

# THE ALDE AND ORE ESTUARY PARTNERSHIP CONSTITUTION



## TITLE

1. The title of the organisation shall be 'The Alde and Ore Estuary Partnership' (hereafter referred to as AOEP).

## GUIDING PRINCIPLES

1. The overall purpose of the AOEP shall be to ensure the development and maintenance of a safe<sup>1</sup>, secure<sup>2</sup>, productive<sup>3</sup>, biologically diverse and pleasant<sup>4</sup> estuary<sup>5</sup>.
2. Essentially, the AOEP exists to oversee a strategy<sup>6</sup> for the estuary as a whole and to prepare a plan<sup>7</sup> including a rolling programme of works for the furtherance of the strategy.
3. The geographical area of the AOEP's concern shall be the Alde and Ore tidal estuary<sup>8</sup> comprising the rivers of the Alde, Butley and Ore, their flood defences and their hinterland<sup>9</sup> together with such of the coastline as directly impacts<sup>10</sup> upon the wellbeing of the estuary.
4. The working style of the AOEP shall be:
  - a. as a partnership of equals where each partner reflects, so far as is practicable, the interests of or the views of the constituency of which each partner is a representative and
  - b. as a custodian of the estuary for future generations.
5. There shall be on behalf of the statutory agencies a presumption in favour of the AOEP's aims and objectives unless there are reasonable technical, engineering, built or natural environmental, financial, legal or other significant reasons against<sup>11</sup>. The role of statutory bodies will be to provide neutral and impartial advice on these matters and to explain the statutory framework.
6. Whilst the AOEP is an independent body, it would wish wherever possible to position its strategy and related activities within the overall planning framework<sup>12</sup> of the statutory authorities.

## TERMS OF REFERENCE<sup>13</sup>

1. To develop<sup>14</sup> and oversee the implementation of<sup>15</sup>, to monitor the effectiveness of and from time to time to revise a 'whole estuary'<sup>16</sup> strategy<sup>17</sup> for flood defences<sup>18</sup> and related community and environment wellbeing<sup>19</sup>.
2. To initiate<sup>20</sup>, decide and recommend<sup>21</sup> a rolling programme<sup>22</sup> of work, projects, research or other activities<sup>23</sup> for the furtherance of the 'whole estuary' strategy<sup>24</sup>
  - a. generally in terms of:
    - i. precise geographical location<sup>25</sup>
    - ii. use of local and non local labour, contractors, materials, machinery or equipment



- iii. finance (including costing, funding<sup>26</sup> and procurement).
  - iv. standards of protection works and their specifications<sup>27</sup>
  - v. prioritising the order<sup>28</sup> in which any element of the rolling programme shall be undertaken
  - vi. any other action in respect of the general wellbeing of the estuary<sup>29</sup> and
- b. particularly with reference to a Schedule<sup>30</sup> of Decisions and Recommendations revised by the AOEP from time to time.
3. To consult and engage<sup>31</sup> appropriate communities of interest<sup>32</sup> and to liaise with relevant organisations.<sup>33</sup>

#### MANAGEMENT ARRANGEMENTS<sup>34</sup>

1. There shall be a maximum of twelve<sup>35</sup> members of the AOEP. This membership shall be comprised as follows:
  - a. Nine Foundation<sup>36</sup> Members comprising one representative of each of the following:
    - i. Aldeburgh Town Council
    - ii. Orford and Gedgrave Parish Council
    - iii. Riparian Town or Parish Councils other than those of Aldeburgh and Orford<sup>37</sup>.
    - iv. The Alde and Ore Association<sup>38</sup> (also representing the interests of recreational estuary users).
    - v. Farmers farming land which is defended by estuary flood defences<sup>39</sup>.
    - vi. Landowners owning land which is defended by estuary flood defences, but who are not necessarily also farmers<sup>40</sup>.
    - vii. House owners.
    - viii. Business interests other than agricultural interests.
    - ix. Ecological interests<sup>41</sup>.
  - b. Up to three Additional Member(s) appointed from time to time by the Foundation Members for any particular purpose and/or duration of time.
2. The attendance at any AOEP meeting of a substitute for a member representative shall be permitted provided the name of the substitute is notified to the Chairman and Secretary of the AOEP no fewer than three days before the date of the meeting.
3. There shall be a Chairman and a Vice Chairman of the AOEP elected from the AOEP membership by a majority of the AOEP members.
  - a. The Chairman of an AOEP meeting shall be entitled to a second, casting vote in the event of a tie.
4. The period of office of any representative of an AOEP member shall be four years with a further four years permitted at the discretion of the AOEP membership<sup>42</sup>.
5. Subject to 2a) above, each of the twelve Members (including any substitute) of the AOEP shall have one vote.



