

UMIDB
UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at 17 Albion Place Maidstone
on **Tuesday 3 May 2016.**

Members of the Board Present

M Dobson - Chairman

J Cannon
D Aikman
C Hardy
S Highwood
R G H Lewis
T J Reader
H Rogers
M Round
J Scholey
G Swift

In attendance

M D Watson - Clerk & Engineer
L Collins - Office Administrator

1. APOLOGIES

Apologies received from, N Chantler, D Cooley, K Jay, S McLeod, D Parvin, C Stewart, C Wheeler and R Young.

2. ITEMS OF INTEREST DECLARATION

M Round declared an interest in Item number 8 on this Agenda, as he sits on the Maidstone Borough Council Planning Committee.

RECEIVED a copy of the Declaration of Board Members Interests form.

(As attached to these Minutes)

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 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.

4. MINUTES

RECEIVED a copy of the Minutes of the Meeting of the Board held on 19 January 2016.

(As attached to these Minutes)

AGREED by all Members present that the Minutes are correctly recorded and that they be signed by the Chairman.

5. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held on 19 January 2016.

(As attached to these Minutes)

J Scholey asked for clarification with regard to the interest rate at Santander, as the Board had transferred some money from NatWest bank to Santander in order to spread the financial risk and achieve a better rate of interest.

The Office Administrator confirmed that the interest rate with Santander was 0.5%, compared to 0.1% with NatWest.

6. MATTERS ARISING FROM PREVIOUS MINUTES

Minutes dated 24 November 2015

Item 18 – Annual Return – Year Ending March 2015

J Scholey asked whether the revised Practitioners Guide had been issued.

The Clerk and the Office Administrator said that they had not received any revised document as yet.

J Scholey asked that a copy be forwarded on to him as soon as it comes through.

REPORTED that the Office Administrator has recently e-mailed J Scholey the communication received from ADA regarding the revised Practitioners Guide applicable to IDBs with immediate effect.

Minutes dated 19 January 2016

Item 6 – Matters arising from previous minutes

S McLeod mentioned that he and the Clerk were due to visit the depot to carry out an Inspection/Audit, but had not had the opportunity to do so. He gave his apologies for not

actioning and gave assurances that a date would be arranged. It was requested that this matter be put back on the Board Agenda, so that it doesn't get overlooked.

REPORTED that arrangements have been made for S McLeod and the Clerk to visit the depot on 4 May 2016.

S McLeod sent his apologies via the Clerk for taking so long to arrange this visit.

7. HEALTH & SAFETY UPDATES

There was nothing to Report.

8. PLANNING APPLICATIONS

RECEIVED the various planning applications the Board has been invited to comment on since its last meeting.

(As attached to these Minutes)

The Chairman read through each page of the contents of the planning applications.

With regard to Maidstone Borough Council, T Reader explained that Item 8 keeps having different applications with different amounts of housing reported.

M Round explained that outline planning for 25 houses has been submitted and passed by Maidstone Borough Council planning committee with a number of conditions attached.

The Clerk informed members that the address for item number 8 should be land at The Parsonage, Goudhurst Road, Marden, not Bentletts Scrap Yard, Claygate Road, Yalding.

S Highwood explained that this land drains to the North and is a problem area. There is only a 4 inch drain under the road and there's nowhere for the water to go to. The drainage ditch appears to have been filled in over the years.

The Clerk informed members that with regard to the Tunbridge Wells Borough Council planning application number 1, both P Dowling and C Stewart had been attending meetings concerning this development.

T Reader queried why planning application number 5 was in Tunbridge Wells Borough Council's list and not Maidstone Borough Council's, as the application relates to Thorn Road, Marden.

The Clerk said he would double check this.

H Rogers queried whether the drainage system concerns over a surface water outfall had been overcome concerning Tonbridge and Malling Borough Council planning application number 1.

The Clerk wasn't sure and said he would have to double check with P Dowling.

