

NORTH KENT MARSHES INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING OF THE BOARD HELD AT 13 CONQUEROR COURT, SITTINGBOURNE ON MONDAY 13 JUNE 2022 AT 1PM

Members of the Board Present

Chairman: Cllr G Etheridge

A Bates

Cllr H Browne

Cllr C Buckwell

D Long (part of the meeting)

J Nash

J Nottage

Cllr J Wallace (part of the meeting)

B Wright

In attendance

P Haselhurst – Clerk

C Longden – Finance Officer

L Rowland – Office Manager

K Boon, Environment Agency (part of the meeting)

1. WELCOME AND INTRODUCTIONS

2. APOLOGIES FOR ABSENCE

Apologies were received from H Craske and L Croxton.

3. ITEMS OF INTEREST DECLARATION

No items declared.

4. HEALTH & SAFETY

The Clerk confirmed she did not have any health and safety matters to raise and asked Members if they wished to raise anything?

G Etheridge asked about the defibrillators the Lower Medway IDB were purchasing.

The Clerk confirmed that four were being purchased, one for the office, one for the depot, and two for mobile use.

5. MINUTES

RECEIVED (Appendix 1) the Minutes of the Meeting of the Board held on 18 January 2022.

The Clerk asked Members if they had any comments they wished to make.

There being no comments, minutes were considered approved.

6. ACTION LIST & MATTERS ARISING FROM PREVIOUS MINUTES

RECEIVED (Appendix 2) a copy of the Action Tracker.

The Clerk talked through the outstanding items as follows:

Members Site Visits – Allhallows Sluice was suggested for later in the year.

Action – The Clerk to send doodle poll to Members with some potential dates.

Service Level Agreement with LMIDB IDB to be signed – S Mair, LMIDB Chairman will sign on Monday at their Finance Meeting.

Wet signatures required for Risk Management Strategy – The Clerk confirmed that she had checked and there was no reason for a wet signature, and this was now completed.

Clerk to send map of areas for potential IDB work to KB at EA – confirmed this had been done and discussed with K Boon. Subject to resource including costs and time, LMIDB workforce will be doing desilting work for NKMIDB on an adopted watercourses and potentially on main river at Shorne Marshes. More information needs to be sent to K Boon to pass on to her successor.

Action – Clerk to send more information to K Boon regarding works at Shorne Marshes.

A detailed discussion took place regarding Snakey Lane and the land being unregistered. The Clerk said that the position of the culvert was neither part of an IDB adopted watercourse or a main river and that she suspected the land above it was unregistered.

Katie Boon confirmed that the EA ops team have some access issues in this area and therefore there may be potential for the EA and IDB to work together to upgrade the culvert.

Ben Wright stated that this was a pinch point and that doing desilting works would alleviate the situation, but that there was little point undertaking works downstream if the issue of the maintenance and capacity of the Snakey Lane culvert remained.

The Clerk agreed and thanked Ben Wright for continuing to raise this issue.

On a proposition by G Etheridge seconded by B Wright, it was **AGREED** to look into the maintenance costs for Snakey Lane on the basis of the Lower Medway IDB maintaining it and to work with EA on a potential replacement project.

Action – The clerk to investigate Snakey Lane Maintenance costs and to look at look at costs to replace culvert for the next Board meeting.

KB at EA to provide more information on Precept when available – will be covered under Item 8 later in the agenda.

Clerk and Chairman to sign Drainage Rates and Special Levies Certificate – will be done today.

Members Training - The Clerk asked Members if they had any training requirements?

H Browne said although not training, she suggested an update on Southern Water would be helpful.

The Clerk said that she would like to keep this separate from the Members Day, however she thought it would be helpful to invite them to the next Board meeting in January.

H Browne said that she intended that the Clerk provided a presentation at the training day. The Clerk explained that Southern Water were currently consulting on their latest work for Drainage and Wastewater Management Action Plans across the region and that she was not best placed to give a detailed presentation on this, but would invite them along to give a presentation.

Action – Clerk to invite Southern Water to January 2023 Board meeting.

