

THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

Minutes of the Online Meeting of the Board held at 14:00 on Thursday 4 February 2021

PRESENT

Mr M J G Tapp BEM (Chairman), Mr G R Steed (Vice Chairman), Cllr M J Burgess (Deputy Vice Chairman), Mr D M Botting, Cllr D Crow-Brown, Ms N H Dyas, Mr D J Fuller, Mr P N Howard, Cllr P D Jull, Cllr D Ledger, Mr A D Linfoot OBE, Cllr N Ovenden, Cllr G B Sparks, Cllr D O Smith, Mr P Williams and Ms G Wyant.

IN ATTENDANCE

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

WELCOME

The Chairman welcomed to the meeting Mr I Nunn (EA FCRM Operations Manager for KSL), Ms D Thompson (EA Incident Response Team Leader – Stour Area), Dr D Price (EA Technical Advisor Swale & Stour Team) and Ms Ghada Mitri Renner (EA Team Leader, Asset Performance Team for Swale & Stour). The Chairman introduced Mr J Williamson (IDB Technical Assistant) and welcomed him to his first meeting of the Board.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M D Conolly, Mr P S Dunn, Mr M P Wilkinson, Mr L Woollorton, Mr R Tournay (EA) and Mr Darren Godden (Rhino Plant Hire).

DECLARATIONS OF INTEREST

Ms Dyas declared a landownership interest on the section of the river Stour at Minster. There were no other declarations of interest.

HEALTH & SAFETY

COVID-19 – the Clerk & Engineer reported that due to the latest national lockdown, attendance at the office has been restricted again to minimise contact between staff. The majority of the Board's routine maintenance programme has been completed, with remaining works currently able to continue. Other key elements of our work, including water level management, consenting and financial reporting will also continue with appropriate controls and Government advice will continue to be followed.

MINUTES OF THE MEETING OF THE BOARD HELD ON THURSDAY 5 NOVEMBER 2020

The minutes of the Board held on Thursday 5 November 2020 were received. It was proposed by Mr Linfoot, seconded by Cllr Sparks 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 18 JANUARY 2021

It was proposed by Mr Steed, seconded by Mr Linfoot and resolved that the minutes of the meeting of the Finance, General Purposes & Works Committee held on Monday 18 January 2021 be received.

MATTERS ARISING FROM THE MINUTES

ANY OTHER BUSINESS

The Clerk & Engineer reported that he received feedback from the EA's Environmental Protection Department about the reported incident on the A20 where a waste lorry appeared to be dropping its potentially contaminated load whilst passing through flood water. They stated that the location was not clear, and they are unable to follow it up, although it is not considered to be a serious problem. They further encouraged these reports as a good source of information.

WATERCOURSE MAINTENANCE WORKS ESTIMATES AND COMBINED FINANCE ESTIMATES FOR THE YEAR ENDING 31 MARCH 2022

The Chairman ran through the Watercourse Maintenance Works Estimates which include Water Level Control & Emergency Response and reported that the revised estimates for the maintenance works for the year ending 31 March 2021 totals £321,904 (£1,402 under the Original Budget (OB)) and it is split as follows: Weed Cutting revised to £149,000 (£3,997 under OB); Desilting expected to be £36,380 (£417 over OB); Spoil Spreading £5,493 (£3,099 under OB); Tree & Shrub Maintenance £18,000 (£2,000 over OB); Obstruction Clearance and Structure Maintenance still expected to be £2,800 and £25,500 respectively; the Biodiversity budget had increased to £12,000 due to the extra work on the renewal of the Board's BAP (£3,000 over OB) and Water Level Control increased by £277 to £72,731 – this figure is the total cost of carrying out Water Level Control activities for the IDB and the EA for which the EA contributes under the PSCA.

The Chairman reported that the Combined Finance Estimates for the 2021-2022 financial year include the Watercourse Maintenance Works Estimates and after going through these he summarised that the 2020-2021 financial year net expenditure totals are expected to be approximately £571,515 (£32,259 below the original estimate resulting from an estimated underspend of £3,314 and an income increase of £28,945 – which includes £10,000 Government Covid-19 Grant).

