

Joint Scrutiny Panel of Somerset Rivers Authority (SRA)

Minutes of a meeting of the Joint Scrutiny Panel of SRA held on Monday
05 February 2018 at 2pm in the Wyndham Room, County Hall, Taunton.

Present

Cllr Eve Berry
Cllr Roy Mackenzie
Cllr Alan Wedderkopp
Cllr Simon Coles (Vice-Chair)
Cllr Libby Lisgo

Cllr Brenda Maitland-Walker
Cllr Kathy Pearce
Julian Taylor (Chairman)
David Tratt

Other Members present: Cllr David Hall, Cllr John Hunt

20 **Election of Chair and Vice-Chair** – non agenda item

Julian Taylor was proposed as Chairman and this was seconded. There were no other proposals and Julian Taylor was duly elected as Chairman.

Cllr Simon Coles was proposed as Vice Chairman. There were no other proposals and Cllr Simon Coles was duly elected as Vice Chairman.

21 **Apologies for Absence:** Cllr Philip Ham, Cllr Sue Steele, Cllr Gerard Tucker, Cllr Rosemary Woods, Cllr Brian Smedley

22 **Declarations of Interest** – agenda item 2

Julian Taylor declared the following personal interests: resides in an area affected by flooding; nominated member of Parrett IDB.

Cllr Maitland-Walker declared a personal interest as Chair of the West Somerset Flood Group.

23 **Minutes of the last meeting** – agenda item 3

The minutes of the meeting on 08 August 2017 were accepted as being accurate by the Committee.

24 **Public question time** – agenda item 4

There were no public questions.

25 **Precepting Legislation Update (includes update on Scrutiny letter to MP's)** – agenda item 5

The Senior Manager, SRA presented a report regarding the progress towards legislation. The Panel heard that, since the last meeting, discussions have continued with Defra officials, the Chair of the Panel has written to Somerset MP's and the Minister and a meeting was held between Dr Therese Coffey (Environment Minister), Rebecca Pow MP, parliamentary colleagues and representative members of the SRA.

The Minister reaffirmed the government's commitment to introducing legislation but said that she would consider any proposals by Somerset MPs for alternative approaches to bringing the legislation before Parliament. SRA Board members present felt it was an extremely constructive meeting and were reassured by the commitment expressed by both the Minister and Rebecca Pow. However all present also recognised the parliamentary challenges ahead.

In the meantime, it is proposed that the SRA Management Group continue developing the detailed work that will need to be done to enable a Somerset specific proposal to be put to the Minister, once primary legislation is enacted. In addition, the Panel were informed that Rebecca Pow MP has secured the commitment of David Warburton to pursue a Private Members Bill.

A Member informed the Panel that the Sedgemoor Scrutiny Committee have been asked to review the Internal Drainage Board (IDB) to consider issues such as: how it is funded; its membership; proposed changes to reduce board membership; how it should be managed; and whether it should be disaggregated from the SRA precept and instead precepted separately to make it individually accountable. The Member did not believe that there were any thoughts that the IDB should not be funded but the Leader of Sedgemoor District Council had raised a suggestive question about not paying the SRA levy. A possible reason for this may be the lack of progress around precepting legislation. The panel member asked about the potential impact that not paying the SRA levy may have on residents and the SRA. It was clarified that IDB's are funded by tax on farmland owners and from District Councils and that Sedgemoor District Council makes a significant contribution to the IDB.

The Senior Manager, SRA outlined the potential impacts should Sedgemoor decide not to pay the SRA levy. Firstly, Sedgemoor would lose its shadow precept ability in the following year as the Minister would change the financial formula to remove that flexibility from Sedgemoor. Additional Notational Amounts is a mechanism that allows authorities to raise funds particular to specific services. The SRA precept must, therefore, be spent on the SRA. Sedgemoor cannot be prevented from withholding the SRA funds but would lose its ability to raise this in future as in effect this would be a raise of council tax to fund council services instead of SRA services.