Clerk to look into provision/evidence for Business Case for tilting weir at Shorne Marshes – will be discussed later in agenda.

7. GOVERNANCE UPDATE

RECEIVED (Appendix 3) the Register of Members' Interest Form for the financial year commencing April 2022.

The Clerk reminded Members that they need to complete a new form each financial year and confirmed that those Members that are also on the Board of the LMIDB were only required to complete one form.

8. ENVIRONMENT AGENCY UPDATE

RECEIVED (Appendix 4) a copy of the EA NKM Annual Precept Report for 2021-2022.

K Boon displayed the NKM Annual Precept Report for 2021-2022 on screen and talked through the report for Members.

K Boon asked Members if they had any questions?

C Buckwell asked about the Thames Estuary 2100 update on page 7, and said he was a bit alarmed where it refers to the flood issues in the last paragraph "This includes working with the Power infrastructure providers and businesses in the Isle of Grain industrial area to

identity the flood defence requirements and significant funding needs now and over the next 50 years.” He asked if there is a Joint Committee to decide the flood risk area for the industrial section, and will there be a financial request to those industrial businesses to contribute towards the funding needed, which appears to be a costly and a very significant amount of work required? He asked if this was as serious as it seems to read?

K Boon said it wasn't as serious as it seems to read. She explained that in the Isle of Grain in terms of working with the infrastructure providers, she believes there is a forum that Rich Westcott attends that includes the different stakeholders from the Grain industrial area. She explained that there has been an issue in that many industrial players had done their own flood risk modelling which differs from the EA flood risk modelling and therefore hadn't accounted for key things, and the EA need to make sure we are all singing off the same hymn sheet and we all fully understand the risk involved to the industrial area. She said something else to highlight was that the flood defences, they were part of the Medway Estuary defences and not part of the Thames Tidal defences they were built to a 1 in 200 standard of protection at the industrial area and given that there is critical infrastructure a current debate they are having/risks they have highlighted internally that should they actually be 1 in 1,000 standard of protection given to what is at risk. She explained this is what has led the EA undertaking the Standard of Protection and Resilience Study and is this is due to complete at the end of summer. Trying to understand existing risks now and by 2040 when the flood defence raising needs to happen there. She confirmed that funding is a big risk, as this area is only 8% funded, they need the remaining percentage from partnership funding.

D Long said that £16,000 for fish trap door was expensive.

K Boon explained that this included everything down to project management time, health and safety and this was not just for the construction work itself.

The Clerk said it would be useful to have breakdown of costs that were being put forward for various projects for the future in the precept reports so we can see exactly what has been spent where and then we would be able to make some more informed comments.

D Long said had it had gone out to tender/we used private company it could have been done at a fraction of the cost.

K Boon said that a lot of work goes into the EA procurement/tender procedure. However, she appreciated the comment and agreed the costs were high. She said if they contracted out to an IDB for example, who have much more flexibility to get different prices we would be looking at a much lower cost, but they are constrained a lot of the time unless the work comes in under £5,000.

The Clerk said this was a good point and was something for the IDB and Members to be mindful of and that the resources are really tight across the EA. She added if and when we can pick up the slack as an IDB, there is an opportunity for us to procure locally to get the best costs.

J Nash said that the EA use a preferred contractors list and can do work at half or even a third of the cost probably, but the EA have so many restrictions before they can spend money, so it becomes a lot more expensive than it could be. The reality is lot of the work included in the precept potentially could be done significantly cheaper, but the reality is it's not going to be.

The Clerk said that she wants to get in a place where both IDBs have enough resource to start to pick up the slack and deliver projects a lot less expensively potentially. She said having a breakdown of the costs where possible in advance, so we can scrutinise them and challenge them in more proactive manner would be helpful.

K Boon confirmed that her successor, Paul Britten will be the new contact and she would pass this message on as an improvement that is required.

G Etheridge asked a question regarding the Thames Estuary 2100, he referred to the bottom of page 7 where it says "Medway Council has put the area forward for economic regeneration within their emerging local plan. However, a long-term commitment to investment in flood defences is required to secure this growth." He asked if the contacts at the Medway Council were aware we were looking at beyond a 1 in 1000 year event as opposed to a 1 in 200 year event and who are the contacts at Medway Council regarding this?

