

GOUTHWAITE BOARD OF MANGEMENT

Incorporated by Act of Parliament - Bradford Corporation Waterworks Act 1890 for the management of Gouthwaite Compensation Reservoir, River Nidd

MINUTES of 2023 AGM

Held on
Thursday April 20th 2023 at 2.30pm
Council Chamber, Pateley Bridge

1. **Welcome.**

The Chair welcomed Board Members.

2. **Attendance:**

Chris Hawkesworth - Chair	Glasshouses Mill
John Shillcock - Vice Chair	Chris Robinson: Low Laithe Weir, NAC
Miranda Foster	YW
Pamela White	EA
Graham Hampson	Castle Mills
Karan Main	Mill Farm, Kirk Hammerton
Dave Mann	Nidderdale Cycles, Low Laithe

Observers:

Josh Riddell	Swinton Trout
Scott Durrington	Swinton Trout
Sarah Turnbull	Clerk, NPP
Roger Wensley	NPP

Apologies:

John Goodliffe	NAC
Martin Walton	Canal and River Trust
Newman Booth	YW/York Water Company
Viscount Mountgarret	Mountgarret Estates
Patrick Dent	Ribston Estates
Andrew Murday	NYCC
Dave Gotto	NYCC

Abbreviations:

AONB	Area of Outstanding Beauty
EA	Environment Agency
PB	Pateley Bridge.
KFC	Knaresborough Flood Committee
NAC	Nidderdale Angling Club.
NYCC	North Yorkshire County Council

HBC	Harrogate Borough Council
YW	Yorkshire Water
GB	Gouthwaite Board
NPP	Nidderdale Partnership Plus
LTA	Long Term Average
MI/d	Megalitres per day

The voting system, as per the “2016 – 194 votes listing” was explained and confirmed.

3. **2022 Minutes**

Item 9: Future of the Board

The Chair stated that the meeting would return to a discussion of this later in the meeting.

4. **Matters Arising**

There were no matters arising.

The 2022 Minutes were approved by the meeting.

5. **Chairman’s Report**

The Chair reported that 2022-3 had been a normal year. He would introduce part 2 of his report later.

JS reported that there had been a change in the discharge of water from the reservoir because of the drawdown necessary to install the new syphon.

6. **Environment Agency report 2022-3**

Rainfall:

PW reported that in 2022-3, the rain gauge at Scar House recorded 108% of average rainfall, unevenly distributed throughout the year. For the Nidd catchment as a whole, February 2022 had the 3rd highest rainfall recorded, while March – August was the fifth driest period recorded by the Met Office since 1891. High temperatures and high evaporation meant that the Yorkshire Pennine catchment soils became very dry.

Rainfall picked up from late October, but fluctuations occurred again: January 2023 saw 100% of rainfall in the first half of the month, while late January and February were very dry – only 34% of LTA rainfall was recorded in February 2023. March, however, had 140% of LTA.

River Flow:

After a major spike in February 2022 caused by Storm Franklin, river flow decreased rapidly: from March to September, the flow was well below average - July and August saw less than half LTA - with drought status being declared in mid-August.

However, river flow recovered by mid-October, though it fluctuated in November and December, and between January 2023 (170% of LTA) and February (35% of LTA). By mid-March 2023, with above-average rainfall, there was a healthy flow.

Reservoir level:

In February 2022, due to heavy rainfall, there were many spills. From May to September, reservoir levels declined uniformly during the drought, with only 45% of capacity remaining. However, from late September, the reservoir filled quickly and 3 weeks later, was spilling again. Since then, reservoir levels have followed rainfall patterns, falling in February and early March 2023, and regaining nearly full capacity in late March/early April.

Compensation releases:

These tracked the control rules correctly; the main spill periods were in February 2022, in the autumn of 2022 and in March 2023. During the period of drought, releases were maintained at the 28 MI/d, or occasionally 40 MI/d band.