Secondly, there would be a risk to the reputation of Sedgemoor as the bulk of work in financial terms is in dredging and the majority of dredging is done in the Sedgemoor area. The cost of the dredging would be more than the £70k that Sedgemoor contributes to the SRA.

Thirdly, the programme of works of the SRA would be jeopardised because it would have less funding.

It was clarified that there is a proposal to reconstitute both IDB's and reduce their size by around 50%. Notice of this will be published during which time representations can be made. The decision would require ministerial approval and it is expected that a decision will be taken in Autumn 2018.

The Panel noted the report.

26 **Response from SRA Board Chair to Panel Recommendations** - agenda item 6

The Panel received a report outlining the SRA Board's response to recommendations put to them by the Scrutiny Panel following the February 2017 meeting.

The recommendations and responses were as follows:

1) The Panel recommends that the SRA Board advises each District to set up its own District Flood Group, similar to the West Somerset Flood Group, in order to ensure that the views of the whole county are represented.

The SRA Board agreed with the approach to forming District wide flood networks. This was further detailed in a report presented by the Civil Contingencies Manager and Lead for SRA Workstream 5: Building Community resilience. The report shared the proposed approach to be adopted in both the short and longer term. The approach will focus on the creation of greater linkages and connections between local flood groups to form better networks so they can be better engaged with the SRA.

2) The Panel recommends that the first key priority of the Flood Action Plan be amended to include flash flooding.

The SRA Board agreed to note the importance and danger associated with flash flooding in the county, but make no change to the Somerset Flood Action Plan objectives, given the advantages of keeping the language generic. The current Constitution and Flood Action Plan objectives, by their use of the generic term 'flooding' include all other types of flooding e.g. fluvial, local, catchment scale, flash, slow onset, rapid response, groundwater, surface water, etc.

27 **Key Project Updates - Taunton Strategic Flood Alleviation Improvements Scheme** - agenda item 7a

The panel received a report detailing the progress made on the Taunton Strategic Flood Alleviation Scheme for Phase 2.

This is an essential scheme to enable future growth in Taunton and benefit thousands of business and residential properties from the many impacts (economic, social and environmental) that flooding would bring. The scheme seeks to carry out the project development and delivery phases of the Strategic Flood Alleviation Improvements urgently needed for Taunton. It builds on phase 1 work undertaken in 2014 which considered the strategic options to manage flood risk and the associated adverse effects of climate change. Phases 2 will involve a detailed options appraisal leading to outline design of the preferred option(s), securing full planning permission and clarity on land assembly. Phase 3 will follow and will involve detailed design and construction of the strategic flood risk improvements scheme.

Since the last SRA update in October 2017, the Phase 2 Single Options assessment (flood defence walls in the town centre and the storage option at Bradford on Tone) has been completed. Boreholes and topographic work in the town centre and Bradford on Tone has also completed although ground

investigation monitoring will continue on a monthly basis throughout 2018. The Combined Options work stream starts in January 2018 and is scheduled to continue through to summer 2018. The intention is to meet with key technical stakeholders and landowners during this period. This phase of work will lead on to the Preferred Options work stream which is scheduled to take place August to November 2018 during which time public consultation is likely to take place. Depending on the outcome of the Preferred Options work stream it is the intention to submit a planning application between the period November 2018 and February 2019.

It was highlighted that although this is a Taunton scheme it has a significant impact on other areas.

The Panel agreed to ask representatives from Taunton Deane Borough Council and the Environment Agency to attend the next meeting to provide a full report. It was also agreed to invite representatives from Sedgemoor District Council.

28 **Key Project Updates - Strategic Approach to Mitigation - agenda item 7b**

The Panel received a report from Natural England regarding progress in the development of a Strategic Approach to Mitigation. The aim of the strategic approach to mitigation is:

- To develop positive solutions enabling delivery of schemes to reduce flooding whilst making appropriate use of the flood plain to convey and temporarily store flood water, and maintaining the special characteristics of Somerset.
- To provide greater certainty and clarity to Flood Action Plan developers/deliverers, reducing costs and time spent, and provide a positive solution that works for flood risk, people and nature.
- To ensure compliance with relevant legislation.

