

## Somerset Rivers Authority (SRA) Board Meeting – 5 March 2021

### THE SOMERSET RIVERS AUTHORITY BOARD

Draft minutes of the Board meeting of Somerset Rivers Authority held on Microsoft Teams on Friday 5 March 2021 at 2pm.

#### PRESENT:

**Cllr David Hall – Chair**  
(Somerset County Council)  
**Tony Bradford – Vice-Chair**  
(Parrett Internal Drainage Board)  
**Cllr Mike Caswell** (Sedgemoor District Council)  
**Matthew Heard** (Natural England)  
**Rebecca Horsington** (Parrett Internal Drainage Board)  
**David Jenkins** (Wessex Regional Flood & Coastal Committee)  
**Cllr Matt Martin** (Mendip District Council)  
**Cllr Mike Stanton** (South Somerset District Council)  
**Cllr Sarah Wakefield** (Somerset West & Taunton Council)  
**Maurice Wall** (Axe Brue Internal Drainage Board)

#### IN ATTENDANCE:

**Roger Burge** (Somerset Drainage Consortium)  
**Dr Rachel Burden** (Environment Agency)  
**Dave Coles** (Sedgemoor District Council)  
**Chris Hall** (Somerset West and Taunton)  
**David Mitchell** (Somerset Rivers Authority)  
**Ian Tier** (Somerset County Council)  
**Haylee Wilkins** (Mendip District Council)  
**Iain Sturdy** (Somerset Drainage Consortium)  
**Graham Quarrier** (Environment Agency)

#### APOLOGIES:

**Paula Hewitt** (Somerset County Council)  
**Martin Woods** (South Somerset District Council)  
**Doug Bamsey** (Sedgemoor District Council)  
**Jeff Fear** (Axe Brue Internal Drainage Board)

#### MINUTE TAKER:

**Emma Morgan** (Somerset Rivers Authority)

## **1. APOLOGIES FOR ABSENCE**

Apologies noted above.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **3. MINUTES OF PREVIOUS MEETING 11 December 2020**

The minutes were agreed as a true and accurate record of the meeting.

Under matters arising, David Jenkins informed the Board that he had been contacted by the Law Commission who had read his *Report of a review of the arrangements for determining responsibility for surface water and drainage assets*. He said the Law Commission was considering including an investigation into the issue of riparian rights and responsibilities as part of its future work programme. Mr Jenkins suggested that the SRA Chair should write to the Law Commission to support the case for this issue being investigated.

The Chair thanked Mr Jenkins for his ongoing efforts to raise the issue of riparian responsibilities.

The Chair asked if Board members support Mr Jenkins' recommendation for him to write to the Law Commission. The recommendation was unanimously supported.

## **4. PUBLIC QUESTION TIME**

No public questions were submitted.

## **5. Joint Scrutiny Panel**

David Mitchell updated the Board regarding the recent Joint SRA Scrutiny Panel meeting held on 12 February.

Mr Mitchell reported that the SRA Joint Scrutiny Panel was very supportive of the work that the Somerset Rivers Authority was doing. The meeting's main focus was on the SRA's 2021-22 Enhanced Programme. No concerns or issues were raised by the Panel, which was supportive of the projects put forward.

Mr Mitchell said the Scrutiny Panel regularly raised the issue of riparian responsibilities. The Panel had been updated on Mr Jenkins' report, as that included some recommendations to Government in relation to riparian rights and responsibilities. Panel members made no specific recommendations but it was clear from discussions that they felt the SRA should do what it could to help clarify riparian rights and responsibilities.

## **6. Memorandum of Understanding (MoU) and Constitution**

Mr Mitchell explained that the Memorandum of Understanding (MoU) was refreshed each year and that the Board was being asked to review proposed changes and then sign the 2021-22 MoU. Proposed changes were highlighted in the paper provided.

Mr Mitchell explained that most of the changes were simple changes to reflect changes to dates, changes to membership (such as the replacement of Axe Brue Internal Drainage Board representative Ray Adlam by Maurice Wall) and an update to the value of the SRA shadow precept.

