Bobby, Medway Council (SB)  
Max Tant, KCC (MT)  
Michael Watson, Lower Medway Internal Drainage Board (MB)  
Pete Dowling, Internal Drainage Board (PD)  
Tim Connell, Environment Agency (TC)  
Lisa Lennox, EA (LL)  
Katherine Barnes, EA (KB)  
Tom Ormesher, National Farmers Union (TO)

Apologies:  
Julian Nash, RSPB (JN)  
Tim Broomhead, Country Land and Business Association (CLA South East) (TB)  
James Seymour, Natural England (JS)

Agenda

1 Welcome and introductions (ALL)  
2 Progress update. (PM, SB, LL)  

EA have produced summary update.  
West of Gravesend IDD. Agreed by Cabinet on 12 June.

East of Gravesend IDD. MC Directors approved executive decision on 3 April 2014.  
GBC due to go to Cabinet with similar recommendations on 30 June 2014.

EA Board approved recommendations on 22 May 2014.

Update provided by all.

LL requested support of KCC on decisions taken, MT confirmed that KCC have very little involvement currently so cannot confirm Member support from KCC PM advised that the relevant channels etc have been ticked at a local level
SB to provide LL outcome of Cabinet Meeting following on from the 30th.

3 Justification Statement (ALL)

- Justification for replacement IDB
- Name of replacement IDB
- Boundaries
- Beneficiaries
- Biodiversity Audit
- Water Level Management Plan/Habitat Regulations Assessment
- Watercourses and assets/estimated costs/asset condition
- Estimation of Drainage Rates and Special Levy

4 Maintenance and assets (PM)

+ Estimation of costs for this years maintenance activities to inform budget and possible budget deficit for new IDB transfer/set up?

+ In 2006 a five year programme of sediment management was establish for a number of water courses to return them to capacity and improve conveyance. Details of the programme is on page 42 of the Information report. The watercourses that are outstanding or still need to be desilted from this 5-year programme are Cooling and Filborough, which from the maintenance programme I sent you will be carried this financial year. Further sediment management under our current maintenance specification will not be required for these watercourse for several years, however a new IDB may want to reassess this.

+ We plan to undertake a pre transition visual condition inspection of all the listed assets. We’re not anticipating any major capital expenditure in the short term – five years.

+ We are required to provide year-end accounts to relevant third parties. According to the previous accounts they should be sent out no later than August. I’ve confirmed this with Peter Carver – it will be August.

LL confirmed maintenance costs will be approximately £30k and confirmed that the five year sediment management programme mentioned on Page 42 of the Information Report has

LL confirmed that condition surveys would be undertaken to ensure that they are at an appropriate standard for handover. PD requested clarification on the condition of ‘appropriate’. LL confirmed that meant ‘good’ but will confirm in due course and confirmed that details of the surveys will be provided by the end of the financial year.

PM requested details on condition surveys as they progress – particularly if it’s found that an asset has failed.

PD raised issue of assets and what the ratio is between landowner assets and actual WLM assets that should be managed by an IDB. PM and LL to clarify and include. New board to decide whether to continue asset management of landowner assets (e.g. crossings).
T2100 (PM)

When will information be forthcoming about ‘site x’? Anticipated? Will be down to new Board but informs possible changes to income/workload.

We think this can be viewed on the DP World - London Gateway website. LL and PM to investigate to clarify any potential changes to income and workload of the new IDB.

Drainage rates and Special Levy (LL)

EA confirmed that it should stay the same. Need to take T2100 into account.

Communications/EA Comms Plan (LL)

Parish Council involvement: suggest Steer from Portfolio Holder.

Review draft letters for ratepayers and agree content.

Agree use of communications contribution from other key stakeholders as well as any other publicly available information on websites etc. (NFU/CLA) and others.

EA have Comms plan. LL confirmed that EA are about to send out invoices for Drainage Rates for 14/15 and have been holding back because of project and timings with decisions etc. All discussed. SB suggested sending out now ahead of further consultation on decisions. LL to confirm this will be the case.

All discussed consultation letter draft. SB and PM advised that they need to undertake Member briefings ahead of any further consultation to ensure that Members are aware.

Member engagement (ALL)

Political risks.

In order to manage flood risk effectively, the decision to sub contract out the services may need to made prior to the formal meeting of any board, and thus the first step in managing the IDB is not made by the board. Is this appropriate?

SB suggested an open evening/drop in as per comments in EA plan for Members. TO suggested this may be good forum to public to attend also. Could also include Parish Chairs. Three separate events to target Members, including KCC Members. SB and PM to work with Tim Sams from Dartford to facilitate three events in Dartford, Gravesham and Medway. EA to provide support. SB looking into public issue. Member briefings in September.

Also a good forum to gauge interest in joining the board as this is also a risk.
Governance of replacement IDB (PM)

Contract out to existing IDB?
When will existing IDB be in a position to confirm that (or not)?
What other options are available?
Is this appropriate before the board is set up? (i.e. it wont be a board decision)?

LIMID happy to be put as an option as long as all the relevant information can be provided. PM and LL confirmed that it was a new Board being set up, rather than expansion of existing board, this decision would be down to the new Board.

Sub contracting of services would be interim position, and for the new Board to comment on once in place.

Costs of setting up IDB/transition (PM/LL)

- Teresa Willway did some very ‘crude’ calculations, through discussions with ADA and using 2006 defra guidance, and estimated ‘other’ administrations costs to be approximately 22% of the total works costs for a similar sized IDB. Suggests costs approx £17-20k p.a.

- Possible training/handover support/recruitment. LIMIDB to provide steer?

Risks (ALL)

- Objections during statutory consultation period after the scheme has been submitted. (Assume that the public consultation will be on decision rather than Justification Statement?)

- Risk that set up will take longer than scheduled. EA to act as IDB until handover. Confirmation of support after transition?

- Risk that watercourses/assets are not in a suitable condition to handover to a new IDB. EA will identify where there is a need for asset maintenance and carry this out to ensure all assets are in a suitable condition. Condition surveys?

- Sufficient funding for set up of new IDB. New resource. Recruitment difficulties? Training/support requirements? Any further handover/support?

PD/LMIDB to comment on further information required for their decision making etc at their end.

Timescales

LA’s to still push for being ready in April with most administrative matters, then wait for outcome of elections etc before formal set up of new Board.

PM and LL discussed proposed timescale in consideration of consultation requirements etc.
Next meeting
September?/Early October. PM to circulate dates.

AOB
West of Gravesend IDD.
PM to chase up other LA’s to get a feel for progress etc and to ensure that all boxes are ticked.
Changing the management of two internal drainage districts near Gravesend

Project update – 26 June 2014

This update summarises the current position of the work to dissolve and replace Internal Drainage Board (IDB) governance arrangements for the east and west of Gravesend Internal Drainage Districts (IDDs). It has been reviewed and agreed by the steering group comprising officers from the following local authorities working with the Environment Agency:

- London Borough of Bexley (LBB)
- Dartford Borough Council (DBC)
- Graveshams Borough Council (GBC)
- Medway Council (MC)
- Kent County Council (KCC)

Current position

West of Gravesend IDD
LBB presented a paper to their governing body in January 2014. We are waiting confirmation of the outcome.

DBC presented the recommendation to dissolve the West of Gravesend IDD to their Cabinet on 12 June 2014. The recommendation to dissolve the current IDD and not set up a new one was approved. DBC will support the Environment Agency in engaging riparian owners of their responsibilities.

KCC supports the recommendation to dissolve the West of Gravesend IDD and not set up a new one.

East of Gravesend IDD
MC Directors considered the options for the future governance of the East of Gravesend IDD on 3 April 2014. They confirmed they will be seeking to replace the current arrangements with a locally accountable IDB structure.

The steering group, along with key stakeholders, have explored the risks and opportunities involved with the process of setting up a new IDB. MC is leading on producing a ‘justification statement’ outlining the viability and affordability of a new IDB. This will be presented to the Environment Agency as further evidence to support the Scheme that will be submitted to the Secretary of State for Environment, Food and Rural Affairs in Autumn/Winter 2014.

GBC Directors approved the recommendation to replace the existing IDB with a new IDB structure. The recommendation will be presented to GBC’s Cabinet on 30 June 2014 for final approval.

Environment Agency
On 22 May 2014 the Environment Agency Board approved the following recommendations:
• The abolition of the Commissioners of Sewers Lombard's Wall to Gravesend Bridge (also known as the West of Gravesend IDD).

• The abolition of the existing and the constitution of a new IDD and IDB for the area of the Commissioners of Sewers Gravesend Bridge to Sheerness and Penshurst (also known as the East of Gravesend IDD).

The Environment Agency Board approved dissolving the East of Gravesend IDB and IDD at the same time as setting up a new IDD and IDB here. The timeline for this is to submit a combined order or Scheme by December 2014, which will come into effect in September 2015. However, it has been agreed that all affected parties will endeavour to achieve this by June 2015.

Risks

There is a risk that objections could be raised during the statutory consultation period after the Scheme has been submitted. Objections could lead to a public enquiry, delay the process and cause reputational damage. To manage this risk the steering group will:

• Work together to positively influence and inform wider stakeholders of the new water level management arrangements for the west and east of Gravesend IDDs.

• Listen to any feedback and concerns that ratepayers and wider stakeholders may raise before, during and after the consultation period and provide detailed information to answer these concerns.

• Jointly own and deliver the communications/engagement plan.

There is a risk that the process of setting up a new IDD and IDB will take longer than scheduled. This risk will be managed by the following:

• MC and GBC have already started to follow ADA guidance on setting up a new IDD and IDB for the East of Gravesend. This includes completing a justification statement and identifying the number of members to represent the Board. They are working with the Clerk and Engineer of Medway IDBs who is providing advice and guidance.

• The Environment Agency Board approved dissolving the East of Gravesend IDB and IDD at the same time as setting up a new IDD and IDB. The Environment Agency will continue to act as the IDB until the formal handover, therefore a temporary interim arrangement will not be required. This will ensure a timely transition and eliminate any potential operational risks. Any balances in the current IDB account will be transferred to the new IDB. Natural England recommended that a review of the current water level management plan will not be required before a new IDB comes into effect.
There is a risk that watercourses and assets are not in a suitable condition to pass onto the riparian owner or a new IDB. The Environment Agency and steering group will work with stakeholders to address any risks this may present. This includes:

- Working with landowners, local authorities and other affected parties to support them in the transition to the new arrangements.
- Identifying where there is a need for asset maintenance and carrying this out to ensure all assets are in a suitable condition.
- Helping riparian landowners to understand and meet their responsibilities when the IDDs are dissolved and advising them of their options regarding operation and maintenance of assets and watercourses.

There is a risk that the Secretary of State will not sign off the Scheme without a Habitat Regulations Assessment. Defra has indicated that a Habitat Regulations Assessment will be required for areas where there are internationally important habitat sites. A Habitat Regulations Assessment will not be required for:

- The West of Gravesend IDD – there are no designated areas in the district.
- The East of Gravesend IDD – the responsibility for managing water levels within this district will go to another competent authority. However, reference to this needs to be made clear in the justification statement.

There is a risk that there will not be sufficient funding to set up a new IDB in the East of Gravesend. Defra strongly supports establishing new IDBs and is working with the Department for Communities and Local Government to identify barriers to local fundraising and consider how they can best be addressed.

**Next steps**

Steering group meetings are arranged for June and July, where we will discuss the business cases for both IDDs and agree a joint engagement plan to transition to the new arrangements from June 2014 to June 2015.

Lisa Lennox  
Project Lead, Kent and South London  
Environment Agency  
Lisa.lennox@environment-agency.gov.uk
Appendix 11: Arun District Council
ARUN DISTRICT COUNCIL

DECISION NOTICES FROM THE CABINET MEETING HELD ON
10 MARCH 2014

<table>
<thead>
<tr>
<th>REF NO.</th>
<th>DECISION</th>
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<tbody>
<tr>
<td>C/070/100314</td>
<td>Budget Monitoring Report to 31 January 2014</td>
</tr>
<tr>
<td>C/071/100314</td>
<td>Options for the Future of the Arun and the South West Sussex Internal Drainage Districts</td>
</tr>
<tr>
<td>C/072/100314</td>
<td>Civil Parking Enforcement: West Sussex County Council Service Level Agreement and Contract Options</td>
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<tr>
<td>C/073/100314</td>
<td>Environmental Services &amp; Community Development Working Group – 6 February 2014</td>
</tr>
<tr>
<td>C/074/100314</td>
<td>Award of Contract for Integrated Housing Management System [Exempt – Paragraph 3 – Information Relating to Business Affairs]</td>
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</table>

PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00 A.M. ON TUESDAY 18 MARCH 2014 UNLESS THE CALL-IN PROCESS IS APPLIED
REFERENCE NO: C/070/100314

<table>
<thead>
<tr>
<th>FULL CABINET DECISION</th>
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<tr>
<td>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</td>
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</table>

SUBJECT: Budget Monitoring Report to 31 January 2014

OFFICER CONTACT: Carolin Martlew, Group Accountant
Extn: 37563  e.mail: carolin.martlew@arun.gov.uk

EXECUTIVE SUMMARY: The budget monitoring report sets out the Capital, Housing Revenue and General Fund Revenue budget performance to the end of January 2014.

DECISION:

As recommended in the report and amended at the meeting, the Cabinet

RESOLVED - That

(1) it be noted that the overall performance against budget is on track. There are some significant corporate underspends. Further action is needed to recover the establishment target under achievement;

(2) a virement of up to £510k be approved for costs associated with Neighbourhood Plans funded from specific DCLG (Department of Communities and Local Government) grant;

(3) the implications be noted for the HRA (Housing Revenue Account) of the terms of the Council’s agreement for the retention of additional Right to Buy receipts (section 10.1 of the report);

(4) the virements above £5,000 actioned over the period September 2013 to January 2014 (Appendix A to the report) be noted;

(5) the current position on Earmarked Reserves (as shown in Appendix B) be noted; and

(6) a virement of £1.65m for public realm work in Bognor Regis, funded from specific DCLG grant, be approved.

REASON FOR THE DECISION:
To ensure that spending is in line with approved Council policies and that it is contained within overall budget limits.

OPTIONS CONSIDERED BUT REJECTED: N/A

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: None

DISPENSATIONS GRANTED: None

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None
EXECUTIVE SUMMARY: The Environment Agency is proposing to dissolve the two local Internal Drainage Districts within the Arun District for which they act as the Internal Drainage Board. This report outlines the discussion that surrounded the options offered by the Environment Agency to replace these Internal Drainage Districts, with a recommendation for the future management of the land drainage in these areas.

DECISION:
As recommended in the report, the Cabinet

RESOLVED
That, if the Environment Agency’s application to dissolve the existing IDDs (Internal Drainage District) is approved

(i) no independent IDD be proposed to replace the existing IDDs;

(ii) commencing at a date when the dissolution takes effect, Arun to initially carry out management work to those watercourses identified by the Environment Agency as being necessary to mitigate flood risk to properties;

(iii) approve a new full-time post of Assistant Engineer, commencing as soon as possible after the dissolution takes effect, to carry out inspections of watercourses and management of flood risk work; and

(iv) up to £149,000 of the current expenditure, created by future non payment of the IDD levies for land drainage risk assessed works, be allocated to cover the appointment of an Assistant Engineer (recommendation (iii) above) and planned land drainage maintenance work.

REASON FOR THE DECISION:
The Environment Agency has unilaterally decided to apply for dissolution of the existing IDDs. This decision relates to what will be put in place to replace the works on drainage and water level management in these areas in future if their applications are successful.

OPTIONS CONSIDERED BUT REJECTED:
Other options could include leaving all maintenance work to Riparian Owners, but this would need to be monitored carefully as the EA has been doing the work up to now and landowners are not currently set up or financed to carry out this work, hence
an additional post would still be required to cover the monitoring work.

In addition, an enhanced status quo could be considered as an option, but this is unlikely to be financially beneficial to Arun as it currently obtains less benefit than the value of the levies that it pays to the IDD.

<table>
<thead>
<tr>
<th>CABINET MEMBER(S):</th>
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<tr>
<td>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</td>
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<tr>
<td>DISPENSATIONS GRANTED:</td>
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| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: | None |
EXECUTIVE SUMMARY: The Service Level Agreement (SLA) for Arun to act as Agent for West Sussex County Council (WSCC) runs from July 2010 to July 2015. The report discusses options for a way forward beyond the current end date and, by association, the Contract for Civil Parking and Associated Services (2012-15) currently held by NSL Services Ltd.