A working group of key partners and stakeholders has been established. Subject to the SRA board's support the group has recommended that initial focus of the strategic mitigation should be (in parallel priority):

1. Enabling Maintenance Dredging Programme - Production of a 5 year joint NE/EA advice/protocol and associated consent to enable ongoing maintenance of the recently dredged profile. This will mitigate for and minimise direct, in-channel, impacts of works, enabling maintenance works to progress in a timely and cost effective manner. (Important: This will not cover mitigation for the direct, in-channel, impact of works associated with pioneer dredging projects.)

Timescale: End August 2017

2. Enabling measures that reduce flooding to be delivered whilst ensuring greater certainty of A Resilient Wetland at the Heart of Somerset -The group asks the SRA Board to endorse the principle aspiration to achieve both better management of water in high order rainfall events and better management of the natural environment, in particular the maintenance of water levels necessary to protect the wetland environment. The group is of the view that these two things must go hand in hand for the strategic approach to mitigation to be effective.

Work with partners, stakeholders and landowners to develop a broad package of water level management measures to mitigate for loss of natural wetland function resulting from SRA funded works, with a view to:

- Ensuring that the floodplain is managed to maximise resilience of vulnerable farmland,
- Supporting adaptation of farm businesses with land in vulnerable areas.
- Achieving an appropriate area of splash and shallow flood conditions from Dec to end February for migratory duck and wader species and with some areas also being managed to maintain damp condition into springtime in order to maintain the value of the living wetland.
- Maximising future opportunity for land managers to benefit from agricultural environmental support schemes.

In line with the letter from the SDBC regarding Sowey and King's Sedgemoor Drain Enhancements dated 17 November, the group has recognised the need for mitigation to maintain appropriate water levels and splash conditions in the wetland as a priority. The group has also recognised the challenge in quantifying the degree of impact, given that predictive modelling is much less sensitive in low level events. On this basis the approach will, with the support of SDBC, NFU and CLA, initiate a conversation with key land owners, asking them what improvement to flooding they consider necessary/possible and what mitigation they can offer to enable its delivery; with an emphasis on splash and shallow water conditions from Dec to end February and with some areas also being managed to maintain damp condition for wetland species into springtime.

Timescale: End September 2017

A Member raised that there is no mention of housing in the report and questioned how residents are represented in discussions. It was clarified that residents are represented by the IDB's.

The panel noted the report and asked that housing be considered as part of the issues.

29 **SRA 2018/19 Enhanced programme – agenda item 8**

The Panel received a copy of the proposed 2018/19 Enhanced Programme in order to give them an opportunity to comment before the Programme is agreed in March, following confirmation of funding.

It was highlighted that much of the work takes place across the county and that the majority falls within dredging and river management.

The Panel noted the report.

30 **Any Other Business of Urgency - agenda item 9**

The Panel discussed the cycle of meetings with regard to the timetable for SRA Board meetings. The Governance Manager highlighted that ideally the February meeting should be forward looking and the summer meeting should be reflective. There was a discussion over whether the SRA Board minutes or decisions should

be available before the Panel meets. One Member proposed that the Panel meet two weeks after the Board. The Senior Manager explained that there were difficulties with this because of the timetable of SRA Board, Management and Technical Group meetings. One Member proposed that the Panel meet three times a year. There was no consensus and it was agreed that the Chair and Vice-Chair would discuss this outside of the meeting.

It was suggested to invite a representative from the FWAG Group to the next meeting.

It was suggested that the Panel write again to MP's to keep up the pressure for legislation. It was suggested to write also to the Opposition Shadow Minister Sue Hayman.

The Panel expressed their thanks and appreciation for the recent SRA tour and formally thanked the Senior Manager for all of her work supporting the SRA.

(The meeting closed at 3.45pm)

Chairman
SRA Joint Scrutiny Panel