The Clerk explained that the area where the Local Plan applied was mainly covered by the Medway Estuary Swale Strategy (MEASS) as opposed to the Thames 2100 Plan. She confirmed that she had ensured that the Medway flood risk evidence to support the Local Plan included the reference to the MEASS where appropriate. She confirmed that Gabby Bussley was the contact at Medway Council and she will be hotdesking with us once a month and she is in close contact with her.

K Boon said she was unable to answer the question regarding Medway Council knowing about the investigation into the standard of protection as this was something that Richard Westcott was leading on, however, no decisions will be made before any engagement happens.

A Bates asked about Higham Marshes Tidal Embankment seeding exceeding £10,000 as this was a lot for seeding and also asked what "Alexander" was?

C Buckwell confirmed it was a wild celery/native parsley and it's a major problem because it spreads so quickly.

K Boon said she was also shocked by the costs of this and said that they were on a capital recovery programme and they were in a contract which they were locked into. She confirmed this was not just seeding, but also health and safety costs and because of the complexity of the site, ground conditions etc this has contributed to the high costs.

J Wallace asked if it was possible to do estimates of costings so there is some sort of ballpark figure (lower and higher) so we can have a feel for how much might be coming through.

Action – The EA to provide more detailed breakdown of precept costing in advance, if possible, certainly in retrospect.

The Clerk confirmed that K Boon was leaving the EA shortly and she had enjoyed working with her over the years and wanted to thank her on behalf of the Board for her input and wish her well for the future.

K Boon left the meeting.

The Clerk confirmed that she will be in contact with Paul Britten.

D Long left the meeting.

9. ITEMS FOR DISCUSSION & DECISION

RECEIVED (Appendix 5) Clerks paper for Adoption of Byelaws.

RECEIVED (Appendix 5a) Model Land Drainage Byelaws.

RECEIVED (Appendix 5b) Water Management Alliance Development Control Charges and Fees.

The Clerk confirmed that the purpose of Appendix 5 is to propose that the Board consider the adoption of additional Byelaws under the Land Drainage Act. She explained that Appendix 5a includes a list of those Byelaws and the key Byelaw is number 3 - "Control of Introduction of Water and Increase in Flow or Volume of Water". She explained that the LMIDB have already adopted these Byelaws a number of years ago and she would like to have consistency across the two Boards. This will also allow the Board to have more control as to the activities that go on across the North Kent Marshes.

The Clerk explained that Byelaw number 3 gives us the power as a Board to request contributions from developers who may be proposing developments around the perimeter or within our district and where they are looking to discharge their surface water into our district, we can charge them on the basis of how much water, what the flow of water will be and how big their development is. She said that any money the LMIDB collects gets put into a development fund reserve which can be used to upgrade assets across the district. She explained this is an additional pot of funding on top of the rates and levies payments, and she would like to follow suit for the NKMIDB.

A detailed discussion was held regarding adopting the Byelaws, what this would mean for the Board and what the powers would be if the Byelaws were breached. A discussion around resourcing for enforcing the byelaws took place. The Clerk explained that most of the byelaws were not representative of known issues currently occurring across the marshes, and there would need to be an appropriate policy agreed with the Board, and executive process to enforce any of the byelaws. Landowners asked if enforcement could take place against them if for example there was damage to the banks caused by their activities? The Clerk explained that the byelaws would provide more protection to landowners if byelaws were flouted by third parties and was not aware of any activities undertaken by landowners that would result in damage. Moreover, the Board would be asked to support any enforcement activity. She explained that in the main, looking long term with respect to climate change adaptation, and the objectives that were likely to come out of the Water Level Management Plan work, she wants to ensure that any development activity is supportive of the need to adapt and that the Board have the funding to make those adaptations where they are needed.

The general feel was that it was better to have the Byelaws in place.

J Wallace left the meeting at 2.45pm.

On a proposition by A Bates seconded by H Browne, it was **AGREED** to adopt the Byelaws.

