

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 5 December 2016**

Members of the Board Present

Chairman: R Hinge

S Attwood
S Batt
D Davis
D Dewar-Whalley
J Gore
R Hall
N Hampshire
K Ingleton
J C Lewis
D McDonald
H Neaves
B Stone
J Wright

In attendance

M D Watson - Clerk & Engineer
P Bush - Technical Engineer
L Collins - Office Administrator
P Dowling - Clerk & Engineer, River Stour IDB

1. APOLOGIES FOR ABSENCE

Apologies were received from G Etheridge, G Fulton and P Hicks.

2. ITEMS OF INTEREST DECLARATION

R Hall declared an interest in two Swale Borough Council planning applications listed as item numbers 8 & 10 on the report. Covered under Item 10 – Planning Applications on the Agenda.

REPORTED that S Iles has not yet completed his Members Declaration of Interest Form for the year 2016/17.

Members were reminded that this form should be completed by ALL Board Members at the start of each financial year and amended as necessary during the year. Any staff member who has a significant interest should also complete a form. Forms should be completed at your earliest convenience and then returned to the office.

3. **PRIVATE & CONFIDENTIAL MATTERS**

All matters discussed in this item are outside the remit of public information. Therefore, any member of the public in attendance will be asked to leave the meeting whilst matters are discussed.

Members were reminded that all matters discussed relating to employees of the Board should at all times be treated as confidential. Members were reminded once again that there could be implications for the Board under Data Protection and Employment Law if matters discussed were disclosed to others.

Any member of the public in attendance will be asked to rejoin the meeting.

4. **MINUTES**

RECEIVED the Minutes of the Meeting of the Board held on 26 September 2016.

(As attached to these Minutes)

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 26 September 2016 were correctly recorded and that they be signed by the Chairman.

5. **FINANCE COMMITTEE MINUTES**

RECEIVED the Minutes of the Finance Committee Meeting held on 27 May and 26 September 2016.

(As attached to these Minutes)

6. **JOINT SERVICES COMMITTEE MINUTES**

RECEIVED the Minutes of the Joint Services Committee Meeting held on 9 September 2016.

(As attached to these Minutes)

7. MATTERS ARISING FROM PREVIOUS MINUTES

Minutes of meeting 22 February 2016

Item 9 – Engineers Report 154

Members were informed that Harty pump station may need a site survey carried out, as there appeared to have been movement in the ground works causing wear on the screw & chute. **REPORTED** that this is still to be arranged.

Minutes of meeting 6 June 2016

Item 11 – Internal Audit

At the last meeting D Dewar-Whalley explained that the Finance Committee at their meeting on 29 May 2016 went through this report and discussed the fact that Risk Management is mentioned but has not been received. A recommendation was made for the new Internal Auditor to review this at the next audit.

REPORTED that J Scholey (Internal Audit Committee Chairman) and the Clerk conducted interviews and appointed David Griffiths as the new Internal Auditor.

Now that a new Internal Auditor has been appointed, the Clerk will arrange for this to be carried out at the next audit.

8. HEALTH & SAFETY UPDATES

There were no Health & Safety updates to report.

9. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 157.

(As attached to these Minutes)

The Clerk read through the Engineers Report and showed members a number of photographs where maintenance works had been carried out.

10. PLANNING APPLICATIONS

RECEIVED the various planning applications the Board has commented on since the last meeting.

(As attached to these Minutes)

P Dowling read through the planning applications.

11. CONSENTS

RECEIVED particulars of applications requiring the written consent of the Board.

**(a) Location: Furze Hill, Halfway, Isle of Sheppey.
Proposed: Drainage works (retrospective).**

Following the Board's decision to finalise this ongoing issue as a matter of urgency Mr W Lawrence was requested to submit a completed application form (plus fee), calculations and a proposal to confirm there is sufficient on-site storage to accommodate the 1:100 year rainfall event +30% climate change. Mr Lawrence was requested, if unwilling to provide this information, to remove the under-drainage scheme and revert the land back to its original state.

Mr Lawrence subsequently confirmed that he intends to remove the outfalls. He was however informed that just removing the outfalls is not a satisfactory conclusion because water falling onto the field will still be drained away quicker than before meaning the flood risk is still increased. The under drainage system on a steep sloping field means water will be getting to the IDB stream faster and in a larger quantity than before.

