

THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

Minutes of the Meeting of the Board held at 2.00pm on Thursday 2 February 2017
in the Brave Room at the Dover District Council Offices, White Cliffs Business Park, Whitfield
CT16 3PJ

PRESENT

Mr M J G Tapp (Chairman), Mr A D Linfoot OBE (Vice Chairman), Councillor M J Burgess, Councillor M Conolly, Mr P S Dunn, Councillor A K Hicks, Mr P Howard, Councillor M Martin, Councillor M Ovenden, Councillor P J F Sims, Councillor D O Smith, Mr J F E Smith, Councillor H Stummer-Schmertzing, Mr G R Steed, Mr M P Wilkinson, Mr P Williams and Mrs G Wyant.

WELCOME

The Chairman welcomed Ms Alice Pinfold (EA Main River Rationalisation Project Manager) and Mr D Godden (IDB Contracts Manager, Rhino Plant Hire) to the meeting.

IN ATTENDANCE

Also in attendance were Mr J E Dilnot (Engineering Assistant), Mr P N Dowling (Clerk & Engineer to the Board) and Ms A Eastwood (Finance & Rating Officer).

APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms D McNamara (Incident Response Team Leader – Upper & Lower Stour Area, Environment Agency), Mr I Nunn (FCRM Operations Manager for KSL, Environment Agency) and Mr P E Dyas.

MINUTES OF THE MEETING OF THE BOARD HELD ON THURSDAY 3 NOVEMBER 2017

The Minutes of the Meeting of the Board held on Thursday 3 November 2016 were received. It was proposed by the Vice Chairman, seconded by Councillor Sims and resolved that the minutes be confirmed and signed by the Chairman as a true record of the proceedings at that meeting.

MATTERS ARISING FROM MINUTES

There were no matters arising from these minutes.

MINUTES OF THE MEETING OF THE FINANCE, GENERAL PURPOSES AND WORKS COMMITTEE HELD ON MONDAY 16 JANUARY 2017

The minutes of the meeting of the Finance, General Purposes and Works Committee held on Monday 16 January 2017 were received. It was proposed by Councillor Ovenden, seconded by Councillor Smith and resolved that the minutes be received.

MATTERS ARISING FROM MINUTES

Ref: W1-39 The Rationalisation of the Main River Network

The Chairman invited Ms Pinfold to update the Board on this project so that discussions could commence. Members were asked to raise questions along the way - the full presentation is detailed in the F&GP Minutes (16 January 2017).

Ms Pinfold recapped that the Environment Agency (EA) is reviewing rivers classified as Main River, which they are responsible for maintaining. This project is focussing on the low consequence flood risk areas of these Main Rivers – 13,000km of the 42,000km for which the EA is responsible. Ms Pinfold stated that the Main River network has remained relatively unchanged for at least the last 30 years whereas the EA's priorities have changed. The EA's focus is to reduce flood risk to property and businesses and its funding from central government is determined by properties and businesses at risk. To meet its objectives the EA will be unable to maintain these watercourses considered to be of low consequence in terms of national criteria. Therefore, areas which are not associated with major rivers and/or have low population density have been proposed to be de-mained as they attract limited and reducing funding.

This project has 10 frontrunners (pilots) which are all different and the EA's national objectives are to ensure they engage with willing Risk Management Authorities to investigate the options, identifying key challenges and agreeing a solution – working together to compile a national guidance document which can then be followed by others.

Ms Pinfold stated that the longer-term aim is to set up a rolling programme nationally. In this catchment the programme has been divided into 3 stages, or tranches, as detailed in the F&GP minutes (16 January 2017).

The Clerk & Engineer stated that although these watercourses are categorised as low consequence, in most cases they have a relatively high likelihood of flooding and from a local perspective they need to be maintained.

Councillor Martin asked how the EA reached this position; of disregarding areas which are highly likely to flood just on the basis that they have few or no houses. Ms Pinfold stated that the funding received by the EA, like all other government organisations, needs to be focused to achieve the best value for money. The EA's role is to reduce flood risk and to help protect communities at risk. Funding is limited and based on cost-benefit ratios, and it must therefore primarily be spent where the most benefit to people and communities is achieved. This project is therefore to ascertain if there are other local organisations that would benefit from being able to make local choices - to decide on what level of maintenance needs to be done on these watercourses.

Mrs Wyant asked Ms Pinfold if the EA is involving the NFU in this project. Ms Pinfold stated nationally other organisations such as ADA, Defra, Natural England and the NFU are involved but those discussions have not yet taken place locally as no agreements have been entered and no consultation has taken place.