Mr Mitchell then spoke about a more substantive change that was proposed to better reflect the interplay between coastal flood risks and river and surface water flooding. The current MoU explicitly excluded the SRA's involvement in coastal flooding matters. SRA Management Group officers reviewed this position and concluded that there were occasions of clear interaction between coastal flooding issues and inland flooding and that the SRA might therefore wish to have the flexibility to fund a coastal project where it supported SRA objectives. Mr Mitchell proposed the following wording: "the SRA will not generally include within its scope of activities issues associated with coastal flood risk. In instances where the SRA Board agrees that a coastal flood risk project supports Flood Action Plan objectives, grant funding could be considered."

Mr Mitchell also spoke about the proposed addition of SRA Grant guidelines as Appendix 7 to the MoU. As these guidelines form the basis for the criteria used to assess proposals seeking SRA funding, they are integral to the work of the SRA. Adding them to the MoU formally captures their importance of the guideline and ensures that they could be reviewed annually as part of the MoU package.

Within the grant guidelines, a reference to climate change had added under section 3, 'The Long View'. This addition was requested when the SRA Board previously reviewed the Grant Guidelines in July 2020.

Mr Mitchell concluded by saying that as the meeting was being held online via Microsoft Teams, should Board members confirm they were content to sign the revised MoU, he would follow up after the meeting to obtain Board members' signatures on the document.

There was no comment from the Board regarding the changes and there was a unanimous agreement to the changes.

As recommended, the SRA Board:

1. Reviewed and commented on the revised 2021-22 Memorandum of Understanding (MoU).
2. Agreed that the existing SRA Memorandum of Understanding and constitution should be rolled over to 2021-22 with the recommended amendments or any other changes agreed by the Board
3. Agreed to sign the 2021-22 Memorandum of Understanding on behalf of their organisation.

## **7. Heart of the SW Local Enterprise Partnership (LEP) funded projects**

Mr Mitchell reminded the Board that 31 March 2021 was the original deadline for the spending of Heart of the South West Local Enterprise Partnership (LEP) Growth Deal funding. £13.049million was allocated in 2014 to what was termed the Somerset Flooding project. On its launch in January 2015, the SRA inherited the oversight of the delivery of the Somerset Flooding project.

Mr Mitchell reminded the Board of what had been achieved over the years with the £13million and he explained that £29million of match funding had also been raised for the project.

Mr Mitchell said that in October 2020 the SRA had submitted a variation request to the LEP because it had been identified that not all of the Growth Deal funding would be claimed by the March 2021 deadline. He explained that 91% of the funding had already been claimed, while the remaining 9% would be claimed by March 2022 as agreed with the LEP. That remaining funding would be used to deliver Phase One of the River Sowey-King's Sedgemoor Drain Enhancements Scheme.

The Chair acknowledged that it was very good news that the SRA had spent 91% of the funding and had managed to transfer the remaining 9% to the next financial year.

As recommended, the SRA Board:

1. Noted that 31 March 2021 is the original deadline for the completion of LEP Growth Deal Funded projects.
2. Noted how the SRA has used its Growth Deal funding from the Heart of the South West Local Enterprise Partnership.
3. Noted that it is forecast that by 31 March 2021 91% of the LEP Growth Deal allocation will be fully claimed and that agreement was secured from the LEP to carry over the final 9% for use in 2021-22.

## **8. Quarter 3 2020-21 SRA Finance Report**

SRA Finance Manager Ian Tier introduced the report.

He said that at the end of Quarter 3 of the 2020-21 financial year, £868,000 had been claimed by SRA partners. Partners were forecasting that they would claim a further £837,000 by the end of Quarter 4. Mr Tier explained that there had been quite a bit of slippage across the year in terms of claim forecasts. In Quarter 1 partners forecast they would claim just under £4m but as the year progressed these forecasts dropped, as shown in Chart B.

Table B set out that £309,000 was proposed to be re-allocated to contingency from projects that had come in under budget or no longer required the funding. As shown in Table C, £9,000 had been requested from contingency as top-up funding to the

Sampford Brett Works project: this had been agreed by the SRA Chair and SRA Vice Chair between Board meetings.

Mr Tier explained that it was proposed for around 50% of the £1,367,000 of contingency funds to be utilised to fund elements in the 2021-22 Enhanced programme.