The Clerk confirmed that she has to consult with stakeholders that this may impact initially to start the formal process of adopting the Byelaws, then advertise in the local press, then submit the scheme to DEFRA.

Action – Clerk to initiate the process to adopt the Byelaws.

RECEIVED (Appendix 6) Clerks paper for Biodiversity Action Plan.

RECEIVED (Appendix 6a) ADA Internal Drainage Board Biodiversity Action Plan Guidance Document.

RECEIVED (Appendix 6b) IDB Biodiversity Action Plan Template.

The Clerk raised the issue of the Biodiversity Action Plan (BAP) and confirmed that ADA has asked if the NKMIDB had progressed with the BAP? She explained that this hadn't been done yet as she has been waiting to get in place the Water Level Management Plan first, which had been delayed due to the pandemic. ADA then advised to get them both done at the same time. She explained that the Environment Act that has very recently come into fruition puts stronger legislative responsibilities on public authorities, including IDBs to not only monitor their environmental impact, but also asks us to put a strategy in place to demonstrate how we enhance the environment. She therefore would like to propose that we move forward with the BAP.

The Clerk raised the issue of where the funding for the BAP would come from. She confirmed that we have put aside £18,000 to replace an existing stopboard structure/tilting weir on the Shorne Marshes. Having since been out there and had further discussions with J Nash, she is aware that the Snakey Lane culvert is a bigger priority, as well as continued desilting and maintenance of the main rivers and Shorne Marsh watercourse. Also, she doesn't quite have the strategic evidence base in place to give the Board comfort that we should be putting in the tilting weir and therefore she would like to use the money put aside for this and assign it to finish to the BAP so we are prepared legislatively and can complete it this year. Then get the Water Level Management Plan done and look to have more of a strategy in place for next year as to where we might put/replace control structures. She said that she does not want to forget the tilting weir and wants to keep that on the radar for the future.

H Browne asked if the EA would already hold the base information, we needed for our BAP?

The Clerk confirmed that this information is out there, and we would have access to this and be able to collate it. She said our BAP would focus on the specific operations and interests across the NKIDB area and she wasn't expecting a huge quote for this.

G Etheridge raised a question around page 2 point 2.4 (request associated map), and 3.3 (clarification needed for conserving/enhancing). J Nash clarified the differences between the two and how the BAP looks at each.

On a proposition by G Etheridge seconded by B Wright, it was **AGREED** to divert the budget put aside for the Shorne Marshes tilting weir to fund the BAP.

On a proposition by B Wright seconded by H Browne, it was **AGREED** to go out to tender for the BAP.

Action – The Clerk to gain 3 quotes for BAP.

B Wright spotted that point 3.6 should be January 2023, rather than January 2022 and the numbering had gone from 3.10 to 5, rather than 4.

10. CLERKS REPORT

RECEIVED (Appendix 7) the Clerks Report.

The Clerk summarised what was included in her report by confirming there was continued progress aligning the NKMIDB and LMIDB, the new Handelsbanken bank account was ready to be set-up subject to a signature today. £179,000 would be transferred to the new Handelsbanken account and we are now set up on Sage and are ready for the budgeting information to be entered, which the Finance Officer will be doing over the coming weeks.

The Clerk continued by confirming that at the beginning of July she will be creating a corporate strategy for both Boards and she was looking to engage with Members perhaps during the site visit day.

She confirmed that desilting works had been completed at Curtis and Harvey, Cliffe and Allhallows and she worked with D Long, DP World landowner, Natural England and a contractor to administer the works on Cooling Marsh which D Long was really pleased with.

Two land drainage consents applications received as follows:

- Kingsmead Park – installation of surface water outfall and headwall to serve a new caravan park.
- KWCA Cooling Marsh (RSPB) – 2 dams, 4 culverts, 1 dam changed to a culvert with control pipe, 1 culvert replacing pipe, 4 crossing points.

J Nash explained to Members in more detail what this involved.

Planning applications received as follows:

Medway Council – Land to the East and West of Church Street Cliffe, Rochester

The Clerk explained this is a big development inside our district of circa 250 dwellings.

