

BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD

BOARD MEETING

Minutes of the meeting held at 2pm on 7 November 2017 at Vale House, Stewartby.

PRESENT: P Bowsher, A Brown, S Cole, A Dransfield, R Exon, A Gurney, R Haynes, P Hirons, J Kane, V McPake and D Osborn.

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

Apologies were received from Mrs F Chapman, and Messrs S Dixon, N Hawes, H J Hunt, G Perham, D Prosser and B Spurr. Mr A Webb sent his apologies shortly after the meeting.

2 DECLARATION OF MEMBERS' INTEREST

During discussion of the Progress of Works report Mr Bowsher declared an interest concerning the works carried out by the Parks Trust, as he is an employee of the Parks Trust.

3 ELECTION OF CHAIRMAN

Mr Hirons was elected as Chairman, unanimously.

4 ELECTION OF VICE CHAIRMAN

Mrs McPake was elected as Vice Chairman, unanimously.

5 JOINT MANAGEMENT COMMITTEE APPOINTMENTS (Chairman, Vice Chairman plus 2 members)

Mr P Hirons (Chairman) and Mrs V McPake (Vice Chairman) were appointed to the Joint Management Committee.

Mr Dransfield proposed Mr D Prosser in his absence, subject to his agreement. Members agreed. The Clerk said she would contact Mr Prosser after the meeting to obtain his confirmation or otherwise.

There still remained a Buckingham & River Ouzel Board vacancy on the JMC and the Clerk said she would write to members about the vacancy. If the position remained unfilled the Standing Orders of the JMC may have to be amended.

6 MINUTES OF THE MEETING HELD ON 13 JUNE 2017

Members agreed that the minutes of the Board meeting held on 13 June 2017 were a true and accurate record.

7 MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD 13 JUNE 2017

Anglian Water Services – Watercourse M20, North Marston

The Director of Operations reported that AWS had confirmed they would not be pursuing legal action against the Board in respect of damage caused by Board personnel to their pipe. The pipe, which crossed the open channel, did not have the Board's byelaw consent. The Director of Operations said water mains should be below the bed of a watercourse to a depth of 1.5 metres and they require the consent of the Board. In 1993 there was a meeting of the Board's officers and AW and the Board's requirements were agreed. He said officers were now endeavouring to reinforce that agreement.

Chemical Weed Control – Glyphosate (Roundup) the future

The Chairman said he thought he had recently heard that the EU had banned glyphosate. Mr Gurney said that was not the case. The decision had been deferred.

Adoption of Works

The Director of Operations reported on the issue of adoption of works raised by Mr Dransfield: That Anglian Water Services charge for connecting to their system but the Board does not received any payment to receive new development flows where they discharge from the AWS system into Board watercourses. The Director of Operations said there was conflicting case law on the subject and quoted British Waterways Board v Severn Trent Water regarding the discharge by STW of a 9" pipe into a canal in 2001. The judgement stated that the Water Industries Act 1991, Sec 159 permits water companies to discharge into a watercourse. This decision was overturned on appeal and STW were ordered to remove the discharge pipe. However, other case law contradicts this ruling: in 2012 in Manchester Ship Canal v United Utilities an outfall into the canal was permitted, as outfalls constructed, pre 1989 privatisation, could enjoy the right to discharge.

In Milton Keynes and part of the Western Expansion area the issue is addressed by Milton Keynes Drainage Strategy and Supplementary Planning Guidance which states all developments should be designed to a 1 in 100 years standard.

Mr Dransfield asked whether the Board would be receiving money for the Western Expansion area. The Director of Operations said he believed so, as the commuted sum calculations showed assets being maintained by IDB, Anglian Water and the Parks Trust and would be funded as part of the tariff money from Milton Keynes Council. Mr Dransfield said only a small proportion of flows appeared to drain into the attenuation ponds and there is no easy way of expanding. He was concerned about extra attenuation being required due to the hard surfaces and also the problem of water flowing into Lower Weald.