DECISION:

As recommended in the report, the Cabinet

RESOLVED – That

(1) an extended Service Level Agreement (SLA) be entered into with West Sussex County Council until 31 March 2018, in line with the current agreement and same terms and conditions;

(2) subject to (1) to delegate the preparation and signing of the extended agreement to the Outdoor Services Manager, in consultation with the Head of Legal and Administration Services; and

(3) subject to (1) and (2), to serve notice to NSL Services Ltd to extend the Civil Parking Enforcement and Associated Services Contract (2012-15) by 3 years to 31 March 2018 on the same terms and conditions and as provided for and permitted in the Contract.

REASON FOR THE DECISION:
To best serve the financial interests of Arun and provide a clear and well managed approach to civil parking enforcement until 2018.

OPTIONS CONSIDERED BUT REJECTED:
To not extend the WSCC/Arun CPE Agency Agreement and associated SLA until 31 March 2018 and terminate the arrangement in March 2015.
To not extend the NSL Contract by three years to 31 March 2018 on the same terms and conditions and as provided for in the contract associated with an extended WSCC/Arun Agency Agreement.

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:

None

DISPENSATIONS GRANTED:
None

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None
EXECUTIVE SUMMARY: The meeting of the Environmental Services & Community Development Working Group held on 6 February 2014 put forward recommendations to Cabinet under Minute 30, Environmental Issues in Parks & Green Spaces; and Minute 31, Memorial Safety.

DECISION:

Following consideration, the Cabinet

RESOLVED - That

Minute 30 – Environmental Issues in Parks & Green Spaces

The current approach to managing and promoting environmental issues in parks and green spaces is endorsed and the continuation of this approach is supported.

Minute 31 – Memorial Safety

(1) further to Cabinet approval in June 2008 of Arun’s Memorial Safety Policy and approach to Cemetery safety management, Arun’s current and continued management of both compliance of memorial installations to meet the latest British Standard and response to memorial safety is fully endorsed, as it provides an effective risk based and proportionate approach to safety management within its Cemeteries and Burial Grounds.

(2) The Cabinet did not accept this recommendation when a Mason submits a ‘right to erect a memorial’ form they also provide a valid certificate confirming the memorial fixings comply with the latest British Standard (this amended wording, as agreed by the Chairman of the Working Group, was circulated at the meeting)

REASON FOR THE DECISION:
To consider the recommendations of the Environmental Services & Community Development Working Group.

OPTIONS CONSIDERED BUT REJECTED:
To not consider the recommendations of the Environmental Services & Community Development Working Group.
CABINET MEMBER(S):

| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED: | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: | None |
REFERENCE NO: C/074/100314

<table>
<thead>
<tr>
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<td>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES</td>
<td>NO</td>
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<tr>
<td>OFFICER CONTACT: Brian Pople, Head of Housing Extn: 37718 e.mail: <a href="mailto:brian.pople@arun.gov.uk">brian.pople@arun.gov.uk</a></td>
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**EXECUTIVE SUMMARY:** Cabinet approved the funding for the replacement of the Integrated Housing Management IT system on 18 November 2013, Cabinet Decision C/047/181113 refers. In accordance with Standing Orders, the Council advertised via a Government Framework for Tenders from suppliers capable of supplying and implementing a suitable replacement IT system. Tenders received were evaluated on both quality and price (60:40 ratio). This report recommends that the contract is awarded to the supplier who achieved the highest score during the tender process.

**DECISION:**

Following consideration, the Cabinet

RESOLVED

That the contract be awarded to the contractor who achieved the highest score during the tender process.

**REASON FOR THE DECISION:**

To provide Council staff with an IT solution that will enable the ongoing provision of housing services to customers and a solution that will allow improvement to current ways of working.

**OPTIONS CONSIDERED BUT REJECTED:**

To not award the contract and risk the future effective delivery of Housing Services and the collapse of an unsupported housing IT system.

**CABINET MEMBER(S):**

| DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: | None |
| DISPENSATIONS GRANTED: | None |
| CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: | None |
CABINET

10 March 2014 at 5.00 pm

Present: Councillors Mrs Brown (Chairman), Bower, Dendle, Dingemans, Elkins and Wotherspoon.

Councillors L. Brown, Mrs Madeley, Mrs Oakley and Wilde were also in attendance at the meeting.

621. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Wensley.

622. PUBLIC QUESTION TIME

In line with Council Procedure Rules relating to Public Question Time, a number of questions had been submitted in writing prior to the meeting. However, as the questioner was not in attendance, the Chairman advised that within 10 days the schedule of questions and answers would be uploaded to the Council’s web page under Public Question Time.

Councillor Mrs Madeley had submitted two questions. The first asked if the relevant Cabinet Members would be prepared to suggest possible future topics for the Environmental Services & Community Development Working Group to discuss as she felt their input would be beneficial to the Working Group’s deliberations. The Cabinet Members for Council Strategy, Environmental Services and for Community Development stated they would be happy to give their feedback.

The second question asked if there was any reason why members of the public could not purchase a second recycling bin? The Cabinet Member for Environmental Services stated that a second bin could be purchased at a current price of approximately £30. It was agreed that this information would be made available to the public.

623. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the
same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

**Reasons**
- The Council has adopted the government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a “Prejudicial Interest” this will, in the interest of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no declarations of interest made.

624. **MINUTES**

The Minutes of the meeting held on 10 February 2014 were approved by the Cabinet as a correct record and signed by the Chairman.

625. **BUDGET MONITORING REPORT TO 31 JANUARY 2014**

In presenting this report, the Group Accountant was pleased to advise the Cabinet that, since the agenda had been published, it had been confirmed that the Council had been successful in its bid to the Coastal Communities Fund for £1,649,267 to deliver public realm works to the centre of Bognor Regis. An additional recommendation would therefore be required to approve a virement of £1.65m funded from specific DCLG (Department of Communities and Local Government) funds to regularise the budget position.

The Group Accountant informed the meeting that the overall performance against budget was on track, although some action was required to try and recover the establishment target under achievement and capital projects would need to be monitored to ensure no undue delay was experienced. She went through the report and highlighted a number of issues, following which Members asked questions, which were responded to at the meeting.

A particular point was raised with regard to information on staffing and an undertaking was given that the Cabinet would continue receiving this information on a regular basis.
Following consideration, the Cabinet confirmed its decision as per Decision Notice C/070/100314, a copy of which is attached to the signed copy of the Minutes.

626. OPTIONS FOR THE FUTURE OF THE ARUN AND THE SOUTH WEST SUSSEX INTERNAL DRAINAGE DISTRICTS

The Engineering Services Manager presented a comprehensive report which outlined the discussion that had taken place since the Environment Agency’s (EA) decision to apply to the Government to dissolve the Internal Drainage Districts (IDDs) in Arun and South West Sussex, two of which were located within the Arun District. All the local authorities involved had agreed not to have an independent IDD as a replacement, although the National Farmers Union, Natural England and the South Downs National Park had not concurred with that approach.

An amended table 2 relating to the business case was circulated at the meeting, as set out in Appendix C and Appendix D, as the EA had reviewed and updated the database used to provide the information with the result that the percentage of failing assets had greatly reduced, with above 90% now passing. Members were also advised that the recommendations in the report had been formulated subject to Government approval to the EA’s proposal for IDDs in West Sussex.

The Engineering Services Manager answered Members’ questions, which centred around

- The responsibilities of West Sussex County Council as the Lead Local Flood Authority
- Responsibility and maintenance of the assets, which would need to be undertaken by the riparian landowners
- Concerns about the level of investment recommended by the Internal Drainage Boards and the recent extreme weather conditions
- Future assistance and advice to landowners within the existing IDDs
- A joint letter, written by Arun, was to be sent from the relevant District Council leaders and the County Council leader to the Secretary of State for Environment, Food and Rural Affairs, Owen Paterson MP, to seek assurances from him that a proper review would be carried out on the EA’s proposal to dissolve the IDDs and that the timescales be extended to ensure proper discussion and negotiations by the EA with local authorities so that any final proposal could be taken forward with more confidence that it would not increase the risk of flooding occurring.
Subject to approval at the next Cabinet meeting

Cabinet – 10.03.14.

- Whether there would be sufficient funding for the local authorities taking on this new burden.

The Chairman thanked the Engineering Services Manager for his full report and advised those present that this was Mr Holland’s last meeting after 35 years’ service with the Council. His vast knowledge would be sorely missed but the Cabinet wished him a very happy retirement. Congratulations were extended to Mr Roger Spencer, who had been appointed as his replacement.

The Cabinet then confirmed its decision as per Decision Notice C/071/100314, a copy of which is attached to the signed copy of the Minutes.

627. CIVIL PARKING ENFORCEMENT: WSCC SERVICE LEVEL AGREEMENT AND CONTRACT OPTIONS

The Cabinet received a report from the Outdoor Services Manager and was advised that the County Council was happy with the way Arun was operating civil parking enforcement and had asked for the Service Level Agreement to be extended for a further three years and, by association, for the Civil Parking and Associated Services Contract with NSL Services Ltd to also be extended by three years on the same terms and conditions.

To illustrate the way the service was operating, the Outdoor Services Manager informed Members that 14,497 Penalty Charge Notices had been issued between 1 April 2013 and 28 February 2014 but there had only been three complaints received. 15 cases had gone to adjudication and of those the Council had won 10, lost 3 and 2 were not contested. He was pleased to advise that, generally, the public appeared to be content with the way the enforcement service was operated in the Arun area.

In discussing the matter, it was acknowledged that the NSL contract was working well and the figures provided were excellent, with a remarkably low number of challenges. The staff were commended for their flexible and tolerant approach in doing a very difficult job. The result of achieving a surplus for reinvestment in parking and transport related matters would benefit the District as a whole.

Some discussion centred around the need to take action with regard to the parking near schools at drop off and collection times and it was hoped that the resources could be found to tackle the problem. The Outdoor Services Manager also stated that he would provide Members with information regarding the hours of working of the contractors.
The Cabinet then confirmed its decision as per Decision Notice C/072/100314, a copy of which is attached to the signed copy of the Minutes, and

628. SAFER ARUN PARTNERSHIP – 9 DECEMBER 2014

The Cabinet received and noted the Minutes of the meeting of the Safer Arun Partnership held on 9 December 2013.

629. JOINT ARUN AREA COMMITTEES

The Cabinet received and noted the Minutes of the meetings of the Joint Arun Area Committees as follows:

Joint West Arun Area Committee – 19 June and 25 September 2013
Joint Eastern Arun Area Committee – 2 July and 8 October 2013
Joint Downland Area Committee – 17 June and 9 September 2013

630. ENVIRONMENTAL SERVICES & COMMUNITY DEVELOPMENT WORKING GROUP – 6 FEBRUARY 2014

The Cabinet considered the Minutes of the meeting of the Environmental Services & Community Development Working Group held on 6 February 2014, which contained recommendations at:

Minute 30 – Environmental Issues in Parks & Green Spaces – recommendation accepted.

Minute 31 – Memorial Safety – first recommendation accepted but additional recommendation (which had subsequently been amended and circulated at the meeting) was not accepted as it was felt it increased bureaucracy needlessly and, more importantly, it was also considered that the first detailed recommendation covered safety adequately and therefore the additional recommendation was superfluous.

The Cabinet then confirmed its decision as per Decision Notice C/073/100314, a copy of which is attached to the signed copy of the Minutes.

631. EXEMPT BUSINESS

The Committee

RESOLVED
That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

632. AWARD OF CONTRACT FOR INTEGRATED HOUSING MANAGEMENT SYSTEM [Exempt – Paragraph 3 – Information Relating to Business Affairs]

On behalf of the Head of Housing, the Policy and Performance Manager presented this report which sought agreement to the award of the contract for a new Integrated Housing Management System, following a comprehensive process as outlined in the report.

In discussing the matter, thanks were extended to the staff who had taken an active role in enabling a detailed functional specification to be drawn up for potential suppliers to tender against.

Following consideration, the Cabinet confirmed its decision as per Decision Notice C/074/100314, a copy of which is attached to the signed copy of the Minutes.

(The meeting concluded at 6.23 pm)
Appendix 12: Horsham District Council
THE CABINET
Thursday 18th September 2014 at 5.30 p.m.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:

Ray Dawe                   Leader
Helena Croft               Deputy Leader and Communication, Horsham Town
                          & Special Projects
Andrew Baldwin            The Environment
Jonathan Chowen           Arts, Heritage & Leisure
Gordon Lindsay            Resources
Roger Paterson            The Local Economy
Sue Rogers                 Safer & Healthier District
Claire Vickers             Living & Working Communities

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

AGENDA

1. Apologies for absence.

2. To approve as correct the record of the meeting of 24th July 2014 (herewith). 1

3. To receive any declarations of interest from Members of the Cabinet.

4. To receive any announcements from the Leader, Cabinet Members or Chief Executive.

5. To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting.

6. To consider the following reports:

   (a) Report of the Cabinet Member for a Safer and Healthier District on Environment Agency proposal to dissolve the Internal Drainage Districts for the River Adur and River Arun.

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7
7. To consider any matters referred to Cabinet by the Scrutiny & Overview Committee - There are no matters currently outstanding for consideration.

8. To consider matters of special urgency.
THE CABINET
24TH JULY 2014

Present: Councillors:
Ray Dawe Leader
Helena Croft Deputy Leader and Communication, Horsham Town & Special Projects
Andrew Baldwin The Environment
Jonathan Chowen Arts, Heritage & Leisure
Roger Paterson The Local Economy
Sue Rogers A Safer & Healthier District
Claire Vickers Living & Working Communities

Apologies: Gordon Lindsay Resources

Also present: Councillors: Roger Arthur, John Bailey, Peter Burgess, George Cockman, David Coldwell, Roy Cornell, Leonard Crosbie, Malcolm Curnock, Frances Haigh, David Holmes, Christian Mitchell, Kate Rowbottom

EX/11 RECORD OF THE MEETING OF 5TH JUNE 2014

The record of the meeting of the Cabinet held on 5th June 2014 was approved as correct and signed by the Leader.

EX/12 DECLARATIONS OF INTEREST

There were no declarations of interest.

EX/13 ANNOUNCEMENTS

There were no announcements.

EX/14 PUBLIC QUESTIONS

No questions had been received.

REPORT BY THE CABINET MEMBER FOR A SAFER & HEALTHIER DISTRICT


The Cabinet Member for a Safer & Healthier District submitted a report seeking Cabinet approval for the adoption of the Housing Policy Statement. The report also introduced the draft Horsham District Council Housing Strategy 2013-15 Annual Progress Report and the draft Homelessness Prevention Action Plan 2013-15 Update. The Cabinet Member commended the good work of the Strategic Housing Manager and the Housing Team which had made the
achievements set out in the progress reports possible. She introduced the Housing Policy Statement as an aspirational strategy to house all those on the Housing Register and provide sufficient housing each year to meet the housing needs of the District. The Cabinet Member for Living & Working Communities reiterated thanks to the Strategic Housing Manager and emphasised the importance of maintaining the momentum in delivering affordable housing.

The draft Housing Strategy 2013-15 Annual Progress Report reviewed the progress the Council had made in meeting the five objectives set out in the original Strategy. The draft Homelessness Prevention Action Plan 2013-15 Update identified the specific actions that the Council had undertaken to prevent homelessness during the first year of the Action Plan.

The Council had maintained a delivery programme of affordable homes since the recession began in 2008. In spite of considerable economic pressures, the Council’s partners had delivered an increase in affordable homes year on year.

The draft Housing Policy Statement set out options as to how the Council could meet the target through enhanced partnership working, identifying land and possible funding opportunities in order to deliver a range of tenures to meet various needs, particularly for those households who have no option but to join the housing register.

Members discussed the importance of securing affordable housing on strategic sites rather than receiving commuted sums from the developer. Members sought assurance that all opportunities would be taken to achieve the highest levels of affordable housing on all strategic sites.

Members noted the proportion of planning permissions granted that included affordable housing and it was noted that under current local policy smaller sites were not required to provide affordable housing; this issue would be addressed within the proposed Horsham District Planning Framework.

With regards to the 600 affordable homes granted planning permission referred to in the policy statement, the Strategic Housing Manager agreed to supply Members with information regarding how this figure related to other planning permissions.

The Strategic Housing Manager also responded to Members’ questions regarding: the need for a range of different tenures and sizes throughout the District; the target of 35% affordable housing on sites providing 15 or more dwellings; Broadbridge Heath Quadrant; rising house prices and social affordable rent; and Housing Associations and the reduction in government subsidy.

The Strategic Housing Manager thanked Members for their support and forward thinking on affordable housing, particularly on the allocations policy.

Members welcomed the draft Housing Policy Statement and considered its recommendations to fulfil the objectives of the Policy Statement.