B Wright and the Clerk had a discussion regarding whether this site was a mixture of clay and chalk or not. B Wright was concerned regarding groundwater flooding as there is a lot of chalk in the area. The Clerk said she believed it was in an area of perched clay.

The Clerk confirmed she would ask Gabby to keep an eye out when there is further progress. The Clerk raised the issue of the Watercourse Level Management Plan. She said as the next Board meeting was not until January, she would like to pull together a workshop that could involve the corporate strategy and/or site visit and the outcomes of the Water Level Management Plan in the autumn.

H Browne welcomed the new Finance Office and thanked her, the Clerk and the Office Manager for their work, especially with the alignment work on behalf of the Board.

11. FINANCE UPDATES

RECEIVED (Appendix 8) the Adjusted Budget and End of Year Accounts for the year ending 31 March 2022.

The Clerk explained the high reserves of £179,062.90 was due to the EA not invoicing for the precept yet for the last financial year and the £120,860.80 previously approved budget has not changed.

The Clerk asked Members if they had any questions?

B Wright asked about the double ADA subscription.

The Clerk explained that this was due to this being paid last year and also some of this year already.

The Clerk explained that £32,000 higher than normal Service Legal Agreement figure was due to retrospective charges from LMIDB for the period of 1 December 2021-31 March 2022.

B Wright asked what was the reason for the maintenance work being more than usual last year?

The Clerk explained that this included the work we did on behalf of DP World, which we subsequently charged back but we had to account for it as an expenditure.

On a proposition by A Bates seconded by B Wright, it was **AGREED** to accept the End of Year Accounts.

RECEIVED (Appendix 9) containing Agreement to set up Bank Account

The Clerk confirmed that she would like the approval to go ahead and open the Handelsbanken account and had a form that herself and the Chairman needed to sign.

The Clerk mentioned that for any items that needed paying recently have been charged to the LMIDB and will be recharged to the NKMIDB.

On a proposition by J Nash seconded by C Buckwell it was **AGREED** to open the Handelsbanken bank account.

RECEIVED (Appendix 10 & 10a) Medway Council & Gravesham Borough Council end of year internal audit report carried out 24 May 2022.

The Clerk said that she was pleased with the Internal Audit report and highlighted the following areas:

2.5 – Expected income not fully received - small amount of £44.24 unpaid levies for the year.

2.12 – Transparency Code to be reviewed – all requirements not met. The Clerk explained the Transparency Code and that it is recommended that we publish a detailed breakdown of our end of year figures/transactions on our website. She confirmed this is something we do not have to do, but she would like to look at doing this next year.

2.14 – AGAR 2020-21 – External auditors certificate not published by 30 September. The Clerk confirmed she was slightly late publishing this and this will be done in time for this year's accounts.

RECEIVED (Appendix 11) the Annual Return (AGAR) for the year ending March 2022.

All Members present **RESOLVED** that the Chairman and Clerk should sign and date Section 1 & 2 of the Annual Return.

REPORTED that Section 3 relates to the External Auditor Report and Certificate and the Annual Internal Audit Report 2020/2021.

REPORTED that PKF LittleJohn LLP will complete the first page of Section 3 and this is where any comments on their findings will be made.

REPORTED that Medway Council & Gravesham Borough Council, the Boards Internal Auditor completed the second page of Section 3 on 24 May 2022.

12. ADA UPDATES

The Clerk confirmed that ADA are working on an Environmental Good Governance Guidance which will help inform some of our operations and tie in nicely with the forthcoming Biodiversity Action Plan. She confirmed she had supported them at the Flood and Coastal Conference in Telford last week, which was really good, and they have their annual conference coming up later in the year.

13. FORWARD LOOK

Future Meetings

The Clerk confirmed the Hoo Peninsula Water Level Management Partnership will be held in September/October time.

The Clerk confirmed the next Board Meeting will be held in January 2023, exact date TBC.

The Clerk confirmed she will come back to Members with regards to a date for the Members site visit.

Website

The Clerk displayed the new LMIDB and NKMIDB website the screen for Members to have a look at.

14. ANY OTHER BUSINESS & CLOSE OF MEETING

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