Councillor Conolly stated that he understands that the EA's local funding has reduced in recent years which is the reason why not so much maintenance can be carried out. However, whichever organisation takes over responsibility for these watercourses will also need to be funded to carry out the work. Ms Pinfold stated that conversations are ongoing regarding funding and some transfer funding has been agreed for assets. Mr Williams asked if no one is willing to take these waterways on, will the EA just not manage

them. Ms Pinfold replied that the key thing to remember is that the EA wants to work with willing partners and if the risk management authority does not want to take responsibility then it will not be transferred – this does mean that the EA will retain management of the watercourses but if a watercourse does not attract funding, work cannot be carried out. There needs to be an understanding of what impacts this will have locally.

The Chairman stated that the Board needs to investigate the watercourses proposed for transfer and assess their importance in relation to the IDB district and existing IDB managed watercourses. The Board will have to take a view of whether it wants to maintain them – perhaps not to the standard we would like, but at least to a better standard than the EA is able under the circumstances. The Chairman stated that more information is needed but it is in the Board's interest to engage in this process and to consider the drainage system as a whole. The Clerk & Engineer added that it is a reassessment of the system to achieve the most benefit from the funds available. It is generally accepted that funding is becoming ever-tighter and with the EA being directed towards the higher-risk locations and incident management, the Board will need to assess its own priorities.

Ms Pinfold summarised the three tranches:

- Tranche 1 – 37.1 km of watercourse with no major assets - To be completed by April 2018
- Tranche 2 – 18.5km of watercourses situated in more urban areas needing more consultation and local input – To be completed by April 2019
- Tranche 3 – More information required to better understand the implications – To be completed by April 2020 (although may extend beyond this date)

The Chairman asked Ms Pinfold how much consideration is this project giving to Councils' future building plans, as some areas will in future be more densely populated, therefore possibly attracting funding for maintenance. Furthermore, would the EA then take back responsibility for the affected watercourses. Ms Pinfold stated that this must be looked at when it occurs on a case-by-case basis. The Vice Chairman stated that there are major developments plans which extend beyond 2030, and he would also like to know to what extent the EA has looked at future risks. Ms Pinfold stated that this will be considered in more detail when consulting Local Authorities. The Clerk & Engineer stated that any new developments should take existing and future predicted flood risk into account and should therefore not be put at risk, so this will not necessarily alter the situation in most cases.

Councillor Conolly queried why the River Wingham is proposed to be de-mained as it runs through a village which is highly populated. Ms Pinfold stated that flood maps are being used and part of the criteria is to look at how many properties will be affected. Although there may be a high number of properties in Wingham, there are only a very few at risk of flooding and therefore this is considered to be a low-risk river. Councillor Conolly asked if the EA will be consulting with Parish Councils. Ms Pinfold stated that all interested parties will be consulted, including affected Parish Councils.

The Chairman asked Ms Pinfold about the plans for consultation. Ms Pinfold stated that there will be a formal consultation process but the details of this are still to be agreed.

Mr Steed agreed that Local Authorities', their planning departments in particular, should be consulted as early in the process as possible. Ms Pinfold noted this.

Councillor Hicks stated that a considerable amount of development is in the pipeline and Council Appointed IDB Members could assist in these consultations. Ms Pinfold agreed that this would be helpful.

Ms Pinfold stated that some transfer funding will be made available for assets (water level control structures) but that no funding will be available for routine channel maintenance. She further explained that the EA currently chooses to carry out works under permissive powers and that the watercourses are ultimately the riparian owner's responsibility.

Mr Williams enquired about SSSIs. Ms Pinfold stated that this is still a work in progress and Natural England is currently being consulted. More detail is needed regarding Water Level Management Plans. Ms Pinfold stated that watercourses in SSSI areas have been de-mained in other areas of the country but more detailed information is needed before deciding if it is feasible in this area.

Mr Dunn stated he is not clear about the financing issue, he asked if the EA will continue to maintain the structures if not transferred. Ms Pinfold stated that they will if they attract funding, as some are more important than others, but some will not attract funding. Ms Pinfold stated that she is fully aware that the pumping stations must function for the marshes to function but, due to the funding criteria, this does not necessarily mean that funding will be available. Mr Dunn stated that he is concerned about the Richborough Stream area where there is a lot of marshland affected by upstream developments. Ms Pinfold replied that she is not personally familiar with this watercourse, but added that the IDB may be able to attract other sources of funding which the EA is not. She reiterated the fact that the EA is working with the IDB to ensure that this arrangement will be sustainable into the future.