7. Yorkshire Water report

Reservoir Releases:

MF explained that releases from the reservoir operate according to the rule: the reservoir is checked for level every day and there is one release per day, but if the level changes significantly within a day, the release may not reflect this.

Despite the dry conditions during the drought from July to September 2022, releases were able to be maintained at 28ML/d, and did not fall to 22MI/d, even though stocks in the reservoir fell to their lowest level in recent years; river flows were therefore kept healthy. The rules worked well in that compensation releases did not cause the reservoir level to fall too low.

Syphon Installation:

MF said that as work on the second phase would commence the next week (24th April 2023), a drawdown of 50% had already started and would continue during the dry weather window until October 2023. Work would be completed by March 2024. Releases would be in line with the safe drawdown rules, at 150 mm per day.

Discussion:

This centred around whether adequate consultation had taken place, as promised after the last incident in 2021. It appeared that some parties had received a phone call informing them of the imminent drawdown, and that Paul Curran, the Project Manager, had sent CH an email with information about the schedule, to which CH had replied on behalf of the Board. Not everyone had received such information.

JS said that NAC were concerned at the recent level of the discharge, rendering the river only just fishable, and the danger of drowning that would be present if the river got fuller. He also pointed out that the various angling clubs had spent a great deal of time and money to improve the river, and reinforced the need for consultation.

SD commented that the quality of his farmed fish had dropped after the last incident, and having spent a lot of money, he was worried it could happen again.

JS suggested establishing an emergency contact point, eg a phone number that could be called to find out what was happening. Last time, there had been regular monthly reports on the levels and how things were going.

MF stated that the plan was to keep the release at 40MI/d for as long as possible when the level dropped below 50%. In case this summer was dry, YW would probably drop the level to 28 MI/d sooner, following experience with the drought last year, as doing this later risked not being able to continue the compensation releases. Previous droughts had seen a drop to 22MI/day, so last summer's compensation releases represented an improvement.

MF also confirmed that work had been completed on the spillway: it had been widened, though it was not known whether more work had been done on erosion.

The YW Report was accepted by the Board.

8. Accounts for 2022

RW reported that all levies had been paid. The total account balance was £4,618, with no debtors or creditors. There was a small surplus of £113. He undertook to talk to an Independent Financial Advisor regarding better places to hold the money.

It was agreed that RW would report back to CH or JS, but that a decision to move the funds would need a decision by the full Board. This could be deferred to the next financial year or agreed via a meeting over the internet.

9. Levy 2023-4

RW said there was no need to increase the levy, and the proposal was that this should remain at £6.50. This was unanimously approved by the Board.

10. Election of Chair and Vice Chair 2023-4

The Chair announced that sometime in the coming year, he would be out of action for 3-6 months, and that he and the Vice Chair (JS) both intended to

resign at this time next year. A well-deserved celebration of long service was suggested for both CH and JS at the time of the 2024 AGM.

For 2023-4, CH was re-elected Chair, and JS Vice Chair, both unanimously.

Chair's Report Part 2

The Chair reported that he and the Vice Chair had been discussing the future of the Board. They were concerned that its representation did not fit in with modern thinking.

HBC had ceased to exist on April 1st 2023, so at present, the only local authority that had a representative on the Board was NYCC. For historical reasons, a large number of votes had accumulated to public bodies. However, it was never intended that public representatives should have an overwhelming number of votes. The Act had intended that votes should be balanced between the private riparian owners and the public bodies.

The difficulty was that, in contrast to the past, when mill owners had a financial interest in the maintenance of river flows, there were now few riparian owners who had such an interest. The fish farm at Glasshouses Weir was an exception. Modern day riparian weir owners, despite being liable for, and paying, the levy rarely involved themselves with the Board. Current realities were very far removed from the Act, but the principle remained unchanged, which was to protect people who had a right and a financial interest in using the water. How could the operation of the Board be updated to reflect these current realities?