The Chairman reported that the Environment Agency has confirmed a 1.9% increase on the 2020-2021 Precept of £92,295, therefore the Precept payment for the year ending 31 March 2022 will be £94,049.

The Chairman explained that due to some underspend in other areas we were able to increase the Building Maintenance budget by £2,000 for the current year to enable more works to be carried out – the porch/small conservatory to the flat has been renovated and the heating systems to both the office and the flat are to be done in February; there is also a severe case of mould in the flat that needs addressing quickly and still a lot of work needs to be done to update both the flat and the office premises. Therefore, it was suggested that any underspent budget in 2020-21 be added to the Building Maintenance budget to allow for the necessary works to be carried out – this will not affect the overall figures.

The Chairman reported that, as at 31 March 2021, there will be £80,000 on the Old Thrustbore Reserve (with a suggested target of £140,000), £330,524 on the Main River Asset Transfer Fund and an estimated balance of £326,906 on the Board's Financial Reserves for which a target of £350,000 was previously set and re-confirmed by the Board at its meeting on 5 November 2020. There is also a Structures Fund and a Building Maintenance Fund which are currently £24,249 and £4,645 respectively but balances may differ by 31 March 2021, depending on works carried out.

The Chairman stated that the net estimated sum needed to carry out the Board's activities for the year ending 31 March 2022 is £628,053 – raising this exact amount would result in an overall increase of 3.03% on last year's total raised amount, this option (Option 4) plus another 5 Options were presented to the Board. The Chairman reported that following some discussion at the Finance, General Purposes & Works Committee Option 3 (1.99% increase on last year's amount raised) was recommended to the Board; this will raise £621,706 from rates and levies and will use £6,347 from Balances for the financial year ending 31 March 2022. There being no further proposals it was proposed by the Chairman, seconded by Cllr Burgess and resolved that the Board will adopt Option 3 for the financial year ending 31 March 2022 and:

- a) A total sum of £621,706 be raised.
- b) A rate of 13.8399p in the pound be made for the year ending 31 March 2022, raising £63,165 from Drainage Ratepayers.
- c) Special Levies be made on Local Billing Authorities for the year ending 31 March 2022 as follows:

Ashford Borough Council	£263,296
Canterbury City Council	£126,956
Dover District Council	£ 77,023
Folkestone & Hythe District Council	£ 559
Thanet District Council	£ 90,707
	<u>£558,541</u>

- d) The Chairman and the Clerk & Engineer be authorised to sign and seal the Rates and Special Levies on behalf of the Board.
- e) The Clerk & Engineer be instructed to advertise the Rates and Special Levies on the Board's website and noticeboard.

All Members voted in favour.

Joint Report of the Clerk & Engineer and Finance & Rating Officer for the period 1 October to 31 December 2020

Ref: W7 IDB Programme of Works (Including works carried out under PSCA)

De-silting

The Clerk & Engineer reported that the planned de-silting of the upper reach of Whitewater Dyke at Shadoxhurst has been further delayed due to the recent wet weather but should be done soon. He also reported that with regards to the highlighted problems on the Sarre Penn, some in-channel tree clearance work will be carried out downstream on the River Wantsum by the EA.

Ref: A4-3 Biodiversity Action Plan (BAP)

The Chairman reported that the BAP Sub-Committee has met to discuss the review and it was decided to ensure that it meets with the requirements of the Association of Drainage Authorities' new template and guidance. This has caused a slight delay in producing the final document and the BAP budget has also been increased by £3,000 to reflect this late change. It is hoped that the final document will be completed for the Board's review and adoption at its meeting in May.