The Clerk & Engineer added that in the past the EA used to receive specific funding for SSSI areas but this has now reportedly changed and he asked if the EA still has a duty to protect and enhance the interests of the SSSI. The Chairman further queried if the Board was to take responsibility for the SSSI sites, would it then have a duty to maintain them even if there was no funding available. Ms Pinfold stated that as far as she is aware this issue has not been raised and agreed to seek clarification on this point.

The Clerk & Engineer suggested that one of the main risks to this project is all interested parties understanding the consequences of doing nothing (deciding not to take on these watercourses). If the watercourses remain under EA management, the EA needs to be clear about how they will be managed in future. This will allow the Board and others to make properly informed decisions.

Councillor Ovenden stated that developers are sometimes required to contribute to local infrastructure and queried if they could be required to contribute in some way towards this funding shortfall, as they do with a Community Infrastructure Levy (CIL) and Section 106 Agreements. The Chairman replied that this may be possible but would need to be set up by the Local Authorities. The Clerk & Engineer stated that in other parts of the country there have been cases when developers have contributed where new developments put extra burdens on pumped systems.

Councillor Martin stated that if the IDB takes these watercourses on and is put in a position where it has to raise the money from Rates and Levies it will be further hampered by the government's 1.99% increase restriction. The Chairman replied that the financial implications will need to be carefully considered.

Ms Pinfold reported that besides a pre-transfer information sheet on each watercourse, which have been developed for this project, the EA will also develop more detailed transfer documents.

Ms Pinfold reminded Members that any works already programmed will be still completed, on watercourses and structures (e.g. this year there are works programmed for the Richborough Stream).

Ms Pinfold proposed the following approximate timetable:

Feb – Mar 17	Review Tranche 1 with IDB’s Subcommittee
Mar – Jul 17	Begin Internal & External Communications
Apr – Jun 17	Walk over Tranche 1 Watercourses
Aug 17	Agree Tranche 1 with Stour IDB for Transfer
Sept – Nov 17	Undertake Formal External Consultation

Ms Pinfold stated that a detailed Consultation Plan will need to be developed, which will of course be agreed with the Sub-Committee.

Councillor Smith expressed concern about the Board agreeing to the transfers prior to the formal consultation and stated that local people have a lot of knowledge which could help to inform the decisions. The Clerk & Engineer agreed that there are benefits of involving stakeholders early in the process but if the Board is not prepared to accept the transfers in principle, then there will be no further consultation necessary (in respect of this project) The Clerk & Engineer further stated that Board Members will be invited to attend the site visits, which will help them to keep interested parties informed. Ms Pinfold added that the key stakeholders will be contacted ‘informally’ but that all stakeholders will be given an opportunity to get involved in the formal consultation stage.

The Chairman stated that he is aware that the EA is also en-maining some small sections of watercourses which is just ensuring that EA maps are accurate. Ms Pinfold stated that this will be done when the Rationalisation Project is complete. The Chairman thanked Ms Pinfold for her presentation.

NOTE TO COUNCILS ON THE RATIONALISATION PROJECT

The Chairman drew the Members’ attention to a note to Councils on the proposed de-maining. The Vice Chairman reported that he had initially drafted this document which was further developed with the Chairman, Ms Pinfold and the Clerk & Engineer. The note is intended to help keep Local Authorities informed about this project and provides a summary of the issues and background to the project. The Clerk & Engineer added that the note can be used by all Members to make people aware of this project before the more formal consultation takes place.

COMBINED FINANCE ESTIMATES FOR THE YEAR ENDING 31 MARCH 2017

The Chairman reported that the combined finance estimates for the year ending 31 March 2017 include the Clerk & Engineer’s maintenance works estimates. The Chairman further reported that the 2016-2017 financial year end totals are expected to be £538,702 (£12,313 less than the original estimate) and that the balance held in reserve is estimated to be approximately £196,974 – this balance is inclusive of £35,000 held as a Contingency Fund for the Old Thrustbore.

