

# **LOWER MEDWAY INTERNAL DRAINAGE BOARD**



**MINUTES OF THE MEETING of the BOARD**  
held at **The Boards Offices, 17 Albion Place, Maidstone**  
on **Monday 26 September 2016**

## **Members of the Board Present**

Chairman: R Hinge

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

In attendance

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

## **1. APOLOGIES FOR ABSENCE**

Apologies were received from G Fulton, N Hampshire and S Mair.

## **2. ITEMS OF INTEREST DECLARATION**

None of the members present declared an interest in any of the items to be discussed 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**

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 6 June 2016.

**(As attached to these Minutes)**

All members in attendance **AGREED** that the Minutes of the Meeting of the Board held on 6 June 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 6 June 2016.

**(As attached to these Minutes)**

### **6. INTERNAL AUDIT SUB-COMMITTEE MINUTES**

**RECEIVED** the Minutes of the Internal Audit Sub-Committee Meeting held on 8 June 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.

#### **Item 17 – Any other business- Lower Depot**

This was discussed in great detail where a proposal was taken and voted on to move to a new site at Stickfast Farm.

**REPORTED** that the Clerk will update members on progress under item 16 on this Agenda.

#### **8. HEALTH & SAFETY UPDATES**

There were no Health & Safety updates to report.

#### **9. ENGINEERS REPORT**

**RECEIVED** the Engineer's Report Number 156.

**(As attached to these Minutes)**

The Clerk read through the Engineers Report and updated Members that the pollution incident which occurred at Gasometer Fleet, Sheerness that the EA investigated and have decided that no action or costs towards the cleanup will be passed on to the Board. It appears that the pollution was Bio Oil and our flail mower is still running on hydraulic oil.

#### **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.

Swale Borough Council, Item 13. P Dowling apologised that an incorrect reference had been quoted. It should be 16/505738, not 16/505966

Swale Borough Council, Item 14. J Wright explained that this is a highly contaminated site and was concerned with the attenuation and runoff.

P Dowling explained that the developer is proposing to use soakaways, if this is the case then runoff will not affect the Boards watercourse. However, the developer will have to confirm and agree drainage details with KCC. It will be the developers responsibility to have the site tested for contamination in order to satisfy KCCs requirements.

## 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).**

The following letter has been sent to Mr W Lawrence regarding this previously reported application:

“Further to our previous correspondence regarding the above (the original application having been refused in June 2015 due to lack of supporting information), despite not having received a revised application for consent I have continued to liaise with Herrington Consulting Ltd in an effort to resolve this matter.

The Board was encouraged that arrangements were included to restrict surface water runoff rates to approximately that of the Greenfield site but unfortunately remained concerned about a potential lack of available flood storage (due to the slope of the field and ditch). It has been stated by Herrington Consulting 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.

Stephen Hayward of Herrington Consulting subsequently suggested that the banks of the channel be re-profiled to ensure an evenly distributed discharge in the event of overtopping, presumably by lowering the centre section and embanking the ends, but further details have not been received.

The Board discussed this ongoing and unresolved issue at its meeting on 6 June 2016 and decided to allow 1 month for the submission of the outstanding information: a completed application form and calculations/proposals to confirm sufficient storage to accommodate the 1 in 100 year rainfall event + Climate Change.

If this matter has not been fully addressed by 15 July 2016, the Board will consider taking formal enforcement action to have the unconsented works removed, and will seek to recover the costs of doing so from you.”

Unfortunately, no further information has been received. The Board should therefore now consider taking formal enforcement action.

Members discussed this particular application in great detail. D Dewar-Whalley asked what the enforcement procedure was.

The Clerk explained that he would need to write to the applicant again asking him to remove the structure and give a period of time to do so. If this time lapses then the Board can go in and remove the structure and charge for doing so.

P Dowling explained that it is a shame that the applicant isn't responding. All that the Board is waiting for is the storage volumes to be confirmed by the consultant, but obviously this is going to incur further cost for the applicant.