RESOLVED

(i) That the draft Housing Policy Statement be adopted as submitted, including the following recommendations included within the Statement:

- Establish a Mission Statement to enable the delivery of at least 170 affordable rented homes per year, plus other tenures to meet the housing need of local people at all income levels.

- Support Housing Associations to create balanced communities that provide housing for local residents in various levels of housing need.

- Explore ways in which the planning system can deliver a proportion of private rented accommodation in new developments.

- Look at appropriate Council land holdings to identify any potential housing sites. In addition opportunities to acquire land for this purpose should also be considered, as well as joint ventures with landowners.

- Explore with West Sussex County Council possible opportunities to use the County’s land in ways that would meet both Councils’ objectives.

- Explore and investigate whether the Council can extend its capital programme to provide a loan facility to Saxon Weald for the construction of new affordable homes.

- Hold further seminars and specific meetings for parishes to consider the different types of housing that could form part of neighbourhood planning.

- Consider investing a proportion of additional New Homes Bonus collected after 2015/16 into specific affordable housing projects that meet identified local need.
• Promote new affordable housing schemes that can be funded by commuted sums and review governance issues around the distribution of commuted sums to ensure that the process of grant funding schemes is rigorous and in line with the Council’s constitution.

(ii) That the Council continues to promote all opportunities to achieve the highest levels of affordable housing to meet housing need on all strategic sites.

(iii) That the Horsham District Council Housing Strategy 2013-15 Annual Progress Report be noted.

(iv) That the Homelessness Prevention Action Plan 2013-15 Update be noted.

REASON

(i) Social and affordable housing is a scarce resource in the Horsham District. The Housing Policy Statement sets out specific actions and Council can take to deliver homes to meet housing need in the District in an increasingly challenging environment.

(ii) It was agreed to review progress against the Horsham District Council Housing Strategy 2013-15 after one year.

(iii) It was agreed to review progress against the Homelessness Prevention Action Plan 2013-15 after one year.

REPORT BY THE CHAIRMAN OF THE FINANCE AND PERFORMANCE WORKING GROUP

EX/16 Performance Indicators for Quarter 4 and Full Year 2013/14, District Plan Priorities and Tracked Project List Progress

The purpose of the report submitted by the Chairman of the Finance and Performance Working Group was to inform Cabinet of concerns raised by the working group at their quarterly review meeting in June 2014, and to seek comments on the particular areas of concern. The working group considered the Council’s performance against performance indicators, the tracked projects list and progress against the District Plan priorities. The Key Performance Indicators were currently undergoing an extensive review.
Cabinet Members noted the areas of concern as printed in the report, in particular the number of Planning Appeals allowed and the financial consequences of this. The increase in the number of planning applications processed in time was noted and Cabinet Members welcomed the significant improvements that had been achieved. The other area of concern noted within the report was Planning Enforcement performance, which had been highlighted as a concern by some Parish Councils. It was noted that a Report by the Development Manager would be submitted to a future Finance & Performance Working Group.

The Chief Executive confirmed that the new Director of Planning, Economic Development & Property would be joining the Council in August. Improvements had been made to the areas of concern by the Interim Planning Manager and further progress would be made once the new Director was in post.

RESOLVED

That the report be noted.

REASON

Performance Management is part of the duty of Best Value to drive up service improvement.

REPORT BY THE DIRECTOR OF CORPORATE RESOURCES

The Director of Corporate Resources submitted a report that compared expenditure and income with the profiled budget for the period 1st April 2014 to 30th June 2014 and provided a forecast for the full year outturn. It was reported that the original revenue budget for 2014/2015 had been increased by £1,391,000 through carry forward budgets and a residual balance of the repairs and renewals reserve.

The original budget had been recoded to accommodate the management restructure to ensure that service budgets are managed and monitored appropriately. The capital programme budget of £11,801,000 included unspent budgets carried forward from 2014/15 of £1,473,000 and a supplementary estimate of £625,000 for Mill Stream Surgery.

The Director and the Chief Executive responded to Members’ queries in respect of the salary and wages budgets, in particular the expenditure on casual and temporary staff. Members noted the exceptional circumstances of this particular quarter caused by the organisational restructure.
EX/17  **Budget 2014-15 – Progress Report to end of June 2014 and Outturn Forecast (Cont.)**

**RESOLVED**

That the report be noted.

EX/18  **SCRUTINY & OVERVIEW COMMITTEE – MATTERS REFERRED TO CABINET**

There were no matters currently outstanding for consideration.

EX/19  **MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

*The meeting closed at 7.00pm having commenced at 5.30pm.*

LEADER
Environment Agency proposal to dissolve the Internal Drainage Districts for the River Adur and River Arun.

Executive Summary
The Environment Agency (EA) is proposing to dissolve the local Internal Drainage Districts (IDDs) for which they act as the Internal Drainage Boards (IDBs). This report outlines the options offered by the EA to dissolve from its responsibilities the running of internally administered Internal Drainage Boards (IDBs) for the River Adur and River Arun IDD catchment areas. The EA propose a transition period (approx. 3-4 years) between the Secretary of State determining to dissolve the West Sussex IDD’s and the Environment Agency ceasing to undertake the works as the IDB.

IDDs were originally set up many years ago in areas of special drainage need for land drainage and to maintain water levels. In the Horsham District there is some risk of flooding to a small number of properties if maintenance is not continued. An options appraisal exercise has been undertaken by the EA with input from various stakeholders. Under the recommended option 2, the IDDs/ water courses will revert to ordinary water courses, with Local Authorities (HDC & WSCC) gaining permissive powers to manage the flood risk from them and to ensure riparian owners fulfil their responsibilities under the Land Drainage Act 1991. Government funding through the Special Levy, issued to local authorities with IDDs will continue until 2020/21, of which this Council will be able to decide how this funding is spent rather than pass-porting this through to the EA. However, once this funding ceases costs required for undertaking works will pass to the riparian owners to deal with ordinary water course issues, of which there is likely to be resource implication on the Council in terms of monitoring and inspection.

Whilst option 2, is the recommended option from the EA to dissolve the existing IDDS for the Rivers Adur and Arun, it is proposed that there will be in addition to the general drainage maintenance of the ordinary watercourses, specific responsibilities placed on the Council to manage internationally ecologically sensitive sites at Amberley Wildbrooks & Pulborough Brooks. By the EA divesting itself of their responsibilities this will result in HDC becoming the ‘competent authority’ for the management of these sites. This will place additional burdens on the Council which is likely to incur significant cost to the authority. The Council do not wish to manage these sensitive environments and request that the EA reconsider alternative management arrangements of these sites before the IDD is dissolved.

Recommendations
Cabinet is recommended to:

i. Note the Environment Agency’s proposals in dissolving its responsibilities for managing and administering the Internal Drainage District for the River Adur & River Arun Districts.

ii. Note the preferred option recommended by the West Sussex Internal Drainage Districts Steering Group, to disband the River Adur Internal Drainage Board (IDB).
iii. Confirm that the Council does not support the dissolving of the River Arun Internal Drainage Board (IDB) without an alternative arrangement in place for the management of the Amberley Wildbrooks & Pulborough Brooks ecological areas, due to increased financial responsibilities and obligations that will be placed on this Council.

iv. Confirm that the Council do not wish to take on the responsibility for infrastructure along the Rivers Adur/Arun e.g. pumping stations, sluice gates, which should fall to the riparian landowners where the structures are sited.

v. Delegate to the Director of Community Services in consultation with the Cabinet Member for a Safer and Healthier District to agree satisfactory alternative arrangements with partners for the dissolution of the IDDs in the Horsham District.

**Reasons for Recommendations**

i. These Internal Drainage Districts are the only remaining areas in the country where the Environment Agency effectively acts as the Internal Drainage Board fulfilling the primarily role of local land drainage management rather than managing flood risk to people and property. The Environment Agency following direction from central government has been tasked with focusing its efforts and resources on those areas where the consequences of flooding for communities, businesses, property and infrastructure are greatest. Accordingly responsibility for managing local watercourses is more appropriately managed by local bodies and individuals such as riparian landowners.

ii. It is considered that disbanding IDB will allow resources to be focused on managing areas of concern for local communities. Responsibilities will pass to the riparian owners/landowners of land where ordinary watercourses exist and they will be required to maintain structures e.g. ditches, sluice gates, pumping stations, which drain into the main river. In addition HDC has permissive powers which it is able to apply to ensure appropriate action is followed.

iii. Dissolving the River Arun Internal Drainage Board (IDB) is not supported until an alternative arrangement is in place for managing the sensitive ecological areas. This is due to the increased ecological responsibilities and financial obligations that will be placed on the Council. These will default to HDC under the ‘Water Level Management Plan’ currently in place for the areas within the Arun Valley of Amberley Wildbrooks & Pulborough Brooks. In particular these include additional responsibilities to manage the Special Protection Areas (SPA’s) and internationally designated Ramsar site.

iv. Landowners should be responsible for infrastructure on their land. They will need to be responsible for the routine inspection, maintenance and monitoring of such equipment. In many cases this infrastructure is used to drain agricultural land.

**Background Papers**

Attached as appendices (including Appendix E & F Briefing notes)
Consultation

West Sussex Internal Drainage Districts Steering Group which included representatives of the District, Borough and County Councils within the IDDs as well as the National Farmers Union (NFU), Country Land and Business Association (CLA), South Downs National Park (SDNP), Natural England (NE) and the Rivers Trusts
Drainage Ratepayers & Parish Councils Workshops/ meetings with Parish Councils
Newsletters

Wards affected
Billingshurst and Shipley
Bramber, Upper Beeding and Woodmancote
Chantry (Amberley, Parham, Storrington and Sullington and Washington)
Henfield (Henfield Ward of Henfield Parish)
Pulborough and Coldwaltham
Steyning (Ashurst and Steyning)

Contact  Martin Brightwell, Drainage Engineer  Ext. No 5063.
Natalie Brahma-Pearl, Director of Community Services Ext. No.  5250
1 Introduction

1.1 The purpose of this report is to inform Cabinet of the review and future proposals of the Environment Agency administered Internal Drainage Boards in the South East region and the impact on the Council.

Background/Actions taken to date

1.2 An Internal Drainage Board (IDB) is a public body, established under statute to manage a hydrological catchment with special drainage needs. Using permissive powers under the Land Drainage Act, it maintains and carries out works affecting land drainage and water level management within the Internal Drainage District (IDD). Works include inspection/maintenance of assets, capital works and vegetation management. IDBs are also responsible for consenting proposed works and enforcement action to rectify unlawful and potentially damaging work to a watercourse and to ensure appropriate maintenance is carried out by landowners.

1.3 The history of the establishment of IDD's in West Sussex is not well documented. However it is generally understood that the intent was to manage water levels in the lowland areas adjacent to rivers or the sea to maximise food production. From feedback from the Environment Agency it is clear that this role has not been actively managed for many years.

1.4 The Environment Agency does not normally administer Internal Drainage Districts (IDDs). Where it does, these have normally been inherited from predecessor bodies over time and transferred or dissolved their management according to local circumstances. There remain 8 Environment Agency administered IDDs all located in the South East of England 3 of which are in West Sussex. In June 2012 the Environment Agency Board approved a project to: “To divest the Environment Agency from its responsibilities regarding the running of the Environment Agency administered Internal Drainage Districts in West Sussex, East Sussex and Kent as swiftly as possible in an orderly manner”.

1.5 One of the outcomes of the introduction of the Flood & Water Management Act in 2010 was to prohibit the EA’s Regional Flood and Coastal Committees from acting as the Internal Drainage Board which runs the IDD. The Environment Agency National Board had therefore taken over this role. The lack of representation on the EA Board for bodies that fund the IDD, has prompted Defra and the EA’s auditors to advise them that it is no longer appropriate for them to continue to administer the IDD’s.
1.6 Within the Horsham DC area there are 2 Internal Drainage Districts (IDD's). These are both administered by the Environment Agency, acting as the Internal Drainage Board (IDB), and under the Land Drainage Act they rather than the District Council have powers to maintain and carry out works to ordinary watercourses within the IDD areas. They are also responsible in these areas for any consenting of proposed works and enforcement to rectify unlawful and potentially damaging work to a watercourse and to ensure appropriate maintenance is carried out by landowners. Maps indicating the IDD areas in the Horsham district are attached as Appendix A and B.

1.7 The EA estimated benefits of the IDDs works as: reducing the risk of flooding to residential and business properties, road infrastructure, agricultural land used for food production, biodiversity, recreation and tourism.

1.8 Current works to both IDDs include:
- Visual inspection of all assets.
- Operational inspections of structures
- Public Safety Risk Assessments of structures which may pose a risk to the public.

Sluice keeping and routine maintenance may be undertaken during these inspections. Routine vegetation management is undertaken annually. The current maintenance ratio is 70% cut 30% retained based on Environment Agency maintenance standards and guidance from Natural England. Intermittent maintenance may include weedscreen clearance or repairs/minor refurbishments.

For the Arun IDD, water levels are managed in accordance with the Amberley Wild Brooks Water Level Management Plan by the operation of structures on the site, working in partnership with the landowners on an ad-hoc basis.

1.9 The Environment Agency in liaison with Natural England set about defining the environmental impacts and potential liabilities of disbanding each IDB. The EA in consultation with the relevant local authorities and other interested parties prepared and presented evidence required for stakeholders to deliberate on the options for the future management of water levels in these Internal Drainage Districts (IDD's). See attached Appendices C & D (Options for the Future of River Adur & River Arun IDD's – Business Cases)

1.10 The responsibilities and funding requirements of the various parties will vary for each of the 3 options described within the attached Business Cases. The potential effect on funding particularly from central government for each of the options described has been investigated. At present the IDD is funded by the following payments:
- Drainage rates collected from agricultural land and buildings within the Internal Drainage Districts;
- Special Levies issued on each District Council within an Internal Drainage District.
- Small contributions from the Environment Agency known as Higher Level Water Contributions.
Since June 2012 the Environment Agency has been engaging with IDD stakeholders and Council Officers on Options for the future management of water levels in the districts. Options being considered are:

- **Option 1:** Dissolve the existing IDD and communities or other suitable organisations set-up a new independent body to take over some or all of the interests of the existing IDD.

- **Option 2:** Dissolve the existing IDD so that watercourses in the IDD are managed as other ordinary watercourses.

- **Option 3:** Dissolve the existing IDD and communities and other interested parties work in partnership to establish working agreements without an IDB.

The Environment Agency provided the Steering Group with detailed information on the costs, benefits and risks of the existing and future Options for delivering the current level of service provided in the IDDs (see Appendices C and D). Based on this evidence, the Steering Group recommends that the River Adur and River Arun IDDs be dissolved so that watercourses in these areas become ordinary watercourses (Option 2).

**Option 2:** Dissolve the existing Internal Drainage Districts (IDD’s) so that watercourses in the IDD’s become ordinary watercourses for which: Riparian landowners are responsible for the maintenance of the watercourse and structures (including pumping stations); District Councils have permissive powers to undertake maintenance; The Lead Local Flood Authority (West Sussex County Council), is responsible for enforcement and consenting;

This recommendation was based mainly upon the anticipated additional funding that would be required to set up and run an independent IDD with its own elected Board. It was felt that the required standard and extent of work required could be more efficiently and effectively managed by the Riparian (land) owners and the District Councils.

Although the Steering Group, which was set up to determine the viability and affordability of an Internal Drainage Board recommended dissolving the existing IDD’s based on the evidence submitted within the Environment Agency ‘Business Cases’ (See Appendix C & D), it should be noted that this recommended option was a majority view and not endorsed by the National Farmers Union (NFU) & the Country Land and Business Association (CLA) who were of the opinion that a new IDD(s) should be established which better represented their members.

As a consequence of the preferred option to dissolve the existing Internal Drainage Districts (IDD’s) as recommended by the West Sussex Internal Drainage Districts Steering Group, for the River Arun IDD the Council would take on the role of ‘competent authority’ with responsibilities and obligations (Section 28G of the Wildlife and Countryside Act 1981) towards the ‘Water Level Management Plan’ currently in place for the areas within the Arun Valley of Amberley Wildbrooks & Pulborough Brooks which include Special Protection Areas (SPA’s) / Ramsar designated sites. Given the more intense management and monitoring of these ecologically sensitive sites and requirement to undertake works to maintain their environmental designation the Council do not wish to take on operational or financial responsibility for these sites or be identified as the ‘competent’ authority with responsibilities reporting in to Defra. However, we will continue working with...
the EA, Natural England and local landowners to identify a suitable alternative arrangement.

Extract from EA options paper (appendix D)

‘Horsham would become a competent authority under the Wild Life and Countryside Act and would have a responsibility for the continued implementation of the Amberley Wild Brooks WLMP. Horsham District would lose the benefit of the IDD funding works to protect Amberley Wildbrooks and Pulborough Brooks designated sites. Horsham District would need to work with the landowners, Natural England, the Environment Agency and South Downs National Park to agree arrangements for the future management of water levels on the sites’.

