

**Minutes of a meeting of the Monks Wall Nature Reserve Management Committee,  
24<sup>th</sup> April 2014, in the Council Chamber, Guildhall, Sandwich at 7:00pm.**

**Present:**   **The Mayor (in the Chair)**  
              **Cllr Mrs S Laslett**  
              **Cllr JJ Watts**  
              **Mr J Gibbs**  
              **Dr M Griffiths**  
              **Dr A Lipczynski**  
              **Dr M Walkey**

**Officer:**   **Miss T. Weir**

**30.04.14    APOLOGIES FOR ABSENCE**

Apologies were received and accepted from Cllr Graeme, who had a business commitment, and Cllr Scott, who was on holiday.

**31.04.14    DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS  
AND           OTHER SIGNIFICANT INTERESTS**

No declarations of interest were received. (Although Dr Lipczynski notified the Committee that he was now sole director of his own environmental consultancy company, as this did not have a direct relevance to the matters on the agenda, the Chairman determined that no declaration of interest was required.)

**32.04.14    MINUTES**

Minutes of the Ordinary Meeting of the Management Committee, held on 27<sup>th</sup> January 2014, were considered. There were matters arising as follows:

- Dr Lipczynski asked that it be minuted that after the formal close of the meeting on 27<sup>th</sup> January 2014 he raised the issue of payment of expenses to non-councillor committee members.

- The Management Plan and Warden's job description, along with the Warden's remuneration, were approved at the Council meeting on 17<sup>th</sup> February 2014.

- The grazier's licence is currently on hold until 2015.

- Work on leaflets is ongoing.

- Vincent Liu (Zurich) had updated Miss Weir (email dated 24<sup>th</sup> April 2014) regarding several key matters relating to insurance and the Reserve: firstly, that members and staff have indemnity of £10m while on the reserve, and any volunteers or employees of the Council are covered; secondly, that the Council's public liability insurance covers any land that it maintains and is responsible for; thirdly, that two natural hides were insured under part C (All Risk) and the excess for All Risk is £100; and that he would make no further recommendations for inclusion in the Council's policy with general reference to nature reserves / outdoor spaces, advising that the £10m public liability cover in place should be sufficient.

### 33.04.14 **PROGRESS REPORT**

Members received a progress report from the Warden, Dr Martin Griffiths, and the following issues were raised:

- The Warden had seen Environment Agency (EA) employees on site by the Monks Wall today, looking as though flood defence work might be about to begin in that area.

*Cllr Mrs Laslett arrived at this point in the meeting.*

- The EA have been cutting back vegetation and other possibly routine tasks by the banks, including some trapping of reptiles - it was not possible to confirm whether this was for transference or recording purposes.

- Although hawthorn and bramble are growing quickly at the moment, since very few people are using the boardwalk at the moment, this should not pose much of a risk.

- Water levels have now dropped to near main ditch levels. Since submitting his written report, the Warden had seen some summer migrants at the Reserve, including a cuckoo, chiffchaff, willow warbler, sedge warblers and one or two other warbler species.

- It has been suggested by Julian Sampson (GW Finn & Sons) that it would be best to manage the reserve by grazing and that cattle-proof fencing would be important. Dr Griffiths measured the proposed fence line - the whole of the length of the Reserve, except where crops grow on the other side - and contacted Jackson's Fencing (Stone Street) who came to look at the site and quoted £8000. It was suggested that the fence nearest the road on the other side of the ditch belonged to KCC and that perhaps this could be adapted to make it cattle-proof, however there was some concern that this would put the fence several metres outside the reserve, despite the presence of the access track. Cllr Mrs Laslett suggested that grants may be available, and offered to find out from an agricultural acquaintance whether he had accessed any grants for livestock fencing. Dr Lipczynski suggested this may be an area in which a contribution from the EA may be sought by way of compensation. (It was advised under 34.04.14 below that as no grazing would be carried out this year, fencing was not an urgent issue).

#### **RECOMMENDATIONS:**

- **That a cost-benefit analysis (financial and ecological) of grazing would be required.**

- **That the Warden should seek two more quotes for cattle-proof fencing.**

- **That Mr Gibbs should look at the Reserve plan and confirm the extent of the Reserve vis-à-vis the KCC fencing.**

- **That Cllr Mrs Laslett should seek further information from her agricultural acquaintance as to whether he had been able to access grant funding.**

- **That Dr Lipczynski will (through GW Finn & Sons) broach the subject of a compensatory contribution by the EA to fencing.**

### 34.04.14 **SANDWICH TOWN TIDAL DEFENCE SCHEME**

Members received an email and verbal update regarding the Environment

Agency's works in relation to the Nature Reserve, and specifically issues around potential compensation and the forthcoming application to the Single Payment Scheme, from Dr Lipczynski. Several matters were raised:

- At a meeting with the Environment Agency on 28<sup>th</sup> January, Dr Lipczynski had given the EA the Committee's permission to proceed with the tree planting scheme.

- It was noted that the Environment Agency had recommended the Warden wear high-visibility clothing and a hard hat when on the Reserve and that doing otherwise would be at his own risk.

- GW Finn & Sons had been instructed to act on the Committee's behalf in compensation negotiations with the EA. Julian Sampson was the main contact at Finn's in this respect.

- Mr Sampson was keen that as well as claiming compensation for "impacted activities" (mowing, fencing, and possibly weed control as no grazing would be carried out on the Reserve this year), the Committee should claim in the long term for those areas of riverbank lost permanently to the flood defences. Dr Lipczynski understood that the riverbank and the area that the EA would be working on under Monks Way would be permanently fenced off to protect the flood defence works and allow vehicular access (though Dr Griffiths noted that the Environment Agency had told him they would reopen a gateway to give access across the flood defences into the reserve for cattle movement).