Members were keen for enforcement to be carried out, as the applicant doesn't appear to be co-operating.

**(b) Location: Harty Marshes, Isle of Sheppey.  
Proposed: Work affecting an ordinary watercourse.**

Compensatory habitat creation works at Harty Marsh were started by Knauf Drywall in 2011. Due to an economic downturn and an active water vole population the works were not completed as specified at that time. However the works are required to be completed in order to enable development on the Knauf Drywall site at Ridham.

A summary of the works completed in 2011 and those proposed for 2016 are detailed below, and are drawn from detail in the updated 2016 Habitat Creation and Management Plan:

The first stage of works comprised earth movements to create new levels including the excavation of a reed bed, excavation of a western boundary ditch, construction of a vehicle access track and raised mound with reptile hibernacula features. New pipe weirs were constructed beneath the new vehicle access into the area over the eastern boundary ditch and at the southern and northern ends of the western boundary ditch. A 10m stand-off was maintained from the eastern boundary ditch to avoid any potential for impacts on water vole during the first phase. The partial infilling of the eastern boundary ditch was to become an open water feature within the new reed bed as part of the second phase of works with water vole conservation measures to be completed prior to and during these works.

Following a review of the proposed second phase and updated water vole survey to confirm the extent of burrows and colonies on both banks of the eastern boundary ditch, the habitat creation proposals have been revised to minimise local impacts. The remaining works include the installation of 4No 185mm diameter pipe weirs in the raised grassland mound with upstands installed on the ditch side to allow water flow into newly created scrapes in a controlled manner, which requires the Board's consent.

As this work will only affect land in the applicant's ownership/control, and will provide additional local storage for periods of heavy rainfall, IDB interests will not be affected.

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

1. An appropriate ecological assessment must be carried out by the applicant prior to the commencement of works.
2. The Environment Agency's guidance must be followed in respect of pollution prevention and control.
3. The pipe-weir upstands must be set back into the bank to avoid affecting in-channel flows in the ordinary watercourse.
4. The completed works shall be regularly inspected and maintained by the applicant and successors in title.

**(c) Location: Westbrook Stream, Faversham.  
Proposed: Channel enhancements.**

The Medway Swale Estuary Partnership has applied for the Board's consent to create more naturalised low-flow margins within the channel of Westbrook Stream, which is also known as Stonebridge Stream. The proposal is to create a narrower (1.5m) central bed in the over-wide, some canalised, sections of this watercourse to increase water velocities, mainly during low-flow conditions, in order to reduce siltation and to allow marginal vegetation to develop. During high flows the margins will be overtopped. The margins are to be created by the installation of faggot bundles and woody debris, secured by high tensile wire to wooden posts driven into the bed (see attached design plans).

The Board should be supportive of restoration schemes such as this, provided that flood risk is not increased as a result (unless specifically agreed), as long-term maintenance requirements should be reduced. As the main restrictions to flow throughout the length of this watercourse are the numerous culverts and as the margins are to be low-level local flood risk should not be affected.

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

1. An appropriate ecological assessment must be carried out by the applicant prior to the commencement of works.
2. The Environment Agency's guidance must be followed in respect of pollution prevention and control.
3. The margins are to be aligned in accordance with the plans provided, with an open channel width (between faggots/debris and banks) to be no less than 1.5m for a single channel and 2.0m for the double channel at the final outlet at West Street.
4. Installed margins (faggots and woody debris) must be no more than 300mm high (measured from the level of the hard bed, taking silt accumulations into account).
5. All in-channel works must be securely fixed in place.

6. The completed works shall be regularly inspected and maintained by the applicant and successors in title.

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

MLM Consulting has, on behalf of LXB Properties (Sheppey) Ltd, applied for consent to alter a short section of ordinary watercourse in order to facilitate additional retail development at Neats Court (ref 16/505901).

**REPORTED** that details of this proposal are still to be assessed and a report will be produced in due course for Members to consider.

