

WATER MANAGEMENT CYCLE WORKING GROUP - NOTES

FRIDAY 27 JANUARY 2023

10.30 A.M. – 2 P.M.

MAIDSTONE MUSEUM

Present:

Members

Councillor English (Chairman)
Councillor Harwood
Councillor Cleator
Councillor Brice
Councillor Jeffery

Officers

Director of Finance, Resources and Business
Improvement
Democratic Services Officer

Reserve Member

Councillor Springett

Other Members

Councillor Perry – Invited to attend as the Lead Member for Corporate Services.

External Attendees

Clerk to the Board, Upper Medway Internal Drainage Board
Head of Science and Partnerships, Southeast Rivers Trust
Flood and Water Manager, Kent County Council

Item	Minute
1. Apologies	Apologies had been received from Councillor Garten. Councillor Brice informed the group that she would leave the meeting at 12.10 p.m. due to a pre-existing commitment.
2. Substitute Members	Councillor Springett was present as Substitute for Councillor Garten.
3. Evidence Collection	The Chairman welcomed the External Stakeholders to the meeting, with all attendees asked to introduce themselves, and outline their expertise and interest to the topic. The aims of the review were outlined, with the group's previous consultation meetings with the Council's officers highlighted to the external attendees. Each External Stakeholder was given 5 minutes to introduce themselves and their organisation, followed by 40 minutes of questioning from the Working Group (the group).

Oliver Pantrey, Upper Medway Internal Drainage Board (UMIDB/the Board)

Oliver Pantrey introduced themselves as the Clerk to the Board. Their responsibilities included managing the day-to-day operations of the UMIDB, staffing, ensuring compliance to regulations and providing advice on all policies against the overarching task of assisting the UMIDB in achieving its directives and securing outcomes.

The UMIDB was a quasi-government body, formed from the Land Drainage Act (1991) with 19 Members in total; 10 of the Members were levy paying authorities, including Maidstone Borough Council (the Council). The UMIDB was responsible for the drainage of primarily agricultural land, alongside a significant amount of development land through increased development affecting its area of responsibility.

The Clerk to the Board stated that the water that interacted with urban areas was managed by the Environment Agency on the UMIDB's behalf, with the latter paying an annual precept for the services provided. It was stated however that the UMIDB's remit had shifted over time, and that it was more appropriate to view the organisation as a water management authority due to its increased involvement in consultation with and management of catchment flooding.

The UMIDB wished to start considering how it could manage catchment flooding as an organisation; this could be achieved through looking at actions to be taken both inside and outside of its district, such as improved drainage of flood plains. It was stated that the UMIDB was in a unique position to allow for a more collective effort with the relevant authorities, as opposed to the independent working shown in previous years. The UMIDB was able to contribute both strategically and practically to various elements of the Water Management Cycle.

The area covered by the UMIDB was of a fluvial nature, as it received waterflows from the major and minor watercourses from the catch ways of the River Medway in a downward direction. The difference between waterflows of the UMIDB and the Lower Medway Internal Drainage Board was briefly outlined.

During the interview process, the group raised the following points:

- The UMIDB's adaptation to the changing elements of the Water Management Cycle, with reference to natural flood mechanisms such as flood plains and wetlands.

In response to questions, the Clerk to the Board stated that the UMIDB had shown an increased interest in conservation and improving biodiversity across the past three years, which coincided with flood management. The UMIDB had been working closely with the Southeast Rivers Trust (SERT) and Kent County Council (KCC), to improve the perception of the Board amongst others. The Board had been actively trying to assess where it could work and impact upon areas outside of its primary district, with the mechanisms for this contained within the Environment Act (2021), to align more closely with the

work of the Environment Agency. The reconnection of flood plains was given as an example.

The importance of joint working was strongly reiterated, as this would enable the UMIDB to consider funding schemes that would slow the water-flow outside of the district. The districts still required appropriate drainage and water management, especially where a quick response to alleviate immediate pressures was required, but the emphasis increasingly needed to be on water management.

- The UMIDB's role and work in the Local Area

The Group questioned the Clerk to the Board on the UMIB's remit, with several members having provided examples of issues within their local area. Specific reference was made to Riparian rights, SUDS, use of ditches and drainage networks and natural flood management mechanisms.

In response, the Clerk to the Board stated that the UMIDB adopted a water course slightly outside of its district in November 2023 for the first time. The UMIDB would like to assume responsibility for areas affected the Water Management Cycle if this was not in contradiction to the landowners' views. It was stated that Riparian rights needed to be reassessed, as whilst landowners were undertaking the work required – to move the water without impediment to the next person – there were no considerations as to whether the landowners had the means to hold or store the water, and whether they could be financially compensated. SUD schemes were expensive, and until they were designed to cope with increased rainfall, issues could continue to arise.