The Director of Operations said the Board has been involved with consenting on behalf of MKC and the area had been designed to over-attenuate at 2 litres per second per hectare as opposed to the required 3 litres per second per hectare. The Director of Operations said it was all part of the design and has to be attenuated and restricted to greenfield run off rates so as not to increase flood risk.

The Chairman said he was satisfied that the Director of Operations had assured members that the non-permeable areas would be attenuated and comply with current standards.

Bedford to Milton Keynes Waterway Park

Mr Brown asked about the resolution that the Bedford to Milton Keynes Waterway Trust be invited to give a presentation to Board members. The Clerk said this was to be part of the training for members on 5th December about which correspondence had been sent to members.

Ecology – Biodiversity Action Plan

The Director of Operations gave an update on the awaited guidance on Biodiversity Action Plans which he had reported to the Joint Management Committee. The Boards' BAPs are due for review but guidance has been awaited. ADA, Natural England and Defra have been working on a new document. It is expected that the reporting on BAP outcomes, which has been problematic in the past (on the Biodiversity Action Reporting System BARS), will be on the Defra IDB1 annual returns in the future.

Environment Agency and Defra

The Director of Operations said, tied into the de-maining issue and relating to discussion with the Alconbury & Ellington Board meeting that morning, was the poor condition of Main River. In recent years the Board had seen work carried out on Padbury Brook and River Ouzel following the Local Choices initiative when officers of the Board has requested work on Main River in certain areas in return for EA precept money. However, so far in 2017/18 there has been no such works carried out which was disappointing. He said it seemed that the EA and Defra were concentrating on the five pilot schemes for de-maining.

Mr Kane asked what 'de-maining' was. The Director of Operations said it was the process of the EA changing sections of watercourse from Main River, the maintenance of which was their responsibility, to ordinary watercourses which drainage boards or Lead Local Flood Authorities would have the responsibility to maintain. He said there was also 'en-maining' which was where critical ordinary watercourses (COWS) are taken under the control of the EA.

Audit - Internal

The Clerk said the internal auditor was due to visit the Boards' offices on 28th November when she would discuss the issues raised by the Board.

The Chairman had completed his part of the banking process to enable to introduction of payment of drainage rates by debit card.

Loughton Brook – upstream of Salden Chase

Officers apologised for overlooking the undertaking, at the previous meeting, to email members with information about the Board's response to this particular development. This would be carried out as soon as possible.

Milton Keynes Council – Plan:MK, Draft Plan consultation

Mr Brown pointed out a typing error in the body of this passage: Draft Local 'Plant' – which should have stated 'Plan'.

8 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 16 OCTOBER 2017

The Minutes of the Joint Management Committee meeting were noted.

Discussion took place:

Watercourse Maintenance and Conservation handbook

The Chairman made reference to the synopsis provided by the consultant ecologist.

It was agreed that the synopsis provided by Diana Ward, the Boards' consultant ecologist, should be sent out to members.

Personnel

Land Drainage Operatives/SUDS Operative posts

The Clerk said that although three people were successfully interviewed for the above posts only two had accepted the appointments.

Site Manager Eastern – retirement

The Clerk said officers would be advertising for a Site Manager Eastern.

Mr Brown said he did not agree with the retired Site Manager Eastern being offered *ad hoc* work on a temporary, part time basis to assist with SuDs maintenance works. The Clerk emphasised it would be during the summer months. Other members felt the arrangement could be a mutually beneficial, providing flexibility.

Mr Cole asked what pay was being offered for the posts. The Clerk gave salary ranges for the posts. She said it was not unusual to have the problem of filling drainage board vacancies as other Boards were having the same problem.

Members understood there was a problem with recruitment due to low unemployment, particularly in the Boards' area where a lot of construction work was taking place.

The Chairman said the JMC sub-group which had been set up to look into the issues concerning recruitment and retention was due to meet the following week.

Investment and Bank Account

The Clerk said low interest rates were still a problem and she did not know if they would increase due to the recent bank rate rise of 0.25% to 0.5%.

Mr Dransfield said he had experience of money being invested with Buckinghamshire County Council. The Clerk said she had intended to speak with BCC about this and would try to do so. Mr Haynes said he would worry about the security of the Board's money if it was invested with a local authority. The Clerk said the Boards' investment strategy did allow investing with local authorities in England or Wales (as defined in Section 23 of the 2003 Local Government Act) and the money would be protected by a legal agreement.