Mr Lawrence has been asked to provide an update of the situation.

P Dowling explained that the original problem was due to a leaking water pipe which Southern Water has now resolved.

REPORTED that the landowner has agreed to put the site back to its original state. This involves removing the outfalls, removing the remaining land drains and reinstate the field and new ditch to former condition.

**(b) Location: Neats Court, Isle of Sheppey.
Proposed: Alterations to an ordinary watercourse.**

MLM Consulting, on behalf of LXB Properties (Sheppey) Ltd, has applied to extend an existing 600mm diameter culvert by 19 metres in order to facilitate the development of a site at Neatscourt as a fast-food restaurant. The site and the wider area has been under development over recent years and it has been found that the line and level of an existing gas main (currently located within a ditch embankment) and the coordinated location of an existing pipe outfall from an adjacent Morrisons site (located in a proposed new drive-through lane) are conflicting with the continued development of the site and therefore a short section of new pipe would be required to divert the watercourse. The applicant has proposed to keep the length of the culvert extension to a minimum and has proposed to extend the ditch by approximately 10m (less than originally intended but the proposal would still result in a shorter than existing length of open channel). It is proposed to construct a headwall from hessian bagwork in the new extended ditch.

This application for consent has, in consultation with Members, now been **APPROVED** with the following specific conditions:

1. The applicant is responsible for ensuring that a detailed ecological assessment is carried out by an appropriately qualified ecologist prior to the commencement of works, with appropriate mitigation (as part of the planning process).

2. Details of the proposal, in context with the wider SuDS strategy for the site, must be agreed with KCC's drainage and flood risk team (as part of the planning process).
3. The Environment Agency's guidance must be followed in respect of pollution prevention and control.
4. The completed works, including the remaining open watercourse and the wider drainage network, shall be regularly inspected and maintained by the applicant and successors in title.

**(c) Location: Site at Power Station Road, Isle of Sheppey.
Proposed: Works alongside Scrapsgate West Drain (L3).**

Persimmon Homes has received planning permission to construct 142 residential properties on the site of a disused factory measuring 3.9 hectares alongside the upper reaches of Scrapsgate West Drain (L3) (planning ref: 15/508025). Although the surface water runoff rates from the redeveloped site will be reduced from existing rates, and the discharge will be via an existing outfall, the proposals include for works within the Board's byelaw margin (underground storage tanks, land-filling and a retaining wall).

Further information has been requested from the applicant and a report will be provided for Members to consider in due course. The applicant has been informed that this application will remain on hold until the additional information has been provided.

12. 1961 DIFFERENTIAL RATING ORDER (DRO)

REPORTED that the 1961 DRO has been revoked and confirmed by DEFRA on 25 October 2016.

REPORTED that on the 22 November 2016 DEFRA contacted the Clerk to explain that the Minister had received a letter from an MP and Swale Borough Council concerning the removal of the DRO.

DEFRA requested further information from the Clerk regarding the DRO application and process, for which the Clerk supplied a substantive response to the Minister on 23 November 2016.

The Clerk informed members that DEFRA were hoping to provide a definitive answer/comment by today's meeting, but unfortunately nothing has been received.

D Dewar-Whalley explained to other members that the Clerk had sought assistance and guidance from DEFRA all the way through this process, so due process has been followed. The Minister has signed off the Order, therefore, it is unlikely that the decision can be overturned.

13. ESTIMATES AND SPECIAL LEVIES

RECEIVED the recommendations of the Preliminary Estimates Committee for the Estimates for the year commencing 1 April 2017.

(As attached to these Minutes)

REPORTED that the Environment Agency has confirmed that for the next 12 months the precept payment will remain the same.

REPORTED that the Finance Committee's recommendation is a 1.96% increase – setting the penny rate at 5.7250 for the next year.

The Clerk read through the report and explained what each column represented.

N Hampshire queried the £445,011.95 variance relating to Swale Borough Council.

The Clerk explained this figure related to the 2017/18 year. There were no arrears, it will not be backdated. The payment due will be made in two instalments on 1 May and 1 November 2017.

Members were asked to consider setting the penny rate and the Chairman to sign the drainage rates and special levies certificate.

AGREED to set the penny rate at 5.7250

AGREED on a proposition by D Dewar-Whalley, seconded by D Davis that the Chairman signs the Drainage Rates & Special Levies Certificate.

