

# 1. Governance

## 1.1 Declaration of Interest

Board Members are advised to declare a pecuniary or non-pecuniary interest on any item in the Agenda.

## 1.2 Apologies for Absence

## 1.3 Chair's Announcements

## 1.4 Public Forum

## 1.5 Minutes of the meeting held on 27 November 2024

Members Present	23.11.2022	25.01.2023	28.06.2023	29.11.2023	14.02.2024	26.06.2024	27.11.2024
Elissa Swinglehurst Chair	√	√	√	√	√	√	√
Charles Pudge Vice Chair	√	√	√	√	√	√	√
John Cawley JC (Retired 31-10-2023)	√	-	√				
Zita Chilman ZC	√	√	A	√	√	√	√
Richard Corbett RC	-	√	A	√	√	A	A
Malcolm Davies MD	√	√	√	A	√	√	√
Noorissa Davies ND	A	A	√	A	√	A	A
Nic Eynon NE	√	A	√	-	√	-	-
James Hereford Jhe (Retired 31/10/2023)	√	√	A				
James Makin JM	-	√	A	√	√	√	√
Thomas Cawley TC				√	A	√	A
Andrew Owens AO							√
Yvonne Thomas							√
Cllr Graham Biggs GB			-	-	-	-	-
Cllr Toni Fagan TF			√	A	A	A	A
Cllr Peter Hamblin PH			-	A	√	-	-
Cllr Dan Hurcomb DH			-	-	√	√	√
Cllr Robert Highfield RH			√	√	A	A	-
Roger Phillips RP	-	A	A	√	√	-	A
Cllr John Stone JS	√	-	-	√	A	A	-
Cllr Mark Woodall MW			A	√	√	-	√
Tom Jolley TJ Wye & Usk Foundation			A	-	-	-	A
Jamie Audsley JA			-	-	A	A	-
*Jenny Bashford JB Wye & Usk Foundation						√	A

\*Attends if TJ cannot

**In attendance on behalf of JBA Consulting**

<b>Officer:</b>	Craig Benson	Clerk
	Anne-Clare Landolt	Engineer
	David Blake	Finance Officer

**Also in Attendance**

Phil Chandler	Health and Safety Advisor
Will Watson	Environmental Advisor

**Member of the Public**

None.

**Declaration of Interest**

2024.63 None.

**Apologies for Absence**

2024.64 Apologies were received from Toni Fagin, Tom Jolley, Roger Phillips, Thomas Cawley, Richard Corbett and Noorissa Davies.

**Chair's Announcements**

2024.65 The Chair welcomed the new members to the Board and advised that Cllr Nick Mason was in attendance as an observer.

**Public Forum/Question's**

2024.66 There were no members of the public present.

**Minutes of meeting held on 26 June 2024**

2024.67 Minutes of the meeting held on 26 June 2024 were considered. ZC proposed, DH seconded, and members approved as a true and correct record.

**Matters arising not discussed elsewhere on Agenda**

2024.68 2024.53 - The Clerk confirmed that the RLIDB had recovered the cost of removing the car from watercourse from the Storm Recovery Fund.

**Complaints/FOI/EIR requests**

2024.69 There had been no complaints received since the last meeting.

**CLERK REPORT**

2024.70 Hydraulic Model – Clerk confirmed that the closing date for the submission of tender documents was 29 November. The evaluation panel would meet shortly afterwards to review and select the preferred supplier. The Clerk asked for another Board member to support the Chair and Vice Chairman on the panel. ZC agreed to join the evaluation panel.



- 2024.71** EA/ADA Marches Branch Liaison meeting – The tour of inspection was a great success and appreciated by all attendees.
- 2024.72** ADA – Storm Recovery and Asset Improvement Funding – Clerk confirmed that the RLIDB were unsuccessful with their Tranche 2 bid. This included works in the River Arrow and River Lugg Catchments. A request for feedback as to why the bids were not successful has been sent to the administrators of the fund. However, it had been confirmed that funding will be made available for the financial year ending 31 March 2026 and that bids for Asset Improvement works can be submitted between 4 December 2024 and 31 January 2025. Those previously unsuccessful bids can be resubmitted.
- 2024.73** Drainage Rating Systems – The Clerk advised that the current system is over 20 years old and that the provider had confirmed that it would no longer be supported from 1 April 2025. There was a new system available but there was a cost of updating the Board's data to it can be transferred to the new system. The total cost to the RLIDB was £1,414. JM proposed that the quote was accepted, this was seconded by ZC and approved by Members.