1.15 The EA provided a schedule of watercourses they considered may cause future flood risk to property and/or environmental issues if not maintained. These were presented as part of a Members Briefing Seminar conducted by the EA on 14th July 2014.

1.16 Horsham DC does not have detailed knowledge of the IDD areas as the EA/IDB has been managing these areas for over two decades. The current EA maintenance is almost exclusively weedcutting as dictated by current EA policies.

1.17 If the existing IDD’s are dissolved and a new IDD is not formed to take their place the responsibility within those areas will be shared as follows;

- Riparian landowner responsibility would remain the same for ordinary watercourses.
- Horsham District Council would have permissive powers to manage the flood risk from ordinary watercourses, and as a risk management authority would also have discretionary powers to require works to maintain a proper flow of water, to manage emergency risk of flooding and subject to funding, provide support and assistance to riparian owners to reduce the risk of flooding.
- Lead Local Flood Authority (West Sussex County Council) would be responsible for consents and enforcements with regard to ordinary watercourses.
- EA would retain their powers to manage flood risk from the main rivers.

2 Statutory and Policy Background

Statutory background

2.1 The Flood and Water Management Act 2010 provides for better, more comprehensive management of flood risk for people, homes and businesses, helps safeguard community groups from unaffordable rises in surface water drainage charges, and protects water supplies to the consumer.

Relevant Government policy

2.2 Regional Flood and Coastal Committees (RFCC’s) created by the Floods and Water Management Act 2010 are executive committees through which the Environment Agency performs its flood and coastal erosion function in the South East. They bring together members appointed by Lead Local Flood Authorities (LLFA’s) and independent members with relevant experience.
Relevant Council policy

2.3 The District Council is a key partner in planning of local flood risk management and can carry out flood risk management works on minor watercourses, working with Lead Local Flood Authorities (West Sussex County Council) and others, including through taking decisions on development in their area which ensure that risks are effectively managed.

3 Details

What happens when the IDD’s are disbanded?

3.1 Work on the non-main rivers in the IDD’s is mainly for land drainage and water control purposes for the benefit of Sites of Special Scientific Interest (SSSI) and designated sites (River Arun IDB area include Amberley Wildbrooks & Pulborough Brooks), farming and maintaining wet fences. Much of this work involves the maintenance of rivers, drainage channels, outfalls and pumping stations.

3.2 Currently Horsham DC pay approximately £30k pa to the River Arun & River Adur IDD’s and receive this reimbursement back through the Revenue Support Grant (RSG) based on a Relative Needs Assessment (RNA). The Department for Communities and Local Government (DCLG) are likely to review the RNA in 2021 at which point the amount received through RSG would be based on the length of ordinary watercourses in Horsham District. This would reduce the amount of money received.

4 Next Steps

4.1 The Environment Agency aim to submit their proposal to Defra to dissolve the existing IDD’s in West Sussex. Submitting the Scheme will start the statutory process which includes a formal consultation as laid down in Schedule 3 of the Land Drainage Act 1991. In recognition of concerns expressed by West Sussex Authorities and NFU about a managed transition and knowledge transfer, the Scheme will propose a transition period (approx. 3-4 years) between the Secretary of State determining to dissolve the West Sussex IDD’s and the Environment Agency ceasing to undertake the works as the IDB.

4.2 During the statutory process, the Environment Agency and all other relevant stakeholders, including this council who may have additional responsibilities and obligations placed on them will be consulted. Council Officers will continue to work with the EA to identify an acceptable solution to the management of the sensitive ecological sites of Amberley Wildbrooks & Pulborough Brooks, which this Council do not wish to take ‘competent authority’ responsibilities for.

5 Outcome of Consultations

5.1 The Director of Corporate Resources comments have been incorporated into this report.
5.2 The Monitoring Officer comments have been incorporated into this report.

6 Other Courses of Action Considered but Rejected

6.1 Since June 2012 the Environment Agency has been engaging with IDD stakeholders on Options for the future management of water levels in the districts. Other Options considered were:
- Dissolve the existing IDD and communities or other suitable organisations set-up a new independent IDB to take over some or all of the interests of the existing IDB;
- Dissolve the existing IDD and communities and other interested parties work in partnership to establish working agreements without an IDB.

7 Staffing Consequences

7.1 There will be staffing consequences as a result of this review. Allocating staff time firstly to work with West Sussex County Council and local landowners as they adjust to the extensive network of waterways and ditches that will become ordinary watercourses and secondly depending on the arrangements for Amberley Wildbrooks and Pulborough Brooks, liaising with the Environment Agency & Natural England in securing a suitable solution the management of these designated environmental sensitive sites (See Section1.14).

8 Financial Consequences

8.1 The Special Levies paid by District Councils is the main source of funding. Horsham DC last financial year (2013/2014) made a total payment of £29,252 (£28,533 - River Adur IDD & £719 - River Arun IDD) towards the income of these EA administered IDD’s. Further details of the funding and expenditure are included in the Business Cases. (See Appendices C & D). Under the recommended option 2 proposals to dissolve the IDDs for the Rivers Adur and Arun the financial consequences are detailed in the table below. This clearly illustrate the anticipated extra costs required to manage the ordinary water courses of which responsibility will fall to riparian owners, although some monitoring and inspection responsibilities will fall to the Council.

<table>
<thead>
<tr>
<th>Current IDD costs (based on approx. £26/hr including staff, plant, materials) and not necessarily indicative of how much it would cost to procure the services independently)</th>
<th>Proposed under dissolved IDD arrangements – Option 2 (landowner/riparian owner responsibilities)</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Adur £41k (apportioned to Horsham district area (not HDC) works)</td>
<td>£76.3k (shared between riparian owners)</td>
</tr>
<tr>
<td>River Arun (£900) (apportioned to Horsham district area (not HDC) works)</td>
<td>£64.4k (shared between riparian owners)</td>
</tr>
</tbody>
</table>
8.2 If there is no IDB, there would be no facility to raise income through drainage rates and special levies or a Higher Land Water Contribution. If landowners and local authorities no longer have to make a payment to an IDB they will be able to retain the sum that they currently pay to the IDB which will not be ring-fenced.

8.3 Funding currently allocated to Horsham District for the River Arun & River Adur IDB’s is currently received via reimbursement through Revenue Support Grant (RSG) will continue until 2021, and thereafter it will be reviewed by the The Department for Communities and Local Government (DCLG).

8.4 Current advice is that the EA will dissolve the IDD in 2014 but that Revenue Support Grant with continue for a further 5 years until 2020/21 when it will cease. Local authorities will continue to receive a percentage of the Special Levy they receive whether or not there is an IDD with this funding not being ring fenced. Some neighboring authorities are planning to use these funds to employ staff to oversee extra inspection responsibilities being placed on them or for dealing with local flooding problems. After 2020/21 the funding arrangements will be reviewed and may result in the Special Levy being lost in its entirety, but may gain funds by other means by having more ordinary watercourses. Confirmation of this extension has yet to be confirmed by Defra.

8.5 HDC and WSCC currently have discretionary powers to enforce riparian owners to undertake works and recover costs for areas outside the IDD. If option 2 is agreed then these responsibilities will be extended to cover these areas.
## Appendix 1

### Consequences of the Proposed Action

<table>
<thead>
<tr>
<th>Question</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>What are the risks associated with the proposal?</td>
<td>The EA divesting responsibilities to HDC will pose additional inspection and monitoring responsibilities. These in turn if not actively managed with local landowners could lead to possible flooding downstream or potentially changes to sensitive ecological sites. E.g. Pulborough &amp; Amberley brooks.</td>
</tr>
<tr>
<td>Risk Assessment attached</td>
<td>Yes/No</td>
</tr>
<tr>
<td>How will the proposal help to reduce Crime and Disorder?</td>
<td>There are no direct implications to reducing crime and disorder from agreeing to this proposal.</td>
</tr>
<tr>
<td>How will the proposal help to promote Human Rights?</td>
<td>Matter considered and no implications</td>
</tr>
<tr>
<td>What is the impact of the proposal on Equality and Diversity?</td>
<td>Matter considered and no implications</td>
</tr>
<tr>
<td>Equalities Impact Assessment attached</td>
<td>Yes/No/Not relevant</td>
</tr>
</tbody>
</table>
| How will the proposal help to promote Sustainability?                 | By supporting and endorsing the recommended option to dissolve these Internal Drainage Districts is accords more appropriate management by local bodies and individuals such as riparian owners.  
Also as a consequence of the preferred option to dissolve the IDD and pass responsibility to riparian owners and district councils, the proposals contained within this report for the River Arun IDD would impose additional responsibilities and obligations on HDC under the ‘Water Level Management Plan’ currently in place for the areas within the Arun Valley of Amberley Wildbrooks & Pulborough Brooks which include Special Protection Areas (SPA’s) / Ramsar designated sites. 
Additional monitoring and inspection responsibilities would be required for the River Adur IDD. |
Appendix C – Options for the Future of River Adur IDD – Business Case

OPTIONS FOR THE FUTURE OF RIVER ADUR INTERNAL DRAINAGE DISTRICT – BUSINESS CASE

1 PURPOSE

The purpose of this report is to present the business case for the dissolution of the existing River Adur Internal Drainage District (IDD).

2 BACKGROUND

The Environment Agency does not normally administer IDDs. Where it inherited them from predecessor bodies it has over time transferred or dissolved their management according to local circumstances. There remain 8 Environment Agency administered IDDs all located in the south east of which 3 are in West Sussex:

• The River Adur IDD
• The River Arun IDD
• The South West Sussex IDD.

In June 2012 the Environment Agency Board approved a project to: “To divest the Environment Agency from its responsibilities regarding the running of the Environment Agency administered Internal Drainage Districts in West Sussex, East Sussex and Kent as swiftly as possible in an orderly manner”.

The Environment Agency is aiming for a successful transition to more locally accountable arrangements in these locations.

Since June 2012 the Environment Agency has been engaging with IDD stakeholders on Options for the future management of water levels in the districts. Options being considered are:

- Option 1: Dissolve the existing IDD and communities or other suitable organisations set-up a new independent IDB to take over some or all of the interests of the existing IDB;

- Option 2: Dissolve the existing IDD so that watercourses in the IDD are managed as other ordinary watercourses

- Option 3: Dissolve the existing IDD and communities and other interested parties work in partnership to establish working agreements without an IDB.

In response to stakeholders’ views a Steering Group was formed to represent stakeholders and make recommendations on the Options for all 3 IDDs in West Sussex.

The Environment Agency provided the Steering Group with detailed information on the costs, benefits and risks of the existing and future Options for delivering the current level of service provided in the IDDs (Reference 1). Based on this evidence, the Steering Group recommends that the River Adur IDD be dissolved so that watercourses in the IDD become ordinary watercourses (Option 2).

This report summarises the business case for this recommendation.
3 THE RIVER ADUR IDD

The River Adur IDD covers an area of 1737 hectares throughout the lower and middle reaches of the River Adur catchment. The District is predominantly rural, with the main settlements being Upper Beeding & Bramber (see Map at Appendix 1). The IDD primarily lies within the administrative boundaries of Horsham District Council and Adur District Council, with a small area in the north east falling in Mid Sussex District Council.

The watercourses within the IDD are closely linked to the Main River network which includes the River Adur. All IDD watercourses ultimately drain into the Adur which flows south, discharging into the sea at Shoreham. Part of the IDD between Shoreham and Bramber is within the South Downs National Park (SDNP). There are no significant environmental designations within the IDD.

There is a risk of flooding throughout the IDD, the majority of this is within rural locations and is generally confined to the floodplain. As most of the IDD falls within the Adur flood plain, when the Adur floods the IDD will often end up inundated, meaning land drainage cannot occur. Surface water and groundwater are additional sources of flood risk within the IDD and can contribute to increased water levels in ditches and standing water on fields.

4 CURRENT LEVEL OF SERVICE

<table>
<thead>
<tr>
<th></th>
<th>Adur District</th>
<th>Horsham District</th>
<th>Mid-Sussex District</th>
<th>IDD total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>0ha</td>
<td>21ha</td>
<td>0ha</td>
<td>21ha</td>
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<tr>
<td>Rural</td>
<td>222ha</td>
<td>1384ha</td>
<td>110ha</td>
<td>1716ha</td>
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<td><strong>Total</strong></td>
<td>222ha</td>
<td>1405ha</td>
<td>110ha</td>
<td>1737ha</td>
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<tr>
<td><strong>Watercourses</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Main River</td>
<td>3.8km</td>
<td>52km</td>
<td>11km</td>
<td>66.8km</td>
</tr>
<tr>
<td>IDD (OWC maintained by IDB)</td>
<td>3.5km</td>
<td>46.1km</td>
<td>&lt;0.1km</td>
<td>49.7km</td>
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<tr>
<td>OWC (not maintained by IDB)</td>
<td>9km</td>
<td>70.1km</td>
<td>7.2km</td>
<td>86.2km</td>
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<tr>
<td><strong>Total</strong></td>
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<td>168.2km</td>
<td>18.2km</td>
<td>202.7km</td>
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<td><strong>IDD Assets Maintained</strong></td>
<td></td>
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<tr>
<td>Pumping stations</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Sluices and water control structures</td>
<td>2</td>
<td>22</td>
<td>0</td>
<td>24</td>
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<tr>
<td>Culverts</td>
<td>0.1kms</td>
<td>0.4kms</td>
<td>&lt;0.1kms</td>
<td>0.6kms</td>
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<td>Watercourses</td>
<td>3.4kms</td>
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<tr>
<td>Raised embankments</td>
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<td>0kms</td>
<td>0.0kms</td>
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<tr>
<td><strong>Sites of Designated Environmental Interest</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>SPAs/SACs</td>
<td>0</td>
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<td>0</td>
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<td>RAMSAR</td>
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</tr>
<tr>
<td>Local Wildlife Sites (LWS)</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 1 Profile of the River Adur IDD

A profile of the River Adur IDD and its assets is given in Table 1.
All assets are allocated a target condition grade based on their criticality. Routine, intermittent and capital maintenance are informed by a risk based inspections and condition regime of:

- Visual inspection of all assets.
- Operational inspections of structures
- Public Safety Risk Assessments of structures which may pose a risk to the public.

Sluice keeping and routine maintenance may be undertaken during these inspections. Routine vegetation management is undertaken annually. The current maintenance ratio is 70% cut 30% retained based on Environment Agency maintenance standards and guidance from Natural England.

Intermittent maintenance may include weedscreen clearance or repairs/minor refurbishments. No specific action is scheduled to manage water levels in the River Adur IDD

The Environment Agency contact centre telephone number is clearly displayed within the IDD and manned 24hours/day, 365 days per year. A Flood Incident Duty Officer will assess the risk and respond appropriately to any reported issues.

<table>
<thead>
<tr>
<th>Latest inspection date</th>
<th>Number of assets inspected</th>
<th>% of total assets inspected</th>
<th>% assets inspected at or above target condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>38</td>
<td>9%</td>
<td>53%</td>
</tr>
<tr>
<td>2010</td>
<td>185</td>
<td>43%</td>
<td>39%</td>
</tr>
<tr>
<td>2008</td>
<td>66</td>
<td>15%</td>
<td>45%</td>
</tr>
<tr>
<td>2006</td>
<td>96</td>
<td>23%</td>
<td>96%</td>
</tr>
<tr>
<td>2005</td>
<td>42</td>
<td>10%</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>427</td>
<td>100%</td>
<td>61%</td>
</tr>
</tbody>
</table>

Table 2 | Summary of most recent inspections and condition

Table 2 summarises the results of most recent visual inspections. Overdue inspections will be completed by 31 March 2014. Details of the 3 IDD pumping stations are included in Table 3 along with current condition and residual life.

<table>
<thead>
<tr>
<th>Size and type of pump</th>
<th>Condition</th>
<th>Residual life</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLESHAM PUMP STATION</td>
<td>flygt sub 0.3 cumec</td>
<td>good</td>
<td>5 years</td>
</tr>
<tr>
<td>NORTHOVER PUMP STATION</td>
<td>axial flow 0.7</td>
<td>poor</td>
<td>2-5 years</td>
</tr>
<tr>
<td>ANNINGTON PUMP STATION</td>
<td>2x flygt submersibles 0.5 cumec</td>
<td>reasonable condition</td>
<td>1-5 years</td>
</tr>
<tr>
<td>BEEDING BROOKS P. STATION</td>
<td>2x flygt submersibles 0.6 cumec</td>
<td>good condition</td>
<td>5-10 years</td>
</tr>
</tbody>
</table>

Table 3 | Pumping Stations in River Adur IDD

The number of consents requested/issued has been minimal at 1-2 a year for IDD watercourses and 2-3 a year for ordinary watercourses within the IDD. Formal enforcement action is rare and time spent on informal enforcement/influencing is not sufficiently significant to be recorded.