9. CONSENTS

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

**(a) Location: Moat Farm, Collier Street, Tonbridge.
Proposed: Installation of a new culvert in Martin's Stream (U106).**

This previously reported application, for retrospective consent for a recently installed access culvert measuring 900mm in diameter and 6 metres in length in Martin's Stream (at approx NGR 571240,146272), has in consultation with all Members been **approved** with the following conditions:

1. The headwalls of the culvert must be improved (details to be agreed in writing with the Board's engineering representatives prior to implementation).
2. Cover material to the culvert must be improved to ensure suitable protection from loading (details to be agreed in writing with the Board's engineering representatives prior to implementation).
3. The applicant must arrange for an appropriate ecological assessment to be carried out prior to the commencement of works.
4. The Environment Agency's guidance must be followed in respect of pollution prevention and control.
5. Details of any temporary works must be agreed in writing with the Board's engineering representatives prior to implementation.
6. The completed works shall be regularly inspected and maintained by the applicant and successors in title.

**(b) Location: Buckhurst Farm, Biddenden Road, Frittenden.
Proposed: Restoration works to Hammer Stream (U9).**

The Hammer Stream is within the Beult catchment and much of its length is within the High Weald Area of Outstanding Natural Beauty. It also connects two Sites of Special Scientific Interest. Past management of this watercourse has resulted in the loss of natural morphology which continues to impact on local biodiversity. The Medway Valley Countryside Partnership, in consultation with the Environment Agency and up- and down-stream landowners, has proposed to recreate a more natural channel to improve local habitat. The restoration works have been divided into two main elements:

Main Channel enhancements

The main channel will be re-profiled to create improved habitat for fish, invertebrates, birds and mammals. The cross-section of the currently incised channel will be altered to create a two-stage channel, by widening the top half of the channel and backfilling low level areas using the excavated material. Marginal areas will be created using faggot bundles secured by chestnut stakes.

A number of trees are proposed to be planted alongside the watercourse to provide light and shade which helps to regulate water temperature, stabilise channel banks and provides valuable habitat.

Fencing and hedging is proposed to be installed to create a marginal buffer zone. Some fencing is to be removable electric fencing and some is to be fixed stock fencing with hedgerow (see attached fencing plan). The applicant originally proposed to install the fixed fencing and hedging “roughly 4 metres from the top of bank” but has through discussion increased this to 6 metres.

There is an existing concrete stop structure, which allows upstream water levels to be raised but also creates a barrier to fish passage. It is proposed to infill the stop-board recesses to prevent the installation of boards in future.

Natural Flood Management features

The original river channel (which meanders around the field and is no longer connected to the stream) is proposed to be deepened to increase its capacity to hold water. There will be gravel crossing points to allow continued access for livestock and plant.

A ‘flow interceptor’ is to be installed at the downstream end of the meander to regulate the rate at which water can return to the main channel. Overall, the scheme has been designed to reduce peak flood flows downstream. It will also create additional wetland habitat.

The Board should be supportive of restoration schemes such as this, provided that off-site flood risk is not increased as a result (unless specifically agreed) as long-term maintenance requirements should be reduced. The landowners’ agreement has been obtained and MVCP has liaised with up- and down-stream landowners who are reportedly supportive of the proposals. The Environment Agency has also confirmed that flood risk will not increase as a result of this scheme.

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

1. The applicant must arrange for an appropriate ecological assessment to be carried out prior to the commencement of works.
2. The minimum central open channel width, at bed level, is to be no less than 1.5 metres.
3. A minimum width of 6 metres, measured from the top of channel bank after re-profiling, must be retained for future access.
4. Details of **all** tree planting and fixed fencing, in the vicinity of Claybridge Stream in particular, are to be agreed on-site with the Board’s Works Supervisor (and followed up in writing) prior to commencement.
5. The Environment Agency’s guidance must be followed in respect of pollution prevention and control.
6. The completed works, hedge and tree growth in particular, shall be regularly inspected and maintained by the applicant to the satisfaction of the Board.

Retrospective Consents

The Clerk **REPORTED** that P Dowling has asked for some guidance from members with regards to what the Boards position is concerning retrospective consent applications. Are members happy to accept retrospective applications?