- The Single Payment Scheme (SPS) application for the Reserve was being drafted by Dr Lipczynski and Mr Sampson. It was noted that SPS entitlements for the riverbank would need to be transferred to the new areas bordering Monks Way. Mr Sampson advised these new areas would need to be brought under the Management Plan eventually since to claim SPS, they would need to be assigned for grazing. As no grazing would be carried out this year, Dr Lipczynski advised that fencing was not an urgent issue. He hoped that the SPS payment this year would be on a par with previous years, in the region of £5,500. Mr Sampson suggested holding off the SPS application a little longer in the hope of receiving further information regarding the Environment Agency's plans, but that the application must be submitted by May 15<sup>th</sup>, based on estimates if need be, or financial penalties will apply.

- Mr Sampson had also asked how the Committee controlled the grazier, for example ensuring his cattle had been inoculated etc. It was suggested it may be advisable for him to review the license since if anything necessary was not being done, the Town Council would be liable.

Dr Lipczynski reported that the Environment Agency was yet to start any major construction work on the riverbank or Monks Wall so it looked as though the EA was operating behind schedule. There was a general feeling that there had been a lack of communication of detailed information on the Agency's part, though Mr Sampson's brief conversation with Richard Savile (EA) suggested that the Agency was happy with the estimates on which the SPS application was currently being drafted.

The Mayor and Committee thanked Dr Lipczynski for his work.

#### **RECOMMENDATIONS:**

- That Dr Lipczynski take forward the application for the Single Payment Scheme with Julian Sampson (GW Finn & Sons).
- That a copy of the current grazing agreement be provided to Mr Sampson for him to check over.

#### **35.04.14 YEAR END ACCOUNTS**

The Committee received the year end accounts. It was felt that the previous balance brought forward should not be under 'income' but under a 'reserves' heading. Dr Lipczynski noted that the £422.50 refund to the Rural Payments Agency was a one-off when Natural England ended the Entry Level Stewardship scheme. Clarification was requested regarding grants from Dover District Council and / or Sandwich Town Council / Toll Bridge Fund Trustees.

##### **RECOMMENDATIONS:**

- That in future presentations of year end accounts, the previous year's balance be listed under a 'Reserves' heading.
- That the Town Clerk's office clarify whether any grants are received by the Monks Wall Nature Reserve from Dover District Council and / or Sandwich Town Council / Toll Bridge Fund Trustees.

#### **36.04.14 BUDGET-SETTING PROCESS**

The Committee considered the future budget-setting process for the Reserve and respective responsibilities within this process. It was acknowledged that it would be very difficult to set a budget while the Environment Agency flood defence work was ongoing, since additional expenses may arise or, indeed, additional income (e.g. compensation).

##### **RECOMMENDATIONS:**

- That the Budget be scheduled as a major item on the agenda for the next meeting of the Monks Wall Nature Reserve Management Committee.
- All Committee members should consider likely expenditure requirements / income streams relating to the Reserve and feed these back into the discussion at the next Committee meeting.

#### **37.04.14 EXPENSES**

Committee members received a verbal update from the Chairman and from the officer present regarding the issue of expenses for non-councillor Committee members. It was emphasised that at this stage the proposal that non-councillor Committee members should receive expenses had not been approved nor rejected, but that by law the Council had to seek and take account of the views of the local Joint Parish Independent Remuneration Panel. This would entail a meeting of the Panel being convened and as such the process of decision-making had become more complex and lengthy than anticipated. Dr Lipczynski requested that his disappointment at the lack of progress on this issue be minuted.

Committee Members considered whether, when non-councillor Committee members were likely to be engaged significantly in a forthcoming project / issue, a budget could be set by the Committee for work on such a project /

issue, including expenses or potentially hire of a non-councillor Committee member to undertake work on the issue as a contractor.

**RECOMMENDATIONS:**

- That all Committee members be updated as this issue progresses.
- That if the Town Council is represented at the East Kent Joint Parish Independent Remuneration Panel meeting that discusses this issue, those representing the Council should express strongly the Committee's view that the current circumstances, particularly the Environment Agency's local flood defence work, merited remuneration for non-councillor Committee members.
- That the Town Clerk's office investigate the legality of whether, when non-councillor Committee members were likely to be engaged significantly in a forthcoming project / issue, a budget could be set by the Committee for work on such a project / issue, including expenses or potentially hire of a non-councillor Committee member to undertake work on the issue as a contractor.

**38.04.14 HEALTH & SAFETY**

Members received a verbal update regarding the forthcoming corporate health & safety review. It was explained that this review would include the Reserve. Mr Gibbs stated that the requirements of the Reserve's Management Plan for general inspection by the Committee and annual inspection by a competent person were not currently being met. It was suggested that Mr Simon Leith may be approached to undertake the competent person inspection or alternatively, Pfizer's may be approached.

**RECOMMENDATIONS:**

- That the Town Clerk's office approach Mr Leith to enquire whether he would undertake the competent person inspection of the Reserve.
- That if Mr Leith does not wish to undertake the inspection, Mr Gibbs will approach Pfizer in this respect.

**39.04.14 ANY OTHER BUSINESS**

Mr Walkey informed the Committee that he was standing down from the Sandwich Bay Bird Observatory Trust Council but this did not necessarily mean he would no longer represent the Trust on the Monks Wall Nature Reserve Management Committee. He was happy to continue to do so if the Bird Observatory Trust were likewise satisfied.

**40.04.14 DATE OF NEXT MEETING**

Monday 28<sup>th</sup> July 2014 at 7:00pm in the Council Chamber, Guildhall.