

THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

Minutes of the Meeting of the Board held at 14:00 on Thursday 7 November 2019 at
Canterbury City Council Military Road Canterbury CT1 1YW

PRESENT

Mr M J G Tapp, Mr A D Linfoot OBE, Mr G R Steed, Mr D M Botting, Cllr M J Burgess, Cllr D Crow-Brown, Ms N H Dyas, Mr D J Fuller, Mr P N Howard, Cllr P D Jull, Cllr D Ledger, Cllr D O Smith, Cllr G B Sparks, Mr M P Wilkinson, Mr P Williams, Mr L Woollorton and Mrs G Wyant.

IN ATTENDANCE

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

CONDOLENCES

The Chairman reported that Mr J E F Smith passed away on 30 August 2019. Jim was first elected as Councillor for Chilham Ward in 1973 and was first appointed to the IDB by Ashford Borough Council in 1979, a position he held until 1997. He returned to the Board again in 2009, this time as the Elected Member for Ashford and Wye but retired due to ill health in 2018 (after serving on the Board for over 27 years in total). He was always very positive and supportive in IDB activities and will be missed by all that knew him, and all present were asked to stand for a moment as a mark of respect.

WELCOME

The Chairman welcomed Cllr G B Sparks (appointed by Ashford Borough Council) and Cllr D Crow-Brown (Minster Parish Council appointed by Thanet District Council) to their first meeting. He further welcomed to the meeting Mr & Mrs Sharpe (Little Chart Parish Council and Members of the Public), Ms D Thompson (EA Incident Response Team Leader), Dr D Pryce (EA Technical Advisor Swale & Stour Asset Performance Team), Mr A Bateman (EA Stour Marshes Pilot Lead), Mr Darren Godden (Rhino Plant Hire) and Mr M Thomas (KSCP).

APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr P S Dunn and Cllr N Ovenden.

ELECTION OF A CHAIRMAN FOR THE PERIOD ENDING NOVEMBER 2020

In accordance with the Land Drainage Act 1991 and the Board's Rules and Standing Orders there is a requirement for the Board to elect a Chairman for the ensuing year. Mr A D Linfoot proposed that Mr M J G Tapp be re-elected to the post of Chairman, this proposal was seconded by Cllr D Smith. There being no other nominations, it was resolved that Mr M J G Tapp be elected to the post of Chairman for the period ending November 2020, all present agreed.

ELECTION OF A VICE CHAIRMAN FOR THE PERIOD ENDING NOVEMBER 2020

The Chairman stated that in accordance with the Board's Rules and Standing Orders, there is a requirement for the Board to elect a Vice Chairman for the ensuing year. Mr A D Linfoot, the current

Vice Chairman, in line with the Board's previous discussions regarding succession planning, proposed the appointment of Mr G R Steed for the post of Vice Chairman. This proposal was seconded by the Chairman and, with there being no other nominations, it was resolved that Mr G R Steed be elected to the post of Vice Chairman for the period ending November 2020, all present agreed.

ELECTION OF A DEPUTY VICE CHAIRMAN FOR THE PERIOD ENDING NOVEMBER 2020

The Chairman proposed that Mr A D Linfoot be elected as Deputy Vice Chairman, this proposal was seconded by Mr M P Wilkinson. There being no other nominations, it was resolved that Mr A D Linfoot be elected Deputy Vice Chairman for the period ending November 2020, all present agreed.