REPORTED that the recent application for retrospective consent, for the approval of completed works in Martin's Stream (above), and others like it have been problematic. It is therefore suggested that the Board develops a fair and consistent policy for processing retrospective applications in future.

Possible options for discussion:

Option 1: Continue to accept applications for retrospective consent.

Pros:

Ensures that a formal application is processed for all works.

An application fee (currently £50) is still received.

May discourage individuals from carrying out works without consent (if it is known that a formal application may still be required).

Cons:

May inadvertently encourage individuals to carry out works prior to obtaining consent (in the hope that they will be approved without the need for technical or environmental assessment).

Site inspections, prior to and during construction, are not possible for these applications and alterations to completed works are usually more difficult/costly to implement.

Enforcement action is no longer possible if consent is issued.

Option 2: No longer accept applications for retrospective consent.

Pros:

May encourage more applications (if it is known that consent cannot be obtained retrospectively).

Retains the option for enforcement action (if a problem comes to light in future).

Cons:

May reduce cooperation from applicants (if unconsented works are dealt with as potential enforcements).

A formal application would not be processed and a fee would not be received.

Members discussed this issue at length and **AGREED** with option 1, to continue to accept applications for retrospective consent.

10. ENGINEER'S REPORT

RECEIVED the Engineer's Report Number 146.

(As attached to these Minutes)

The Clerk read through the Engineers report.

G Swift asked whether any further works were planned on watercourse 41 between Ham Bridge and Eridge, as this area was very overgrown.

The Clerk explained that he would look in to this and speak to the Works Supervisor.

11. ENVIRONMENT AGENCY PRECEPT 2016-2017

RECEIVED details of the precept for the year ending 31 March 2017 and the Environment Agency's Estimate of Expenditure and Income relating to land drainage.

(As attached to these Minutes)

REPORTED that the Environment Agency Precept Payment 2016 was estimated to be £119,423. The actual was £119,423.

Also **REPORTED** that the actual Environment Agency spending for the next 12 months will not increase.

The Clerk explained that the Precept payment is used by the EA to carry out works over and above the normal works within the IDB area. These works will benefit the Board.

The EA provide the Board with a report each year to explain where the money is being spent.

RECEIVED a copy of the e-mail communication the Clerk has received from Peter Howe of the Environment Agency.

(As attached to these Minutes)

The Clerk explained that Neil Gunn should have been attending the meeting today to explain in more detail where and how the Precept payment is going to be spent. However, Neil contacted the office this morning to say that everything is up in the air at the moment with the Local Authorities regarding spending. Politics are involved, so Neil didn't think it would be beneficial to come in and speak to members about projects that may not happen. Neil is hopeful that he may know more on definite plans in the coming weeks. Members will be updated at the next meeting.

M Round explained there had been a policy and resources meeting at Maidstone Borough Council last week. He believes Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council and Kent County Council are all involved too on who's spending what money.

S Highwood asked why Bockingfold Autosluice gate replacement is mentioned within Peter Howe's report. He was under the impression that this structure was going to be removed, not repaired.

The Clerk was under that impression too. The Clerk will find out more details regarding this structure.

T Reader explained that he thought Duddies Autosluice was going to be removed too, but that is listed for a seal replacement.

The Clerk said he would find out about this structure too.

Members raised a concern that the information provided was not a proper report, as no costings had been listed. Members wanted to see some sort of costings/estimate for each job listed.

12. INTERNAL CONTROLS – YEAR ENDING MARCH 2016

RECEIVED a copy of the Statement of Accounting Policies and the Statement of Internal Control for the year ending March 2016.

(As attached to these Minutes)

REPORTED that the Officers had reviewed these documents and suggest one amendment with regard to the Statement of Accounting Policies – Item 2 – Fixed Assets to reflect the Boards current practices. This is in line with the External Auditors comments raised last year on the Annual Return.

Existing paragraph reads:

Fixed assets will be included in the Boards accounts at the current book value, which reflects the value the Board could obtain on the open market. It does not reflect the figure used for insurance purposes.