The Chairman reported that the revised estimates for maintenance works for year ending 31 March 2017 is £249,606 (£4,226 under the original budget) and it is split as follows: Vegetation Management expected to be £117,800 (£1,200 under original estimate), De-silting expected to be £24,594 (£184 over original estimate), Spoil Spreading expected to be £3,000 (£3,055 under original estimate), Obstructions Clearance expected to be £2,400 (£400 over original estimate), Structure Maintenance is expected to be £20,000 as originally estimated and Biodiversity Actions expected to be £6,000 (£2,000 under the original estimate). The Water Level Control expenditure is expected to be £65,812 (£1,445 over the original estimate) and this is the total cost of carrying out Water Level Control activities for the IDB and Environment Agency.

The Chairman reported that the estimated income (excluding Rates & Levies) for the year ending 31 March 2017 is £236,567, an increase of £58,012 on the original estimate but this is largely due to the Rechargeable Works carried out by the Board under the PSCAs, therefore this increase is counter balanced by an increase in expenditure. The Upland Water Contribution income is £6,103 higher than originally estimated because this year's payment has been adjusted by past years' underpayments, recently identified by the Finance & Rating Officer. There is also a reduction of £3,806 on the income from the Shared Engineering arrangement with the Medway IDBs reflecting the Clerk & Engineer's reduced time at Medway (down to one day a week from 1 January 2017). This reduction is also partly offset in the expenditure as Mr J Davis' time at Stour has also reduced – this arrangement is to end on 31 March 2017.

The Chairman reported that the estimated expenditure for maintenance works for the year ending 31 March 2018 is £260,211. The Environment Agency's Precept which has remained stable since 2009-2010 has been increased by 1.5% to £130,983.

The Chairman reported that the loan taken out by the Board with the Public Works Loan Board to purchase its office premises will be completely repaid in May 2017. Therefore £4,000 has now been added to next year's estimates to start a small provision for maintenance and improvements to the building that may be needed in the future.

The Chairman summarised that the estimated total income (excluding Rates and Levies) for the year ending 31 March 2018 is £161,464, the total estimated expenditure for the same period is £727,037 which includes an estimated expenditure for Watercourse Maintenance, Water Level Control, Environment Agency Precept and the Contingency Fund for the Old Thurstbore.

The Chairman stated that, of the options presented, the Finance, General Purposes and Works Committee has recommended Option 2 to the Board, raising the Rates and Levies by an average of 1.99%. Following a period of discussion and clarification it was proposed by the Chairman, seconded by Councillor Hicks and resolved that:

- a) A total sum of £565,153 be raised.
- b) A rate of 12.638p in the £ be made for the year ending 31st March 2018 raising £58,550 from Drainage Ratepayers.
- c) Special Levies be made on Local Billing Authorities for the year ending 31st March 2018 as follows:

	£
Ashford Borough Council	238,053
Canterbury City Council	115,759
Dover District Council	69,506
Shepway District Council	506
Thanet District Council	<u>82,779</u>
Total Special Levy Income	<u>£506,603</u>

- d) The Chairman and the Clerk & Engineer be authorised to sign and seal the Rates and Special Levies on behalf of the Board.

- e) The Clerk & Engineer be instructed to advertise the Rates and Special Levies in the Board's website and noticeboard.

JOINT REPORT OF THE CLERK & ENGINEER AND FINANCE & RATING OFFICER FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2016

The Chairman ran through the report (which is fully integrated in the F&GP meeting minutes of 16 January 2017).

Ref: W4/WSR Rainfall & River Flow Data

The Clerk & Engineer thanked Mr Dyas and Mr Steed for continuing to provide rainfall records and suggested that if the problem could not be resolved with the Environment Agency, it would be useful to explore other options.

Ref: W7 IDB Programme of Works (Including works carried out under PSCA)

Tree & Shrub Maintenance

The Engineering Assistant reported that the de-silting and tree maintenance at Port Rill (IDB111) included some channel enhancement works he had developed with Ms Donaldson and that access has been improved on a very difficult section of Minster Station Lead Dyke (IDB218) above the railway.

The Clerk & Engineer reported that he has spoken with Mr Blackman at the Environment Agency and the fish-friendly pump for Minster pumping station has been ordered. Mr Dyas stated that this very good news as this is an extremely serious and long running problem, so it will be important to ensure that the plan for the new pump installation does not slip. Other Members agreed.

Ref: W5 Planning Applications

The Clerk & Engineer ran through the planning applications as reported on the F&GP meeting minutes:

Dover District Council

16/00201 – Erection of guyed communications mast at Kings End Farm, Richborough.

Councillor Conolly reported that this application has now been **refused**.

16/01049 – Erection of 90 dwellings with associated infrastructure on land off Chequer Lane, Ash.

Councillor Conolly reported that this application has now been **approved**.

