

## **BUCKINGHAM AND RIVER OUZEL INTERNAL DRAINAGE BOARD**

### **BOARD MEETING**

**Minutes of the meeting held at 2pm on 5 November 2019 at Vale House, Stewartby.**

**PRESENT:** P Hirons (Chairman), P Bowsher, A Brown, A Dransfield, R Exon, A Gurney, N Hawes, R Haynes, V McPake, N Miles, D Osborn and B Spurr.

**IN ATTENDANCE:** B Agass (Clerk/Chief Executive), F Bowler (former Clerk/Chief Executive), J Oldfield (Director of Operations), R Easom (Committee Clerk), N Souter (Accountant) and A Smith (Administrator).

The Chairman welcomed Mrs Beverly Agass, the new Clerk and Chief Executive, who commenced on 1 November 2019.

#### **1 APOLOGIES**

Apologies were received from S Cole, E Darlington, S Dixon, H Hunt, and D Prosser.

The Chairman asked that a card, sending the Board's best wishes, be sent to Mr Prosser who is not enjoying good health at present.

#### **2 DECLARATION OF MEMBERS' INTEREST**

There were no declarations of interest.

#### **3 MINUTES OF THE MEETING HELD ON 25 June 2019**

**Members agreed that the minutes of the Board meeting held on 25 June 2019 were a true and accurate record, except for a typing error on the initial letter of Mr Hawes' first name which should be an 'N'.**

#### **4 MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD 25 JUNE 2019**

##### **Oxford to Cambridge Expressway (OxCam), East West Rail and HS2**

A member of the board advised that they had been made aware that the East West Rail Inspector's Report, expected in September 2019, was now likely to be published in December 2019 or January 2020. She had attended a meeting recently, where it was outlined that the East West Rail project was being prioritised. The Director of Operations updated the board regarding the impact of any potential development upstream of Walnut Tree until there is clarity on the Expressway route and this was proving challenging.

##### **Bedford and Milton Keynes Waterway**

Mrs McPake and the former Clerk had attended the Bedford and Milton Keynes Waterway conference on 31 October. The former Clerk said she had asked the Director and Chair of the Waterway Trust to come to the Boards' offices and give an update of the current situation regarding the proposed building of the Waterway.

Also, the EA have been carrying out a study on the flood management potential of the Waterway. It was suggested that the Bedford Group of IDBs host a workshop regarding this

and in addition to the EA, Lead Local Flood Authorities and possibly some developers could also be invited to attend.

### **Review of Development Contributions**

The Chairman asked if there had been any further developments regarding the changes to the charging of Development Contributions. The former Clerk said there should be a document published on the ADA website at the end of November which should contain information on the setting of rates, etc.

The former Clerk made available to members a copy of the Ministry of Housing, Communities & Local Government document: A Review of the application and effectiveness of planning policy for Sustainable Drainage Systems (SuDS).

## **5 UNCONFIRMED MINUTES OF JOINT MANAGEMENT COMMITTEE MEETING HELD ON 14 OCTOBER 2019**

**The Minutes of the Joint Management Committee meeting were noted.**

Discussion took place:

### **Ecology and Conservation – The Boards’ Conservation Handbook**

The Chairman asked the Director of Operations about the Boards’ conservation handbook which was to have been available at the Board meeting. The Director of Operations advised that further clarification was being undertaken regarding the operation of equipment below tree canopies in with consultation with the Boards’ Ecologist. The issue had necessitated a site visit in order to demonstrate to the Ecologist the amount of space needed when an excavator was working.

A member asked whether the handbook would be made available to councils once it is published as, amongst other things, specific advice on the correct types of trees to plant would be useful. The Director of Operations said the manual was concerning the Boards’ approach to their own maintenance works. For example, to spot trees which could possibly housing bats and how to then react with the appropriate maintenance regime.

### **EA National Flood Risk Management Strategy consultation**

The former Clerk said the publication of this consultation had been delayed due to the forthcoming general election and it was hoped that it would be published by spring 2020.