6. Non voting advisers to the AOEP as a whole<sup>43</sup> may be permitted to attend the whole or any part of an AOEP meeting at the discretion of a majority of the AOEP membership.
7. The Environment Agency, Natural England, Suffolk Coastal District Council and Suffolk County Council shall each be entitled to representation at meetings of the AOEP as non voting, permanent advisers<sup>44</sup>.
8. There shall be no fewer than four meetings of the full membership of the AOEP each year. Sub Committees or Working Groups may be established by the AOEP.
9. There shall be an Annual Community Meeting of the AOEP.
10. All meetings of the full AOEP membership shall be held in public subject to their exclusion by resolution of the AOEP members present whenever confidential matters are to be discussed.
11. There shall be a protocol for dealing with conflicts of interest.
12. The Suffolk Estuaries Officer of the Suffolk Coast and Heaths Unit will provide appropriate support for the AOEP.
13. The Chairman's ruling on any matter affecting the arrangements for and the procedures at any meeting of the AOEP shall be final.

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<sup>1</sup> This imports the idea of safety – guarding against the risk of danger to persons or properties.

<sup>2</sup> This imports the idea of being secure against environmental forces. Basically, this is to do with the whole issue of river and flood defences. The idea of 'safe' could be subsumed within the idea of 'secure' but we think there is an important, nuanced difference.

<sup>3</sup> This imports the idea certainly of abundant, quality, agricultural produce but also we suggest includes social and community wellbeing too.

<sup>4</sup> This imports the idea of environmental wellbeing and also the enjoyment of all the amenities of the estuary.

<sup>5</sup> The word 'estuary' focuses attention on just that – the estuary. The coastline is important but arguably it is ancillary or incidental to the AOEP's main purpose and is indicated as such at Point 2 in the Guiding Principles. Also, it is important to maintain a sharp focus and to leave other matters (e.g. coast) to be dealt with primarily (although not exclusively) by bodies such as SCAR and the new Suffolk Coastal Forum. An example of a matter which would certainly not fall exclusively to others and would certainly fall within the purview of the AOEP is the Slaughden frontage. More generally however, if the AOEP draws its net too wide, it risks both diminishing its impact on its primary focus and needless rubbings with the interests of other bodies.

<sup>6</sup> The term is meant broadly to mean a high level set of realistic aspirations and intentions towards realising certain outcomes over a defined period of time. The strategy would be revised and updated from time to time.

<sup>7</sup> The term is meant broadly to mean a set of actions designed to bring about the aspirations and intentions set out in the strategy. These too would need to be updated regularly probably in an annual rolling programme of actions informed as appropriate by technical data and advice provided by (but not exclusively by) the statutory authorities.

<sup>8</sup> We believe the word 'estuary' is initially fine as shorthand for most of the purpose of the AOEP but eventually there will need to be a precise definition which includes the physical boundary.

<sup>9</sup> See Footnote 10 above too. We believe that in time the precise boundary will need to be defined.

<sup>10</sup> This wording is important as we would be very wary about including any general involvement with the coastline and coastal matters.

<sup>11</sup> This is to help build the status of a local community body (which A&O Futures wished to see) and to provide substance rather than lip service to the Government's Localism Agenda. Whilst of course the sentiments in the wording should preferably be taken as read given the nature of the partnership, they should provide reassurance to those who feel it is needed.

<sup>12</sup> e.g. the Local Development Framework of the Planning Authority.

<sup>13</sup> These have been kept as simply worded as possible but they do need to be understood within the context of the Guiding Principles.

<sup>14</sup> Because of Guiding Principle 4 above, this implies a partnership approach.

<sup>15</sup> This implies 'ownership' of the strategy and acceptance that there will be a number of different contributors to the actual physical realization of the strategy who are not necessarily members of the AOEP e.g. contractors.

<sup>16</sup> This term tries to encapsulate the importance of a holistic approach to the estuary where action in one part of the estuary (and its knock on effects) is not undertaken independently but rather fits always into an integrated approach beneficial to the estuary as a whole.

<sup>17</sup> The initial strategy will be the one bequeathed by A&O Futures. A further iteration of the strategy proposed in the 'Managing the Coast' Conversation Document of 2011 should be available to the AOEP within the next few months.

<sup>18</sup> This includes all estuarine and freshwater flood defences including the defence of river embankments.

<sup>19</sup> Flood defences are not to be seen as simply a physical issue. They impact upon the broader health or wellbeing of the estuary – which area comprises the three rivers and their relatively immediate hinterland. These broader issues include economically successful agricultural production, business livelihoods, successful communities and a range of matters to do with a varied, healthy and enjoyable environment including wildlife and biodiversity

<sup>20</sup> This implies a bias for action; being proactive rather than reactive.

