

## **Earnley Parish Council**

Minutes of the extra ordinary Parish Council Meeting held on 16<sup>th</sup> October 2017

**PRESENT:** Cllrs. Keith Martin (Chairman), Chris Charter (Vice Chairman), Sandy Simpson and Robert Carey

**In attendance:** Mrs Louise Chater (Clerk) and three members of the public.

**98.17 PUBLIC QUESTION TIME ON MATTERS ON THE AGENDA**

None.

**99.17 APOLOGIES AND REASONS FOR ABSENCE**

Cllr. John Stant - holiday

**100.17 CODE OF CONDUCT**

1. Declarations of Interest on items included on the agenda - Cllr. Carey, Chairman of Birdham & Earnley Flood Prevention Group.
2. Dispensation requests - none.

**101.17 BATCHMERE LANE FLOOD RELIEF SCHEME**

1. Project - Cllr. Carey, stated that the project is to be carried out in conjunction with the Environment Agency and West Sussex County Council who have jointly designed the works and the Environment Agency will be responsible for supervising the works.

The proposed works would divert flood water from Grange Rife into the ordinary watercourse system and would assist with preventing flooding to properties and the highway in Almodington. The flood diversion works consist of constructing a 300 mm diameter overflow pipe from the Grange Rife starting on the western side of Batchmere Road that will then cross under Batchmere Road and discharge into a proposed new short stretch of ditch on Mr Charles Renwick's land, who has provided written consent to enter his land and construct the new ditch. The new ditch will then connect to ditches in the ownership of Easton Farm Partnership. Easton Farm Partnership has requested that a licence be put in place. As the Flood Prevention Group is not a constituted group it is unable to enter into a license with the Easton Farm Partnership. Therefore, this important project will not be able to proceed

The funding for the project has been supplied by Operation Watershed and the Flood Prevention Group have kept the grant awarding body up to date on the situation as it has developed.

1.2 Parish Council's Role and Responsibility. If the Parish Council agree to take the lead in the project, the Council will become responsible for approximately 80 metres of ditch and boundary hedgerows. It was noted that there are two inspections chambers which will enable inspection and any jetting work required. Although the Parish Council would place the order for the works the Environment Agency would be responsible for inspecting the works. Landbuild have appointed a project manager who will supervise and manage the works including any health and safety requirements.

Q. Would the Parish Council need to commit any future funding?

A. The normal budgeting process should be able to cover the cost of annual maintenance.

Q. Does the licence agree to moving the water?

A. We will see the licence prior to signing.

Q. Why wouldn't the Environment Agency take this role on?

A. It would take considerable longer if Environment Agency took this on. The water is being diverted from a main river (the permission has been obtained) and will then be going through an ordinary watercourse which are not the Environment Agency's responsibility

Q. Is this a life time commitment?

RC

A. Yes.

Q. If the land changes hands is the licence attached to the land or landowner?

RC

A. Cllr. Carey to seek clarification on this matter.

Q. Does the landowner understand why the Parish Council/Flood Group are leading on this and the not the environment agency

A. Cllr. Carey to seek clarification on this matter.

1.3 Birdham and Earnley Flood Prevention Group's Role and Responsibility - if the landowner agrees to move this project ahead. The Flood Group will request the County Council transfer the grant to the Parish Council.

Cllr. Carey left the meeting table and sat in the audience.

## 2. Funding

Because this bid was submitted in conjunction with the Environment Agency, Birdham and Earnley Flood Prevention Group were not required by the grant awarding body to provide formal quotes from a number of contractors. The Flood Action Group have received a quote from Landbuild, the Environment Agency's preferred contractor for this project. The quote would need to be reissued to the Parish Council if the Parish Council were to become the lead for this project.

2.1 VAT implications - the Parish Council can reclaim VAT on non-business activity, however there is an upper limit of

£7,500 per year, if this limit is exceeded then the Parish Council cannot claim any VAT in that financial year. It was agreed that the Clerk would obtain clarification on the VAT implications of the project.

CLERK

2.2 Audit implications - it was noted that the current Parish Council budget was set at £15,209 which brings it under the receipts and payments threshold of £25,000 and is therefore exempt from External Audit. Any funds received are likely to take the council over this threshold therefore the parish council will be required to comply with the external audit requirements and the expenditure associated with this.

3. Licence to carry out works - the scheme will be built as per the specification drafted by the Environment Agency and West Sussex County Council. The landowner has not currently stipulated that they require compensation or indemnity, however they have requested that their legal fees are covered. It was noted that the Parish Council would need to obtain legal advice on this project.

CLERK

4. Letter to Easton Farm Partnership - On a proposal by Cllr. Simpson, it was RESOLVED to send a letter to Mr John Mansell, Paris Smith, requesting that the Easton Farm Partnership enter into a licence with the Parish Council to enable the water to be discharged into Easton Farm Partnerships ordinary watercourse system. The appendices to the letter have been produced by the Environment Agency and the County Council. The letter will be copied to Mr Robert Carey, Chairman of the Birdham & Earnley Flood Prevention Group, Mr John Smith, Environment Agency, Environment Agency Team Leader, Asset Performance East Hampshire and Chichester. Mr Peter Bilbrough, Senior Lawyer, Legal Services National Team 1, Environment Agency

CLERK

## 102.17 REPORT ON EXTERNAL MEETINGS

None.

Meeting closed 17.00

Signed: \_\_\_\_\_ Chairman Earnley Parish Council

Dated: \_\_\_\_\_