All Members in attendance were in favour.

14. APPROVAL OF CALENDAR OF MEETINGS 2017

Members considered and approved the calendar of meetings for 2017.

(As attached to these Minutes)

AGREED Dates:

27 March	Finance Committee	1.00pm
27 March	Board Meeting	1.15pm
Wednesday 31 May	Finance Committee (To approve the Annual Return)	2.00pm
10 July	Finance Committee	1.00pm
10 July	Board Meeting	1.15pm
27 November	Finance Committee	1.00pm
27 November	Board Meeting	1.15pm

The Estimates Committee Meeting 31 October 2017 at 2.00pm.

The Joint Services Meeting 8 September 2017 at 2.00pm.

J Wright asked about the Board Inspection, as this is not noted and is usually an all day event.

The Clerk explained that he wanted to leave the Board Inspection date open, as it would possibly involve a visit to the Bells & Mocketts site.

S Attwood asked whether the start times of the meetings would be changing from 2.00pm to say 1.00pm. As the meetings are being reduced to 3 from 5 a year, is it likely that there will be more to discuss at the meetings? Would members rather start the meetings earlier, than finishing later?

AGREED on a proposition by J Lewis, seconded by J Wright to start the Finance Meetings at 1.00pm and the Board Meetings at 1.15pm.

All Members in attendance were in favour.

15. BELLS & MCKETTS PUMP STATION

REPORTED that the Clerk has instructed Peter Brett to issue a retender process which will be reviewed in January 2017.

The Clerk updated Members with the most up to date information. It was not possible to do this until the day due to ongoing negotiations and issues regarding the project in general.

Members discussed at length.

It was **AGREED** by all members present that after taking advice the Clerk should contact the Solicitor/Land Agent and withdraw the Boards previous offer with immediate effect.

16. LOWER DEPOT

REPORTED that the Clerk has now signed and extended the lease on the Tiptree Farm building in Iwade, which includes the suggested five year break clause.

R Hall asked for details of the lease dates.

The Clerk explained the lease runs from October 2016, with a break clause October 2021.

J Wright asked whether the Board was actively looking for land to build a new depot.

The Clerk explained that there was a lot going on at the moment and hadn't had time to pursue. It was on his list of things to look in to.

J Wright asked what sort of time scales would be involved, as a building process can take around 2 years. 5 years will pass by very quickly.

The Clerk acknowledged this comment.

17. ADA CONFERENCE

REPORTED that the Clerk, the Technical Engineer and G Fulton attended the Annual ADA Conference held on 17 November 2016 at One Great George Street, Westminster, London.

Following that conference the Clerk contacted ADA to express his disappointment with the quality of the guest speakers which included, the Under Secretary to the Minister, Chairman of the EA, and the Chairman of the EFRA committee. The Clerk felt that all speakers failed to sound convincing and did not connect with the audience.

18. ANY OTHER BUSINESS

The Clerk informed members that Alice Pinfold who works on the front runner project for the Environment Agency had recently visited the office to explain that the EA are intending to demain Capel fleet and Windmill Creek and were hoping the IDB would become part of the front runner project.

REPORTED that it is the EAs intention to demain these watercourses by the summer of 2018.

REPORTED that it is also the intention of the EA to walk away from Mocketts Pump Station by 2020, as it doesn't comply with eel regulations.

Alice offered to give the Board 3 years maintenance cost to take on these watercourses. However, during the meeting it became apparent that there was no funding to give. So 3 years x £0 equates to £0!

The Clerk asked members whether they would consider taking on these watercourses.

The Clerk explained that no dredging works have been carried out in the last 20 years or so that he's aware of.

REPORTED that there are a couple of weirs in SSSI area, which the Clerk has requested details regarding maintenance of them and confirmation as to whether any liabilities are attached to them. Unfortunately, Alice has not yet provided any answers regarding the legal issues, even though she knew the Board Meeting was today.

Members expressed a concern as to whether the Board had sufficient resource and funding to consider taking on extra work with no funding. Concerns were also raised regarding being caught up in conflict, if this area has been neglected over previous years when it comes to maintenance.

The Clerk explained that he wants more details from the EA first (in writing) before serious consideration can be given to this matter. He wanted members to be aware of this situation, as it is likely to come up again in the future.

19. CLOSURE

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