Total annual costs of the above operations in the River Adur IDD vary year on year but are around £80k. A breakdown of costs (for 2012/13) is shown in Table 4 below which includes a nominal contribution to the whole life costs of the pumping stations.

These costs are determined by the Environment Agency’s operational costs (approximately £26/hr including staff, plant and materials) and not necessarily indicative of how much it would cost to procure the services independently.
### Table 4 – Summary of costs of operations

<table>
<thead>
<tr>
<th>Routine maintenance/vegetation management</th>
<th>Adur District £k</th>
<th>Horsham District £k</th>
<th>Mid-Sussex District £k</th>
<th>Total £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermittent maintenance</td>
<td>0</td>
<td>13.7</td>
<td>0</td>
<td>13.7</td>
</tr>
<tr>
<td>Pumping stations routine</td>
<td>1.5</td>
<td>3.3</td>
<td>0</td>
<td>4.8</td>
</tr>
<tr>
<td>Pumping stations intermittent</td>
<td>1.0</td>
<td>4.4</td>
<td>0</td>
<td>5.4</td>
</tr>
<tr>
<td>Pumping stations replacement</td>
<td>1.2</td>
<td>5.4</td>
<td>0</td>
<td>6.6</td>
</tr>
<tr>
<td>Operational inspections and water level management</td>
<td>1.8</td>
<td>16.2</td>
<td>0</td>
<td>18.0</td>
</tr>
<tr>
<td>OPUS inspections and works arising</td>
<td>&lt;0.1</td>
<td>2.4</td>
<td>0</td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4.5</strong></td>
<td><strong>76.3</strong></td>
<td><strong>0</strong></td>
<td><strong>80.8</strong></td>
</tr>
</tbody>
</table>

The IDD pays an annual precept of approximately £7.3k to the Environment Agency as a contribution to work on Main River from which the IDD benefits. This includes routine maintenance of conveyance on Main River.

The benefits of the current works and operation of the IDDs have been assessed using a toolkit developed by DEFRA (Reference 2). The approximate net benefits of the work of the IDD is c £20k pa. See Table 5.

### Table 5 – Benefits and beneficiaries of current level of service

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Order of magnitude of benefits*</th>
<th>Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reducing the risk of flooding to 42 residential properties (of which 29 are residential mobile homes) mainly around Beeding and 2 residential properties outside the IDD</td>
<td>C £15k pa</td>
<td>Local residents</td>
</tr>
<tr>
<td>Reducing the risk of flooding to 3 business properties within the IDD</td>
<td>C £7.5k pa</td>
<td>Local businesses</td>
</tr>
<tr>
<td>Enabling 23ha of land on the west bank of the River Adur from the A27 to the Steyning By-pass to be managed for cattle and crops, rather than purely for cattle.</td>
<td>C £1k pa</td>
<td>Farmers/landowners</td>
</tr>
<tr>
<td>Supporting 475ha of locally designated sites</td>
<td>C £2k pa</td>
<td>Local residents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Farmers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Local authorities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wider society</td>
</tr>
<tr>
<td>Recreation and tourism</td>
<td>C £1k pa</td>
<td>Local residents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wider society</td>
</tr>
<tr>
<td>Carbon sequestration</td>
<td>- £7kpa</td>
<td>Wider society</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>C £20k pa</td>
<td></td>
</tr>
</tbody>
</table>

*Benefits are annual benefits based on current values (i.e. not net present value).

### 5 DELIVERY OPTIONS

Having considered stakeholders’ views, including the advice of ADA (the Association of Drainage Authorities), the Steering Group investigated the business case for:

- Option 1 – River Adur IDD continuing to be managed as a single independent IDD, and
- Option 1a – All 3 IDDs in West Sussex, including the River Adur IDD, amalgamating into one West Sussex IDD (see Table 6);
- Option 1b - All 3 IDDs in West Sussex, including the River Adur IDD, operating as a consortium of independent IDDs.
- Option 2 - Dissolve the existing IDD so that watercourses in the IDD become ordinary watercourses.
<table>
<thead>
<tr>
<th>Area</th>
<th>Urban</th>
<th>765ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>92,81ha</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10,046ha</td>
<td></td>
</tr>
<tr>
<td>Watercourses</td>
<td>Main River</td>
<td>261kms</td>
</tr>
<tr>
<td>IDD (OWC maintained by IDB)</td>
<td>158kms</td>
<td></td>
</tr>
<tr>
<td>OWC (not maintained by IDB)</td>
<td>368kms</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>787kms</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assets Maintained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pumping stations</td>
</tr>
<tr>
<td>Sluices and water control structures</td>
</tr>
<tr>
<td>Watercourses</td>
</tr>
<tr>
<td>Culverts</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sites of Designated Environmental Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPAs/SACs</td>
</tr>
<tr>
<td>RAMSAR</td>
</tr>
<tr>
<td>SSSI</td>
</tr>
<tr>
<td>Local Wildlife Sites (LWS)</td>
</tr>
</tbody>
</table>

Table 6 Profile of a single West Sussex IDD incorporating the 3 existing IDDs

6 Costs of delivery Options and how they will be met

Whilst the costs of the works and operations may be different for each of the Options, the variation between Options is not expected to be as significant as that due to overheads, in particular those associated with the administration of any IDD. Therefore in order to facilitate comparison of the costs of the Options, the Environment Agency works costs detailed above have been used. Irrespective of who acts as IDB, future costs may change with changes in Main River and coastal defence strategies, climate change etc.

Based on a Defra study (Reference 3) and ADA advice, the analysis of costs assumes administrative costs for an independent IDD (Option 1) to be 22.5%, an amalgamated West Sussex IDD (Option 1a) to be 20% and a consortia of West Sussex IDDs (Option 1b) to be 20%.

Section 36 of the Land Drainage Act 1991 determines that the expenses of an IDB shall be met by:

- Drainage rates collected from agricultural land and buildings within the Internal Drainage District;
- Special levies issued on District and Unitary Authorities within the Internal Drainage District;
- Contributions from the Environment Agency (see Higher Level Water Contributions).

If there is no IDD/IDB, there would be no facility to raise income through drainage rates and special levies or a Higher Land Water Contribution. If landowners and local authorities no longer have to make a payment to an IDB they will however, be able to retain the sum that they currently pay to the IDB and can spend it where they wish, including funding the service delivery directly.

The costs of the options for delivering the current level of service within the River Adur IDD to local authorities and IDD ratepayers are summarised in Table 7. Table 8 summarises the benefits of the current level of service and the benefit cost ratio for each local authority.
### Table 7 Costs to local authorities and drainage rate payers of delivering current level of service in River Adur IDD

<table>
<thead>
<tr>
<th></th>
<th>Adur DC</th>
<th>Horsham DC</th>
<th>Drainage rates payers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Costs pa:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current</td>
<td>£19k</td>
<td>£41k</td>
<td>£24k</td>
<td>£102k</td>
</tr>
<tr>
<td>Option 1</td>
<td>£21.5k</td>
<td>£46k</td>
<td>£27k</td>
<td>£112.5k</td>
</tr>
<tr>
<td>Option 1a</td>
<td>£20k</td>
<td>£43k</td>
<td>£25k</td>
<td>£106k</td>
</tr>
<tr>
<td>Option 1b</td>
<td>£20.5k</td>
<td>£44.5k</td>
<td>£26k</td>
<td>£109k</td>
</tr>
<tr>
<td><strong>Option 2</strong></td>
<td>£4.5k</td>
<td>£76.3k</td>
<td>£0k</td>
<td>£80.8k</td>
</tr>
</tbody>
</table>

Note: There are no costs or benefits to Mid-Sussex DC.

### Table 8 Benefits and benefit cost ratio of Options 1 and 2

<table>
<thead>
<tr>
<th></th>
<th>Adur DC</th>
<th>Horsham DC</th>
<th>Drainage rates payers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approx benefits of current level of service pa</strong></td>
<td>£7k</td>
<td>£16k</td>
<td>£1k</td>
<td>£24k</td>
</tr>
<tr>
<td><strong>Approx benefit cost ratio</strong></td>
<td>Options 1</td>
<td>0.35</td>
<td>0.35</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Approx benefit cost ratio</strong></td>
<td>Option 2</td>
<td>1.6</td>
<td>0.21</td>
<td>n/a</td>
</tr>
</tbody>
</table>

### The total costs of the options for delivering the current level of service within all 3 IDDs in West Sussex to local authorities and IDD ratepayers are included in Appendix 2.

### Tables 9 and 10 show the key strengths, weaknesses, opportunities and threats afforded by Options 1, 1a and 1b and Options 2 and 3 respectively.

<table>
<thead>
<tr>
<th><strong>STRENGTHS</strong></th>
<th><strong>WEAKNESSES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Statutory body with statutory powers and duties</td>
<td>• Benefits do not justify set-up and on-going costs</td>
</tr>
<tr>
<td>• Can raise drainage rates, special levies and HLWC</td>
<td>• LA S provide majority of funding</td>
</tr>
<tr>
<td>• Local control and accountability through board</td>
<td>• Long-term commitment to funding and provide board membership</td>
</tr>
<tr>
<td>• Powers and duties for ordinary watercourses in the district sit within 1 Risk Management Authority (Takes statutory duties wrt consenting from LLFA)</td>
<td>• Time consuming process to establish</td>
</tr>
<tr>
<td>• Takes on liability for future costs of maintenance/replacement of assets, particularly pumping stations</td>
<td>• Responsibilities for water level management shared by an additional Risk Management Authority</td>
</tr>
<tr>
<td>• What most drainage ratepayers want</td>
<td>• Additional bureaucracy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>OPPORTUNITIES</strong></th>
<th><strong>THREATS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Amalgamate to reduce administrative burden (Option 1a)</td>
<td>• Misalignment between those who benefit and those who pay</td>
</tr>
<tr>
<td>• Work in consortium with other IDDs to share skills and resources and achieve economies of scale (Option 1b)</td>
<td>• Failure to establish new IDD within EA/DEFRA timescales</td>
</tr>
<tr>
<td>• Cheaper maintenance</td>
<td>• Costs of putting in place</td>
</tr>
<tr>
<td>• Differential rate order to ensure beneficiaries pay</td>
<td>• Unable to secure board members</td>
</tr>
<tr>
<td>• Agree with EA for EA to continue to undertake work and support skills transfer</td>
<td>• Unable to agree boundaries/rates</td>
</tr>
<tr>
<td>• EA resource and ADA to support establishing a new IDD</td>
<td>• Cuts to LA funding bringing more pressure on other services</td>
</tr>
<tr>
<td></td>
<td>• Amalgamations reduce localism</td>
</tr>
<tr>
<td></td>
<td>• Objections raised by RSPB, other key stakeholders during statutory process</td>
</tr>
<tr>
<td></td>
<td>• EA withdraw maintenance from main river (Adur</td>
</tr>
</tbody>
</table>
Table 9  Options 1, 1a and 1b – Key strengths, weaknesses, opportunities and threats

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Local choice and accountability through local authority elected members</td>
<td>• No power to raise drainage rates, special levies or HLWC</td>
</tr>
<tr>
<td>• Local authorities retain special levy funding</td>
<td>• Vulnerable to cuts in local authority funding</td>
</tr>
<tr>
<td>• No external administration and associated costs</td>
<td>• Split of powers between LLFA and districts</td>
</tr>
<tr>
<td>• Flexible to current funding priorities</td>
<td>• lack of skills and capacity in la</td>
</tr>
<tr>
<td>• Those who benefit pay</td>
<td></td>
</tr>
<tr>
<td>• No drainage rates to be collected</td>
<td></td>
</tr>
<tr>
<td>• Simple and low cost to put in place</td>
<td></td>
</tr>
<tr>
<td>• No additional Risk Management Authority</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPPORTUNITIES</th>
<th>THREATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Local authorities can retain special levy funding to spend on more cost beneficial local priorities</td>
<td>• Current level of service and benefits will not be delivered</td>
</tr>
<tr>
<td>• Riparian landowners retain drainage rates and have duties and powers to undertake works on their own land</td>
<td>• Loss of EA knowledge and skills to district</td>
</tr>
<tr>
<td>• Agree with EA for EA to continue to undertake work through Public Sector Co-operative Arrangements in short term to support skills transfer</td>
<td>• Failure to build skills/capacity</td>
</tr>
<tr>
<td>• Scope for local agreements between ratepayers and other stakeholders</td>
<td>• Liability for future costs of maintenance/replacement of assets, particularly pumping stations</td>
</tr>
<tr>
<td>• Local authorities to work with other Risk Management Authority to deliver work through Public Sector Co-operative Arrangements</td>
<td>• Not supported by RSPB, other key stakeholders - objections raised during statutory process</td>
</tr>
</tbody>
</table>

Table 10  Options 2/3 – Key strengths, weaknesses, opportunities and threats

7 Views of Agricultural drainage ratepayers

In October 2012, all agricultural drainage ratepayers were asked their preference in terms of Options, 1, 2 and 3. With respect to the River Adur IDD there was a strong preference for the formation of a new IDD (see Appendix 3).

8 Options appraisal

The key issue for the River Adur IDD is that the total costs of the current level of service are greater than the total benefits for the current and all alternative future delivery options (Tables 7 and 8).

For current arrangements, the benefit cost ratio for both Horsham and Adur District Councils is in the region of 0.4. For agricultural landowners it is 0.04. For local authorities this reduces to 0.35 for Options 1,1a and 1b, ie under a new IDB. (The additional administrative costs of independent IDDs compared to EA administered IDDs may be offset by cheaper operational costs (Reference 3).
Delivering the service through the local authorities and riparian landowners would reduce administrative costs and increase the benefit cost ratio to 1.6 for Adur DC but decrease it to 0.21 for Horsham DC.

However the costs of delivering the level of service are distributed, fundamentally they exceed the benefits. An alternative level of service should be identified which delivers cost benefits and is paid for by the beneficiaries.

Whilst it would be possible for a new IDD to deliver an alternative and potentially more cost effective level of service, alternative configurations of IDDs (Options 1, 1a or 1b) are likely to cost more to administer than the existing IDD and would be costly to establish (c £50k). A Differential Rating Order would be required to ensure that those who benefit pay.

If there is no IDD (Option 2), there is the opportunity for local authorities to retain the Special Levy funding and to target funds to local priorities. Whilst there would be no opportunity to raise a contribution through drainage rates, if landowners were to benefit from local authority works they could be asked to make a contribution as cash or in kind. There would also be a loss of the contribution from the Environment Agency for HLWC.

The key benefit of Option 2 is that local authorities would have greater control on how their money is spent if it is retained within the authorities. There is the opportunity to determine the most cost beneficial level of service. The risks associated with Option 2 and potential mitigation action are summarised in Table 11.

