

MINUTES OF MEETING



Status:

JBA Project Code 2011s5031
Contract Thorne, Crowle and Goole Moors WLMP Implementation
Client Tween Bridge Internal Drainage Board
Day, Date and Time 07/02/2012 10:00
Meeting Thorne, Crowle and Goole Moors WLMP Steering Group Meeting
Venue JBA Consulting Office - Denison House

Attending

Helen Kirk	Thorne and Hatfield Moors Conservation Forum	HK (THMCF)
Matthew Blisset	Lincolnshire Wildlife Trust	CS (LWT)
Melissa Massarella	Doncaster Metropolitan Borough Council	MM (DMBC)
P Chantry	Dempster Internal Drainage Board	PC (DIDB)
Rowland Backhouse	Reedness and Swinefleet Internal Drainage Board	RB (RSIDB)
David Hinchliffe	Thorntree IDB	DH (TIDB)
Tim Kohler	Natural England	TK (NE)
Ken Knight	Doncaster East IDB Shadow Board	KK (DE IDB)
Kieran Sheehan	JBA Consulting	KS (JBA)
Alison Briggs	JBA Consulting	AB (JBA)
Darren Whitaker	JBA Consulting	DW (JBA)
Kim Parkinson	Tween Bridge Internal Drainage Board	KP (TBIDB)
Bob Dawson	N Lincs. Council	BD (NLC)

Item

Action

1 Apologies

- 1.1 Received in advance of the meeting from Tim Allen (Bob Dawson sitting in place of), Sam Longthorpe (Black Drain IDB), Michael Doherty (Goole Fields IDB) and Helen Markland (Melissa Massarella deputising).

2 Extraordinary Matters

- 2.1 KS explained the hold which had been placed on the Amalgamation process by Defra following a complaint had now put the plan itself in difficulty; although that original complaint had now been withdrawn it had highlighted a number of issues. KK had been invited to the meeting as the proposed Chairman of the new Doncaster East IDB, who would take over as lead Board following amalgamation. There was a legislative requirement the WLMP be implemented to ensure compliance with EU Directives.
[Addendum: Ashfields and West Moor, Finningley, Hatfield Chase, Potteric Carr, Tween Bridge, Tickhill and Armthorpe Drainage Boards will form the new Doncaster East Board on 1 April 2012.]
- 2.2 DH took members back to the original project proposed in 2003 where Grantham Blundell and Farran, the predecessors of JBA were engaged for a fee of £5,000 to produce a plan. That plan was subsequently produced and the Boards surrounding the Moor contributed equally toward it. DH wanted to know how the current plan was financed, who produced it and why it is different from the original one.
HK confirmed all had had issues with the old plan and that it had not as far as she was aware been ratified.
DH thought although 6 Boards engaged GB&F to produce a report, some of those Boards never saw it.
KS confirmed shortly after he started with JBA in 2009 he was presented with a project (the Investigative Studies Project) and produced the Draft Report for this in 2010. This was not the same report as that produced in 2005, agreed by Natural England, but which was not finally signed off by the Chairman of Tween Bridge until 2010 (the original Thorne Moors WLMP). An application was made to the Environment Agency for funding on behalf of Tween Bridge following recommendations in the published Investigative Studies report.

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2.3	A series of questions then followed about the mechanics of the plan and its history to date.
2.4	PC asked if it was the Steering Group who were authorising the work or were they overseers of it. KS confirmed the role of the steering group needs to be in terms of good governance, cheques will be signed by Tween Bridge or Doncaster East. The steering group is not a body corporate
2.5	DH asked how the decision was reached for Tween Bridge to receive funding for the plan? KP read the letter KS has sent out last week confirming Tween Bridge were a "conduit for grant monies" KK confirmed Tween Bridge were a formally constituted organisation, therefore, it was appropriate they were used as such a conduit
2.6	DH asked who authorised this project, why were JBA working for Tween Bridge, what about the other Boards bordering the Moor? AB confirmed from Minutes she had read relating to the Shire Group of IDBs, it appeared none of the other Boards wanted to run the project. DH felt that His Board (Thorntree IDB) had been left out of the decision making process. KS explained that, following the initial meeting with Tween Bridge in April s was not true; information regarding the Moors is available from many different places. DH: KS has been transparent but who decided Tween Bridge would be the lead Board, it was never raised at a Thorntree IDB meeting?
2.7	KK suggested the group move forward, the reason for being at the meeting is to implement the Thorne Moors WLMP. HK: Legally there is an obligation to get the Moors into Favourable Condition and the 2015 deadline must be met or the whole issue will go to Europe. KS: Tween Bridge is a 'Competent Authority' and that is why funding has been granted to the Board by the Agency.
2.8	PC: If the plan involves the European Site, why does the land around the moors need to be involved as it is not within the boundaries of the European Site? KS: Dempster IDB (and others) have drains adjacent to the edge of the moors which are having a negative effect on the conservation status of the Moors. This is especially the case with Northern Goole Moors, a critical part of the plan and a key area. Thorntree also has drains running adjacent to the site and, in addition, there are plans to discharge water from the Moors through a new weir at Creykes Gate into the Thorntree system.
2.9	KP acknowledged the necessity of the plan; his only concern is that it says on the website "Tween Bridge IDB act as lead consortia of Boards in implementation of the plan" My Board members don't understand what the Steering Group appears to understand. KS said the wording on the website was agreed with the previous Chair and Vice Chair (<i>Lead Board</i>); however, this could be amended after the meeting. [Addendum: wording on website was changed following the meeting to the satisfaction of KP]
2.10	PC wanted to know who will be held accountable if the project fails. KS: there is no guidance on this but no one will be held personally liable unless they

