

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

BOARD MEETING

Minutes of the meeting held at 2pm on 4 November 2014 at Vale House, Stewartby.

PRESENT: P Bowsher; F Chapman; A Dransfield (*arr. 2.17pm*); R Exon; A Gurney; N Hawes; R Haynes; P Hiron; H J Hunt; K Janes; V McPake; H Powell-Shedden; D Prosser; B Spurr; and N Warren.

IN ATTENDANCE: F Bowler (Clerk/Chief Executive), J Oldfield (Director of Operations), and R Easom (Committee Clerk).

The Clerk took the chair, pro tem.

1 APOLOGIES

No apologies were received prior to the meeting. Mr A Webb sent his apologies after the meeting: the diversion due to the road closure meant he was too late to attend.

2 DECLARATION OF MEMBERS' INTEREST

There were no declarations of interest.

3 ELECTION OF CHAIRMAN

Mr Powell-Shedden was elected as Chairman, unanimously.

4 ELECTION OF VICE CHAIRMAN

Members agreed to delay the election of the Vice Chairman until the next Board meeting on 10 February 2015.

5 COMMITTEE APPOINTMENTS

General Purposes (Chairman, Vice Chairman + 4 members)

The following members were appointed to the General Purposes Committee:

H Powell-Shedden; (*Vice Chairman TBC*); P Bowsher; V McPake; D Prosser and N Warren.

The Clerk added that the General Purposes Committee may only sit on an *ad hoc* basis in the future, if deemed necessary. The annual General Purposes Committee meeting which has been held in previous years, prior to the Board meeting in February, to discuss and make recommendations on the estimates, is not being held this financial year. This new format will be reviewed after the February 2015 Board meeting.

Joint Management Committee (Chairman, Vice Chairman + 2 members)

The following members were appointed to the Joint Management Committee:

H Powell-Shedden; (*Vice Chairman TBC*); P Hiron and D Prosser.

6 TO CONSIDER VACANCIES ON THE BOARD

The Clerk welcomed the newly elected Mr Hawes from Steeple Claydon and informed members there were currently 4 vacancies on the elected membership of the Board.

Mr Osborn from Tebworth had expressed an interest in becoming a member and the Clerk agreed to contact him again with a view to him being co-opted on to the Board.

Members agreed that the Clerk should pursue the co-option of Mr Osborn to the Board.

7 MINUTES OF THE MEETING HELD ON 10 JUNE 2014

Members agreed that the minutes of the Board meeting dated 10 June 2014 were a true and accurate record.

8 MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD 10 JUNE 2014

Broughton Brook Sewer Outfall from Maidstone Road / cascade weir

The Director of Operations provided an update on the cascade weir. He said he has spoken to the Anglian Water Flood Risk Manager and had suggested that both flood risk parties make a contribution to the cost of the remedial work. Mr Prosser said Anglian Water should pay the full amount. The Director of Operations said that the legal opinion the Board had sought supported the argument, however, the opinion was not conclusive without further assessment and deliberation from Counsel. Therefore, to try and seek a way forward between two flood risk partners, it was deemed an engineering solution be found rather than a legal one.

Mr Dransfield arrived.

Padbury Brook

Mrs McPake asked whether the Padbury Brook issue of lack of EA maintenance had been resolved. The Director of Operations said it had not. He said the response of the Secretary of State for Environment Food and Rural Affairs had been disappointing as he considered that the business case which the Board had put forward was good. There was a need to get the system in good order.

The Director of Operations said he has requested Padbury Brook be included in the EA's list of special dredging projects. Also, Local Choices is a new initiative where the Board can have some say on where the EA spend the precept money received from the Board. Included in the list of Local Choices is The Twins; Padbury Brook and sections of the Ouzel. The Director of Operations had suggested that in year one the watercourses are cleared and the following year, dredged. However, the EA has limited funds for this work. In order to find a way forward a 6 year programme has been agreed and it is hoped that there will begin to be an improvement. However, although Padbury Brook is on the list the fact that it is in a rural area puts it at a disadvantage as far as the EA's cost/benefit ratio is concerned.