<table>
<thead>
<tr>
<th>Risks of Option 2</th>
<th>Potential mitigation action</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Increase in costs to local authorities due to loss of drainage rates and the Higher Land Water Contribution more than offsetting the savings in administration costs.</td>
<td>• The additional costs to the local authorities would be reduced if the landowners either undertook the work themselves or paid the local authority to do it. This would follow the principle of those who benefit pay.</td>
</tr>
<tr>
<td>• Increased flood risk to properties and waterlogging of agricultural land:</td>
<td>• District councils to consider undertaking works themselves on a risk basis (including Annington pumping station) and WSCC to use enforcement.</td>
</tr>
<tr>
<td>• 4 watercourses (3kms) which may cause flood risk to 20 properties in Horsham District</td>
<td></td>
</tr>
<tr>
<td>• Annington pumping station which may cause flood risk to properties in Horsham and waterlogging of agricultural land</td>
<td></td>
</tr>
<tr>
<td>• 1 watercourse which may affect water abstraction in Adur District</td>
<td></td>
</tr>
<tr>
<td>• 2 watercourses which may cause waterlogging of agricultural land in Horsham District</td>
<td></td>
</tr>
<tr>
<td>• 1 watercourse which may cause waterlogging of agricultural land in Adur District</td>
<td></td>
</tr>
<tr>
<td>• Future liabilities for 3 further pumping stations.</td>
<td>• Offer landowners opportunity to operate 3 other pumping stations/ decommission</td>
</tr>
<tr>
<td>• Not preferred option of ratepayers</td>
<td>• Joint engagement strategy with all parties on Steering Group. Explain lack of benefits.</td>
</tr>
</tbody>
</table>

Table 11  Risks and potential mitigation of Option 2

9  Recommendation

Subject to the specific risks identified in Table 11 being duly mitigated the Steering Group have determined to recommend Option 2 for the future management of the River Adur IDD.
10 References

Reference 1 Options for the future of River Arun Internal Drainage District – evidence Environment Agency October 2013


APPENDIX C - 1 The River Adur IDD and its asset
APPENDIX C- 2 Costs to local authorities and drainage rate payers of delivering current level of service in all 3 IDDs in West Sussex

<table>
<thead>
<tr>
<th></th>
<th>Based on EA administered IDDs</th>
<th>Option 1</th>
<th>Option 1a</th>
<th>Option 1b</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
</tr>
<tr>
<td>Chichester DC</td>
<td>47.9</td>
<td>55.8</td>
<td>52.4</td>
<td>54</td>
<td>48.5</td>
</tr>
<tr>
<td>Arun DC</td>
<td>179.6</td>
<td>207.7</td>
<td>194.4</td>
<td>200.9</td>
<td>91.2</td>
</tr>
<tr>
<td>Adur DC</td>
<td>19.0</td>
<td>21.4</td>
<td>19.8</td>
<td>20.6</td>
<td>4.5</td>
</tr>
<tr>
<td>Horsham DC</td>
<td>42.0</td>
<td>47.2</td>
<td>43.9</td>
<td>45.5</td>
<td>140.7</td>
</tr>
<tr>
<td>Drainage rates</td>
<td>57.7</td>
<td>65.9</td>
<td>61.5</td>
<td>63.7</td>
<td>0</td>
</tr>
</tbody>
</table>
APPENDIX C-3

Internal Drainage Districts (IDDs) in West Sussex – Stakeholder Survey Report

1 Summary

- In October 2012, the Environment Agency wrote to around 700 stakeholders of the three West Sussex Internal Drainage Districts (South West Sussex, River Arun and River Adur) informing them of the Agency’s review of the future of the IDDs.

- In all three IDDs the response rate from ratepayers was low, although those who responded represented a higher proportion of the rates paid.

- Other interested parties showed a very low response rate.

- For the River Adur IDD, ratepayers and parish councils showed a clear preference for the formation of a new IDD.

- For the River Arun IDD the response was far less clear cut, with a significant number of responders preferring the Environment Agency to continue with the IDD maintenance. Including ‘Environment Agency IDD’ as a preference for an IDD of some sort, there is still a strong preference amongst responders for an IDD.

- For the South West Sussex IDD, the most popular option amongst ratepayers was a new IDD. Five local parish councils favour dissolution of the IDD, preferring the IDD maintenance to be taken on by West Sussex County Council as the Local Lead Flood Authority (LLFA).

- Of ratepayers who preferred options which were not available on the questionnaire, most preferred the Environment Agency administered IDD to continue or the IDD to be administered by a similar established authority.

2 Detail of River Adur IDD responses

The River Adur IDD had the strongest response of all three West Sussex IDDs, with 15% of all ratepayers polled responding. These responders represented 32% of the total monetary value of rates paid on the River Adur.

66% of those who responded preferred the formation of a new IDD, option 1. 19% of those who responded preferred dissolution of the IDD with responsibility passing to riparian owners and the Lead Local Flood Authority, option 2. 4% of those who responded preferred the dissolution of the IDD with a new cooperative of landowners and authorities managing the IDD watercourses, option 3. 11% chose a different option, which was that they wanted the Environment Agency to continue maintenance of the IDD. See figure 1. The breakdown by value of rates paid is even more in favour of Option 1 with 76% choosing this option (Figure 2).
Figure 1 River Adur IDD responses as a percentage of total number of responses

Figure 2 River Adur IDD ratepayer responses by monetary value of rates paid
1 PURPOSE

The purpose of this report is to present the business case for the dissolution of the existing River Arun Internal Drainage District (IDD).

2 BACKGROUND

The Environment Agency does not normally administer IDDs. Where it inherited them from predecessor bodies it has over time transferred or dissolved their management according to local circumstances. There remain 8 Environment Agency administered IDDs all located in the south east of which 3 are in West Sussex:

- The River Adur IDD
- The River Arun IDD
- The South West Sussex IDD.

In June 2012 the Environment Agency Board approved a project to: “To divest the Environment Agency from its responsibilities regarding the running of the Environment Agency administered Internal Drainage Districts in West Sussex, East Sussex and Kent as swiftly as possible in an orderly manner”.

The Environment Agency is aiming for a successful transition to more locally accountable arrangements in these locations.

Since June 2012 the Environment Agency has been engaging with IDD stakeholders on Options for the future management of water levels in the districts. Options being considered are:

- **Option 1**: Dissolve the existing IDD and communities or other suitable organisations set-up a new independent IDB to take over some or all of the interests of the existing IDB;

- **Option 2**: Dissolve the existing IDD so that watercourses in the IDD are managed as other ordinary watercourses

- **Option 3**: Dissolve the existing IDD and communities and other interested parties work in partnership to establish working agreements without an IDB.

In response to stakeholders’ views a Steering Group was formed to represent stakeholders and make recommendations on the Options for all 3 IDDs in West Sussex.

The Environment Agency provided the Steering Group with detailed information on the costs, benefits and risks of the existing and future Options for delivering the current level of service provided in the IDDs (Reference 1). Based on this evidence, the Steering Group recommends that the River Arun IDD be dissolved so that watercourses in the IDD become ordinary watercourses (Option 2).
This report summarises the business case for this recommendation.

3 THE RIVER ARUN IDD

The River Arun IDD covers an area of 3304 hectares. The District covers areas throughout the lower and middle reaches of the River Arun catchment. The District is predominantly rural, with some small urban areas, including Arundel, Pulborough & Amberley (see Appendix 1). The IDD primarily lies within the administrative boundaries of Horsham DC and Arun DC, with a small area in the north west falling in Chichester DC.

The watercourses within the IDD are closely linked to the Main River network, and the management of water levels within the IDD are often linked to Main River. The principle Main River watercourses can be seen in Appendix 1 below and include the River Arun, Black Ditch, and Western Rother.

As the IDD is exclusively within the River Arun catchment, all watercourses ultimately drain into the River Arun which flows south, discharging into the sea at Littlehampton. Within the catchment there is a variety of important environmental designations, including the Arun Valley SPA/Ramsar and cSAC designations. In addition to this, much of the IDD is within the South Downs National Park and there are numerous other SSSI sites and sites of historic and cultural interest.

There is a risk of flooding throughout the IDD, the majority of this is within rural locations and is generally confined to the floodplain. As the River Arun is significantly larger than its tributaries, when the river is in flood or levels generally high, it can impact on drainage as the ditches and drains of the IDD are unable to discharge. As most of the IDD falls within the Arun flood plain, when Main River is out of bank as a result of flooding, the IDD will often end up inundated, meaning land drainage cannot occur. Surface water and groundwater are additional sources of flood risk within the District and can contribute to increased water levels in ditches and standing water on fields. A line of springs within the Arun Valley also contributes to groundwater flooding.

4 CURRENT LEVEL OF SERVICE

A profile of the River Arun IDD and its assets is given in Table 1.

All assets are allocated a target condition grade based on their criticality. Routine, intermittent and capital maintenance are informed by a risk based inspections and condition regime of:

- Visual inspection of all assets.
- Operational inspections of structures
- Public Safety Risk Assessments of structures which may pose a risk to the public.

Sluice keeping and routine maintenance may be undertaken during these inspections. Routine vegetation management is undertaken annually. The current maintenance ratio is 70% cut 30% retained based on Environment Agency
maintenance standards and guidance from Natural England. Intermittent maintenance may include weedscreen clearance or repairs/minor refurbishments.

Table 1 Profile of the River Arun IDD

<table>
<thead>
<tr>
<th></th>
<th>Chichester District</th>
<th>Arun District</th>
<th>Horsham District</th>
<th>IDD total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>Urban</td>
<td>8ha</td>
<td>70ha</td>
<td>61ha</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>420ha</td>
<td>1412ha</td>
<td>1333ha</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>428ha</td>
<td>1482ha</td>
<td>1394ha</td>
</tr>
<tr>
<td><strong>Watercourses</strong></td>
<td>Main River</td>
<td>19.5km</td>
<td>35km</td>
<td>33km</td>
</tr>
<tr>
<td></td>
<td>IDD (OWC maintained by IDB)</td>
<td>0.1km</td>
<td>29.3km</td>
<td>38.4km</td>
</tr>
<tr>
<td></td>
<td>OWC (not maintained by IDB)</td>
<td>32.4km</td>
<td>62.9km</td>
<td>48.2km</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>52.0km</td>
<td>127.2km</td>
<td>119.6km</td>
</tr>
<tr>
<td><strong>IDD Assets Maintained</strong></td>
<td>Pumping stations</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Sluices and water control structures</td>
<td>0</td>
<td>22</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Culverts</td>
<td>0.1km</td>
<td>1.9km</td>
<td>0.3km</td>
</tr>
<tr>
<td></td>
<td>Watercourses</td>
<td>0km</td>
<td>27.4km</td>
<td>38.1km</td>
</tr>
<tr>
<td></td>
<td>Raised embankments</td>
<td>0km</td>
<td>0km</td>
<td>0km</td>
</tr>
<tr>
<td><strong>Sites of Designated Environmental Interest</strong></td>
<td>SPAs/SACs</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>RAMSAR</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>SSSI</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Local Wildlife Sites</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Water levels are managed in accordance with the Amberley Wild Brooks Water Level Management Plan by the operation of structures on the site, working in partnership with the landowners on an ad-hoc basis.

The Environment Agency contact centre telephone number is clearly displayed within the IDD and manned 24hours/day, 365 days per year. A Flood Incident Duty Officer will assess the risk and respond appropriately to any reported issues.

Table 2 Summary of most recent inspections and condition

<table>
<thead>
<tr>
<th>Latest Inspection date</th>
<th>Number of assets inspected</th>
<th>% of total assets inspected</th>
<th>% assets inspected at or above target condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arun</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>184</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>2011</td>
<td>246</td>
<td>27</td>
<td>50</td>
</tr>
<tr>
<td>2010</td>
<td>101</td>
<td>11</td>
<td>54</td>
</tr>
<tr>
<td>2007</td>
<td>14</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>2006</td>
<td>380</td>
<td>41</td>
<td>62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>925</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>
Table 2 summarises the results of most recent visual inspections. Overdue inspections will be completed by 31 March 2014. Details of the 3 IDD pumping stations are included in Table 3 along with current condition and residual life.

The number of consents requested/issued has been minimal at 1-2 a year for IDD watercourses and 2-3 a year for ordinary watercourses within the IDD. Formal enforcement action is rare and time spent on informal enforcement/influencing is not sufficiently significant to be recorded.

**Table 3 Pumping Stations in River Arun IDD**

<table>
<thead>
<tr>
<th>Size and type of pump</th>
<th>Condition</th>
<th>Residual life</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>HARDHAM PUMP STATION</td>
<td>2 x flygt submersibles 0.3 cumec each</td>
<td>good</td>
<td>5-10 years</td>
</tr>
<tr>
<td>GREATHAM PUMP STATION</td>
<td>3x flygt submersibles 0.3 cumec each</td>
<td>reasonable condition</td>
<td>5 years</td>
</tr>
<tr>
<td>HOUGHTON PUMP STATION</td>
<td>axial flow 0.7</td>
<td>reasonable condition</td>
<td>1-3 years</td>
</tr>
</tbody>
</table>

Total annual costs of the above operations in the River Arun IDD vary year on year but are around £90k. A breakdown of costs (for 2012/13) is shown in Table 4 which includes a nominal contribution to the whole life costs of the pumping stations.

These costs are determined by the Environment Agency’s operational costs (approximately £26/hr including staff, plant and materials) and not necessarily indicative of how much it would cost to procure the services independently.

**Table 4 – Summary of costs of operations**

<table>
<thead>
<tr>
<th></th>
<th>Chichester District</th>
<th>Arun District</th>
<th>Horsham District</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Routine maintenance/vegetation management</td>
<td>£0</td>
<td>£21.7</td>
<td>£25.4</td>
<td>£47.1</td>
</tr>
<tr>
<td>Intermittent maintenance</td>
<td>£0</td>
<td>£6.5</td>
<td>£7.0</td>
<td>£13.5</td>
</tr>
<tr>
<td>Pumping stations routine</td>
<td>£0</td>
<td>£1.3</td>
<td>£4.2</td>
<td>£5.5</td>
</tr>
<tr>
<td>Pumping stations intermittent</td>
<td>£0</td>
<td>£1.0</td>
<td>£5.0</td>
<td>£6.0</td>
</tr>
<tr>
<td>Pumping stations replacement</td>
<td>£0</td>
<td>£1.2</td>
<td>£4.3</td>
<td>£5.5</td>
</tr>
<tr>
<td>Operational inspections and water level management</td>
<td>£0</td>
<td>£7.0</td>
<td>£17.0</td>
<td>£24.0</td>
</tr>
<tr>
<td>OPUS inspections and works arising</td>
<td>£0</td>
<td>£1.0</td>
<td>£1.5</td>
<td>£2.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£0</strong></td>
<td><strong>£39.7</strong></td>
<td><strong>£64.4</strong></td>
<td><strong>£104.1</strong></td>
</tr>
</tbody>
</table>

The IDD pays an annual precept of approximately £15.5k to the Environment Agency as a contribution to work on Main River from which the IDD benefits. This includes routine maintenance of conveyance on Main River and a contribution to pumping at Pulborough and Bury Meade pumping stations.

The benefits of the current works and operation of the IDDs have been assessed using a toolkit developed by Defra (Ref 2). The approximate net benefits of the work of the IDD is c £2.5m pa. See Table 5.
Table 5 – Benefits and beneficiaries of current level of service

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Order of magnitude of benefits*</th>
<th>Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protecting nationally and internationally designated sites in Horsham</td>
<td>C £2m pa</td>
<td>Local residents, farmers/landowners, local authorities, wider society</td>
</tr>
<tr>
<td>District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reducing damages as a result of flooding of residential properties</td>
<td>C £200k pa</td>
<td>Local residents</td>
</tr>
<tr>
<td>primarily in Arundel (Arun District)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting food production</td>
<td>C £100k</td>
<td>Farmers/landowners</td>
</tr>
<tr>
<td>Reducing damages as a result of flooding of business properties</td>
<td>c £70k pa</td>
<td>Local businesses, local authorities</td>
</tr>
<tr>
<td>primarily in Arundel (Arun District)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>C £2.5m pa</td>
<td></td>
</tr>
</tbody>
</table>

*Benefits are annual benefits based on current values (i.e. not net present value).

5 DELIVERY OPTIONS

Having considered stakeholders’ views, including the advice of ADA (the Association of Drainage Authorities), the Steering Group investigated the business case for:

- Option 1 – River Arun IDD continuing to be managed as a single independent IDD, and
- Option 1a – All 3 IDDs in West Sussex, including the River Arun IDD, amalgamating into one West Sussex IDD (see Table 6);
- Option 1b - All 3 IDDs in West Sussex, including the River Arun IDD, operating as a consortium of independent IDDs.
- Option 2 - Dissolve the existing IDD so that watercourses in the IDD become ordinary watercourses

Table 6 Profile of a single West Sussex IDD incorporating the 3 existing IDDs
6 Costs of delivery Options and how they will be met

Whilst the costs of the works and operations may be different for each of the Options, the variation between Options is not expected to be as significant as that due to overheads, in particular those associated with the administration of any IDD. Therefore in order to facilitate comparison of the costs of the Options, the Environment Agency works costs detailed above have been used. Irrespective of who acts as IDB, future costs may change with changes in Main River and coastal defence strategies, climate change etc.

Based on a Defra study (Ref 3) and ADA advice, the analysis of costs assumes administrative costs for an independent IDD (Option 1) to be 22.5%, an amalgamated West Sussex IDD (Option 1a) to be 20% and a consortia of West Sussex IDDs (Option 1b) to be 20%.

Section 36 of the Land Drainage Act 1991 determines that the expenses of an IDB shall be met by:

- Drainage rates collected from agricultural land and buildings within the Internal Drainage District;
- Special levies issued on District and Unitary Authorities within the Internal Drainage District;
- Contributions from the Environment Agency (see Higher Level Water Contributions).

If there is no IDD/IDB, there would be no facility to raise income through drainage rates and special levies or a Higher Land Water Contribution. If landowners and local authorities no longer have to make a payment to an IDB they will however, be able to retain the sum that they currently pay to the IDB and can spend it where they wish, including funding the service delivery directly.

The costs of the options for delivering the current level of service within the River Arun IDD to local authorities and IDD ratepayers are summarised in Table 7. Table 8 summarises the benefits of the current level of service and the benefit cost ratio for each local authority.