<sup>21</sup> The words 'decide.... recommend' imply that there are two broad categories of decisions to be taken. The first set would comprises decisions which are executive i.e. where there is no need to seek approval from any other source e.g. the Environment Agency (EA) or District Council (DC). The second set comprises decisions which do need such approval before they may be implemented i.e. they are recommendations. In the early days of the AOEP's existence, it may well be that almost all decisions will need to be in effect recommendations (informally at least if not formally) because almost all decisions which will need to be taken will fall

within either the statutory duties or permissive powers of some organization. Eventually, it should be possible to agree a Schedule of the decisions which fall into each of the two categories and only one of which categories may in time need formal approval from other organisations. Otherwise, the risk is that the AOEP in effect becomes only a consultee of the statutory agencies.

<sup>22</sup> In fact, there may well be longer term and mid term rolling programmes within which context there will inevitably be a focus on an annual rolling programme. There would be a presumption in favour of the AOEP's wishes as set out in Guiding Principle 5 above.

<sup>23</sup> This is a catch all word. It is probably most relevant to any wellbeing matters not directly related to the physical issue of flood (including river) defence.

<sup>24</sup> See Footnote 18 above.

<sup>25</sup> In for example any particular flood cell.

<sup>26</sup> This is extremely important. It includes determining a) the actual sources of certain funding, b) different types of funding packages and c) the mix of people and/or organisations involved. A key factor here is the extent to which (if at all) any funding is from central government sources where a different cost benefit formula might apply from that applicable to the use of local funding sources.

<sup>27</sup> This would include for example height, width, composition and other engineering elements of a specification both for works and for standards of protection.

<sup>28</sup> Priorities should be worked out in consultation with primarily the statutory agencies. Much will depend on funding – its source, availability and the nature of its packaging. Flexibility would need to be permitted but not so as to degrade the 'whole estuary' approach.

<sup>29</sup> This is especially relevant to non flood or river defence issues.

<sup>30</sup> This Schedule should come into being in the light of experience (See Footnote 23 above). Its importance lies in the perceived status of the AOEP. An acceptable balance between the two categories will demonstrate a maturing of the AOEP and therefore a growth in status as an effective local community body. Without adequate status, the AOEP will attract the involvement of neither organisations of real substance nor individuals of appropriate calibre.

<sup>31</sup> This is to emphasise the importance of more than token or passive consultation. It indicates an intention actively to involve.

<sup>32</sup> This includes geographical communities, social communities and those groupings having some specific interest or activity in common.

<sup>33</sup> These would include organisations which are not necessarily partners within the AOEP.

<sup>34</sup> These arrangements should be revisited within a year of the AOEP coming into existence and sharpened up.

<sup>35</sup> We believe that in such matters it is always prudent to start too small rather than too large. First, it is always easier to add rather than to subtract. Second, the quality of discussion tends to be in inverse proportion to the membership size of a meeting. Third, when advisers (and any members of the public) are added in, the actual size of the meeting could become quite large. Fourth, in its actual work, the AOEP will become more of a businesslike, executive body and be less of a consultation 'forum' than appeared to be the case with the EPP. We also believe it is important a) for members to understand that a partnership has to be more than simply an amalgam of various different interests and b) to craft an equitable

*balance of members in order to guard against the risk of unhealthy alliances of interest.*

<sup>36</sup> *This keeps some kind of control in the hands of the 'founding parents' and may initially be desirable.*

<sup>37</sup> *The local councils provide an important element of democratic and community legitimacy to the AOEP which otherwise could be seen as only a body of self serving interests.*

<sup>38</sup> *This Association is a long standing, well supported and highly regarded champion of the river defences and the amenities of the estuary.*

<sup>39</sup> *Essentially, these represent the revenue side of significant property ownership and will also represent the interests of those who abstract fresh water from behind flood defences for irrigation and potable purposes on undefended land.*

<sup>40</sup> *Essentially, these represent the capital side of significant property ownership.*

<sup>41</sup> *These interests would primarily be the National Trust, the RSPB and the Suffolk Wildlife Trust. These bodies would agree amongst themselves who should be their representative on the understanding that a prior named substitute (see Management Arrangement 2) from the different organisations could attend depending on the nature of the business to be discussed at any one meeting. Failing such a representative, the Foundation Members would need to seek a representative from elsewhere.*

<sup>42</sup> *We suggest staggered periods of membership to ensure regular refreshing and to guard against losing experience and expertise all at the same time.*

<sup>43</sup> *This does not allow advisers to be individual members of the AOEP.*

<sup>44</sup> *Such advisers could still on occasion be excluded from a meeting (not strictly being a member as such of the AOEP, an adviser would technically be a member of the public) whenever confidential matters were to be considered. See Section 10 of the Membership Arrangements.*