### **Fuels for use in vehicles: Excise Notice 75 (12 March 2019)**

The Chairman asked if there was any further update / guidance from ADA on the use of red diesel in all items of plant. The former Clerk said there had not but that the Chairman of the Bedfordshire & River Ivel Board would be raising a question regarding this issue at the ADA conference. Various drainage boards were taking different approaches but at present the Bedford Group are continuing to use red diesel.

### **Water Resources East**

The former Clerk outlined the background to Water Resources East and tabled a letter from ADA Water Resources East Board representative. The Buckingham & River Ouzel Board’s membership fee for the first year is £401.93. The former Clerk recommended to members that this fee be paid, initially for just one year, in order for the Board to be involved at the early stages of the initiative.

The Clerk added that the update stated that the Board of WRE will develop a business plan and longer term multi agency strategy. A Strategic Advisory Group Board member

representative would be in a position to help shape and inform this work. The boards could then assess the effectiveness in 12 months' time and review membership.

Discussion took place:

Some members expressed concern regarding the various layers within the membership structure with different membership groups paying different subscription fees and the overlap of the role of Local Planning Authorities and development briefs.

It was queried how contributions would be made on behalf of drainage boards if individual Boards decided not to contribute, and also asked what would happen if drainage boards did not pay. The former Clerk advised that it was anticipated that ADA would contribute as they had committed the £15,000 on behalf of ADA.

Some members expressed the view that they did not see membership as relevant to IDB'S. The Director of Operations said it was an opportunity for drainage boards to raise the profile and significance of land drainage issues in future policy development. It would allow drainage boards to get involved in the whole water cycle process. Watercourses may run dry and policies such as extraction could influence the Boards' water level management approach.

Other members agreed that drainage boards should be represented and considered it would be appropriate to have a voice initially but that the membership subscription structure should be made clearer and renewal should be reviewed at the end of the first year.

**Members voted on the following motion:**

**The Buckingham & River Ouzel Board to pay a subscription, for one year, to Water Resources East in the sum of £401.93.**

**A majority of nine members voted in favour. Three members: Mr Brown, Mr Dransfield and Mr Spurr voted against.**

**The motion was, therefore, carried.**

## **6 PROGRESS OF WORK FROM APRIL TO OCTOBER 2019 FOR THE WORKS PROGRAMME 2019/20**

The Director of Operations presented the Works Progress report with A3 plan. He said works were slightly behind schedule due to trouble with fuel blockages to filters, mainly on tractors. To reduce downtime this had necessitated carrying out works closer to the tractor repairers and this had meant more work was carried out in the Beds & Ivel Board area. Additionally, the wet autumn has impacted upon the programme. However, the situation has improved recently which has enabled a plant and equipment to be deployed in the Buckingham & River Ouzel Board area.

Discussion took place:

Some of the Board members from the agricultural community said they had also experienced problems with fuel causing filters to block on tractors. The Director of Operations said he believed it was caused by the bio fuel element of fuel increasing from 5-8.5%

A member asked if the Director of Operations would send her a plan showing details of the areas of Milton Keynes Borough Council which are in the drainage board area.

## **The Works Progress Report was accepted by the Board.**

### **7 TECHNICAL REPORT – MAY TO OCTOBER 2019**

The Director of Operations presented the technical report.

#### **Commercial Development Brogborough**

The Director of Operations reported that in the last two weeks more information had been received. The Board as previously not maintained that section of watercourse hand works. However, it is important that machine access is available should it be necessary in the future. Officers are liaising with the developer regarding appropriate access. Therefore, there should be no need for enforcement action to be taken but land drainage consent is required.

## **The Technical Report was accepted by the Board.**

Discussion took place:

#### **Clipstone Park, Leighton Buzzard**

The Chairman said he was most concerned that the Board had not been made aware sooner that the developer appeared to have stripped topsoil off the dam crest and sections of the upstream face.