The Clerk to the Board stated that ditch networks should be viewed as drainage, and not necessarily as a mechanism to support the holding of excess water. If a ditch network was performing well, the water held would subside quickly. The UMIDB faced challenges if the volume of water was such that the main rivers began to join. A recent pilot scheme carried out by the UMIDB was outlined.

The Clerk to the Board stated that the UMIDB did not deal with sewage or treated foul pollution. The limited resources available to the UMIDB and the Environment Agency in both highlighting and prosecuting against those issues respectively, contributed to the issue's increasingly prevalence.

It was confirmed that Beavers had been used in some areas to hold water and had recently been classified as a protected species in October 2022. Further considerations were needed, as whilst beneficial, there were instances where the holding of water could have unintended impacts. The Environment Agency was continuing to work on this.

- The UMIDB's funding and future ambitions

In response to questions from the Group arising out of the UMIDB's remit and work undertaken, the Clerk to the Board stated that the UMIDB had created a Resilience Fund; the first created by an Internal Drainage Board. The aim of the reserve was to ensure that the excess reserves held by the Board were directed towards the achievement of suitable projects, either through direct funding or support in its delivery. This would ensure a 'mosaic' approach, whereby the number of measures provided would increase, joining over time to create a suitable defence around the UMIDB district.

The Clerk to the Board emphasised the importance of working flexibly and achieving outcomes, as opposed to discussions only, to improve the districts resilience.

- Member and Local Knowledge of the UMIDB's role

Several Members of the Group felt that further information on the UMIDB and its role should be disseminated to Members and included within the Group's final report, to increase the understanding of the Board's role. This would also encourage greater interaction with the Council's Ward Members that had local knowledge of the areas affected by the Water Management Cycle.

The Clerk to the Board expressed support for the suggestion, highlighting that the UMIDB was focusing on promoting its presence on social media, which would be complemented by additional information being presented to the Council's Members.

- The impact of Climate Change, as several members of the Group questioned how the UMIDB intended to manage any affects to the Water Management Cycle.

The Clerk to the Board stated that Climate Change was not a specific area for the UMIDB to consider; its approach was to accept that flooding would occur, that it will likely worsen through Climate Change, and that consideration would be given to facilitating as much flood plain re-connection as possible to prevent the excess water reaching the main water courses. The importance of viewing the UMIDB's remit as a catchment and water management authority was reiterated.

- The UMIDB's 'wish-list' of actions for the Group to consider as part of the review, as the group felt that this would support the review being solution driven and outcome focused.

In response, the Clerk to the Board outlined the following requests:

- *That both the Council and Kent County Council should be involved in the modelling and delivery of projects*

- *To lobby central government for the secondary and tertiary legislation required to allow IDBs to actively work within the catchment areas and to levy those within the catchment to support the work's completion.*
- *For further opportunities for Joint Working, through Public Sector Collaboration Agreements.*

For example, the UMIDB would like to be able to offer cost aid or partnership working to KCC in managing water courses where the authority was unable to deal with water course maintenance. The group were informed that the Clerk to the Board and the Council's Director of Finance, Resources and Business Improvement had recently discussed opportunities for joint working, including through contracted means. The importance of an acknowledgement from other authorities that the UMIDB would be welcomed in working across the areas was highlighted.

- *In addition to the above point, the acknowledgement from other authorities, such as District and County Councils, that the UMIDB should be and could be doing more.*

For example, the UMIDB would usually have to work to its boundaries, however there were instances where an issue could be resolved by extending out of the boundaries by short distances, to the betterment of the area.

- *From a flood management perspective, funding would be welcomed with emphasis given to joint projects.*
- *For the UMIDB was consulted as a non-statutory consultee on planning applications submitted within flood plains.* Developers no longer viewed flood plains as inappropriate areas for building, and instead invested in mechanisms to overcome any initial water management concerns, such as building on stilts with drainage underneath and SUDS schemes. However, the schemes had a shelf-life, with many residents left to maintain the schemes once the original maintenance companies had left. This had cost implications. The Clerk to the Board emphasised that whilst the National Policy Planning Framework accounted for drainage/water control measures, further input from Local Authorities (as Local Planning Authorities) could be beneficial in ensuring these measures were suitable.

The group were informed that the UMIDB had the capacity to take on community networks as a result, with this being an option for future consideration for the organisation.

