

LOWER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at **The Boards Offices, 17 Albion Place, Maidstone**
on **Monday 6 June 2016**

Members of the Board Present

Chairman: R Hinge

S Attwood
S Batt
D Davis
D Dewar-Whalley
G Fulton
R Hall
N Hampshire
K Ingleton
J C Lewis
S J Mair
J Wright

In attendance

M D Watson - Clerk & Engineer
L Collins - Office Administrator
P Bush - Administration Assistant

The Chairman introduced and welcomed Daniel Sharp of Peter Brett Associates (PBA) who has very kindly come along to provide members with an update regarding the new Bells & Mocketts pump station, which will be discussed under Item 12.

The Clerk explained that Councillor Dan McDonald had been recently appointed by Medway Council, but unfortunately he had already had prior commitments for today and was unable to attend the meeting at such short notice.

1. APOLOGIES FOR ABSENCE

Apologies were received from G Etheridge, P Hicks, S Iles, D McDonald, H R Neaves and B Stone.

2. ITEMS OF INTEREST DECLARATION

R Hall declared an interest in Item 9 – Planning Applications (Tonbridge & Malling Borough Council – Item 1) on the Agenda.

S J Mair declared an interest in Item 17 – Any Other Business (Depot Lease) on the Agenda.

REPORTED that D Davis, R Hall, S Iles, K Ingleton, S Mair, B Stone and J Wright have not yet completed their Members Declaration of Interest Form for the year 2016/17.

Copy forms were handed out to members during the meeting.

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.

D Davis, R Hall, K Ingleton, S Mair and J Wright handed in their completed forms to Officers at the end of the meeting.

3. PRIVATE & CONFIDENTIAL MATTERS

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

4. MINUTES

RECEIVED the Minutes of the Meeting of the Board held on 22 February 2016.

(As attached to these Minutes)

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 22 February 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 22 February 2016.

(As attached to these Minutes)

All members in attendance **AGREED** that the Minutes of the Finance Committee Meeting held on 22 February 2016 were correctly recorded and that they be signed by the Chairman.

6. 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.

The Clerk **REPORTED** that this will be arranged in the summer.

Item 14 – Internal Audit

Members were informed at the last meeting that K Funnell would be retiring on 30 June 2016 after signing off the year end reports.

D Dewar-Whalley offered to provide details of an alternative auditor. An Upper Board member also offered to provide details of an alternative auditor. These details have been passed on to the Internal Audit sub-committee for review and consideration.

Members suggested the Clerk send K Funnell a letter thanking him for his work and wish him well in his retirement.

REPORTED that the Clerk sent a letter to K Funnell on 24 May 2016.

7. HEALTH & SAFETY UPDATES

The Clerk explained that there was a Health & Safety incident reported on the Engineers Report.

D Dewar-Whalley suggested that it would make more sense to minute details of this incident in Item 7 rather than Item 8.

REPORTED that one employee twisted his left ankle on 4 May 2016 whilst working on IDB71. The Works Supervisor has investigated the accident, written a report and conducted a return to work interview with the employee.

8. ENGINEERS REPORT

RECEIVED the Engineer's Report Number 155.

(As attached to these Minutes)

The Clerk read through the Engineers Report.

Members were informed that the works carried out on IDB 76 have been done in connection with the Ridham Fleet under the Public Sector Cooperation Agreement (PSCA) on behalf of the Environment Agency.

The Clerk explained that it was important to carry out this work before doing IDB76. **REPORTED** that the EA didn't have the funds available to carry out this work themselves, but the whole job took less than expected.

The Clerk explained that this was the first time the PSCA had been used and initially things didn't run smoothly. The EA requested various forms to be filled in and licences to be applied for before works could commence. This experience has put the Clerk off doing future works.

P Dowling explained that he has used the PSCA in his drainage district and has never been asked by his local officers to apply for licences or complete any paperwork, this is all done for him.

The Clerk explained that although the first experience of the PSCA wasn't a very good one, he will reconsider in the future if there is any benefit to both parties.

9. 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.

Swale Borough Council, Item 4. P Dowling informed members that he had written to the developer requesting further information.

Members were then given time to ask any questions.

10. CONSENTS

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

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

This previously reported application, for the installation of 2 surface water drainage outlets into Westminster Drain (L7), was refused on 30 June 2015 following consultation with Members. The applicant was advised that the Board remains concerned that the information provided in support of the application did not clearly demonstrate that downstream flood risk will not be increased as a result of these works.

The applicant was further advised that should he wish to pursue this proposal a new application with additional supporting information will need to be submitted, including detailed calculations in respect of surface water runoff rates (pre- and post-works) along with details of attenuation (flow restrictions and on-site storage capacities) as previously requested. If it is no longer intended to pursue this proposal, all completed works must be removed and the site reinstated to its original condition as soon as possible.