Mr Hirons said he had seen on the ADA Newstream that other drainage boards have taken over maintenance of some sections of Main River in their districts. The Clerk said these boards had agreed to take these on in their present condition, despite the costs involved. The Director of Operations said the Board could request that the EA de-main The Twins. If some precept money could be spent on maintenance first then the Board could take over their maintenance. The initial cost to clear and dredge would be tens of thousands of pounds. Mr Hawes suggested trying to get some contribution from the developers of the HS2 high speed rail link however the Director of Operations said the precept route was the best course of action at this stage.

Employee ID Cards

The Director of Operations said the new ID cards with the extract from the Land Drainage Act concerning the Boards' formal powers of entry on the reverse, had been issued.

Flood and Water Management Act 2010

Mrs Chapman asked whether any progress had been made on the provision of one map for the use of all those involved in flood management. Mrs McPake said she was on the Milton Keynes Council Flood and Water Management Committee and it seemed that all partners were prepared to share information except for Anglian Water. She said the issue was still being pursued.

Planning Applications

In response to Mr Haynes' request for more information on the three Milton Keynes Council planning application objections in the period December 2013 to April 2014, the Director of Operations stated the following:

- 1 The application was not in accordance with the agreed strategy;
- 2 The SUDS has been built and the developers were trying to add on an additional development. The Board's Officers had said they needed to demonstrate sufficient capacity for the surface water.
- 3 Plans showing the development ignored the culverted watercourse. However, the developers were now carrying out CCTV investigations in the culvert.

Mr Gurney asked how much weight the Board's representations carried. The Director of Operations said the Board was fortunate because it has Local Authority members and the planning officers do listen. It is very rare for the Board's objections to be overruled. In addition to the planning application representations the Board's consent is required for works on or near watercourses and this provides another way for the Board to police development to make sure it happen appropriately.

Mr Bowsher asked if the Board comments on initial development plan consultations. The Director of Operations said officers do, broadly, although the Board employs engineers not planners and therefore makes representations on that basis. The Board's officers do generally comment on draft strategic flood risk assessments.

Internal Audit Recommendation – Market test supply of engineering services

Mr Hirons asked if there had been any progress on the market testing of the supply of engineering services. The Director of Operations said no new contracts had been awarded since the recommendation. As soon as a new project requires the compilation of a tender then it will be market tested. The Clerk said, in addition, she will suggest to the Clerks from the Lincolnshire Boards, with whom she meets regularly, that details of rates paid for civil engineering consultancy be shared.

Visit to the Boards' offices on 9th June 2014 by Owen Paterson, MP and Secretary of State for Environment, Food and Rural Affairs

The Clerk reported that the visit by Owen Paterson, MP has been very positive and it had been hoped that additional funding for works on Main River could have been forthcoming in the Autumn Statement. However, Elizabeth Truss, the new Secretary of State for Environment, Food and Rural Affairs had responded to the Boards' business case for Defra funding for a pilot project to carry out work on Main River stating that no funding was available.

The Clerk added that officers would continue to make representations on this issue.

ADA Great Ouse Branch – Vice-Chairman

The Board's former Chairman, Mr Costin had informed members at the last meeting that his resignation as Board member would leave a vacancy on the ADA Great Ouse Branch committee where he had been Vice-Chairman. Mr Hirons asked whether Boards were now only represented at ADA by officers. The

Clerk said there may be an election next year and if that was the case she would suggest members nominate a Board member to join the ADA Great Ouse Branch.

9 PROGRESS OF WORK FROM APRIL TO OCTOBER 2014

The Works Progress Report was accepted by the Board.