The Group expressed support for engaging with the UMIDB on planning applications, with the Chairman highlighting that they had recently spoken to the Chairman and Vice-Chairman of the Council's Planning Committee and the Head of Development Management on SUDS maintenance, landscaping and biodiversity and the types of actions that the Council could take in relation to those considerations.

The Director of Finance, Resources and Business Improvement questioned the Clerk to the Board on the UMIDB's proposed approach to increasing the levy payable by the relevant authorities within the UMIDB catchment area. In response, the Clerk to the Board stated that whilst they understood the financial limitations placed on Councils, the previous 5% increase in the levy payment was required to support the Board's progression.

The Clerk to the Board stated that the Board was working to strengthen the position of its general finances, with the aim of looking to reduce levy increases to up to 3% increases in the future where possible. The UMIDB intended to reduce the burden upon special levy paying authorities.

Further explanation was provided on the Board's financial situation and proposed measures across the next five years, including the agreement to accept a loss to the budget across the 2022/23 financial year to use the excess funds available and achieve the growth desired by the organisation. A portion of the excess funding had been ring-fenced for specific projects.

Chris Gardner, Southeast Rivers Trust (SERT)

Chris Gardner introduced themselves as the Head of Science and Partnerships and outlined their educational and professional background. The SERT's founding and history was also outlined, with the organisation's aim being to provide healthy rivers for individuals and wildlife. The SERT hosted a catchment-based approach, with 12 stakeholder partnership across its area to deliver projects with multiple benefits. The UMIDB was one of the SERTs partners.

It was stated that the national rivers trust movement, of which SERT was a part of, had been very effective at drawing attention to rivers and the water classification scheme. The group were informed that 90% of water bodies within the Southeast were classified as having 'failing' water quality, whereas only 10% were seen as having 'good' water quality. The SERT had drawn attention to the impacts of sewage distribution in clean water courses.

The Head of Science and Partnerships briefly outlined a range of projects that the SERT were delivering, including the Pro-water project, the Stage Zero Project and the delivery of wetlands and flood plain connections. The SERT aimed to facilitate improvements to rivers through partnership, education and engagement.

During the interview process, the group raised the following points:

- The condition of rivers within the Kent area

Several Members of the group strongly emphasised the poor condition of some of the rivers within the Kent area, such as the River Len, and the resulting impacts to local wildlife. The importance of implementing projects to improve river quality within the Maidstone area was highlighted.

In response, the Head of Science and Partnerships stated that the River Len had been heavily modified through milling, having been a chalk stream that emanated from natural springs. To improve the quality of the River Len, the damage caused had to be reversed through the re-establishment of nature-based solutions, as many rivers had lost their natural function and connection to nature.

The Head of Science and Partnerships stated that the conditions of rivers were worsening, in part due to a lack of Environment Agency funding and resources that would provide for continued prosecutions where appropriate.

Several Members of the Group expressed concerns on the prevalence of surface and foul water, with further information outlined below.

- The negative impacts of foul water mixing with clean and/or surface water, following the concern expressed by several members of the group on the issue's prevalence.

The examples given by the group included the mixing of surface and foul water in Staplehurst and the associated impact to the River Beult, and the discharge of foul water into the clean water or urban areas.

In response, the Head of Science and Partnerships stated the public sector's ability to actively enforce against the mixing of surface and clean water with foul water had reduced steadily in recent years. This was in part due to a reduction in funding. For example, the Environment Agency had a significantly higher number of staff during the 1990s and was able to take proactive measures to reduce pollution, such as by producing industry specific Pollution Prevention Guidance.

However, as the resources available had reduced there had been instances of Water Companies experiencing spillages that had been neglected, with no action taken.

The group strongly felt that effective preventative measures were needed against the mixing of surface and clean water with foul water. This extended to ensuring proactive enforcement where issues had been identified. In response, the Head of Science and Partnerships stated that where a developer did not

comply with any planning application conditions, such as the use of SUD schemes, enforcement action needed to take place as a follow-up. The Chairman stated that this issue had been raised with the Council's Development Management service area for further consideration.

- The importance and delivery of education, as several members of the group questioned how this could be improved.

In response, the Head of Science and Partnerships stated that the best method to improve education delivery was to educate children, in part as children would then discuss these matters with adults. The Clerk to the Board (UMIDB) stated that the Association of Drainage Authorities had begun writing a syllabus for school children, *with the group advised to consult the organisation for further information.*

- The SERT's 'wish-list' of actions for the Group to consider as part of the review, as the group felt that this would support the review being solution driven and outcome focused; particular reference was made to the funding available to the SERT.