## FINANCIAL REPORT

- 2024.74** Rating Report – FO advised the balance outstanding was £9,841.94 and that £8,241 were subject to liability orders. Two accounts have since been settled in full. However, one account was of cause for concern. The Bailiff was instructed to serve the liability order. They were informed that the person named on the order had left the property some 20 years previous and that the current owner did not know who owned/occupied the land. The Rating Officer had confirmed that the land was not registered so tracing the owners had been difficult. The Vice Chairman would make enquires. The Clerk would continue to pursue the debt and give an update at the January Meeting.
- 2024.75** Internal Audit – The Internal Audit Review meeting was due to take place in December.
- 2024.76** External Audit – This was now complete with no issues. The document was available on the Board's website.
- 2024.77** Budget comparison – The FO updated members as to the key variances so far in the year. It was agreed that the FO would add notes to the budget comparison to aid members.
- 2024.78** Five Year Budget - FO updated members on the current forecast.
- 2024.79** Schedule of Payments – A list of payments totalling £90,988.62 were proposed for acceptance by MD, seconded by CP and approved by members. DH asked for clarification on the payment to Herefordshire Racecourse which the FO confirmed that was the venue used for the recent tour of inspection. MW requested that it would be helpful if the payments also indicate what area they relate to such as administration and maintenance activities. FO confirmed that this would be done for the next meeting.

## ENGINEERS REPORT

- 2024.80** Members noted the report and the Engineer focussed on keys areas – Ownership and responsibility of flood assets. This had been discussed before but it had raised its head again. There is a very good example at Sutton St Nicholas where the EA maintain a floodbank and there are some assets that were handed over to the IDB. A sink hole has appeared at the foot of the floodbank and the landowner has been told by the EA that this is their issue and they would have to undertake the repairs. The principal about assets on main river and indeed ordinary watercourses is



that the ownership of the assets is, in the majority of cases, with the riparian owner and not the EA or IDB. The Environment Agency are adamant that no assets are owned by them, nor any engineered flood assets installed by them are within their ownership. Chair stated that the RLIDB could challenge this stance. DH confirmed he had looked into this and put a EIR request to them for their justification of doing so as there was no statutory justification that he could see. They are using statutory powers to enter the land and install something on the land that subsequently imposes an obligation on the landowner. It shouldn't be able to impose an in-perpetuity obligation to another person without statutory justification. This must be an issue that all IDBs are facing and should we not collectively seek to review this stance.

Clerk confirmed that ADA can be contacted for an opinion. Members agreed that smaller culverts are not the issue, but the larger engineered flood assets such as flood banks, penstocks etc.

Eng confirmed that with respect to the IDB assets that have taken over, the EA had intimated that these are the responsibility of the landowner. It doesn't seem right that flood risk assets are left for riparian owners to repair/replace. Especially when the asset may serve multiple landowners.

Agreed for Clerk to write to ADA on this matter.

**2024.81** Asset surveys – Engineer requested Board approval to undertake investigative works on 4 assets that were handed over to the RLIDB in 2011 from the EA. The cost of the investigations was estimated to be £17,185. DM proposed that the works should proceed, this was seconded by DH and approved by the Members. It was noted that there was a landowner who had previously refused to grant the Board access across his land. The Board have power to serve notice of entry letters on landowners and this would be done ahead of the works taking place.

**2024.82** Maintenance Contractor Review - Eng confirmed that the report was taking shape and would be ready by the next meeting. It would cover those areas of concern along with the good work that the contractor had carried out. The H&S advisor informed the Board that he had encountered difficulties in arranging suitable inspections of the work activities during the maintenance season. DH has reviewed the contract and the Board do have a number of ways to end the contract if they so wish.

**2024.83** LDA 1991, Sections 21-25 & 66 Breaches – MW raised a point on Leominster Compensation Ditch that was referred to in the papers - Eng confirmed that there was a suspected unconsented discharge into the culverted section of the watercourse. The Eng. would be making a site visit to view the situation to establish if the works are as designed. If not, the Board may have to take enforcement action. Concerned that more water is being discharged than planned. MW stated that the water has flooded twice this year, blows out manhole covers and cuts off access to the Railway Station. Eng advised members that there is a watercourse, Towns Drain, that runs down the side of the railway which is overgrown. The Council has served a notice on Network Rail to clear this watercourse. The culverts have been jet washed by Welsh Water.