The Chairman referred the Members to the "*Review of Actions Taken to Implement the Biodiversity Action Plan*" document and invited comments and questions. Mr M Thomas (KSCP) stated that he has been updating the new BAP document in line with ADA's template and he has added new sections not previously included, such as Invasive Non-Native Species, and he also needs to include reference to Water Level Management Plans and Tree Protection Orders. He has worked on the Habitat Action Plans and the new guidelines make this a more streamlined document, more targeted with simpler objectives and goals which are measurable (quantitative rather than qualitative) which means reordering and editing the actions. Mr Thomas stated that he will discuss details with the Clerk & Engineer before progressing this section as the IDB will have to report progress against these goals, so they need to be appropriate and able to capture previous actions.

Mr Thomas reported that he is currently working on the Species Action Plans, which also need to be more specific, measurable, realistic and timed, taking into account what has been carried out over the last 10 years and any new initiatives that have arisen such as the White Clawed Crayfish Strategy for East Kent.

Mr Thomas reported that following this he will work on the Procedural Action Plan which is about routine biodiversity considerations in day-to-day maintenance and the working culture. Lastly the Implementation Section will need editing to consider lessons learned over the last 10 years and then Monitoring and Reporting.

The Clerk & Engineer asked for this document to be accepted if members are happy with the report's content as a summary of what has been done over the last 5 years and the updated objectives for the next five. It was proposed by the Chairman, seconded by Cllr Crow-Brown and resolved that the 5-year Review of BAP Actions be approved and received. All Members agreed.

Ref: W7G Environment Agency Works

The Chairman reported that the EA provided a summary of activities for the period between October and December 2020 (listed on the F&GP Minutes) and invited further comments or questions.

Mr Howard asked what general maintenance and improvements are being done on the embankments at Aldington and Hothfield Flood Storage Reservoirs. Ms Thompson replied that this will include grass cutting and pioneering.

Mr Howard asked what triggers the incident response at Aldington and Hothfield because he experienced the road at Hothfield being closed too early. Mr Nunn replied that there is a gauge which can be accessed on the gov.uk website as well as at the Hothfield and Aldington Reservoirs so that you can see the upstream level and there are different actions triggered at certain points and an alarm at Hothfield reservoir will trigger the road closure. Mr Nunn further stated that there was an issue between what the telemetry was saying and the actual level, so the road was closed earlier than need be, but this gauge has now been adjusted. Dr Price reported that he is to review the threshold for the alarm as he believes it to be too low, leading to the problem of the road being closed too early. Ms Thompson stated that as soon

as any of the reservoirs start to impound, they are inspected daily and if the levels increase, they will be inspected twice daily.

Mr Howard asked if a site meeting could be held to discuss the road closure signage, as the positions of signs could be improved. Ms Mitri Renner suggested a post-winter debrief to look at all these issues. Mr Howard agreed this would be helpful.

Ms Dyas raised the ongoing eel problem at Minster Pumping Station, which controls the levels on the marshes. She thanked Mr Nunn and the Clerk & Engineer for coming to a compromise, allowing the pump to run overnight, but unfortunately this has not always been the case this winter due to the EA's legal obligation to protect the eels. She asked if it would be possible for one of the pumps to be upgraded to a fish-friendly pump which would protect the resident eel population throughout the year as well as protecting the marshes and allow for better flood management across the whole area reducing the flooding risk to the nearby villages. This would also protect the rest of the marsh ecosystem, especially water voles as all their burrows are being inundated. The lower Stour marshes are a nationally important area for this protected species. Mr Nunn agreed and stated that there has been a lot of discussion about what can and cannot be done, and the replacement of the Minster pumps was priced, and it was unaffordable. Mr Nunn further stated that the way things are done currently is not sustainable, as it is causing problems and a lot of extra work with no additional funding. He confirmed that he will continue to liaise with the Board regarding this situation.

The Chairman asked if anything could be done to help support the EA's operations team to put a constructive argument forward. The Clerk & Engineer asked if the Minster pumps were identified as high-risk assets, in terms of eel and fish-passage, which might attract funding for improvements. Mr Nunn replied that unfortunately it is not, stating that Treasury requires that Flood Defence Funding is spent on flood defence and not biodiversity, there is no current funding for biodiversity activities such as the work that needs doing at Minster.