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have acted criminally. There is no clear definition in the LDA 1991 about these procedures. Expenditure is authorised by the Steering Group then Doncaster East will sign the cheques secure in the knowledge the Steering Group has already authorised and overseen the work done.

KK: the whole purpose of internal and external audit ensures that Tween Bridge complies with transparency and good governance. Tween Bridge has been audited and has a clean report.

3 Matters arising

3.1 KS asked if the Steering Group wished to make decisions on everything.
KK (as Chairman of the new Board): I would be happy to sign cheques which had been authorised by the Steering Group.

TK asked how this would work in practice; implementation of the plan would be very difficult if every penny was scrutinized. It would work better to have £X for a particular job of work and get on with it.

3.2 KS Passed Tween Bridge Financial Regulations around the table. Under LDA 1991 a Board is authorised to delegate power to a Committee, therefore this Steering Group can be authorised by Tween Bridge at their next meeting to give the group these powers. If there is no meeting then Doncaster East IDB can delegate powers to the group.

KK: we are only 7 weeks before the inaugural meeting of the Doncaster East DB so realistically management of Financial Regulations for Tween Bridge will be those for the new board; Financial regulations have already been discussed and will be approved at the first meeting. It is beneficial to have the Steering Group manage the Thorne Moors plan; we must not lose sight of what is needed to advance this project and the timescale in which to achieve it.

3.3 DH: Natural England is responsible for the site as is the Lincs Wildlife Trust. My only concerns are the impacts on surrounding agricultural land.
TK: the plan's objective is to enhance biodiversity whilst safeguarding surrounding farmland. Money goes from the EU to the UK Government, to Defra, to the EA to TB for funding the project.

3.4 KP: Some eyebrows were raised by members at the last Tween Bridge Board meeting at the remuneration for the Chairman of the Steering Group.
KS: The LDA 1991 allows for remuneration. It was proposed by Paul Burtwistle the Chairman should be paid £3,000 pa. In April 2011 there was no Steering Group and the Board was putting in its first grant claim, an Environmental Impact Assessment had to be produced and it was essential not to miss surveying during that season otherwise we would be no further forward now.

HK: I am not comfortable with Chair's remuneration.

KP: as we can expect Tween Bridge members to be at the next meeting.

AB: Letters are on file from June 2011 to all Tween Bridge members informing them Les Lomas was to receive £3,000 remuneration for being chairman of the Steering Group.

3.5 DH: It is not satisfactory that JBA are doing the plan, they are the advisors to four of the boards, not all six. The other boards are getting dragged along and had no part in