**2024.84** Planning – MW raised Barons Cross Camp, the development not in area but discharge is. Consent has not yet been given but the massive excavation works to clear the earth which is red colour, has begun. A landowner has been flooded downstream and the colour of the water and earth left was red. The developers had dug a ditch down the side of the road and installed a culvert that goes under this landowners gate and into the farmers yard. Chair confirmed that contact should be made with the EA pollution control. MW queried how they could discharge without the Board's consent. Eng confirmed that the consent related to a discharge into Ebnall ditch and not where they are discharging currently. This issue is a planning issue and should be raised with the Councils planning dept.





**2024.85** Chair raised point on HRA information, what are the controls and what were the proposed mitigation for the issues they have raised. Eng confirmed they were really straightforward in silt control when undertaking works in out of channels (which is already in the spec) and when we do the works on the Lugg Rhea only the middle of the channel is cleared to leave an environmental habitat for eels. Another target is to keep vegetation out of the watercourses. Chair asked what is the IDB mitigation against this? Eng. confirmed that it was covered in the maintenance contract specification. It was requested that this risk is added to the Board's Risk Register.

**2024.86** Wharton Hall – River Lugg – This scheme highlighted the benefits of individuals undertaking works in main river. Opportunities to part fund works through willow coppicing for example. It was noted that it is far cheaper for landowners to carry out the work with IDB support rather than using the IDB contractors. IDB wish to help other landowners undertake similar works on main river. There is usually a two-month window (August to September) when the works can be completed. The Eng. is preparing a checklist to help guide landowners through the process however this has still to be completed. Natural England are keen to have a meeting with the Eng. to discuss developing a closer working partnership which will be encouraged. The meeting with Claire Minott (NE) will take place in the new year.

#### HEALTH, SAFETY AND WELLBEING

**2024.87** There had been no accidents, incidents or near misses reported since the last meeting.

**2024.88** Health and Safety Reports - The H&S Advisor informed members that due to the weather conditions that there had been no site observation undertaken since the last meeting.

**2024.89** Contractor – The H&S Advisor informed the Board that he had encountered a few issues with the Maintenance Contractor, very difficult to arrange site meetings, lack of response to emails, supply of information, notification of where they are working. However, with the reappointment of the previous works supervisor, he has been able to undertake a site visit to assess the working activity. It reported that there a few minor issues that he has conveyed to the Eng. to help with her report.

#### ENVIRONMENTAL ADVISER'S REPORT

**2024.90** The Environmental Advisor's report, that was circulated with the papers, was noted.

Chair thanked him for his report. He encouraged all landowners to attend some training, as part of the Wyescapes programme. Chair was looking forward to his second report that will see the impact of the works a year down the line.

Signal crayfish was an issue in the River, and the Chair asked if the Board could obtain a licence to trap. DH informed members that the EA are not giving any licences to trap as they believe the crayfish are self controlling as the larger ones eat the smaller ones. Chair asked if the Environmental Advisor could contact the EA to see what else can be done.

It was suggested that maybe an evening meeting could be arranged with landowners to talk through the works at Wharton Court that would involve Natural England, Environment Agency and Forestry Commission. The Board supported this and may be linked to the release of the checklist.



**Any Other Business**

**2024.91** District Plans – All members will be provided with the link to the information on the website. Eng. will ensure her plans are available.

**2024.92** Millcroft relief channel – CP advised members that this watercourse nearly overtopped recently, Eng. confirmed it was in this year's programme that had not been delivered by the contractor. CP also added there has been some flooding at Five Bridges and that the Council should look at installing new culverts to help alleviate the flooding.

CP also updated members on the recent ADA conference.

**Date of Next Meeting**

**2024.93** Wednesday 15 January 2025 – Canon Frome Court

Wednesday 25 June 2025 – Venue TBA

**1.6 Matters Arising not elsewhere on the Agenda**

**2024.80** The Clerk has written to ADA as requested by the Board at the last meeting. The letter can be viewed at Appendix A. The EA's updated guidance on owning land next to main river can be found by following the link below. Also, a pdf copy of this guidance is attached to the email sent to members, along with these papers.

<https://engageenvironmentagency.uk/engagementhq.com/your-watercourse-rights-and-roles>

**1.7 Complaints/FOI Requests**

There have been no complaints or requests since the last meeting.

*Eng. hmw  
15-1-25*