As recommended, the SRA Board:

1. Noted the financial performance as at the end of quarter three of 2020-21.
2. Approved the reallocation of funds to/from contingency as per section two.

## **9. Key project Updates**

### **River Sowy – King’s Sedgemoor Drain (KSD) Enhancements Scheme**

Graham Quarrier, Environment Agency project executive, presented the project update for the River Sowy – King’s Sedgemoor Drain (KSD) Enhancements Scheme.

Mr Quarrier reminded the Board of the complexity of the project and the challenges that his team continued to face in delivering the project, due to such things as ecological constraints, landowner requirements, archaeology in the area and working on soft peaty soils.

Improvements to water level control structures were a key requirement for mitigation of any negative effects of the scheme. They would allow the enhancements to the Sowy-KSD to be made and also ensure that the previous dredging between Stathe and Burrowbrigde remained legally compliant. Work was being completed on the last few of these mitigation structures. The final cost of these works was £855,000. Mr Quarrier said the completion of this stage of work would be a great help in keeping the momentum in implementing the mitigation action plan (MAP) which is currently being worked through with landowners. The MAP is another important element of project mitigation.

With regards to channel enhancements, Mr Quarrier said the Environment Agency design team and its construction contractors had been working together to try to design a scheme to meet the current funding allocation of £1.5M for the construction works. However, there were a lot of remaining risks and complexities that were largely out of the Environment Agency’s control and that it is why he was recommending the Board to budget for a “worst case scenario” of construction costing £2.5million. The cost was likely to be around £2million, but an additional £0.5m was being requested to ensure that contingency would be available if required.

With regards to Dunball Smoothing, Mr Quarrier said the Environment Agency was working with its contractors to develop a design for a tricky location but it would not be possible to have all consents ready for construction this summer. Therefore he recommended that these works should be planned for summer 2022 to give the

Environment Agency and its suppliers a realistic date to work to. Funding for construction has not yet been approved by the Board.

- The Chair thanked Mr Quarrier and asked that if the Board approved the amendments as requested, would the Sowy-KSD project be delivered to the time scale set out?
- Mr Quarrier said there was no absolute guarantee due to still being reliant on assistance from external parties to deliver the scheme. But he stressed that the Environment Agency was 90-95% confident of delivering at that budget in the next financial year.
- The Chair said he understood that a 100% guarantee could not be given but the Board did not want to be at a point again in 12 months' time where more money was needed, and the scheme was still not completed.
- Dr Rachel Burden, Environment Agency, confirmed that a 90-95% confidence in delivery was high for an Environment Agency project of this type. Risks that were outside of their control had been clearly highlighted and they were factored into the request for contingency funds. However, there was always a possibility of an unforeseen risk materialising or the impact of a known risk being bigger than planned for, such as a major archaeological find. She said they were as confident as they could be.
- Tony Bradford was concerned about an apparent lack of mitigation works downstream of Parchey Bridge. He said there had been a lot of water coming down the KSD in previous months which highlighted how important it was that the flaps on outfalls downstream of Parchey should be installed urgently. With regards to Dunball Smoothing, Mr Bradford said that this was a scheme that now needed to be delivered, it should not be pushed back further and must be completed by 2023. Mr Bradford believed that deadlines were not being met on this major scheme.
- Graham Quarrier said he understood people's frustration but pointed out that these are schemes that had been deferred for 30 years because they were so difficult. Nothing was easy on this project.
- The Chair recognised the challenges of the project and emphasised that this was an important part of why Somerset had the SRA – tackling things that had been in the 'too difficult to do' pile for a long time. He said that whilst Board Members might challenge the project team about contingency and deliverability no criticism was intended of the efforts being made. The project requires a collective will to want to see it completed.
- Mr Bradford asked when the outfall flaps would be fitted due to their importance. Dr Burden informed the Board that she understood the scope had changed for what is being asked for and the Environment Agency were awaiting information from IDB officers to agree what works are required and what is in scope for the current project. The Environment Agency were working to the original scope. The Chair encouraged the Environment Agency and IDB to discuss the detail outside of the meeting.