In response, the Head of Science and Partnerships outlined the following requests:

- *Increased funding and resource provision.*

The group were informed that following the country's departure from the European Union (EU), the funding previously provided to work collaboratively with EU partners, had not been replaced.

Whilst the SERT could access grant funding, such as the Water Environment Grant, the funding had been significantly reduced in recent years; from £14 million previously, to £8 million this year, £5 million next year and then £4 million from then on.

The importance of partnership working to deliver diverse funding projects to deliver the schemes needed was reiterated.

- *To lobby central government on the funding available to replace the funding previously provided by the EU, to support project delivery.*

The Head of Science and Partnerships gave an example of how improvement projects to the River Len, such as through a River Restoration Strategy, would help to engage with the local community, providing an opportunity to promote increased education on the subject of river restoration and the work conducted by the SERT.

The Head of Science and Partnerships stated that they would further consider the above requests and provide further information as required by Friday 3 February 2023.

Max Tant, Kent County Council (KCC)

Max Tant introduced himself as the Flood and Water Manager at KCC, with his team predominantly providing services for KCC's role as the Lead Local Flooding Authority (LLFA). This included working on flood-related matters, particularly surface water, and the Flood and Water Manager had recently taken on the additional role of co-ordinating nutrient neutrality within the River Stour.

As the LLFA, KCC has additional powers and duties relating to Flood Risk Management for local flooding, including the preparation of Local Flood Risk Management Strategy that outlined how local flood risks would be managed. As LLFA, KCC investigated flooding across the county, maintaining a register of structures and features that could impact flood risk. KCC has the power to regulate ordinary water courses, but not where these sat within the district of an Internal Drainage Board.

KCC is a statutory consultee to the planning process, providing advice concerning drainage measures in major planning applications where consulted.

During the interview process, the group raised the following points:

- The role of the team managed by the Flood and Water Manager

Several members of the group questioned the Flood and Water Manager on their team's role, remit and resource allocation.

In response, the Flood and Water Manager stated that the team contained 10 staff members, with two long-standing vacancies. The sector was experiencing difficulty in recruiting, particularly for experienced individuals, with other authorities in a similar position.

The Flood and Water Manager stated that whilst additional funding could support additional work, they had adequate financial resources to support the team's current work with the number of staff members available. The team consulted upon a monthly average of 150 planning applications, but he did not have the specific figures for Maidstone available. This involved conducting an assessment of the drainage proposals put forward by the applicant, against the Department for Environment and Rural Affairs' non-statutory standards and KCCs standards; the level of assessment would depend on the stage of the planning application.

In response to questions on flooding from sewerage, the Flood and Water Manager stated that their team was not responsible for the matter; overflowing sewers were the responsibility of Southern Water. The team had minimal involvement in minerals and waste considerations, but there was a significant overlap

between the team and highways drainage, including knowledge exchange.

- The input and assistance that the Council could provide to KCC, as the group felt that they should be aware of any areas for improvement and/or joint working opportunities as part of its review.

In response, the Flood and Water Manager stated that there were areas for improvement including:

- *The promotion of robust policies concerning sustainable drainage.*

The Flood and Water Manager explained that in KCC's role as a statutory planning consultee, there were requests that they would like to make concerning sustainable drainage, but as this was generally governed by non-statutory technical standards, the Council having robust policies in place would assist in KCC being able to make those requests.

- *An increase in proactive (planning) enforcement.* The example given concerned unsuitable drainage having been fitted by developers, with KCC unable to address the issue as it did not have the powers to. It was stated that KCC had offered assistance, but that this was not often accepted.
- The Council had a small but effective budget in discharging its function to maintain water courses and culverts within the borough, which KCC administered on their behalf. This has been useful to KCC. This was a good example of joint working. It was stated that it would be helpful if other authorities discharged this function in a similar manner.

The Director of Finance, Resources and Business Improvement outlined the interest expressed by the UMIDB in undertaking additional responsibilities. *In response, the Flood and Water Manager confirmed that as KCC facilitated the work's undertaking on the Council's behalf, the UMIDB could be tasked with the role provided that the UMIDB had the means and equipment to conduct the work.* For example, a culvert in Yalding was being investigated by CCTV, which the UMIDB may not be able to deal with. It was noted that this could provide greater opportunities, especially if the site requiring maintenance was close to the UMIDB's district and they may charge a lower fee.

- Nutrient neutrality, in response to questions concerning the legalities of, and improvement to, nutrient neutrality in Maidstone.

In response, the Flood and Water Manager stated that they were unable to give a general national picture of Nutrient Neutrality, but that nutrient neutrality was a consideration for the River Stour due to its connection to Stodmarsh. Stodmarsh had been classified as a 'Special Area of Conservation' amongst other designations.