Compensation claim for crop loss relating to maintenance works

The Director of Operations explained the background to protracted negotiations involving the compensation claim from J B Baylis and Partners for damage caused by watercourse maintenance works on watercourse M18 near Granborough in the sum of £2,412.75.

The Director of Operations said the Board's offer based on Nix is to compensate for: arable (975m x 3m x £985.5/Ha= £288) and for grass (355m x 3m x £1054/Ha = £112), plus a figure for Mr. Baylis's time of £120i.e. total £520.

Mr Baylis will accept compensation as above (i.e. £520) plus a 50% contribution to reinstate grass area based on Robinson Hall's letter 24th March item 3.2 £890 (i.e 50% = £445)..... i.e. total £965.

Whilst the Board would normally only compensate for crop losses based on the Nix guidebook for maintenance works, 2013/14 was an exceptionally wet year resulting in poor ground conditions. **It is recommended that the Board agree to settle the claim at £965 to close the matter.**

Members agreed that the Board should pay the £965 in full and final settlement.

Mr Hunt added that he was agreeing to the payment on this occasion, as it had been an exceptionally wet year, but he did have reservations.

Discussion took place:

Mr Prosser referred to the A3 plan showing progress of works. He suggested that approximately 300yds of the works, shown in orange, which were carried over from the previous year and still outstanding could be left and resources put to better use elsewhere.

Mr Dransfield made reference to land adjacent to Crownhill and Bridge Square on the western side of A5, Watling Street. He had concerns as to where it drains. The Director of Operations said this area drains via large public storm sewer culverts, and suggested that he discuss the matter with Mr Dransfield outside of the meeting and establish the exact area he was referring to.

10 TECHNICAL REPORT

The Technical Report was accepted by the Board.

Discussion took place:

Lower Weald

Mr Prosser said the culvert which was blocked should be unblocked and this would go a long way towards solving the problems at Lower Weald. Mr Haynes said the pig netting and rubbish should be removed and water could then get away more quickly. Mr Prosser suggested the installation of a pole which would rise as the water builds. The Director of Operations agreed that every element of the scheme would help and was looking forward to progressing the project next year now the Board had recruited two new engineers to replace the engineers who had left last year.

Milton Keynes Tariff

Mr Dransfield asked whether the Board was receiving Milton Keynes Tariff money. The Director of Operations said the money is retained by Milton Keynes Council and would only be handed over to the Board under a specific legal agreement, on a site by site basis, to cover SUDS maintenance. It is hoped that once the Brooklands Meadow phase 1 is completed the legal agreement will provide a template for future development, so that the Board can seek to cover its costs for extra maintenance of SUDS assets and watercourses as a result of the development.

Mr Bowsher added that Magna Park and Eagle Farm North attenuation would occur in Milton Keynes Parks Trust land and that he did not think that area was tariff funded. The Director of Operations asked that the Board be kept informed as additional maintenance was scheduled for the Broughton Brook to accommodate the development, so the Board was expecting this to be tariff funded.

Western Expansion Area

Mr Dransfield said although he had seen building works commencing on the Western Expansion area he had not seen any evidence of balancing lakes.

The Director of Operations said there is a big balancing lake to be constructed for Area 11 and all permanent consents have been granted and temporary consents are in place to allow the contractor to dam the watercourse to enable construction. He added that the developers, Gallagher, plan to over-attenuate and actually reduce flows going off the site towards Lower Weald. Mr Dransfield was worried that Area 11 may have to take some of the extra run-off from Area 10, south of Calverton Lane. Mr Bowsher said several balancing ponds were being constructed for Area 10 to attenuate flows draining under Watling Street towards Two Mile Ash and the Director of Operations added that the developers were complying with the Milton Keynes strategy not to increase the flood risk.