The applicant's consultant subsequently provided a hydrological analysis of the works, and confirmed that surface water runoff from the drainage system, from an area of land measuring 6.8 hectares, is proposed to be restricted to 17.7l/s. Whilst this rate is considered reasonable, concerns remain regarding available storage volumes. The following comments were made in response to the hydrological report:

"As the previous application was refused a new application is required and still awaited.

Please note that the Board's consent is required for the outfalls into Westminster Drain (L7), but it obviously must take the wider network into account.

The proposed runoff rates are considered acceptable, but there is concern regarding usable storage capacities (due to the slope of the field and ditch). It is stated in the report that "In the event that the proposed drainage system fails or becomes blocked, surface water runoff which would be discharged through the piped connections will simply back up and flow overland across the lower northern field." There is concern that should this occur regularly it would result in an increased risk of soil erosion and channelling, as the overtopping would be focussed at the ends of the ditch. It would therefore be appreciated if you could confirm the amount of available storage (ideally that the 1 in 100 year storm +CC can be accommodated).

It is hoped that the above can be easily addressed by calculation of required and available storage volumes, and that we can finalise this matter, but please call me if you would like to discuss further."

The applicant subsequently proposed to re-profile the banks of the channel to ensure an evenly distributed discharge in the event of overtopping, presumably by lowering the centre section and embanking the ends, but further details are still awaited.

P Dowling explained that this application had been ongoing for far too long. Members were informed that the applicant has addressed the issue regarding the leaking main and has appointed a consultant to produce run off details. However, these details have not yet been provided to the Board.

REPORTED that the previous consent fee paid has expired and the applicant has not yet submitted a revised application and the relevant fee.

P Dowling informed members that the applicant doesn't want to spend too much money on consultancy fees and asked what does the Board want to do?

Members discussed in detail how to resolve this matter.

On a proposition by J C Lewis, seconded by J Wright, members **AGREED** that P Dowling should write to the applicant giving one month to provide details of the storage capacity and submit the revised consent application and fee, otherwise enforcement action will be taken to remove any structures already in place.

11. INTERNAL AUDIT – YEAR ENDING MARCH 2016

RECEIVED a copy of the Internal Audit Report for the year ending March 2016 produced by Kevin Funnell on 12 May 2016.

(As attached to these Minutes)

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.

12. BELLS & MCKETTS PUMP STATION

REPORTED that since the last meeting the Clerk has received an update from Peter Brett Associates on what has been completed to date.

Daniel Sharpe **REPORTED**:

Design

Pump details and loading information has been received from ACE and we have designed the geometry of the structure to suit. Calculations have been completed for the steel sheet piles which will form the cofferdam during construction and provide the permanent foundations. The piles selected are a U-shape profile and will be installed to a depth of 12.5m through the soft soils and into the London clay. As steel sheet piles can have long procurement times, we have met with the supplier (Arcelor Mittal) who have advised a satisfactory 6 week lead time on the profile selected.

Design of reinforced concrete slabs and walls is ongoing. Development of details and specifications for pavements, fencing, hand railing, steps, eel pass and the gravity outfall is ongoing. Production of drawings is slightly too early to provide presentable drafts but extracts of some of the work in progress are attached for information (these should not be reviewed as finished proposals).

We met with the Dutch pump suppliers at Flood Ex recently and were able to discuss design matters with them around a working scale model of the pumps. They are keen to review our draft drawings which we hope to issue to them in early June.

Weed rake

Now that the geometry of the inlet channels has been fixed by design and pile selection, we will finalise the weed rake specification and invite tenders for the weed rake and screen in June.

Programme

Progress is in line with the Programme Rev 2 issued on 4 May.

Planning

Our planning specialist has reviewed the proposed pumping station design and is of the opinion that it should be permitted development. This opinion has been expressed in writing to the Planning Officer, seeking his confirmation. As this is critical to the programme, we are chasing for a response regularly.

(As attached to these Minutes)

D Sharpe explained the detail of the drawings and advised that the revised drawings will shortly be issued to the EA, Natural England, Breheney's and Marine Management Organisation for design comments.

J Wright asked whether there will be any remote surveillance or telemetry included.

D Sharpe explained that none have been included in the specification, but could be added if required.

S Attwood asked what the timescales were.

D Sharpe explained that there had been problems with Swale Borough Council regarding planning. However, he was hoping to receive confirmation very shortly that planning permission will not be needed.

D Sharpe informed members that he is now in a position to tender for a weed rake. The civils contractor could be tendered at the end of August, with a view to completing this works by October 2017. However, he wasn't sure at the present time whether there are any restraints from Natural England.