Proposed amended paragraph to read:

Fixed assets will be included in the Boards accounts at the actual purchase price, in line with the instruction received from PKF LittleJohn, the Boards external auditors in anticipation of the revised Governance and Accountability in Internal Drainage Boards in England – A Practitioners' Guide. It does not reflect the value the Board could obtain on the open market, nor does it reflect the figure used for insurance purposes.

All Members in attendance **AGREED** with the proposed amended paragraph.

AGREED on a proposition by J Scholey, seconded by M Round that the amended Statement of Accounting Policies and the Statement of Internal Control for the year ending March 2016 are approved.

13. INTERNAL AUDIT – YEAR ENDING MARCH 2016

RECEIVED a copy of the Interim Internal Audit Report for the year ending March 2016 produced by Kevin Funnell on 3 February 2016.

(As attached to these Minutes)

Members noted the content of the report.

The Clerk informed members that K Funnell has confirmed his retirement with effect from 30 June 2016 and his last visit is scheduled for 12 May 2016, when the Annual Return will be reviewed and signed off.

Consideration needs to be given with regards to appointing a new Independent Internal Auditor.

REPORTED that K Funnell has agreed to recommend a replacement for the Board to consider. The Local Authorities could be contacted to see if they can assist with this matter. Also, the River Stour IDB uses a different Auditor, so we could approach them too.

M Round offered to forward some suggestions/recommendations for the Board to consider.

14. SANCTION TO BORROW

The Clerk explained that this is something that the Board does every year, just in case it ever needed to raise emergency funds. It doesn't cost anything to apply for, and involves writing to the EA and DEFRA to request. The Board has never used it, but it is always good to have a backup plan should extra funds be needed.

AGREED on a proposition by M Round, seconded by C Hardy that an application be made to DEFRA for permission to raise an overdraft from National Westminster Bank Plc. for a sum not exceeding £100,000.

15. WATERCOURSE EROSION WORKS

RECEIVED a copy of the correspondence the Clerk and Engineer has received from Nigel Henley, Spelmonden Farm, Goudhurst, along with copies of photographs of the watercourse concerned.

(As attached to these Minutes)

Mr Henley would like assistance dealing with an erosion problem on his land. The IDB watercourse over the years has meandered too close to his farm access track and is slowly undermining it. He has asked if the Board would consider offering assistance to remedy the situation as he believes it's the Board fault this has occurred because of poor maintenance and not addressing the problem years ago.

Members need to consider avoiding setting a precedent on how it deals with natural erosion or getting involved in expensive short term solutions.

The Clerk showed members a report that had been compiled by the Works Supervisor which contained a number of photographs and maps to show where the problem lies.

REPORTED that picture 2 within the Works Supervisors' report on watercourse 24 shows how erosion is a problem all the way along this stream because the very nature of the meandering watercourse and the soils surrounding it.

The Clerk explained that he had checked the old 1908 maps and this road/track has always been there. The Clerk also explained that approximately 20 years ago the Board assisted the landowner with erosion works, whilst the workmen were at that site carrying out maintenance works. The landowner provided the materials and our workforce provided the labour element.

Members discussed this matter at length and **AGREED** that the Board/Clerk should only provide advice to landowners regarding any erosion matters. The Board should not get involved with funding of any such works.

Members felt very strongly that it would not be correct to use public money to carry out such works, as the Boards funds are raised to carry out maintenance when needed on designated watercourses to assist with land drainage within the Boards drainage district. Erosion cannot always be resolved. There is a danger of repairing one part of a bank, which will then have a knock on effect to the embankment further up/down stream.

16. ANY OTHER BUSINESS

C Hardy explained that this would be his last meeting due to the forthcoming elections. He said that Wealden District Council would advise in due course details of the replacement representative.

The Chairman thanked C Hardy for his time on the Board and wished him well for the future.

The Clerk explained to members that this meeting should have been the Boards Annual Inspection, but due to the lack of suggestions on places to visit, it has ended up just being a Board Meeting.

Members were asked to consider any areas of interest they may like to visit and let the Clerk know, so that consideration could be given to arranging an Annual Inspection later on in the year.

17. CLOSURE

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