The Director of Operations said the developer was repeatedly advised that they could not do anything without land drainage consent. As the site is a reservoir, it would also require reservoir approvals, hence consent would be a legal agreement.

A board member asked who owned the dam. The Director of Operations said the Board built it, but the landowner retained ownership of the land. The Board maintain the reservoir under its permissive powers. Part of the legal agreement, which is to be drafted, will transfer ownership of the dam and reservoir to the Board.

A member asked if the Director of Operations had considered use of an injunction in order to stop the developer working. The Director of Operations said the developer had stopped working and the Board had evidence on an 'on-notice' letter being sent to the developers, and the EA were 'copied in' so they are aware of the action the Board has taken.

The Director of Operations was asked if the Board's reservoir engineer was satisfied with the works carried out to widen the bank. The Director of Operations said the reservoir engineer had agreed in principle and was reviewing further technical detail design information from the developer's consultant, but the legal agreement is still required.

Board members asked if there had been any correspondence between the Board and the local authority. The Director of Operations said he had been in contact with Highways officers however has had no communication with planning officers.

Members asked what the EA's responsibility was with regard to the Reservoir Act and if the reservoir failed. The Director of Operations said the EA are the enforcement body. The Board have protected their position and have a legal audit trail highlighting the actions of the developer. Because the Board has taken action, he believed the Board was protected.

Members asked if the EA had taken any action. The Director of Operations said the EA had acknowledged that the Board had informed them that the Board have instructed the developer to stop driving over the dam and to build an extra bund to prevent over topping.

A member stated he was still not content that the reservoir engineer is satisfied with the safety of the reservoir. He did not believe there was anything in what the Director of Operations had

reported to protect the Board's reputational risk. The Board does not know if the developer has weakened the dam. He said the Board need an inspection report from the reservoir engineer, also stating what effect the developer's acts have had on the reservoir. He also made comparisons with the recent problems with the Whaley Bridge reservoir in Derbyshire.

The Director of Operations said there was a fundamental difference between Clipstone Park reservoir and Whaley Bridge reservoir. At Whaley Bridge the undertaker had not carried out maintenance as directed by the Reservoir Engineer. The Board's reservoir engineer had visited the site at Clipstone Park and given instructions to the developer to construct the bund so that the reservoir would not erode. The developer has undertaken this work, as instructed. It was a different scenario.

It was questioned if the construction of the bund relieved the water level. The Director of Operations said it had. The top water level was in line with the original dam. The 1-meter bund on the top of the dam is an extra contingency.

### **Eaton Bray Flood Risk Management Scheme**

A member voiced that despite there having been considerable flooding in Eaton Bray, it is a disappointment that a flood risk management scheme is not going ahead. He asked if the Grant In Aid money would be returned. The Director of Operations said the Board had claimed Grant In Aid that was approved only to finance the production of the feasibility study report. This had concluded that, under present approvals procedures, a scheme was not economically viable and would therefore not be eligible for Grant In Aid.

### **Eaton Bray/Eddlesborough Bank Seepage**

The Director of Operations was asked if the riparian landowners, Eaton Bray Parish Council, would be paying for the works to stop the seepage and strengthen the ground. He explained that this issue was part of the discussion that officers were currently having with the parish council.

### **Eaton Leys**

It was reported by a member that he had seen a lot of top soil next to the drainage ditch and expressed concern about ingress of soil. The Director of Operations said part of the development involved the removal of a Board maintained watercourse which was to become a public storm sewer, but he would instruct the Board's Principal Engineer to investigate as even temporary works require land drainage consent for works are within 9 meters of the watercourse.

### **Caldecotte Flood Risk Management Scheme**

Mrs McPake said she was to attend a Parish Council meeting the following day, 6<sup>th</sup> November 2019. The Director of Operations said he believed the hydrology report had been completed and he would be checking whether the consultants had the information. He added that he would liaise with Mrs McPake regarding a future project meeting with partners.

### **HS2**

The Board was questioned, if HS2 was to be cancelled, whether the Board would be 'out of pocket' due to legal costs associated with the legal agreements. The former Clerk said all on-going scoping and work to date should be funded.