Ref: W15 Applications for Consent

The Clerk & Engineer ran through the list of consent applications as reported in the F&GP meeting minutes.

16-ST-02 Alterations to an existing culvert in South Poulders Main Stream (IDB170), at Sandwich (Retrospective).

The Clerk & Engineer reported that he has tried to make contact with Mr Smith again to confirm receipt of the Notification of Consent, and to confirm that he will comply with the conditions, but had only received a reply stating that Mr Smith was on holiday.

Councillor Ovenden stated that Mr Smith has had his access from the main road refused so retaining access across this culvert may not be so much of a priority to him.

The Clerk & Engineer added that Mr Smith has been advised that the Board will resort to enforcement action if he does not comply with the Consent conditions. The Clerk & Engineer asked the Board if he still has its support to carry out this enforcement action if need be, and to recharge the costs to Mr Smith. The Board reaffirmed its support.

The Clerk & Engineer reported that another problem has been encountered at this site. Mr Smith is beginning to store hardcore alongside the South Poulders Stream which is scheduled to be de-silted shortly. Mr Smith has therefore been asked to remove this material.

Ref: A3-3 IDB Byelaws

The Clerk & Engineer reported that the proposed Byelaws were issued and advertised as planned and only a minor query was received, from Shepway District Council to clarify the extent of the Board's district in its area, and a confirmation of no objection from Dover District Council. The Byelaws will now be sent to Defra for Ministerial approval.

Ref: F.15 Insurance Assessment

The Finance & Rating Officer reported that due to the difficulty in obtaining suitable quotes, due to issues with underwriters, the Board's Liability Insurance has been renewed with Zurich Municipal. A review of the Board's insurance requirements will be carried out prior to the next renewal on 24 January 2018. In the meantime, if the Board decides that additional cover is required, this can be added this to the existing policy with Zurich Municipal.

ADMINISTRATION

Ref: A1-1 Dates & Venues for the 2017 Board Meetings

The Chairman proposed the following changes:

The F&GP meeting previously booked for Monday 16 October 2017 to be changed to Monday 23 October 2017.

The Board Meeting previously booked for 2 November 2017 to be changed to 9 November 2017.

There being no objections the new meeting dates were agreed.

The Chairman took this opportunity to thank Dover District Council for the hospitality.

Ref: A7-3 Staff Training

The Clerk & Engineer reported that the Assistant Engineer will be enrolling on the Level 3 Diploma in Construction in September 2017, which incorporates Health & Safety, Construction Design and Technical Issues which should be interesting and useful.

Ref: A7-1 Staff Salary Increases

It was reported that the ADA Pay and Conditions Advisory Committee finally agreed a 1.00% increase to all IDB employee salaries with effect from April 2016. This increase was applied to all staff salaries and backdated to 1 April 2016 in consultation with the Chairman and Vice Chairman.

It was further reported that the Chairman and Vice Chairman have approved a salary increase for the Board's Clerk & Engineer with effect from 1 January 2017 – From Spine Point 43 to Spine Point 44.

ANY OTHER BUSINESS

Environment Agency

The Chairman referred to the reported case of environmental damage and asked if the EA could do more to improve landowner awareness regarding environmental risks. The Clerk & Engineer replied that he believes that the EA has tried to improve awareness but if in any doubt landowners should contact the EA prior to doing any work to avoid falling foul of the regulations.

MERGER OF THE EAST KENT LOCAL AUTHORITIES

Councillor Conolly reported that Ashford Borough Council has opted out of the proposed merger, leaving the other four Councils to consider it (Canterbury City Council, Dover District Council, Thanet District Council and Shepway District Council). The Leaders of the Councils have met for the official launch of the plan, which can be found at www.local.gov.uk.

Councillor Conolly reported that there is still a degree of cloudiness about the full extent of what this merger would mean and some local MPs have posed the possibility of a new Unitary Council as a logic step. This is however not one of the current options as Kent County Council would likely oppose this move and the Government requires consensus before agreeing to change. Councillor Conolly stated that the possible consequence of a democratic deficit will need be addressed. Another important issue that needs exploring further is the extent to which power is devolved down to Town and Parish Councils.

The Chairman commented that devolving power down to Towns and Parishes will surely incur greater costs lower down the system, and not achieve the required savings. Councillor Conolly added that Town Councils initially appear to be content with taking on additional responsibilities but Parish Councils are mostly too small.

MEETING CLOSED

There being no further business, the Chairman declared the meeting closed and thanked everyone for their attendance.