Flood and Water Management Act 2010 – Defra consultation on Sustainable Drainage Systems

Mr Dransfield endorsed officers' concerns regarding the plan to abandon the SuDS Approval Body (SAB) as he believed without legislation in place developers may not make adequate provision for maintenance of SuDS. He asked whether the point was being made to the Government. Officers said that strenuous representations had been made and Defra has received over 300 responses to the consultation. The Director of Operations added that compared to a lot of Councils, Milton Keynes was in a good position due to all developers being committed to the Tariff system with £3.2M earmarked for flood risk management by the Board and with the support and advice officers of the Board provide to Milton Keynes Council officers. However, Mr Bowsher pointed out that the Tariff does not cover all areas of Milton Keynes.

IDB Precept Local Choice

Mr Hirons queried the word 'partied'. The Director of Operations said 'consulted' was probably a better term and added that he hoped this new initiative to allow IDBs to be consulted on how their precepts are spent would be a Regional Flood and Coastal Committee (RFCC) decision rather than the EA's.

Members of Parliament

Mr Warren pointed out a typing error: the new Secretary of State's name was 'Truss' and not 'Trust'.

Planning Applications

Mr Hunt asked whether the Board has been consulted on the Trinity Hall Farm planning application for over 80 acres of solar panels at Tilsworth. The Director of Operations said the Board's general concern with regard to solar panels was that access to maintain watercourses should not be impeded. The Board does not require attenuation as the foundations are not large and run-off should soak through.

11 FINANCE

(i) FINANCE REPORT TO 30 SEPTEMBER 2014

The Clerk presented the Financial Report adding that a net deficit for the period was showing due to the fact that money for Grant in Aid schemes had been spent prior to the Grant in Aid money being received. However, the GIA money has now been received and it is expected that the Board's income and expenditure will be in line with the estimates at the end of the current financial year.

Members agreed the Finance report for period 1 April to 30 September 2014.

Discussion took place:

Rates and Levies outstanding

Mr Hirons asked about the outstanding amounts on the rates and levies. The Clerk said she now had an apprentice Finance/Rating Assistant who was carrying out some of the working involved in tracking down new owner/occupiers. The Clerk added that recent changes in legislation could mean that the Board's officers could be able to receive more shared information which would be helpful.

Mr Dransfield asked about making use of the Land Registry. The Clerk responded that although she has used the Land Registry in the past, it was not always straight forward or cost effective. Mr Prosser added that local knowledge was probably a better option and the Clerk said she does write to adjoining landowners, using the Board's powers to require information and this approach is sometimes successful, however, it is very time consuming.

Mr Bowsher and Mr Dransfield were concerned that £269,319 outstanding was a large amount of money. The Clerk said that this figure was now nearer £11,000 as the second half year special levy payments have now been received.

Mr Bowsher asked whether the deficit presented a problem. The Clerk said it would only have been an issue if all of the funds were invested.

Investment and Bank Account Balances

Members discussed the low interest rates on investments.

Mr Hirons said he was concerned that the Board only index linked commuted sums to a figure of about 4% and, when inflation is taken into account this was low. The Director of Operations said it was based on Defra guidance and Mr Bowsher added that the figure was currently 3.5%. The Director of Operations said Defra may review this figure due to low interest rates persisting.

Mr Bowsher asked about the Boards' investment strategy. The Clerk said the Group invested only with banks and the Executive Working Group reviews the investments quarterly.

(ii) EXTERNAL AUDIT FOR FINANCIAL YEAR 2013/14

The Clerk presented the annual return for the financial year ended 31 March 2014 and said that the Board had been given an unqualified opinion.

One matter to note was the fact that fixed assets should now be accounted for at historic cost on the Annual Return.

12 ANY OTHER BUSINESS

Bedford & Milton Keynes Canal

Mr Exon asked whether the Board has been involved in the Bedford & Milton Keynes canal proposals. The Director of Operations said the Board are involved and officers challenge the Bedford & Milton Keynes Waterways Trust to ensure that they are not creating a flood risk.

13 DATES OF NEXT MEETING - 10 February 2015

The meeting closed at 3.55pm.