Mr Cole thought there may be a conflict of interest if the Board invested with a local authority. The Chairman said he could not see a conflict of interest as the Board does not have a commercial interest.

Mr Dransfield asked where the Board was investing. The Clerk said most of the investment funds were with Lloyds which were credit rated 'A'. Mr Dransfield said the Board needed to look into obtaining better interest rates and better risk rating. The Chairman said it has been very difficult. There had been a problem with Board members not being prepared to provide the personal information which banks require to open new bank accounts. The account with Lloyds has been longstanding and they had not required the same details.

The Clerk said that she intended to open a current account with Metro Bank in case of problems in the future with the Co-op bank, who the Bedford Group's current account was with.

Mrs McPake asked if there were recommendations requiring proposals. The Clerk said the investments were an issue for the Joint Management Committee which has devolved powers.

ADA Conference – Thursday 16 November 2017

The Clerk said the Bedford Group would be asking two questions at the ADA conference: one concerning de-maining of Main River and another concerning SuDs adoption and funding.

9 PROGRESS OF WORK FROM APRIL TO OCTOBER 2017 FOR THE WORKS PROGRAMME 2017/18

The Director of Operations presented the Works Progress report.

The Works Progress Report was accepted by the Board.

The recommended contribution by the Board of £3,800 towards watercourse maintenance carried out during 2016/17 by the Parks Trust on the Broughton and Loughton Brooks, was approved.

Discussion took place:

Loughton Brook

Mr Dransfield asked why there were works still to be undertaken on Loughton Brook. The Director of Operations said he would find out and report back to Mr Dransfield, he suspected it may be problems with access.

Brooklands, Eastern Expansion Area

Mr Bowsher queried why the watercourse was shown as 'works completed' in this area: as far as he could tell, no work had been carried out. The Director of Operations said the watercourse had been flailed and possibly sprayed. He would check exactly what maintenance work had been carried out and report back to Mr Bowsher.

At a recent joint site inspection with the developer there appeared to be weed and silt in the channel. However, the watercourse design is an engineered trapezoidal channel. Hence, this would need resolving by the developer before adoption.

10 TECHNICAL REPORT

The Technical Report was accepted by the Board.

Discussion took place:

Bidwell West (and East), Houghton Regis Development

Mr Kane said the above area was in his ward and he asked if there were any problems. The Director of Operations said he hoped there were not. The developers on Bidwell West were initially keen to talk to the Board about the Board adopting the SuDS asset for maintenance but officers are now not clear on what the developers are doing. The Board would prefer that it adopts SuDS in public open space to ensure that they are maintained to manage flood risk, but the Board cannot enforce this.

Lower Weald

Mrs McPake asked that she be kept informed of the tender process. The Director of Operations agreed to do this.

Caldecotte Flood Risk Management Scheme

The Chairman asked what the scheme would involve. The Director of Operations said it is a Capital Grant In Aid scheme and the Board is currently carrying out a feasibility study. He had had a meeting with Anglian Water the previous day. Models have been built by the Board's engineering consultants to see how watercourses and sewers will interact so as to assess flood risk. The scheme is predicted to reduce flood risk to 270 houses although modelling may show this to be optimistic and may need to be less. Once the scheme is verified, design and implementation can follow.

Mr Bowsher asked what the scheme would involve. The Director of Operations said it would likely be improvement to existing drainage infrastructure, possibly including a two stage channel. Existing culverts under roads are restrictions and a lot of flooding occurs upstream of the railway line. It is possible that the scheme may include small flood storage areas upstream of the urban areas.

Mrs McPake said there had been no problems at Walnut Tree since the trash screen was improved. At Browns Wood a considerable number of residents object to the development plan. The Director of Operations asked whether Walton Community Council were aware. Mrs McPake said they were but she would give them some more information.

Eaton Leys

Mr Gurney said he believed that Milton Keynes Council has granted reserved matters outline planning permission for 600 homes, not 1800, and only in Milton Keynes. The part of the application within Aylesbury Vale District Council had been withdrawn.