ELECTION OF A FINANCE, GENERAL PURPOSES AND WORKS COMMITTEE FOR THE PERIOD ENDING NOVEMBER 2020

The Chairman stated that the Board's Rules and Standing Orders also require the Board to elect a Finance, General Purposes & Works Committee for the ensuing year. The Chairman stated that the last Committee consisted of the Chairman, Vice Chairman, Deputy Vice Chairman, Mr P S Dunn, Cllr P D Jull, Cllr D Smith and Mr M P Wilkinson, with Cllr M J Burgess standing in as a permanent 'Appointed' substitute (4 Appointed and 4 Elected). The Chairman further stated that to maintain an appropriate balance to the composition of the Board it would be preferable to elect another Appointed Member to this Committee. The Clerk & Engineer stated that it is also desirable to have a Member from each Council on this Committee so that all interests are represented. The Chairman nominated Cllr D Crow-Brown, subject to his official appointment to the Board being confirmed. There being no other nominations, it was proposed by the Chairman, seconded by Mr D M Botting and resolved that the Finance, General Purposes & Works Committee for the year ending November 2020 be composed of the Chairman (Mr M J G Tapp), the Vice Chairman (Mr G R Steed), the Deputy Vice Chairman (Mr A D Linfoot - CCC), Cllr M J Burgess (ABC), Cllr D Crow-Brown (TDC), Mr P S Dunn, Cllr P D Jull (DDC), Cllr D O Smith (ABC) and Mr M P Wilkinson. . This was agreed by all present.

APPOINTMENT OF AN INTERNAL AUDITOR FOR THE PERIOD ENDING NOVEMBER 2020

The Accounts and Audit Regulations require the Board to appoint/re-appoint an Internal Auditor for the ensuing year. It was proposed by the Chairman, seconded by Cllr Burgess and resolved that Mr D Griffiths of D G Consultancy, the current Board's Internal Auditor, be re-appointed as the Board's Internal Auditor for the period ending November 2020. The Chairman further stated that this is the first year of three as agreed by the Board at its meeting on 1 August 2019.

ELECTION OF AN INTERNAL AUDIT REVIEW TEAM FOR THE PERIOD ENDING NOVEMBER 2020

The Chairman stated that the Accounts and Audit Regulations require the Board to review its Internal Audit arrangements annually. This review is carried out by the Board's Internal Audit Review Team which consists of three Board Members. The current Internal Audit Review Team consists of Cllr M J Burgess, Cllr D O Smith and Mr G R Steed. It was proposed to replace Mr G R Steed on the Internal Audit Review Team due to him having been on the committee the longest (run on a 3-year rotation). The Chairman thanked Mr G R Steed for all his assistance and time on the Internal Audit Review Team and asked for another volunteer to join the team. Cllr P D Jull volunteered to join as the third member of the team. It was therefore proposed by the Chairman, seconded by Mr M P Wilkinson and resolved that Cllr M J Burgess, Cllr D O Smith and Cllr P D Jull be elected as the Board's Internal Audit Review Team for 2019-2020.

PRESENTATION BY MR MARTIN THOMAS (KSCP) ON THE BOARD'S BIODIVERSITY ACTION PLAN PROGRESS

Mr M Thomas stated that the BAP was written for the Board in 2010 by KSCP with all the IDB's watercourses being surveyed in the following five years to establish a baseline. Follow-up surveys have been carried out since to establish the effect of the implemented management recommendations and to carry out some one-off enhancements.

Mr Thomas explained the survey process used; a desk study is carried out to ascertain surrounding land use designations and environmental stewardship schemes. The survey consists of looking at physical features such as dimensions of the watercourse, diversity and structure of vegetation and any important species that are or should be present. This information is then used to produce or edit existing summary sheets and maps giving watercourse maintenance guidance and recommendations are made for one-off enhancement projects.

Dragonflies, fish, amphibians, water beetles, water snails and water vole are some of the indicator species which are very important because their absence indicates that something is going wrong in the watercourse as they are sensitive to pollution, vegetation structure and deoxygenation. They tend to have permeable skin and are usually predators therefore their presence indicates the health of the food chain below them.

Barn owls (for which a successful project of installing and repairing boxes is nearly complete), white clawed crayfish (the species of most conservation concern in the area), tubular water dropwort (a rare plant which occurs in many IDB watercourses) are BAP priority species.

The weed cuts recommended are mostly an 80% channel weed cut (for drainage and flood risk) and, in some circumstances, a 50% channel weed cut (maybe an area where there is high plant diversity and low flood risk), a sectional weed cut, a longitudinal/conservation weed cut (used on watercourses that have natural character to introduce sinuosity and variation of flow) or an alternative annual bank cut (providing cover for water voles and continuity of habitat).