Mr Nunn stated that they hoped that the work done by a PHD student would have helped, but unfortunately it has not proved so. Mr Thomas asked what his remit was. Mr Nunn replied that he has been doing a study on eel migration and designed an eel capturing device that is fitted to an inlet pump allowing them to count and tag eels. This has been done over the last couple of years, but its state of development demands too much staff time to continue with this and the study is coming to an end. Mr Thomas expressed an interest in the data collected and Mr Nunn suggested he makes contact with the EA's local Fisheries Officer, Mr David Powell.

Ref: W5 Planning Applications

The Chairman ran through the Planning Applications listed in the F&GP Committee meeting minutes.

Ref: W15 Applications for Consent and Enforcement Actions

The Chairman ran through the applications for Consent listed in the F&GP Committee meeting minutes.

Ref: W15 Consenting Process

The Chairman stated that currently Consents are posted to him for signature, but this is holding up the process. He reported that following discussions between the Chairmen it was decided that once the consultation has gone through and it is agreed to go ahead, the signing process can be done by email in future. All present supported this decision.

Ref: F.5-4 Watercourse Maintenance Contract

The Chairman reported that the Board's Watercourse Maintenance Contract with Rhino Plant Hire runs until 31 March 2022 and it needs to be reviewed and re-tendered this year. Therefore, a sub-committee needs to be appointed with the delegated authority to carry out this review, re-tender the contract and appoint a Contractor to commence on 1 April 2022. He further reported that the Finance Committee recommended the Contracts sub-committee be composed of the 3 Chairmen, Cllr Crow-Brown and another member, to be decided at this meeting. There being no other volunteers present, the Clerk & Engineer was asked to enquire with the three members not present if they would be willing to join this sub-committee. It was proposed by the Chairman, seconded by Cllr Sparks and resolved that the Contracts Sub-Committee be composed of the Chairman, Mr Steed, Cllr Burgess, Cllr Crow-Brown with the possibility that another member may also join as above.

Ref: F6-1 Environment Agency Precept

The Chairman reported that the Environment Agency's increase to the annual Precept for 2021-22 is 1.9%, which brings it to £94,049. A draft Precept report for 2020-2021 was shared with the members and the Clerk & Engineer ran through it highlighting the main items:

- Allocation of the spent 2020-2021 Precept – detailing how much has been spent and where.
- Possible allocation of the remainder balance with priority to the pioneering on the Upper Stour, purchase of a mobile pump and the purchase of a robo-mower to be used on the Sandwich scheme embankments.
- Proposed expenditure for 2021-2022 includes Water Level Control, Sarre Penn & River Wantsum various works, general pioneering, repairs to Monkton Engine Feed and the Minster Freshwater Sluice (which may help to address the eel problem).

The Clerk & Engineer asked if there were any questions on the previous allocations or any suggestions for next year's precept allocations. There being no comments or concerns, it was proposed by the Chairman, seconded by Mr Steed and agreed that this report be received. Mr Nunn stated that the final report will be ready for the Board meeting in May for approval.

ADMINISTRATIONRef: A2-3.1 Members Training – Governance & Accountability

The Chairman reported that he watched the training module provided by the Association of Drainage Authorities which focussed on Managing Risks and Hazards and encouraged all Members to watch it.

Ref: A3-2 Election of Members

The Chairman reported that every three years, the Board is required to hold an election of its Members representing Agricultural Ratepayers. Therefore 2021 is an election year and it is necessary for the Board to fix the date of the election and to instruct the Clerk of the Board to prepare the Register of Electors. The suggested date for the election is the 21 October 2021.

It was proposed by the Chairman, seconded by Cllr Ledger and resolved that:

- a) Thursday 21 October 2021, or an alternate chosen date, be fixed as the date of the election, and
- b) The Clerk & Engineer of the Board, as Returning Officer, be instructed to prepare the Register of Electors.