CH said that, in light of the above, he and JS felt that current Board Members, should consider how they wish the Board to continue and what should form the basis of representation on the Board. At present, those who no longer had an interest in water flow, such as Glasshouses Mill, were represented but those who might have an interest, such as those who would like to lease the weir for an economic purpose, e.g. to generate hydro-electricity were not. If a dispute arose, there would be problems.

CH therefore suggested an additional Board meeting, including NYCC, YW and the EA at the end of September/beginning of October 2023, to discuss these issues and find a way forward. To help with decision-making, he invited YW, the York Water Co and the EA to prepare positioning documents for the meeting.

Finally, as the original Act stipulated that there should be representatives on the Board from both Harrogate and Knaresborough, and HBC was now defunct, CH asked the Clerk to contact the two new Area Committees being organised to represent Harrogate and Knaresborough, to offer each a voting position on the Board. The number of votes available for each would need to be checked.

Discussion:

KM said that, though the weir at Kirk Hammerton was largely defunct, she was happy to pay the levy. She had a licence to abstract water, and if there was no water flow, no water could be extracted. It was also important that “little people” had a forum in which to raise issues, as it was hard for individuals to deal with large organisations like YW or the EA.

CH responded that closing down the Board had been discussed, but that it was felt that it was useful to keep it going as a channel of communication, amongst other things.

JS pointed out that the compensation releases helped dilute any effluent that might be present in the water. Also, that the Act made no mention of flooding, a present-day concern.

MF stated that the previous rules did have drawdown rules for flooding, but that it was decided that these were no longer necessary under the new rules. She also questioned whether a levy was needed, as it seemed that a circular process existed whereby a levy was collected in order to pay for the collection of the levy.

CH replied that the levies finance the operation of the Gouthwaite Board, which requires a Clerk to arrange the AGM, take the minutes and collect the levies. He stated that as the Act existed, the Board needed to see if it could be applied in a different way. One extreme solution would be for YW or the EA to take over. However, such a take-over would not be within the principles of the Act, since neither the EA nor YW existed at the time it was passed.

PW asked if the Chair would put the questions in written form, expressing what needed to be discussed.

CH asked all Members to refer to the provisions in the original Act of Parliament, and asked the Clerk to send a link to the NPP website where the Act is to be found. JS will also find his paper copy.

CH also pointed out that if changed so that private economic interests held sway, the provisions of the Act would allow for unreasonable demands to be passed, e.g. demanding that large amounts of water be released for leisure pursuits such as water sports to take place.

MF replied that under the compensation rules, releases of at least 22.8 Ml/day were required, and if too much water were released, such flows would not be able to be maintained, so unreasonable demands would be impossible to accommodate.

A discussion ensued as to whether weir owners had a responsibility to maintain their weirs, or whether they could relinquish ownership. It was pointed out that if the riparian owner planned at a future date to exploit the weir, eg to abstract water for an economic purpose, ownership would be necessary. Also, matters were complicated by the fact that others might have rights over the same stretch of the river, eg angling clubs might have a legal right to be able to access it.

Finally, the Chair said that Harrogate and Knaresborough would be asked to send representatives, and that YW would be asked to clarify what happens to votes if a weir is demolished. Also, he reiterated that an Extraordinary Meeting would be held in the Autumn to formulate ideas for the future of the Board.

11. AOB

RW said that if the reservoir were deeper, it would be better able to prevent droughts and floods. But large-scale digging would disturb too much silt. He asked whether a small amount of digging, but repeated over many years, could be a way of increasing the reservoir's capacity.

The response was that the reservoir was shallow, partly because of the topography. To increase the reservoir's capacity, the scale of silt removal required would be huge. The silt could not simply be dumped elsewhere, and it would require testing for chemical content. In any case, such dredging would not be permitted because the area was an SSSI as a result of the silt habitat that had been formed.

JS pointed out that the 1890 Act defined the volume of water the reservoir must be maintained to contain as 1510 million gallons. The current volume is now significantly below this requirement.

12. The meeting closed at 4.15 pm. The next AGM will be in April 2024, date and time TBA