There are three channel enhancements that can be carried out during desilting: scalloping desilt (creates a meander), creation of pools at junctions (useful in watercourses which tend to dry out providing a refuge) and the creation of submerged berms (in channel sections where there is space and useful in places where emergent vegetation is lacking).

Mr Thomas reported that this year he has resurveyed IDBs 32, 106 and 200 and he has surveyed IDBs 304 and 305 (two of the de-mained watercourses). There are also two enhancement plans in progress which will continue into next year with some of this work being carried out by KSCP volunteers:

- IDB 7 Pig Brook – the driving force for this enhancement from a conservation perspective is White Clawed Crayfish (WCC) as it contains one of the last populations in the area at the top of the watercourse which we are hoping will spread further downstream. The American Signal Crayfish (ASC) are predators and a risk to WCC as well as to the watercourses because they create extensive bank burrows. Therefore, it is important to highlight the need to disinfect all equipment, report all sightings of both WCC and WSC and work with care in the areas where WCC populations remain.
- IDB 25 Buxford Stream – the aim here is to increase the sinuosity of the channel to improve flow, to install cattle drink stations to reduce poaching and silt pollution, to carry out coppicing and cut back overhanging scrub to allow more light through to the watercourse allowing more plant diversity

Mr Thomas reported that he is also carrying out control of invasive non-native species such as Water Fern (Azolla) in the Lower Stour Marshes starting at Hacklinge Marshes and Parrot's Feather on Wade Marsh with the volunteer group.

Following a brief discussion and queries the Chairman thanked Mr Thomas for his very informative presentation.

MINUTES OF THE MEETING OF THE BOARD HELD ON THURSDAY 1 AUGUST 2019

The minutes of the Board held on Thursday 1 August were received. It was proposed by the Vice Chairman, seconded by Mr M Wilkinson 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 THE MINUTES

There were no matters arising from these minutes.

MINUTES OF THE MEETING OF THE FINANCE, GENERAL PURPOSES & WORKS COMMITTEE HELD ON MONDAY 21 OCTOBER 2019

It was proposed by Cllr D O Smith, seconded by Cllr M Burgess and resolved that the minutes of the meeting of the Finance, General Purposes and Works Committee held on Monday 21 October be received.

MATTERS ARISING FROM THESE MINUTES

Ref: W7G Environment Agency Works

Cllr Smith asked if there was any further information on why the Aylesford Stream levels have been so low. Ms Thompson reported that these levels have likely been held up during culvert works at M20 junction 10A and the levels should now be back to normal as works have been completed.

Cllr Smith further asked if it had been found whose responsibility it is to remove debris from watercourses which is under 20 tonnes. Ms Thompson stated that Cllr Smith had been given wrong information because the EA will attend and remove debris from a watercourse, phone calls to the national number trigger a notification to which they must respond immediately. Ms Thompson added that Cllr Smith can make a complaint about how his call was dealt with by following the EA's complaints procedure but in future callers should take the operative's details.

Joint Report of the Clerk & Engineer and Finance & Rating Officer for the period 1 July to 30 September 2019

Ref: W1-22.2 KCC Drainage & Planning Policy Statement

The Clerk & Engineer reported that KCC is reviewing its Drainage & Planning Policy Statement and he has submitted comments to try and encourage KCC to reconsider its approach to unconsented works. KCC's current policy does not accept retrospective consent applications and it is felt that this may encourage works to be completed without the necessary permissions in the hope that they will not be properly inspected. No response has yet been received.

Ref: W1-39 Main River Rationalisation Project

It was reported that that following the formal public notice period, and with there being no appeals received regarding the proposed change in designation of the watercourses, the formal transfers of the Main Rivers and associated Environment Agency assets went ahead on 30 July 2019. Mr Bateman stated that the RSIDB should be proud to have been one of the three pilots who successfully completed the transfers because there were lots of issues that could easily have derailed this project and both the IDB and the EA staff worked well together to overcome all obstacles. Mr Bateman further stated that this cooperation and the work that was needed to get this project over the line has not gone unnoticed. Mr Bateman reported that he attended a meeting with the national team running this project and they are writing documentation which will give greater autonomy to the different areas to carry out de-manning in-house if needed and appropriate in the future. This should involve much less paperwork, obstacles and problems.