**12. ANNUAL RETURN – YEAR ENDING MARCH 2016**

**RECEIVED** copy of the approved IDB Annual Return for the year ending 31 March 2016.

**(As attached to these Minutes)**

Members were informed that at the time of sending out the Agendas the approved Annual return had not been received from PKF LittleJohn. However, this document has now been received and no areas for concern have been raised.

The Clerk informed Members that the approved Annual Return will be displayed on the Boards Website in due course.

**13. END OF YEAR ACCOUNTS – YEAR ENDING MARCH 2016**

**RECEIVED** a copy of the End of Year Accounts for Year Ending 31 March 2016.

**(As attached to these Minutes)**

The Office Administrator explained that this document is produced purely for Board Members information and the asset values reported reflect current book value, not actual purchase price as stated in the annual return.

***The Clerk explained that he would like to leave Item 14 until the end. Item 15 was discussed next.***

**14. BELLS & MOCKETTS PUMP STATION**

**REPORTED** that since the last meeting the detailed design has been completed and signed off by the EA.

Breheyns were asked to price for the design. Their quotation has come in at £1.224m compared to their original estimated price £848k, 44% more than expected. This is partly to do with Brexit vote affecting the exchange rate, as certain parts will be coming in

from overseas. The ground investigation report has highlighted that more piling work is needed. This has almost doubled. The detailed design has changed from its original format, so bigger piles are also needed.

**REPORTED** that the quotations for the weed rakes have already been received.

**REPORTED** that discussions with the landowner over permission and compensation have been ongoing since 14 June 2016 and to date we are no closer to coming to an agreement. The proposed pump levels and design have been provided to the landowner and his representatives and we are informed these are being checked by a consultant in Holland. The Clerk has been unhappy with the progress made in the negotiations because neither land agent has managed to come up with any heads or terms of the agreement or detailed any costs for compensation.

The EA has warned that the project will not be funded unless they have assurances that it is going ahead and within budget. These fears have been passed onto the landowner that there is a real risk the project might collapse and that neither authority can afford to build a new pump station on their own.

The programme for starting on site has slipped a number of months and at present looks like starting early 2017. This is mainly due to the planning authority permissions and consultations/consent with Natural England and the Marine Management Organisation.

Members held a lengthy discussion about this project, as they were extremely concerned with the increase in cost and whether the Board had sufficient funds to continue.

The Clerk explained that he was happy with the design now, but wasn't happy with the quotation, as some things didn't make sense.

R Hall felt that if it didn't make sense to the Engineer, then the Clerk should go back to Peter Bretts for clarification.

Members **AGREED** that this needs to go out to retendering. As public money is being used to fund the project further quotes need to be obtained in order to find out whether the revised quotation from Brehenys is competitive and good value.

P Bush explained that Brehenys have confirmed they are unable to start work until January 2017. The EA was putting pressure on to start works in 2016, but have relented on the start date and are happy for it to happen next year, so the pressure to commit and start building has been taken away for now.

On a proposition by D Davis, seconded by D Dewar-Whalley it was **AGREED** that the Clerk go back to Peter Bretts and explain that the Board has concerns whether it can afford to continue with the project, so there is a need to retender for the ground works. At least 3 more quotes are required (if possible) and the Contractor is to propose a start date given a 6-9 month window.

All in attendance **AGREED**.

Members also raised concerns over the tendering process and asked the Clerk if he thought the use of a Quantity Surveyor was worthwhile. It might cost 2% of the job, but might prove worthwhile.

Members also questioned why the piles had to come from Belgium and could we require the contractor to use UK based suppliers.

## **15. 1961 DIFFERENTIAL RATING ORDER**

**REPORTED** that the 2016 Differential Rating Order approved by the Board at its last meeting has been sent to the EA for consultation and no comments have been received.

DEFRA has advised the Clerk that the Order needs to be advertised on its website and/or local newspaper and that representations may be made to the Secretary of State within one month. After one month DEFRA will then confirm the Order.

The Clerk **REPORTED** that the DRO has been advertised in the Kent Messenger issued on 23 September 2016 and the notice has also been put on the Boards Website.