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	decision-making in terms of the WLMP implementation. HK: How it started is the problem, not the current management. AB: What is the problem? The fact that the plan went ahead and JBA are involved, that Tween Bridge are earning interest or that the Chairman receives remuneration? BD: If the Grant says there has to be a tender; the EA can influence delivery of the plan. KS: The grant does not say there has to be a tendering process. Tween Bridge IDB were awarded the EA grant money to implement the plan. How the board choose to do this is up to them. RB: The WLMP Investigative Studies Report was funded with an EA grant via £50,000 through Reedness & Swinefleet DB and £50,000 through Tween Bridge IDB. Unfortunately both boards are in different Environment Agency Regions so, as the Moors themselves are in the East Midlands Region, the application had to be made through Tween Bridge. The only IDB in the East Midlands Region bordering Thorne Moors is Tween Bridge; therefore, the funding could not be channelled any other way.
3.6	TK: It is critical that management from now on is open and transparent. If the Steering Group is established as a formal group we'll have responsibility to make sure we follow financial regulation guidelines.
3.7	PC: Who else should be in the Steering Group? What about inviting all the landowners on the Moors? TK: If we can't persuade the landowners around the moor to comply it may jeopardise the target dates if we can't go onto their land. There are about a dozen private landowners within the SSSI boundary. HK: day to day management isn't a problem; they pay their rates to a drainage board and are therefore represented. TK: there are too many to invite even as observers. KS the largest landowners are on the Steering Group, other landowners pay drainage rates therefore they do have representation. In talking about other landowners having a right to be heard on the group it is less than 2% of the land within the SSSI whereas 98% of the land in the SSSI is owned by Natural England and Lincs Wildlife Trust who want the plan to go forward. DH: Natural England can keep people informed. KK: names and bodies change over time so there is only one representative from Doncaster MBC. We should get consensus today then set it as a decision maker for the next meeting.
3.8	KS: We need a Register of Member Interests. KK: that's important for good governance RB: Certain boards have a vested interest in this plan in a big way, the rest of us are on the periphery.
3.9	KP: What about Les Lomas? HK: it is not a pre requisite that the Chairman be a Board member. AB: Les Lomas is still a member of Tween Bridge, he resigned as Chairman only. KK: the Terms of Reference already prepared by HK and tabled via KS recommends

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	that the Chairman should be independent.
3.10	KS: The Terms of Reference must be brought back to the next meeting.
4	Progress to Date
4.1	KS tabled a Progress Report which contained details of all works completed to date and the current budgetary position. This Report also showed the original bid submission to the Environment Agency and explained the 'Engineers Fees' section and how this related to the works being managed by JBA.
4.2	KS: JBA Consulting are charging about £240,000 for employee work on this project overall. This represents less than 10% of the plan value although the EIA did cost more to produce than expected. Defra in the recent NIA bid exercise expect administration of such a plan to be around 25% of the funding, JBA are charging much less as they are using their existing infrastructure and expertise. This represents good value for money.
5	Programme
5.1	KS outlined the proposed works this year which will include ground investigations for the Southern Boundary Drain weir, the restoration of the North Lincs. Council land on Crowle (subject to archaeological approval) and the writing of the Environmental Impact Assessment. This will require survey work, some of which is being co-ordinated by the Thorne and Hatfield Moors Conservation Forum with assistance from Natural England. Other work is necessary but funds have yet to be secured.
6	Budget and Invoicing
6.1	PC: How much is NE spending on pumping into the Swinefleet Warping Drain? If there is less water to be pumped would not a generator be better than a mains electricity supply? KS: The question over saving money on electricity, will Defra allow the saved money to be spent on scrub clearance? I doubt it.
	[The meeting broke for lunch]
6.2	KS reported that to date £400k had been claimed from the Environment Agency, in accordance with the claim schedule. Spend on the project to date is £57k.
6.3	PC: what happens to the interest on the money? KS: That is up to the board of Tween Bridge/Doncaster East.
6.4	PC: Will the interest on the funds be ploughed back into the project? KK: Currently there is no policy and steer will be needed from the group. Accounts from all boards will be consolidated into one fund at amalgamation of the boards. Various banks have been approached to discuss finance. TSB give a good return on funds and are good operators. KK: Interest could be ploughed back into something worthwhile, maybe something with no funding currently. HK: The interest moneys could be used by the project for the benefit of the moors, particularly as the grant was not in full nor was there sufficient funds for survey and monitoring.

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	KS: It is necessary to save up enough in the early years of the project to build the pumping station: money should be kept in various high interest notice accounts. KK: Doncaster East Shadow Board has a Local Authority appointed member who is a retired senior accountant and one who is a retired senior auditor.
7 Environment	No issues were raised.
8 Any other Business	
8.1	KP: wants it minuted that some Tween Bridge IDB members have a different impression of their responsibility in regard to the WLMP. The website states that they leading a consortium of IDB's this is not their impression of the role. KS: This can be changed easily straight after the meeting. [Addendum – see 2.9 above]
8.2	KP: Tween Bridge are concerned that the South Thorne part of the moor is quite high. If the peat is to be kept at field capacity as part of the restoration, then 2-3 inch of rain could run off and swamp the local drainage system leading to flooding of the surrounding area. Tween Bridge is aware of risk heightening by the changes and the board is concerned. KS: will attend the next board meeting to discuss this issue.
8.3	Terms of Reference to be distributed for consideration and feedback and agreement at the next steering group meeting.
9 Date of Next Meeting	
9.1	To be confirmed but will be after the first meeting of the new Doncaster East Board in early April as this will need to confirm the powers of the Steering Group in relation to the good governance of the WLMP.
9.2	There being no other business the meeting closed at 14:30