The total costs of the options for delivering the current level of service within all 3 IDDs in West Sussex to local authorities and IDD ratepayers are included in Appendix 2.

**Table 7 Costs to local authorities and drainage rate payers of delivering current level of service in River Arun IDD**

<table>
<thead>
<tr>
<th></th>
<th>Chichester DC</th>
<th>Arun DC</th>
<th>Horsham DC</th>
<th>Drainage rates payers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs pa:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current</td>
<td>£0.3k</td>
<td>£97.4k</td>
<td>£0.9k</td>
<td>£23.1k</td>
<td>£121.7k</td>
</tr>
<tr>
<td>Option 1</td>
<td>£0.4k</td>
<td>£112.1k</td>
<td>£1k</td>
<td>£26.6k</td>
<td>£140.1k</td>
</tr>
<tr>
<td>Option 1a</td>
<td>£0.4k</td>
<td>£104.6k</td>
<td>£1k</td>
<td>£24.8k</td>
<td>£130.8k</td>
</tr>
<tr>
<td>Option 1b</td>
<td>£0.4k</td>
<td>£108.3k</td>
<td>£1k</td>
<td>£25.7k</td>
<td>£135.4k</td>
</tr>
<tr>
<td>Option 2</td>
<td>£0k</td>
<td>£39.7k</td>
<td>£64.4k</td>
<td>£0k</td>
<td>£104.1k</td>
</tr>
</tbody>
</table>
Table 8 Benefits and benefit cost ratio of Options 1 and 2

<table>
<thead>
<tr>
<th></th>
<th>Chichester DC</th>
<th>Arun DC</th>
<th>Horsham DC</th>
<th>Drainage rates payers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approx Benefits</td>
<td>£0k</td>
<td>£250k</td>
<td>£1m</td>
<td>£600k</td>
<td>£1.85m</td>
</tr>
<tr>
<td>of current level</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of service pa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approx benefit</td>
<td>n/a</td>
<td>2.3</td>
<td>1000</td>
<td>24</td>
<td>12.3</td>
</tr>
<tr>
<td>benefit cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ratio Options 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approx benefit</td>
<td>n/a</td>
<td>6</td>
<td>15</td>
<td>n/a</td>
<td>18</td>
</tr>
<tr>
<td>benefit cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ratio Option 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tables 9 and 10 show the key strengths, weaknesses, opportunities and threats afforded by Options 1, 1a and 1b and Options 2 and 3 respectively.

Table 9 Options 1, 1a and 1b – Key strengths, weaknesses, opportunities and threats

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Takes responsibilities of competent authority for designated sites under Wild Life and Countryside Act</td>
<td>• Does not share out costs in accordance with the benefits, with Arun DC paying the majority of costs whilst Horsham DC is the main beneficiary</td>
</tr>
<tr>
<td>• Can raise drainage rates, special levies and HLWC</td>
<td>• Additional administrative costs</td>
</tr>
<tr>
<td>• Takes on liability for future costs of maintenance/replacement of assets, particularly pumping stations</td>
<td>• Costs to establish (c£50k)</td>
</tr>
<tr>
<td>• Local control and accountability through board</td>
<td>• Time consuming process to establish</td>
</tr>
<tr>
<td>• Powers and duties for ordinary watercourses in the district sit within 1 Risk Management Authority (Takes statutory duties wrt consenting from LLFA)</td>
<td>• Long-term commitment to fund and provide board membership</td>
</tr>
<tr>
<td>• What most drainage ratepayers want.</td>
<td>• Responsibilities for water level management shared by an additional Risk Management Authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPPORTUNITIES</th>
<th>THREATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Amalgamate to reduce administrative burden (Option 1a)</td>
<td>• Administrative costs could increase with Audit and Accountability Bill</td>
</tr>
<tr>
<td>• Work in consortium with other IDDs to share skills and resources and achieve economies of scale (Option 1b)</td>
<td>• Failure to establish new IDD within EA/DEFRA timescales</td>
</tr>
<tr>
<td>• Cheaper maintenance</td>
<td>• costs of putting in place (c £50k)</td>
</tr>
<tr>
<td>• Differential rating order to ensure beneficiaries pay</td>
<td>• unable to secure board members</td>
</tr>
<tr>
<td>• Agree with EA for EA to continue to undertake work and support skills transfer</td>
<td>• unable to agree boundaries/rates</td>
</tr>
<tr>
<td>• EA resource and ADA to support establishing a new IDD.</td>
<td>• Cuts to LA funding bringing more pressure on other services</td>
</tr>
<tr>
<td></td>
<td>• Amalgamations reduce localism</td>
</tr>
<tr>
<td></td>
<td>• Objections raised by RSPB during statutory process</td>
</tr>
<tr>
<td></td>
<td>• EA withdraw maintenance from main river (Arun Strategy review).</td>
</tr>
</tbody>
</table>
Table 10  
Options 2/3 – Key strengths, weaknesses, opportunities and threats

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
</tr>
</thead>
</table>
| - Those who benefit pay  
- Flexible to current funding priorities  
- Local authorities retain special levy funding  
- No external administration and associated costs  
- Simple and low cost to put in place  
- Local choice and accountability through local authority elected members  
- No drainage rates to be collected  
- No additional Risk Management Authority | - No power to raise drainage rates, special levies or HLWC  
- Horsham DC and WSCC have responsibilities as competent authorities for designated sites under Wild Life and Countryside Act  
- Vulnerable to cuts in local authority funding  
- Split of powers between LLFA and districts  
- Lack of skills and capacity in LAs |

<table>
<thead>
<tr>
<th>OPPORTUNITIES</th>
<th>THREATS</th>
</tr>
</thead>
</table>
| - Local authorities can retain special levy funding to spend on more cost beneficial local priorities  
- Riparian landowners retain drainage rates and have duties and powers to undertake works on their own land  
- Agree with EA for EA to continue to undertake work through Public Sector Co-operative Arrangements in short term to support skills transfer  
- To agree arrangements for designated sites between Horsham DC, landowners and the EA  
- Scope for local agreements between ratepayers and other stakeholders  
- Local authorities to work with other Risk Management Authority to deliver work through Public Sector Co-operative Arrangements | - Current level of service and benefits will not be delivered  
- Loss of EA knowledge and skills to district  
- Failure to build skills/capacity  
- Liability for future costs of maintenance/replacement of assets, particularly pumping stations  
- Not supported by RSPB, other key stakeholders - objections raised during statutory process |

7  Views of Agricultural drainage ratepayers

In October 2012, all agricultural drainage ratepayers were asked their preference in terms of Options, 1, 2 and 3. With respect to the River Arun IDD there was a strong preference for the formation of a new IDD (see Appendix 3)

8  Options appraisal

The key benefits of the work of the Environment Agency acting as the River Arun IDB could continue to be delivered through any of the Options under consideration. The challenge is to allow local choice and accountability in agreeing priorities for benefits and to deliver the chosen benefits cost-effectively. Implicit in this is affordability, sustainability and attributing costs to those who benefit.

Under Options 1,1a and 1b, the risks to the continued delivery of these benefits are low. Local accountability would be through the local authorities and ratepayers on the Board. However, the costs are not attributed to those who benefit. In particular, Arun District Council is subsidising Horsham DC and drainage rate payers. Whilst it would be possible for a new IDD to address this through a differential rating order, there are significant additional costs of administration for all 3 configurations of IDDs and a new IDD would be costly to establish (c £50k).
Under Option 2, there would be no IDD or associated IDB. Costs to the local authorities would be reduced as savings in administrative costs and Environment Agency precept more than off-set the loss of drainage rates and the Higher Land Water Contribution. District Councils would not have to pay Special Levies and could either deliver the service themselves or redirect the funding to other local priorities with a greater benefit cost to those who pay. There is a risk that maintaining the current level of service may not be considered a priority; however, accountability would be through their locally elected members.

Arun District Council would benefit by having more funding available to spend within their district. Arun District could determine how best to continue to manage the flood risk from the ordinary water courses (ex-IDD) in Arundel, alongside priorities elsewhere in the District. Horsham would become a competent authority under the Wild Life and Countryside Act and would have a responsibility for the continued implementation of the Amberley Wild Brooks WLMP. Horsham District would lose the benefit of the IDD funding works to protect Amberley Wildbrooks and Pulborough Brooks designated sites. Horsham District would need to work with the landowners, Natural England, the Environment Agency and South Downs National Park to agree arrangements for the future management of water levels on the sites.

Similarly agricultural landowners would not have to pay drainage rates but could undertake the works on their own land themselves at their own cost to ensure benefits to food production are not lost. Again, this would better align costs with beneficiaries.

The risks associated with Option 2 and potential mitigation action are summarised in Table 11.

<table>
<thead>
<tr>
<th>Risks of Option 2</th>
<th>Potential mitigation action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibilities for designated sites at Pulborough Brooks and Amberley Wildbrooks:</td>
<td>Agree robust alternative measures for protecting Pulborough and Amberley to be in place at dissolution:</td>
</tr>
<tr>
<td>• 5 ditches (9km) which may cause derogation of Amberley Wildbrooks RAMSAR/SAC in Horsham</td>
<td>• Ask RSPB to manage Pulborough Brooks</td>
</tr>
<tr>
<td>• 2 ditches (3.2km) which may cause derogation of Pulborough Brooks RAMSAR/SAC in Horsham</td>
<td>• Horsham District Councils to consider funding EA continuing with works and water level management at Amberley and Pulborough</td>
</tr>
<tr>
<td></td>
<td>• Other local authorities to consider contributing as they benefit from international designated site in their vicinity</td>
</tr>
<tr>
<td>Increased flood risk to properties and roads and waterlogging of agricultural land:</td>
<td>• Arun District to consider undertaking works for flood risk management themselves particularly in Arundel based on business case.</td>
</tr>
<tr>
<td>• 4 watercourses (6km) which may cause increased flood risk to 23 properties in Arun District</td>
<td>• WSCC to use enforcement powers.</td>
</tr>
<tr>
<td>• 2 ditches which may increase flooding of roads in Horsham district</td>
<td>• Encourage farmers to undertake works for land drainage themselves</td>
</tr>
<tr>
<td>• 5 ditches which may cause waterlogging of agricultural land in Horsham District</td>
<td></td>
</tr>
<tr>
<td>• 5 ditches which may cause waterlogging of agricultural land in Arun District</td>
<td></td>
</tr>
<tr>
<td>• Future liabilities for 3 pumping stations.</td>
<td>• Offer landowners opportunity to operate 3 pumping stations. Otherwise decommission</td>
</tr>
<tr>
<td>• Not preferred option of ratepayers</td>
<td>• Joint engagement strategy with all parties on Steering Group.</td>
</tr>
</tbody>
</table>

Table 11  Risks and potential mitigation of Option 2
The key benefit of Option 2 is that local authorities would have greater control on how their money is spent if it is retained within the authorities. There is the opportunity to determine and deliver the most cost beneficial level of service.

9 Recommendation

Subject to the specific risks identified in Table 11 being duly mitigated the Steering Group have determined to recommend Option 2 for the future management of the River Arun IDD.

10 References

Reference 1 Options for the future of River Arun Internal Drainage District – evidence Environment Agency October 2013


APPENDIX D -1 The River Arun IDD and its assets
Appendix D - 2 Costs to local authorities and drainage rate payers of delivering current level of service in all 3 IDDs in West Sussex

<table>
<thead>
<tr>
<th></th>
<th>Based on EA administered IDDs</th>
<th>Option 1</th>
<th>Option 1a</th>
<th>Option 1b</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
<td>£k</td>
</tr>
<tr>
<td>Chichester DC</td>
<td>47.9</td>
<td>55.8</td>
<td>52.4</td>
<td>54</td>
<td>48.5</td>
</tr>
<tr>
<td>Arun DC</td>
<td>179.6</td>
<td>207.7</td>
<td>194.4</td>
<td>200.9</td>
<td>91.2</td>
</tr>
<tr>
<td>Adur DC</td>
<td>19.0</td>
<td>21.4</td>
<td>19.8</td>
<td>20.6</td>
<td>4.5</td>
</tr>
<tr>
<td>Horsham DC</td>
<td>42.0</td>
<td>47.2</td>
<td>43.9</td>
<td>45.5</td>
<td>140.7</td>
</tr>
<tr>
<td>Drainage rates</td>
<td>57.7</td>
<td>65.9</td>
<td>61.5</td>
<td>63.7</td>
<td>0</td>
</tr>
</tbody>
</table>
Appendix D - 3

Internal Drainage Districts (IDDs) in West Sussex – Stakeholder Survey Report

1. Summary

- In October 2012, the Environment Agency wrote to around 700 stakeholders of the three West Sussex Internal Drainage Districts (South West Sussex, River Arun and River Adur) informing them of the Agency’s review of the future of the IDDs.
- In all three IDDs the response rate from ratepayers was low, although those who responded represented a higher proportion of the rates paid.
- Other interested parties showed a very low response rate.
- For the River Adur IDD, ratepayers and parish councils showed a clear preference for the formation of a new IDD.
- For the River Arun IDD the response was far less clear cut, with a significant number of responders preferring the Environment Agency to continue with the IDD maintenance. Including ‘Environment Agency IDD’ as a preference for an IDD of some sort, there is still a strong preference amongst responders for an IDD.
- For the South West Sussex IDD, the most popular option amongst ratepayers was a new IDD. Five local parish councils favour dissolution of the IDD, preferring the IDD maintenance to be taken on by West Sussex County Council as the Local Lead Flood Authority (LLFA).
- Of ratepayers who preferred options which were not available on the questionnaire, most preferred the Environment Agency administered IDD to continue or the IDD to be administered by a similar established authority.

2. Detail of River Arun IDD responses

With respect to the River Arun IDD there was a 9% response rate amongst ratepayers representing 22% of the total monetary value of rates paid

46% of Arun ratepayers who responded preferred the formation of a new IDD, while 38% preferred an IDD administered by one authority such as the Environment Agency. If both these preferences are counted as a preference for a centrally administered IDD of some sort, this becomes a strong preference for the formation of a new IDD (Figure 1). The breakdown by value of rates paid is shown in Figure 2 which shows 35% preferred Option1 whilst 38% preferred an IDD administered by one authority such as the Environment Agency.
Figure 1 River Arun IDD ratepayer responses as a proportion of total responses

Figure 2 River Arun ratepayer preferences as a percentage of monetary value of rates paid
Appendix E – Environment Agency Briefing Note River Adur (dated June 2014)

Internal Drainage Districts (IDDs)

Changes to the River Adur IDD

This briefing provides the latest update for anyone interested in the changes the Environment Agency is making to the River Adur Internal Drainage District (IDD).

Background
Due to changing policy and legislation, the Environment Agency is dissolving the eight IDDs we administer in Sussex and Kent, including the River Adur IDD. We are transferring the management of its ordinary watercourses to more locally accountable bodies and landowners, who are more representative of the local people who pay for and benefit from this management. Although work on ordinary watercourses will cease to be the responsibility of the Environment Agency, the work may still need to be carried out. The changes will not affect our work on main rivers, such as the River Adur.

What's happened so far?
In June 2012, we began talking with local councils in West Sussex and established a steering group representing those affected by the changes. Over the past year, the group has considered several options on how the three IDDs in West Sussex could be managed in the future. It has decided that the best way forward, if the IDDs are dissolved, is for no new IDDs to be set up and:
• riparian landowners will be responsible for maintaining the watercourses and structures (including pumping stations) which we have up until now maintained on their behalf
• district and borough councils will have permissive powers to carry out flood risk management work on the ordinary watercourses in the districts
• West Sussex County Council will be responsible for enforcement and consenting; they will also have powers to carry out flood risk management work with regard to surface run-off and groundwater

What does this mean for drainage ratepayers?
The vast majority of drainage ratepayers in the River Adur IDD do not have IDD maintained watercourses on their land and will be unaffected by the dissolution of the IDD. The main changes are:
• drainage ratepayers will no longer have to pay drainage rates, but will have responsibilities as a riparian landowner (our booklet ‘Living on the Edge’ provides full details of what this means at https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities)
• the Environment Agency will no longer maintain any ordinary watercourses in the River Adur IDD or operate the small number of pumping stations on those watercourses
• district and county councils may consider carrying out works in locations where they feel there may be an increase in flood risk to people or properties

What happens next?
On 22 May this year, the Environment Agency Board gave approval for us to submit a proposal to Defra to dissolve the existing IDDs in West Sussex. We aim to submit the proposal by 30 September 2014.
Submitting the proposal is just the start of a statutory process. There will be further opportunities to make representations to Defra. Depending on objections being made, we would expect the Secretary of State to make his decision on the dissolution of the IDDs in the late spring/early summer 2015. At that time we will write to all riparian landowners confirming that decision and giving further details.