**REPORTED** that a timescale of one month has been given for any comments to be made. Then the new order will be confirmed by DEFRA and put in place.

## **16. LOWER DEPOT**

At the last meeting the Board agreed to move the depot to a building in Stickfast Farm which would increase the rent to £24,000 PA.

**REPORTED** that the Clerk visited the site on a number of occasions and eventually started negotiating with GWF over the terms of the lease. Once the heads of terms were agreed they were handed to Brachers solicitors to check through. The Clerk also had an independent valuation carried out by Watson Day to ensure the Board was getting value for money.

P Bush explained that the report received from Watson Day confirmed that the rent being charged was ok, however, due to a lack of amenities and facilities in and around the building it proved very difficult to compare the lease costs with other premises in the area. The Board would have to spend in the region of £20k in order to make the premises fit for use.

Throughout the process the question of business rates was raised with everyone because the Clerk had been informed from the start that the property is currently D Rated for business rates. No one was willing to commit or confirm whether business rates would apply once the Board moved into the property. You would have thought property professional would have known, but it took an enquiry with the rating office to finally confirm that business rates would be payable once the building was occupied meaning the annual costs to the Board had the potential to go up another £10-20k.

After review of the facts the Clerk felt the Board would be unhappy with this huge increase in annual costs and therefore has agreed (not yet signed) to extend the existing lease at Tiptree Farm, Iwade, but has managed to get inserted into the agreement a 5 and 10 year break point leaving the Board opportunity to find and build its own property in the future, which has been previously agreed is the long term plan.

S Attwood felt it was the right decision. Members were happy with the action the Clerk had taken.

D Dewar-Whalley asked whether there had been any improvements made to the Tiptree site with regards to security.

P Bush explained that all the equipment is stored within a lockable container which is inside the building. However, it is the Boards long term intention to try and source either a piece of land and build a suitable building built (just like the Upper Board have done), or purchase a suitable building.

P Bush asked R Hall whether his kind offer at the last meeting still stands when he offered assistance in trying to source land/building.

R Hall agreed to offer some observations, but explained that the Board would also need to instruct professional advice.

## **17. PSCA WORKS - UPDATE**

**REPORTED** that The EA asked the Board to consider carrying out dredging to the Warden Bay Drain. Their budget was £40k and at first glance we thought it would be straightforward. Once we met on site this picture changed because the majority of the dredging needed to be done through the middle of a caravan park where access was impossible from either bank because of trees, services and caravans. The section of watercourse along the seawall to the outfall proved also difficult because of the need for a long reach machine. The works supervisor spent a number of days meeting contractors to get quotations for the work but it proved fruitless.

**REPORTED** that the Clerk eventually pulled the plug and informed the EA that on this occasion the IDB cannot help. The complexity of the job was too great for the resources we have.

The Clerk informed members that it would appear the EA are only giving IDBs the awkward/problem jobs to do under this agreement.

P Dowling confirmed that this does appear to be the case. However, IDBs need to weigh up whether the works the EA are asking them to do genuinely benefit the Board before agreeing to do the work.

## **18. BOARD MODERNISATION PLAN**

**REPORTED** that at the recent Joint Services Meeting the Clerk proposed an idea to modernise and streamline the current processes.

These will include:

- Board meeting frequencies and format.
- Purchasing policy.
- Reducing paperwork.
- Using Computer systems to store and circulate data.

The main goal is to improve efficiency within the office, a better use of officer's time and wherever possible reduce the amount of paperwork produced, stored and posted.

The Clerk felt that Members would not be aware of the amount of time and effort it takes to prepare for a Board meeting. It currently takes a whole day to photocopy approximately 1100 pages, two days worth of preparation compiling the Board Agendas and approximately £20 worth of postage. With 10 Board meetings a year (5 per Board) that roughly equates to 11,000 pages, 10 days printing, 20 days worth of officers time compiling reports and information for the agenda and over £200 worth of postage per year.