The Deputy Vice Chairman stated that the EA's local team was extremely helpful and cooperative throughout the whole project. The Clerk & Engineer added that he considered it to have been a very thorough process with good engagement all round. He added that the delays were mainly caused by the national team needing to address unforeseen circumstances and deciding how to deal with them. The Chairman agreed and congratulated all involved for a successful outcome.

Ref: W4/Rev Review of Water Abstraction Licensing System

The Clerk & Engineer reported that following a review of the licencing system by Defra and the EA it was previously announced that IDBs and other operating authorities had to apply for water abstraction and transfer licences. There have however been further discussions, and some confusion, at national level as to when and where these licences are required and more recently an advice note has been received from the EA notifying Boards that there is no need for licences if the feed structures are within an internal drainage district. This is the case with these Board's structures, therefore the Board does not need to apply for any licences. Operations in future should be covered under a Memorandum of Understanding (when a template has been agreed between the EA and ADA).

Ref: A10-21 East Kent Beaver Advisory Group

The Chairman reported that he has signed the Memorandum of Understanding on behalf of the Board.

Ref: W7G Environment Agency Works

Ms Thompson reported that the Northmouth Sluice is fixed but she will enquire about the Coldharbour Sluice.

Cllr Conolly asked if the Nailbourne is in a good condition to cope with winter rainfall. Ms Thompson replied that remedial works were carried out in the summer: dredging from Drill Lane to Littlebourne; a stopboard structure was installed by Drill Lane to prevent flood flows entering Blackhole Dyke and a stopboard structure was also put in the relief channel below the Ickham Spa to keep flows in the relief channel. Mrs Wyant asked if the outlet on the bend of Nargate Street could take river water down Blackhole Dyke. Ms Thompson replied that there is a penstock there which is generally kept closed unless increased flows are needed in Blackhole Dyke.

Mrs Wyant reported that a tree has fallen across the Little Stour and it has been there for quite some time and asked whose responsibility it is to remove it. Ms Thompson replied that tree removal is a riparian owner's responsibility, but she will investigate and if it is causing an immediate problem or

blockage the EA will remove it. If it is bank to bank and the water flow is low, then its removal will be planned in with other works.

Ref: W5 Planning Applications

The Chairman invited comments on the Planning Applications listed in the F&GP Committee meeting minutes.

Mr Howard stated that there is a lot of concern over the amount of development within the flood plain at Ashford. He is worried that the flow through the hydro-brake at Hothfield will be reduced to further reduce downstream flood risk, but this will increase upstream risk. Dr Pryce replied that the hydro-brakes at Aldington and Hothfield are passive structures and there are no mechanisms to reduce/alter the flows. Ms Thompson added that to do so it would breach the reservoir's capacity, and these structures are designed to allow a certain rate of flow through the reservoirs in a controlled manner.

Ms Dyas asked if the EA are checking that developers are complying with SuDS policy and implementing as agreed. The Clerk & Engineer agreed that this is a concern and commented that the Board does help in this respect. Although it is not possible for the Board to check the full details of on-site SuDS (which should be done by KCC's SuDS team) it does carry out a physical check to ensure that hydro brakes are installed where they discharge into ordinary watercourses and its consent is required. KCC now requests that planning conditions are included in permissions to ensure that Verification Reports are provided as an independent check to confirm that SuDS have been constructed as originally agreed.

Ref: W15 Applications for Consent and Enforcement Actions

The Chairman referred to the Applications for Consent listed in the F&GP Committee meeting minutes and invited comments from the Members.

FINANCE

Drainage Rates & Special Levies Income

The Finance & Rating Officer reported that the current outstanding drainage rates balance is £1,410.20 and that all Special Levies have been paid.