The Flood and Water Manager believed that Natural England would be assessing the Medway Estuary and Pegwell Bay. Water companies had been asked to meet the Water Framework Directive Targets; however, these were much less stringent than the Habitat Directive.

The group briefly considered whether the government should be lobbied on applying the principle of nutrient neutrality across all water courses.

- The possibilities for and requirements of surface water drainage schemes within Maidstone

The group felt that it would be beneficial to examine whether any surface water drainage schemes and/or pilot scheme could be introduced to Maidstone, given recent pilots elsewhere across Kent. Specific reference was made to changing weather patterns, and the shift to increased surface water flooding.

In response, the Flood and Water Manager stated that the flooding risks to Maidstone were generally within the southern and rural areas of the borough. The legacy impact of historic land drainage systems not having been maintained, coupled with an increased density of development, placed increased pressure on the remaining land drainage. A scheme to address these issue would be beneficial, although there may be difficulty in determining the type of scheme required. The preferred approach would be to locate the appropriate areas and produce a work programme demonstrating its significant benefit through a cost-benefit ratio; the likely required ratio would be a 5:1 ratio and would have to be demonstrable to the Environment Agency.

Hybrid schemes such as Environmental Land Management Schemes could be explored.

The Flood and Water Manager referenced the ongoing Pathfinder projects being conducted by Southern Water, that reduced surface water in the combined sewer, including separating highway run-off. There were three projects within Kent, in Margate, Deal and Whitstable. Included within the pilots were Smart Water Butts across three streets of each area. It was stated that positive data had been received so far,

and it was hoped that Southern Water would begin rolling out the same and/or similar measures across its area of responsibility.

The Flood and Water Manager stated that separating roof water from the sewer system would be beneficial, and that the group may wish to consider if they could influence any of the Council's partners to do so. *The group expressed support for this action, alongside lobbying Southern Water to introduce a pilot scheme into the Maidstone area.*

- The upcoming work of the Flood and Water Manager

In response to questions, the Flood and Water Manager stated that KCC's Adaptation Plan was being drafted. The document would focus on the actions that KCC could pragmatically achieve as a local authority. Partnership working and/or influencing partners organisations would be considered, with an example given of the Local Nature Recovery Strategy that KCC would use to influence others.

- Any matters that the Flood and Water Manager would like to raise for the group to consider as part of its future consultation with Southeast and Southern Water.

In response, the Flood and Water Manager stated they were keen to promote efficient water use at the development level, including the use of 'grey water' (treated domestic wastewater). The water's re-use would conserve a significant amount of water, with the example given that toilet flushing accounted for 25% of water usage within the home.

This required a concerted effort from multiple parties, which was made more difficult in areas such as Maidstone where the supply of water and wastewater were managed by different companies; it would likely require strong policies to encourage grey water use but would be much easier for the relevant Water Companies to facilitate. It was stated that this would likely fit well with those companies' future plans, despite not necessarily being something that they would do.

The Group expressed strong support for the suggestion made.

At the conclusion of the interviews, each stakeholder was invited to provide any further comments for the Group to consider by Friday 3 February 2023. This included questions and comments for the group to raise with Southeast Water and Southern Water.

The group thanked the external stakeholders for their attendance and for the information gathered during the course of the meeting. An update was provided on the next steps of the review.

<p>4. Summary of discussion and any other points to raise for the next meeting.</p>	<p>Given that the meeting was due to end by 2.30, and the amount of information gathered from the meeting, the group requested that the Democratic Services Officer produce the minutes and compile the actions highlighted by the group during the meeting. The minutes and actions would be circulated ahead of the 7 February 2023 external consultation meeting.</p>
<p>5. Any Other Business.</p>	<p>None.</p>
<p>6. Summary of Agreed Actions</p>	<p>Actions: That</p> <ol style="list-style-type: none"> 1. The Democratic Services Officer produce the minutes, highlighting the actions suggested by the working group (see italicised text), for the group to consider as part of formulating its recommendations; 2. The Democratic Services Officer contact the representatives from the Upper Medway Internal Drainage Board and the Southeast Rivers Trust, to ask if they had any comments for the Working Group to raise with Southeast Water and Southern Water at its next external consultation meeting; and 3. The (second) External Attendee expected from Kent County Council be requested to provide a written introduction, including their 'wish-list' for the group to consider, for circulation to the working group for questions and comments, in lieu of their absence.
<p>7. Duration of Meeting</p>	<p>10.30 a.m. to 2 p.m. The Group had a brief break between 12:20-12:45.</p>