As a start to these important changes the Clerk would like to propose to the Board that the number of Board Meetings be cut from 5 to 3 and are evenly spaced throughout the year. Keeping the Estimates meeting in early December, the March Meeting and an inspection Meeting in June/July.

The Clerk also wanted to propose reducing the amount of information sent to members. The Standing Orders require me to send members an agenda by post 5 days in advance of the meeting. I would like to send a brief agenda by post but can I ask where possible consideration be given to circulating agenda documents electronically.

The Clerk then proposed that the reduced meetings are more interactive by introducing a large screen in the Board Room. By going through the agenda items in more detail interactively, this should make it more entertaining and easier for Members to understand.

The Clerk informed members that P Bush was originally employed as the Administration Assistant on a temporary basis, however, it was quickly realised that his skills are more than that particular role, so in June 2016 he was appointed the role of Technical Engineer.

P Bush explained that he had previously worked for a large organisation which frowned upon producing unnecessary paperwork. He explained that he had observed that the Boards produce masses of paperwork to distribute to Members and hard copies are then filed in the office. Majority of the work is produced electronically and stored on the Boards server, so it would make sense wherever possible to distribute electronically. He appreciated that not all Members may be keen to receive documents electronically, and maybe not all Members had access to computers/emails etc., but if distribution costs can be reduced then this would be an efficiency and cost saving to the business.

He explained that after Board Meetings some Members hand the Agendas back to Officers in order to shred and this seems criminal after all the time it has taken to produce.

It was suggested that the Agendas be sent out in a "minimal" format, whether it be via post or email. A copy of a proposed Agenda was handed out for Members to comment. It was explained that the Clerk would like to make the meetings more visual in format, rather than produce paperwork. Any copies of documents could be printed for Members on the day (if desired).

P Bush explained that the Boards have a good computer system in place and with the assistance of the computer support people the system could be taken to the next level of

cloud storage, which would make all the computer packages more accessible to show Board Members during meetings. Instead of reading a piece of paper, maps could be brought up for Members to view. Officers and Members need to have faith in the computer system.

He had also observed the way the workforce purchased certain items on a regular basis, but made a trip to the supplier frequently to collect goods needed. In order to become more efficient and streamline the amount of paperwork that moves around the office, it would be beneficial for certain items to be purchased by the office in bulk, in order to realise a better buying price. Delivery can be made to the office, and then these items can be distributed by the Works Supervisor when out and about on site. This way the workmen can continue with their work without having to keep leaving site to collect general supplies. Obviously, there will be occasions where they will need to leave site to purchase a one off items. By reducing the amount of visits to suppliers, reduces the amount of invoices that come in to the office which have to be processed for payment, which in turn will reduce the amount of paperwork the Clerk and the Bills Committee Chairmen have to sign.

D Dewar-Whalley was happy to go with the suggestions and suggested trialling for a year.

R Hall was also happy with the suggestions.

D Davis explained that Tonbridge & Malling Borough Council has moved completely to tablet. It has taken around 18 months to get used to the new format, but it has been worthwhile.

P Bush explained that these suggestions were discussed at a recent Joint Services Meeting and Members there were happy to trial for 2 years.

On a proposition by D Dewar-Whalley, seconded by J Gore it was **AGREED** that the Board will trial for a period of 12 months a reduced format Agenda which will be emailed to Members in a pdf format where necessary and reduce its meetings from 5 to 3 a year.

P Bush explained that it is crucial to receive comments/feedback from Members as to how this is working for them in order to take this modernisation forward. Hopefully, the next meeting will be in the new format.

## **19. ADA CONFERENCE**

**REPORTED** that this year's ADA Conference will be held on 17 November 2016 at 1 Great George Street, Westminster.

The Clerk informed members that G Fulton had already expressed an interest in attending this event. Any member who would also like to attend should contact the Clerk as soon as possible.

## **20. ANY OTHER BUSINESS**

There was no other business to discuss.

*Members were directed to Item 14.*

**21. CLOSURE**

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