As recommended, the SRA Board:

1. Noted that the forecast final cost of building the environmental mitigation structures is below the budget allocation.
2. Raised the allocated budget for the main channel construction contract from £1.5 million to £2.5 million to cover expected costs and the necessary contingency.
3. Noted that construction of the Dunball Smoothing project will be scheduled for 2022-23, pending full Board approval.

## **10. 2021-22 Enhanced Programme and Budget**

Mr Mitchell summarised the key points of the paper. This is the seventh year of the SRA Enhanced Programme with approximately 178 proposals supported to date. The SRA raised approximately £2.7million to £2.9million each year and over seven years this amounted to a significant investment in helping address flood risk across the county.

For 2021-22 the Shadow precept that would be raised by the councils and the IDB contributions would total around £2.942million and approximately £1.367million of contingency funds would be allocated. This would give a total of £4.3million to deliver the SRA's new Enhanced Programme and cover next year's SRA running costs.

In previous years the Board had received one round of grant proposals and provisionally approved the Enhanced Programme at the December Board meeting. Mr Mitchell explained that this year at the December Board meeting the SRA had 10 proposals with the value of approximately £1.88million meaning there was an opportunity to seek more grant proposals. The Board approved requesting a second tranche of grant proposals. Between December 2020 and March 2021 another 19 proposals were submitted from SRA partners. All new proposals were reviewed as per the normal process. The final proposed Enhanced Programme for 2021-22 contained 20 proposals for consideration by the Board.

Mr Mitchell explained that the River Sowey – King's Sedgemoor Drain Enhancements Scheme requested an additional £1million of funding – this was explained under Item 9.

- Cllr Mike Caswell asked if there was a funding figure for the Bridgwater Tidal Barrier (BTB) contribution and whether there would be any future contributions to the BTB project. Mr Mitchell responded that a request was made for a contribution this year of £300,000 of match funding. As part of the paper's recommendations, the SRA Board had been asked to acknowledge the significance of the Bridgwater Tidal Barrier and show continued support in future years.

As recommended, the SRA Board:

- Reviewed and commented on the proposed 2021-22 Enhanced Programme.
- Approved the proposed 2021-22 Enhanced Programme proposal.

- Recognised the importance of securing the full amount of local match funding to guarantee delivery of the Bridgwater Tidal Barrier and confirmed that the SRA Board supported the principle of providing further contributions in future years.

## **Review and Approval of 2021-22 SRA budget**

As recommended, the SRA Board:

1. Approved the proposed SRA 2021-22 Budget.

## **11. Flood Action Plan**

Mr Mitchell said he was in discussion with consultants WSP about getting them to help the SRA deliver the Flood Action Plan review. Mr Mitchell said he was hoping to confirm soon that they would be ready to start work on this.

## **12. AOB**

Mr Mitchell wanted to inform the Board about two Government consultations currently taking place. One was seeking evidence about how local factors could be taken into account in the Government flooding and coastal defence investment programme. The second was seeking views about changes to the Flood Re scheme to improve its efficiency and effectiveness. Mr Mitchell explained that during an SRA Technical Group meeting there were mixed views about whether a joint or individual organisation response to those questions would best. Mr Mitchell sought approval from the Board to investigate that further.

The Chair addressed the Board and got a unanimous agreement to approve Mr Mitchell's request.

- Cllr Mike Stanton spoke about the issue of phosphates in watercourses in South Somerset. Cllr Stanton wanted to make Board members aware that South Somerset District Council was becoming increasingly exasperated at not being able to approve almost any planning applications that involved any sewage effluent over the last six-month period. A motion was passed at the last South Somerset District Council meeting which stated that Government and water authorities needed to "get moving" on mid to longer-term solutions to making sure that phosphates never reached watercourses in the first place. Mr Stanton wanted to make the Board aware of the Sewage and Inland Water Private Members Bill which is still awaiting its second reading. The Bill is designed to stop sewage authorities discharging untreated sewage into water courses.
- The Chair thanked Cllr Stanton and asked him to keep the Board updated on progress at future meetings.

### **13. Papers to Note**

No points were raised under this item.

The Chairman thanked all Board members for their attendance and closed the meeting at 4pm.