In the meantime, we will:
- assess the condition of assets to make sure they are in a reasonable condition
- work closely with all interested parties to address any outstanding concerns before submitting the proposal to Defra
- contact all landowners of land adjacent to IDD pumping stations explaining their options
- help riparian landowners understand their responsibilities so that they can ensure they can meet them if the IDDs are dissolved

**Any questions or concerns?**

If you have any questions, or would like to receive a copy of our questions and answer leaflet, please write to: IDD Project Manager, Environment Agency, Guildbourne House, Chatsworth Road, Worthing, BN11 1LD, or email RiverAdurIDB@environment-agency.gov.uk.

If you are a member of the NFU or CLA, you may also contact:

Tom Ormesher, Regional Environment & Land Use Adviser, NFU South East Region
01730 711950 (office)
01730 711962 (direct line)
07721 430849 (mobile)
Tom.Ormesher@nfu.org.uk

or

Tim Broomfield MRICS FAAV, CLA Rural Surveyor
01264 313434 (office)
07702 928839 (mobile)
tim.broomhead@cla.org.uk
Internal Drainage Districts (IDDs)

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01264 313434 (office)
07702 928839 (mobile)
tim.broomhead@cla.org.uk
Report to Cabinet
Date of meeting 18 September 2014
By the Chairman of Finance and Performance Working Group

INFORMATION REPORT
Not exempt

REPORT ON PERFORMANCE INDICATORS FOR QUARTER 1 2014/15 AND TRACKED PROJECT LIST PROGRESS

Executive Summary
The purpose of this report is to inform Cabinet of any concerns raised by the Finance and Performance Working Group at their quarterly review meeting on 13th August 2014. The quarterly Finance and Performance Working Group meeting considers Horsham District Council’s performance against performance indicators, the proposed basket of Key Performance Indicators for 2014/15 and the tracked projects list.

Recommendations
It is recommended that Members note the contents of this report and consider actions necessary to improve performance.

Reasons for Recommendations
Performance Management is part of the duty of Best Value to drive up service improvement.

Background Papers
Appendix A: Quarter 1 2014/15 Performance Indicators

Consultation
Wards affected All
Contact Julie McKenzie, Performance Manager Ext. 5306
Background Information

1. Introduction

The purpose of this report is to inform Cabinet of the outcome of the Finance and Performance Working Group’s quarterly performance review on 13th August 2014 and to seek comments on the particular areas identified.

1.1 Background/Actions taken to date

The Horsham District Council’s performance management framework includes reviews of the Council’s performance against District Plan Priorities, performance indicators with the focus upon key performance measures and key projects tracked by the Senior Leadership Team (SLT). Performance reviews are carried out monthly by SLT and quarterly by the Finance and Performance Working Group. Matters of concern arising are reported to Cabinet as an appendix to this report.

2. Key Performance Indicators

2.1 As part of Horsham District Council’s performance management framework, key performance indicators, representative of corporate priority areas, have been identified.

2.2 Revisions of performance indicators and targets are undertaken annually as part of the development of the departmental service plans to ensure that the key PI’s continue to be effective monitors of service delivery.

2.3 On 13th August 2014 the Finance and Performance Working Group reviewed the following:

2014/15 Quarter 1 and Performance Indicators Monitoring Report
2014/15 Quarter 1 Key Tracked Projects Update Report
The confirmed basket of Key Performance Indicators for 2014/15 is attached at Appendix A. Targets are currently being developed in conjunction with Service Managers.

2.4 The Working Group noted positive performance in a number of areas including the determination of major planning applications at 92.31% and a decrease in the number of households in bed and breakfast accommodation.

2.5 The Finance and Performance Working Group did not highlight any areas of concern to be raised with Cabinet at the meeting.

2.5 A revised format for the future reporting of finance and performance was presented by officers and the Working Group agreed to receive the financial and performance data in the revised format.

3. Tracked Projects monitoring
3.1 Key corporate projects are tracked by the Project Assurance Core Team (PACT) and reviewed at the Finance and Performance Management Working Group.

3.2 Separate presentations were delivered to the Working Group on West Street Project, Phase 2 and the Community Infrastructure Levy (CIL).

3.3 The Finance and Performance Management Working Group commented that there are no issues to be raised with Cabinet.

4. **Outcome of Consultations**

4.1 SLT have considered the Performance Indicators report, Key basket of Performance Indicators for 2014/15 and Tracked Project List for Quarter 1 2014/15.

5. **Other Courses of Action Considered but Rejected**

5.1 The Council needs to evidence effective monitoring of performance.

6. **Staffing Consequences**

6.1 There are no direct staffing consequences associated with this report.

7. **Financial Consequences**

7.1 There are no direct financial consequences as a result of this report.
## Appendix 1

### Consequences of the Proposed Action

<table>
<thead>
<tr>
<th>Consequences of the proposed action on:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Risks</strong></td>
<td>There are no risks attached to this report. This is a ‘for information’ report.</td>
</tr>
<tr>
<td>Risk Assessment attached Yes/No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Crime and Disorder</strong></td>
<td>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report.</td>
</tr>
<tr>
<td></td>
<td>Managing performance will help identify areas where the Council can provide better crime and disorder reduction initiatives.</td>
</tr>
<tr>
<td><strong>Equality and Diversity/ Human Rights</strong></td>
<td>Managing performance will help identify areas where the Council can continue to improve.</td>
</tr>
<tr>
<td>Equalities Impact Assessment attached Yes/No/Not relevant</td>
<td></td>
</tr>
<tr>
<td><strong>Sustainability</strong></td>
<td>Performance against sustainability issues are reviewed regularly. There are no implications as a result of this report.</td>
</tr>
</tbody>
</table>

### Statutory and Policy Background

<table>
<thead>
<tr>
<th>Statutory Background</th>
<th>‘Best value’ (Local Government Act 1999) is the statutory basis on which councils plan, review and manage their performance in order to meet the needs and expectations of their citizens who use their services. The aim is to deliver continuous improvement in all their services.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The principles involve Local accountability, breaking departmental and organisational boundaries, partnership, performance measurement and management, comparability and continuous improvement.</td>
</tr>
<tr>
<td>Relevant Government policy</td>
<td>Duty of Best Value. Moving away from National Indicators, the Department of Communities and Local Government has published a Single Data List. This is a catalogue of data requirements. The Single Data List is data already collected through statutory returns for example RO1 (finance) returns, housing, and planning returns, which are existing ‘burdens’.</td>
</tr>
<tr>
<td>Relevant Council policy</td>
<td>Setting of District Plan priorities, service plans, and key performance indicators.</td>
</tr>
</tbody>
</table>
Environment Agency proposal to dissolve the Internal Drainage Districts for the Rivers Adur and River Arun. (2015 Update)

Executive Summary

The Environment Agency (EA) has formally submitted schemes to the Department for Environment Food & Rural Affair (Defra) to dissolve the local Internal Drainage Districts (IDDs) for which they act as the Internal Drainage Boards (IDBs). This report updates Cabinet on discussions this Council and other relevant Flood Risk Authorities have had with the Environment Agency following their initial proposals to dissolve.
Ref; Cabinet Report (Environment Agency proposal to dissolve the Internal Drainage Districts for the River Adur and River Arun) dated 18th September 2014.

IDDs were originally set up many years ago in areas of special drainage need for land drainage and to maintain water levels. In the Horsham District there is some risk of flooding to a small number of properties if maintenance is not continued. An options appraisal exercise was undertaken by the EA with input from various stakeholders. Under the recommended option 2, the IDDs/ water courses will revert to ordinary water courses, with Local Authorities (HDC & WSCC) gaining permissive powers to manage the flood risk from them and to ensure riparian owners fulfil their responsibilities under the Land Drainage Act 1991. Government funding through the Special Levy, issued to local authorities with IDDs will continue until 2021/22, of which this Council will be able to decide how this funding is spent rather than pass-porting this through to the EA. However, once this funding ceases costs required for undertaking works will pass to the riparian owners to deal with ordinary water course issues, of which there is likely to be resource implication on the Council in terms of monitoring and inspection.

The previous Cabinet Report confirmed that the Council did not support the dissolving of the River Arun Internal Drainage Board (IDB) without an alternative arrangement in place for the management of the Amberley Wildbrooks & Pulborough Brooks ecological areas, due to increased financial responsibilities and obligations that will be placed on this Council.

Furthermore it also confirmed that the Council do not wish to take on the responsibility for infrastructure along the Rivers Adur/Arun e.g. pumping stations, sluice gates, which should fall to the riparian landowners where the structures are sited.
These issues have been resolved with the Environment Agency pursing the ‘enmainment’ of the IDD watercourses within the Amberley Wildbrooks and thus these becoming the EA’s responsibility and the IDD watercourses within the Pulborough Brooks becoming ‘riparian owners’ responsibility i.e. Royal Society for the Protection of Birds (RSPB) who will be influenced by Natural England in its management. All other relevant infrastructure will either remain with the EA or be transferred to the appropriate ‘riparian’ landowner in a
satisfactory condition. There will be no other requests placed on HDC other than enforcement.

Therefore the alternative management arrangements to manage the internationally ecologically sensitive sites at Amberley Wildbrooks & Pulborough Brooks will not result in HDC becoming the ‘competent authority’ or place any significant cost to this authority.

**Recommendations**

i) Note the Environment Agency have submitted a scheme to the Secretary of State for the Department of the Environment, Food and Rural Affairs (Defra) to abolish the River Adur & River Arun Internal Drainage Districts (IDD’s) and thus dissolve its responsibilities for managing and administering these IDD’s.

ii) Support the alternative arrangements to be introduced for the management of the Amberley Wildbrooks & Pulborough Brooks ecological areas and as a consequence not place any increased financial responsibilities and obligations on this Council.

iii) Note that all infrastructures along the Rivers Adur/Arun e.g. pumping stations, sluice gates, will fall to either the Environment Agency or the riparian landowners where the structures are sited in a satisfactory condition.

**Reasons for Recommendations**

i) These Internal Drainage Districts are the only remaining areas in the country where the Environment Agency effectively acts as the Internal Drainage Board fulfilling the primarily role of local land drainage management rather than managing flood risk to people and property. The Environment Agency following direction from central government and has been tasked with focusing its efforts and resources on those areas where the consequences of flooding for communities, businesses, property and infrastructure are greatest. Accordingly responsibility for managing local watercourses is more appropriately managed by local bodies and individuals such as riparian landowners. Previously this Council had not supported dissolving the River Arun Internal Drainage District due to additional burdens being placed on it.

ii) It is considered that disbanding IDB will allow resources to be focused on managing areas of concern for local communities. Responsibilities will pass to the riparian owners/landowners of land where ordinary watercourses exist and they will be required to maintain structures e.g. ditches, sluice gates, pumping stations, which drain into the main river. In addition HDC has permissive powers which it is able to apply to ensure appropriate action is followed.

iii) Dissolving the River Arun Internal Drainage Board (IDB) can be supported now that alternative arrangements will be in place for managing the sensitive ecological areas. Following the ‘enmainment’ process, the Environment Agency will have an obligation to deliver the ‘Water Level Management Plan’ currently in place for the areas within the Arun Valley of Amberley Wildbrooks.

iv) Landowners should be responsible for infrastructure on their land. They will need to be responsible for the routine inspection, maintenance and monitoring of such equipment. In many cases this infrastructure is used to drain agricultural land.
Background Papers

Attached as links below;

Cabinet Report (Environment Agency proposal to dissolve the Internal Drainage Districts for the River Adur and River Arun) dated 18th September 2014.

Environment Agency External Briefing Note;
Enmainment of Internal Drainage District Watercourses dated August 2015

Wards affected:
Billingshurst and Shipley
Bramber, Upper Beeding and Woodmancote
Chantry (Amberley, Parham, Storrington and Sullington and Washington)
Henfield (Henfield Ward of Henfield Parish)
Pulborough and Coldwaltham
Steyning (Ashurst and Steyning)

Contact: Martin Brightwell, Drainage Engineer (Ext. No 5063)

Background Information

All Background information is included in previous Cabinet Report referred to in Background Papers section.
Environment Agency proposal to dissolve the Internal Drainage Districts for the Rivers Adur and River Arun.

Executive Summary
The Environment Agency (EA) is proposing to dissolve the local Internal Drainage Districts (IDDs) for which they act as the Internal Drainage Boards (IDBs). This report outlines the options offered by the EA to dissolve from its responsibilities the running of internally administered Internal Drainage Boards (IDBs) for the River Adur and River Arun IDD catchment areas. The EA propose a transition period (approx. 3-4 years) between the Secretary of State determining to dissolve the West Sussex IDD’s and the Environment Agency ceasing to undertake the works as the IDB.

IDDs were originally set up many years ago in areas of special drainage need for land drainage and to maintain water levels. In the Horsham District there is some risk of flooding to a small number of properties if maintenance is not continued. An options appraisal exercise has been undertaken by the EA with input from various stakeholders. Under the recommended option 2, the IDD’s/water courses will revert to ordinary watercourses, with Local Authorities (HDC & WSCC) gaining permissive powers to manage the flood risk from them and to ensure riparian owners fulfil their responsibilities under the Land Drainage Act 1991. Government funding through the Special Levy, issued to local authorities with IDDs will continue until 2020/21, of which this Council will be able to decide how this funding is spent rather than pass-porting this through to the EA. However, once this funding ceases costs required for undertaking works will pass to the riparian owners to deal with ordinary water course issues, of which there is likely to be resource implication on the Council in terms of monitoring and inspection.

Whilst option 2, is the recommended option from the EA to dissolve the existing IDDS for the Rivers Adur and Arun, it is proposed that there will be in addition to the general drainage maintenance of the ordinary watercourses, specific responsibilities placed on the Council to manage internationally ecologically sensitive sites at Amberley Wildbrooks & Pulborough Brooks. By the EA divesting itself of their responsibilities this will result in HDC becoming the ‘competent authority’ for the management of these sites. This will place additional burdens on the Council which is likely to incur significant cost to the authority. The Council do not wish to manage these sensitive environments and request that the EA reconsider alternative management arrangements of these sites before the IDD is dissolved.

Recommendations
Cabinet is recommended to:

i. Note the Environment Agency’s proposals in dissolving its responsibilities for managing and administering the Internal Drainage District for the River Adur & River Arun Districts.

ii. Note the preferred option recommended by the West Sussex Internal Drainage Districts Steering Group, to disband the River Adur Internal Drainage Board (IDB).
iii. Confirm that the Council does not support the dissolving of the River Arun Internal Drainage Board (IDB) without an alternative arrangement in place for the management of the Amberley Wildbrooks & Pulborough Brooks ecological areas, due to increased financial responsibilities and obligations that will be placed on this Council.

iv. Confirm that the Council do not wish to take on the responsibility for infrastructure along the Rivers Adur/Arun e.g. pumping stations, sluice gates, which should fall to the riparian landowners where the structures are sited.

v. Delegate to the Director of Community Services in consultation with the Cabinet Member for a Safer and Healthier District to agree satisfactory alternative arrangements with partners for the dissolution of the IDDs in the Horsham District.

Reasons for Recommendations

i. These Internal Drainage Districts are the only remaining areas in the country where the Environment Agency effectively acts as the Internal Drainage Board fulfilling the primarily role of local land drainage management rather than managing flood risk to people and property. The Environment Agency following direction from central government and has been tasked with focusing its efforts and resources on those areas where the consequences of flooding for communities, businesses, property and infrastructure are greatest. Accordingly responsibility for managing local watercourses is more appropriately managed by local bodies and individuals such as riparian landowners.

ii. It is considered that disbanding IDB will allow resources to be focused on managing areas of concern for local communities. Responsibilities will pass to the riparian owners/landowners of land where ordinary watercourses exist and they will be required to maintain structures e.g. ditches, sluice gates, pumping stations, which drain into the main river. In addition HDC has permissive powers which it is able to apply to ensure appropriate action is followed.

iii. Dissolving the River Arun Internal Drainage Board (IDB) is not supported until an alternative arrangement is in place for managing the sensitive ecological areas. This is due to the increased ecological responsibilities and financial obligations that will be placed on the Council. These will default to HDC under the ‘Water Level Management Plan’ currently in place for the areas within the Arun Valley of Amberley Wildbrooks & Pulborough Brooks. In particular these include additional responsibilities to manage the Special Protection Areas (SPA’s) and internationally designated Ramsar site.

iv. Landowners should be responsible for infrastructure on their land. They will need to be responsible for the routine inspection, maintenance and monitoring of such equipment. In many cases this infrastructure is used to drain agricultural land.