The Chairman asked what the current situation was regarding the existing Bells pump station.

The Clerk explained that the existing pump station will be in operation, along with Mocketts pump station throughout this winter. The Board also has 2 mobile pumps that could also be used if either of the pump stations fail in the meantime.

S Attwood asked whether the costs are still on budget.

D Sharp explained that they are so far, but he will know more when the civils contractor is appointed.

The Clerk explained that the link ditch works had been completed, thanks to the assistance of S Attwood and his excavators & drivers. Members were informed that this work has saved the Board a considerable amount of money.

Further works involving the link ditch are to be carried out before construction work can commence. This is the next job to be done.

13. BELLS & MCKETTS COLLABORATIVE AGREEMENT

REPORTED that the EA require a Collaborative Agreement signed by the Board to be able to provide their half of the funding towards the new pump station.

Due to the document being so detailed at 34 pages, the Clerk has added the pages relevant.

RECEIVED Pages 1, 2, 24, 25, 27, 29 & 31.

(As attached to these Minutes)

Members were asked to consider the agreement and approve the document so that it can be signed and to return to the EA, which will allow the funding stages to be completed.

The Clerk explained that there are two streams of money to come from the EA towards this project.

REPORTED that £500,000 will come from Grant in Aid. The Clerk is to complete the relevant forms.

REPORTED that the remaining contribution of funds will be from the Precept payment. In order for the EA to arrange the funding a Collaborative Agreement needs to be in place.

The Clerk informed members that the EA has produced a legal agreement for consideration.

R Hall asked what are the Boards obligations.

The Clerk explained that the Board will be the leading partner and will be administering the project. The design will need to be disclosed and a working party set up with the EA.

R Hall asked what happens if the project overspends.

The Clerk explained that the project is agreed to be funded 50/50 by the Environment Agency and the Lower Medway IDB.

Members asked about annual maintenance and future replacement.

The Clerk explained that an annual agreement meeting will be held where expenditure is discussed and the EA will take off the agreed amount from the future Precept payments and give to the IDB towards maintenance costs.

Members requested that depreciation be factored in to the annual cost to ensure that a replacement pump is covered for the future.

The Clerk explained that the EA are looking to approach landowners for contributions towards future maintenance.

14. 1961 DIFFERENTIAL RATING ORDER

Members were asked to consider reviewing the 1961 Differential Rating Order (DRO). **REPORTED** that Members were sent a report on 11 May 2016 with details of the previous DRO and background evidence.

Members were asked to decide whether to make amendments to the existing order or revoke it completely.

RECEIVED another copy of the background information report.

(As attached to these Minutes)

The Clerk talked members through the complicated spreadsheet to show how this will affect Special Levies in the future. Members need to be assured the figures have been checked by the Internal Auditor to ensure they are correct.

The Clerk explained that Queenborough, Rushenden and Sheerness were susceptible to flooding up until the 1980s when sea defences were put in.

In 1987 the Auditor pointed out that the differential rate should be reviewed and the previous Clerk sent a letter to Swale Borough Council accordingly. Swale Borough Council at that time requested that this matter be put on hold until the Poll Tax legislation was finalised.

REPORTED that this matter must have been overlooked until recently.

The Clerk put a proposition to the Board whether it wanted to amend or change the differential rate in order to make it fair for everyone.

D Dewar-Whalley explained that he had spoken to people within Swale Borough Council and agrees that the rate should change in order to make it fair for everyone. This should have been dealt with 20 years or so ago. He felt the Board has a responsibility to put it right. The public get a service and benefit from the service, so it's only fair everyone pays. The matter will still have to go for consultation.

D Davis felt that those who benefit should pay.

N Hampshire felt that a lot of landowners would benefit from the IDB works and it is only fair that they pay.

J Wright asked how this change would affect the penny rate.

The Clerk explained that currently the penny rate is set at 5.6. If the differential rate was removed, then in order to raise the same amount of money in special levies the rate could be set at 3.8, but obviously the Councils current proportions would change.

Members asked what the process was.

The Clerk explained that if members agreed to remove the differential rate, he would need to fill in forms and send to DEFRA along with relevant maps for their opinion. If there are no objections, then the Minister will approve.

AGREED on a proposition by J C Lewis, seconded by N Hampshire that the Board removes the differential rate in order to make it fair for everyone that benefits from the Boards work. All members in attendance were in favour.

15. DRAINAGE RATING SYSTEM UPGRADE

Members will be aware last year the Clerk gained approval to upgrade the DRS – a computer programme used to keep records of all the agricultural rate payers within its drainage district. The system is far from complete, with land parcels still not quite matching up to some records. The office has already seen a huge efficiency in keeping and maintaining the records.