Mr Gurney added that Anglian Water were putting a mains water pipe adjacent to the Board watercourse and he presumed that AW had been in contact with the Board regarding this. The Director of Operations said he would find out more and report back to Mr Gurney.

11 EXTERNAL AUDIT

The Clerk presented the report of the external auditors for the year 2016/17 and reported that an unqualified opinion had been given. The external auditor had added a note, which did not affect the opinion, that the Board's Internal Auditor had stated that the Board had petty cash when it does not, the petty cash is held by the Group.

Members accepted the External Auditor report for the year 2016/17.

12 FINANCE REPORT for the period 1 April to 30 September 2017

The Clerk presented the Finance Report which included:

- a) Receipts and payments through the Board's individual bank account with Lloyds from 1 April – 30 September 2017;
- b) Cheque list for 2017/18;
- c) Investment and Bank accounts balances as at 30th September 2017;
- d) Income and Expenditure Account for the period ending 30th September 2017 and
- e) Balance Sheet as at 30th September 2017.

Receipts and Payments through the Board's individual bank accounts

The Clerk said that Aylesbury Vale District Council had not paid their Special Levy for the first half of the financial year due to changes in their personnel. They had agreed to make the two 2017/18 payments at the same time.

There was a deficit showing of £75,093

Members approved the Finance report for period 1 April to 30 September 2017.

13 UPDATING OF BOARD BYELAWS

The Clerk presented the draft Byelaws document, which showed changes to the existing byelaws recommended by the Board's officers and based on Defra model byelaws.

It was recommended that all Boards in the Group adopt the same byelaws and that all would have the 'No obstructions within 9 metres of the Edge of the Watercourse' byelaw rather than the 7 metre distance which had previously been the case with Alconbury & Ellington Board and the Bedfordshire & River Ivel Board byelaws.

Included in the draft but not part of the model byelaws is '33 Interpretation: Watercourse means watercourse or waterbody'.

The Clerk also highlighted '3 Control of Introduction of Water and Increase in Flow or Volume of Water'. The draft showed either existing wording or new wording which was taken from the model byelaws.

Members discussed at length whether the existing or new wording should be adopted. Officers recommended the adoption of the existing wording. The majority of members agreed that the existing wording covered situations in addition to development, for example, neighbour disputes. A minority of members preferred the Defra model wording but with an addition '...to include development, but not limited to development...' suggesting it would give development recognition.

Members approved the Byelaws made by the Buckingham & River Ouzel Internal Drainage Board for the Chairman and Clerk to sign with all changes as shown in the draft document and, in addition, the majority agreed to maintain the existing wording under clause 3 as follows:

3 Control of Introduction of Water and Increase in Flow or Volume of Water

No person shall, without the previous consent of the Board, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the district.

The Clerk said the final copy of the Byelaws would be signed by the Chairman and herself and then be sent to Defra for approval.

14 ANY OTHER BUSINESS

Regional Flood and Coastal Committee

Mrs McPake said, through her membership of the RFCC, she was aware of a lot of communication about national initiatives. The Clerk said she would appreciate Mrs McPake forwarding it on to her as she had not seen any of it.

Reinstatement

Mr Haynes asked whose responsibility it was to carry out reinstatement works on watercourses. He said when the Board carried out re-seeding weed growth was suppressed and it was also a good public relations exercise. The Director of Operations said the Board is permitted to spread arisings adjacent to the watercourse and therefore it was the responsibility of the land owner to carry out any reinstatement. The Board has carried out this work in the past but the handwork programme had begun to fall behind so it has not been carried out so much recently. Also, more and more expensive mixes of grass seed were being requested. Mr Haynes suggested offering only one basic mix and charging the landowner the extra if a more expensive mix was required.

The Clerk added that it may sometimes be a gesture of goodwill towards a landowner if the Board always carries out work on the same bank.

Officers said they would provide information as to the estimated costs of reinstatement at the February meeting.

15 DATES OF NEXT MEETING - 6 February 2018

The meeting closed at 4.03pm.