## **8 EXTERNAL AUDIT**

The former Clerk presented the report of the external auditors for the year 2018/19 and reported that an unqualified opinion had been given. There was one matter arising which concerned deferred grants. EA Highland Water contributions are deferred grants and they

should have been shown in the year in which they were received. The former Clerk said the accounts will need to be re-stated but there was no change to overall balances.

The former Clerk added that the External Auditor report and notice had been put on the Boards' website and the notice posted at the Board's offices.

**Members accepted the External Auditor report for the year 2018/19 dated 21 August 2019.**

## **9 FINANCE REPORT for the period 1 April to 30 September 2019**

The former 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 2019;
- b) Cheque list for 2019/20;
- c) Investment and Bank accounts balances as at 30<sup>th</sup> September 2019;
- d) Income and Expenditure Account for the period ending 30<sup>th</sup> September 2019.

**Members approved the Finance report for period 1 April to 30 September 2019.**

### **Board Bank Account**

The former Clerk said she had the necessary paperwork in order to add the new Clerk and Chief Executive as a signatory on the Board's individual bank account and that she required Board approval in order to do this.

**Members also approved the addition of Beverly Agass, Clerk and Chief Executive as a full signatory on the Board's individual bank account. The former Clerk and Chief Executive also to remain as signatory as she continues to be employed by the board for a further period and to allow for satisfactory arrangements to be put in place.**

## **10 (i) TO APPROVE THE DOCUMENT RETENTION AND DISPOSAL POLICY**

The Data Protection officer presented the updated Document Retention and Disposal policy.

**Members approved the Document Retention and Disposal Policy.**

## **10 (ii) TO APPROVE THE DATA PROTECTION POLICY**

The Data Protection officer presented the replacement Data Protection Policy.

**Members approved the Data Protection Policy.**

## **11 ANY OTHER BUSINESS**

### **Milton Keynes May 2018 Floods**

A member advised that the report on the May 2018 flooding in Milton Keynes should be publicly available in the new Year.

### **Environment Bill**

Officers were asked if they were monitoring the new Environment Bill. Section 5 in particular contained reference to internal drainage boards. The Clerk said the Bill was being discussed

at the ADA Technical and Environmental Committee and the Boards' ecologist sits on that committee.

A member also referred to the minimizing of ecological consequences in drainage systems as the Bill places a duty to enhance the natural environment where possible. Officers said they were aware. The Director of Operations felt there was a difference between all encompassing 'enhancement' and 'the possibility of enhancement'.

It was suggested raising the issue at the ADA conference.

### **Bedfordshire Young Farmers Country Show and Rally 2020 – 16<sup>th</sup> May 2020 – Howbury Hall, Renhold**

The Director of Operations asked for members' approval to be an exhibitor at the above show with a suitable stand to display the Boards work with an excavator and tractor flail to demonstrate the need for a clear Byelaws working zone. The former Clerk added that the costs would be shared with the Bedfordshire & River Ivel Board on the usual 40/60 basis.

### **Members approved the purchase of two stands at the Bedfordshire Young Farmers Country Show and Rally 2020.**

Members agreed this would be a good opportunity to advertise the Boards' work to the general public as the show tends to be well-attended.

### **Former Clerk and Chief Executive**

The Chairman on behalf of all members thanked the Clerk for her valuable contribution towards the work of the Boards

### **Office Manager/Committee Clerk/Data Protection Officer**

The Chairman informed members that the meeting would be the last one the Committee Clerk would be attending as she was retiring at the end of November 2019 and, together with members, thanked her for her contribution towards the work of the Board.

### **12 DATES OF NEXT MEETING – 4 February 2020**

Clarification was provided with regards to Agenda item 12, date of next meeting, would be 4<sup>th</sup> February 2020 and not 5<sup>th</sup> February 2019. The Committee Clerk said she would email members with the correct Board meeting date.

The meeting closed at 4pm.