RECEIVED an example of the sort of data that can be viewed when the office receives requests for information from landowners on what land they own or rent.

(As attached to these Minutes)

The system also makes it easier to fully audit land that has been developed and moved out of the rates and into the special levy.

Members asked how long it would take to get everything correct.

The Clerk explained it was a big job and would possibly take a couple of years to fully complete. However, it will definitely be worth it when it's done.

G Fulton asked how housing developments get updated on the mapping system.

The Clerk explained that the base maps used can be obtained from a Pan Government agreement for free and these will show any new development which can then be transferred to the relevant council's special levy.

16. ADA SOUTH EAST BRANCH ANNUAL MEETING

REPORTED that M Dobson (Upper Board Chairman) and the Clerk attended the ADA SE Branch meeting on 28 April 2016.

During the meeting there was an overview given by the ADA Chief Executive Innes Thomson of the flooding events of 2015, one area the EA and DEFRA want to review is the use of statistics quoting the term "a one in a hundred year event". The public are confused and losing faith in being quotes statistics that don't make sense.

Innes Thompson discussed the EA proposal over the de-maining of river, which if the pilots were successful, it was essential that long term funding continues, as the cap suggested by local authorities on special levy payments would not be sufficient to allow the works to continue, if for instance, an IDB took over the management of the main river.

Ian Nunn updated the meeting and mentioned that The River Stour IDB has been given a pilot area with the hope that 50 km of main river will be de-mained, a decision is yet to be made. Further discussions with IDB's over other areas will continue in 2016.

An overview was given by Ian Nunn from the EA, with details of works carried out, and made reference that the funding for the EA will increase 2016/2017 to allow the DEFRA request to carry out 50% more de-silting achievable.

M Dobson was re elected as Vice Chairman.

The Clerk explained that basically the EA are looking to hand over elements of risk and everyone is asking how they are going to be funded, as they can't expect public authorities to take them on for free.

17. ANY OTHER BUSINESS

Depot Lease

The Clerk explained that the depot lease at Tiptree Farm, Iwade is due to come to an end in October 2016.

REPORTED that the existing property is approximately 2,500 ft² and the rent has been £10,500 per year. However, the landlord has indicated that if we renew the lease on this property then the rent will be in the region of £12,500 per year.

The Clerk informed members that the current building is not really suitable for the Boards requirement. It is an asbestos roofed building. There has been an ongoing problem with rats/mice and the building itself is not big enough to keep all the Boards equipment securely locked up. There have been problems in the past with regards to security too.

REPORTED that there is an opportunity to move to another site at Stickfast Farm, Bobbing.

REPORTED that this property is twice the size, but twice the rent.

The Clerk expressed that he would like to move to the new premises. Its location is ideal with key links to the main roads and the site is secure with palisade fencing.

S J Mair explained that he had declared an interest in this particular item, as he acted for the owner. He offered to leave the room for members to discuss.

D Davis asked whether there was a need to have double the space.

The Clerk explained that double the space was not a necessity, but more space was definitely needed. The existing site is too small.

D Dewar-Whalley explained that this matter had been discussed at the Finance Committee Meeting held on 27 May 2016 and the Committee agreed going forward for security reasons. Members questioned how the building at Tiptree Farm would last with regard to asbestos.

REPORTED that the Committee also felt that the Board should consider purchasing some land with a view to build a purpose built building as a long term plan.

The Clerk explained it is difficult trying to find a piece of land and/or property in the right place.

R Hall asked how the Clerk had gone about doing a property search. Whether consideration had been given to amalgamate the depot and office. Refitting costs etc.

N Hampshire asked what other work had been done to find a suitable building.

The Clerk explained that an internet search had been carried out, but unfortunately any suitable buildings are not in a suitable location. Each site has been discounted for one reason or another.

N Hampshire explained that he would have expected 3-4 proposals on the table for members consideration. He would like to have seen all the options available as a transparency process. This rests uncomfortably with him.

J Wright explained that there is a lot of land available within Swale for development.

R Hall expressed a concern that there wasn't a clear business plan. He also asked whether any rent free was being offered at this stage.

N Hampshire asked what would the break clause be on the existing property. He also agreed with R Hall's comments.

R Hall suggested that 2-3 Board Members should be involved to help the Clerk try and find a suitable site.

D Dewar-Whalley made a proposal to go for the new warehouse at Bobbing subject to a 5 year break clause.

S Attwood would support the proposal if a 5 year break clause is in place.

A vote took place. 7 members were in favour of the proposal to go for the new warehouse at Bobbing subject to a 5 year break clause. 2 members were against. 2 members abstained.

18. CLOSURE

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