Ref: A8-1 ADA – Red Diesel

The Chairman reported that following the Government announcement regarding the phasing out of red diesel, ADA is currently engaging with HM Treasury regarding IDBs' use of red diesel. It is hoped that a suitable exemption will remain in place for IDBs, but looking further ahead, whether in the immediate or medium term, the phasing out of red diesel is expected for all uses and this needs to be taken into consideration, especially when re-tendering the maintenance contract.

ANY OTHER BUSINESS

ADA's Policy and Finance Committee

The Chairman congratulated the Clerk & Engineer for joining ADA's Policy and Finance Committee, stating that it will be helpful to keep more informed and relate the Board's views.

Developers' Contributions

The Chairman referred Members to the document produced by the Water Management Alliance (WMA) on the Development Control Charges and Fees. The Clerk & Engineer reported that the Board may wish to consider charging Surface Water Development Contributions, as done by the WMA and set out on this document, in order to help improve the maintenance of the drainage network.

Other charges that can be considered are consenting fees, the Board currently charges a Consent application fee of £50 in accordance with the Land Drainage Act, but this charge can be extended to applications which are in accordance with the Board's Byelaws.

Mr P Camomile (WMA) has offered to assist the Board in explaining and possibly implementing these charges as another form of income, to enable the Board to carry out additional works. The Clerk & Engineer asked if the Board is happy in principle to implement this and to set up a small sub-committee. All agreed that a small sub-committee should be set up to progress this matter. It was proposed by the Chairman, seconded by Mr Steed and resolved that this sub-committee be formed by the Chairman, Mr Steed, Cllr Burgess and Cllr Jull. The sub-committee will report back to the Board in due course.

Mr Thomas asked if there are any charges based on water quality because presumably an increased discharge from a development will increase pollution. The Clerk & Engineer replied that water quality issues are managed by the EA, mainly through the planning process, and confirmed that these charges relate to runoff rates and volumes.

Jill Thomas – Secretary to the Little Stour & Nailbourne River Management Group

The Chairman reported that following the death of Ms Jill Thomas, who did a lot of good work to benefit local flood risk, a donation of £50 was forwarded to her chosen charity – The Friends of Bokesbourne Church.

Ref: A2-2 RULES & STANDING ORDERS OF THE BOARD

The Clerk & Engineer noted that the Change to the Standing Orders enabling the Board to hold virtual meetings only extends to the 7 May 2021, therefore ADA has asked Defra for an extension of this, and it was suggested that this could be a permanent option. The Clerk & Engineer asked the Board Members if they would like to keep this as a permanent option for the future to be able to hold meetings remotely

and to allow people to join remotely. Mr A D Linfoot stated that it is a good idea to retain the power and possibly add to the wording that it is only expected to be used exceptionally.

Cllr Jull stated that Board meetings are open to the public and holding them remotely may deter members of the public from joining in.

Planning Applications

Mr P N Howard asked at what stage is the Board consulted about planning applications and can comment. The Clerk & Engineer replied that there is a recommendation to involve IDBs on any works within or affecting an IDB's drainage district, but the Board is not a statutory consultee for planning applications, so we are not consulted consistently. We intend to create better links with council's planning departments, so we are consulted more consistently on works that affect the IDB.

The situation is similar with Land Drainage Consent applications and we would rather be consulted before any plans have been drawn so that we can make comments and suggest how best to do things rather than developer have a detailed proposal that will have to be changed therefore the earlier we are contacted the better.

Cllr Burgess stated that he agrees with pre application consultation but they planning applications do not become public until they are lodged.

Mr P N Howard asked Cllr Burgess if all the planning applications within the Stodmarsh area are on hold due to the controversy over nitrates. Cllr Burgess replied that there are a lot on hold, but the Council is developing a process of assessment.

MEETING CLOSED

There being no other business the Chairman thanked the Members and the Environment Agency representatives for their attendance and declared the meeting closed.

27 May 2021

The Vice Chairman