Ref: F.1-2 Interim Audit of Accounts for year ending 31 March 2020

The Chairman reported that the Interim Internal Audit for the year ending 31 March 2020 was carried out by the Board's Internal Auditor on 10 October as per the report included in the F&GP Minutes. The Chairman stated that there were no issues found and just a couple of small suggestions made. There being no further comments the Chairman proposed that the Interim Internal Audit Report for the year ending 31 March 2020 be received and approved, this was seconded by the Deputy Vice Chairman and agreed by all present.

Ref: F.1-5 Annual Governance & Accountability Return (AGAR) YE 31 March 2019
– Conclusion of Audit

It was reported that the Board's External Auditors (PKF Littlejohn LLP) completed their review of the Board's AGAR for the year ended 31 March 2019. The external auditor's certificate and report is given at Section 3 on page 4 of the AGAR and details any matters arising from the review. The external

Mon 19 Oct 2020

Thurs 5 Nov 2020

CCC Offices

The Chairman stated that it would be ideal to have two Members (one appointed and one Elected) who are not in the F&GP Committee who could act as Substitutes when any of the Members on the F&GP Committee could not attend. There being no immediate volunteers the Clerk & Engineer stated that he will email everyone again regarding this before the next round of meetings.

Ref: A. 2-3 Annual Inspection 2019

The Chairman thanked all that organised the Annual Inspection which took place on 10 October 2019 and stated that it was very useful and enjoyed by all who attended. The Clerk & Engineer also thanked Ms Thompson and her Team for their contribution.

Ref: A3-1.8 Policy Statement on Water Level and Flood Risk Management

The Chairman reported that although the Board's Policy Statement on Water Level and Flood Risk Management is not due for review, it has been updated as a result of the recent changes under the RMRN project and it needs to be formally approved and adopted by the Board. It was proposed by the Chairman, seconded by Mr Botting and resolved that the Policy Statement on Water Level and Flood Risk Management be received and approved.

Ref: A3-6 Health & Safety – Company Prosecuted

The Clerk & Engineer reported a recent case of a serious breach of health & safety duties: A construction company and one of its employees have been sentenced for health and safety breaches after another worker was struck and killed by an excavator. A construction site operative was struck by an excavator, crushed against a wall and died from his injuries. An investigation by the Health and Safety Executive found the company failed to ensure the safety, so far as is reasonably practicable, of its employees and of others who were not their employees working on the site. The investigation also found that site supervisor, who was also operating the excavator at the time, failed to take reasonable care for other persons on site at the time.

Clancy Docwra pleaded not guilty but was fined £1,000,000 and ordered to pay costs of £108,502.30. The site supervisor (and plant operator) pleaded not guilty but was given a 6-month custodial sentence, suspended for 12 months and ordered to pay costs of £15,000. Speaking after the hearing, HSE inspector Darren Alldis said: *“This death was wholly preventable and serves as a reminder as to why it is so important for companies and individuals to take their responsibilities to protect others seriously and to take the simple actions necessary to eliminate and minimise risks. If the risks had been properly considered by the company, and simple and appropriate control measures were put in place, then the likelihood of such an incident occurring would have been significantly reduced. Informing all site operatives of the specific risks they face when carrying out such tasks and the control measures required of exclusion zones, the importance of communication and the mandatory use of excavator safety levers were simple actions that should have been put in place and their effectiveness monitored. All those with legal responsibilities must be clear that HSE will not hesitate to take appropriate enforcement action including where appropriate prosecution against those that fall below the required standards”*.

The Clerk & Engineer stated that although the Board's activities are rarely on constructions sites such as this, and formal zoning is probably impractical on our 'moving' sites, there is a risk that members of the public could approach heavy plant without the operator being made aware. He therefore

suggested that consideration be given to improving signage on plant to advise any person nearby to wait for the operator's acknowledgement before approaching or passing. Mr Godden (Rhino Plant) replied that all items of plant are fitted with cameras so the operators can see if anyone approaches, so considered bespoke signage unnecessary. He did however agree to consider improving signage on plant to help minimise risks.