Somerset Rivers Authority (SRA) Board Meeting – 23 July 2021

THE SOMERSET RIVERS AUTHORITY BOARD

Minutes of the Board meeting of Somerset Rivers Authority held on Microsoft Teams on Friday 23 July 2021 at 10am.

PRESENT:
Cllr David Hall – *Chair*, Somerset County Council (SCC)
Emma Baker, Environment Agency
Cllr Dixie Darch, Somerset West & Taunton Council (SWTC)
Cllr Mike Caswell, Sedgemoor District Council (SDC)
Jeff Fear, Axe Brue (IDB)
Rebecca Horsington, Parrett IDB
David Jenkins, Wessex Regional Flood & Coastal Committee
Cllr Matt Martin, Mendip District Council (MDC)
Claire Newill, Natural England
Cllr Mike Stanton, South Somerset District Council (SSDC)

IN ATTENDANCE:
Doug Bamsey, SDC
Dr Rachel Burden, Environment Agency
Gary Cutts, Environment Agency
Jonathan Hudston, SRA
Katy Menday, (SSDC)
David Mitchell, SRA
Iain Sturdy, Somerset Drainage Boards Consortium (SDBC)
Ian Tier, SCC
Sue Tomlinson, SWTC

APOLOGIES:
Tony Bradford - *Vice-Chair,* Parrett Internal Drainage Board (IDB)
Roger Burge, SDBC
Michele Cusack, SCC
Donna Gowler, Natural England
Chris Hall, SWTC
Matthew Heard, Natural England
Maurice Wall, Axe Brue IDB

Minute taker:
Emma Morgan (SRA)

1. APOLOGIES FOR ABSENCE

Apologies noted above.

2. DECLARATIONS OF INTEREST

David Jenkins (Wessex Regional Flood & Coastal Committee) declared that as Item 11 – Riparian Responsibilities drew on a report that he had produced for the Department for Environment, Food & Rural Affairs (Defra) he would not participate in voting upon that Item.

3. MINUTES OF PREVIOUS MEETING 5 MARCH 2021

The minutes were agreed as a true and accurate record of the meeting, with one amendment adding Emma Baker to the list of attendees.

4. PUBLIC QUESTION TIME

There were no public questions.

5. SOMERSET RIVERS AUTHORITY (SRA) JOINT SCRUTINY PANEL

David Mitchell, SRA Senior Manager, updated the Board about the SRA Joint Scrutiny Panel meeting held on 2 July.

He said the Panel was very supportive of the work the SRA was doing. The meeting's main focus had been on the SRA's 2020-21 Annual Report, which was well received with positive feedback. Panel members were keen to visit projects. Visits would be offered in the autumn to SRA Board and Joint Scrutiny Panel members, within the limits of any coronavirus pandemic restrictions then in force.

The Panel also discussed the SRA's final 2021-22 Enhanced Programme of works which had been approved by the SRA Board in early March. Cllr Anna Groskop was concerned about potential flood risks from ongoing housing developments. Mr Mitchell highlighted this as a subject that could be explored during the SRA's Flood Action Plan review.

Panel Chair Cllr Simon Coles reiterated his support for continuing to press the Government for the legislation required for the SRA to become a precepting authority and he offered the Panel's support in seeking progress.

SRA Chair Cllr David Hall, who attended the meeting, said he was delighted that it was such a positive meeting.

6. QUARTER 4 2020-21 SRA FINANCE REPORT

SRA Finance Manager Ian Tier summarised his report. He began with Local Partner Funding (LPF). Mr Tier said it had been estimated that the SRA would spend £3.8million in 2020-21, from an accumulated LPF allocation of £8,500,000, but in practice the figure was £1,170,000, so £7,380,000 was being carried forward into 2021-22. Reasons for the variation included the effects of the coronavirus pandemic and the postponement until 2021-22 of a significant amount of spending on Phase One of the River Sowy-King's Sedgemoor Drain Enhancements Scheme.

Jeff Fear (Axe Brue Internal Drainage Board) asked about proposals to move some remaining funding from Pioneer Dredging – Parrett (Northmoor to M5) and Pioneer Dredging – River Tone (Ham to Hook Bridge Feasibility Study) to contingency. David Mitchell explained that the SRA had been able to use Growth Deal funding from the

Heart of the South West Local Enterprise Partnership for the Parrett work instead of LPF money, which was why the LPF money could now be reassigned. As regards the Tone Feasibility Study, Mr Mitchell said that an investigation could still take place, but the Parrett IDB, to whom this money had been allocated, could not currently deliver it. Iain Sturdy agreed that it would be good for this work to be done, but he said the IDB was currently struggling with resources to deliver some of its own core work, therefore it had to prioritise.

Mr Tier moved on to the Growth Deal Funding section of his report. He said that out of the £13.049 million awarded in 2015, £11,800,000 had been claimed from the SRA by delivery partners. That represented 91% of the original funding. The remaining 9% was due to be spent in 2021-22.

As regards SRA spending more generally in 2021-22, David Mitchell told the Board that the forecast set out in the paper for this year now looked perhaps too optimistic, based on his experience of the last year, and taking into account the ongoing coronavirus pandemic. Mr Mitchell said that he would like his team to do some work with project managers so that he could give the SRA Board meeting in September a refined forecast.

As recommended, the SRA Board:

1. Noted the financial performance as at the end of Quarter Four of 2021-21.
2. Approved the re-allocation of funds to/from contingency as per Section 2 of the report.

7. 2020-21 ANNUAL REPORT

Somerset Rivers Authority Communications Manager Jonathan Hudston introduced the 2020-21 SRA Annual Report. He said this was the SRA's sixth Annual Report, and he summarised the main points of different SRA workstreams.

SRA Chair Cllr David Hall said it was an excellent report and that Mr Hudston had done a very good job taking the Board through some highlights. He said he would welcome opportunities for site visits, particularly River Sowy-King's Sedgemoor Drain works.

David Mitchell echoed the Chair's thanks to Mr Hudston. Mr Mitchell felt it was very important to show how much work across Somerset was being done with the money raised locally for the SRA. He thanked all partners who had helped Mr Hudston with the annual report.

The Chair agreed that it was important that all communities and the general public should know how much work was being put into Somerset through local projects.

Cllr Dixie Darch (Somerset West and Taunton Council) said that as a new Board member she found the annual report very interesting, with an excellent balance of technical detail and understandable descriptions for lay readers. When the report was formally published, she would encourage fellow councillors and the public to read it.

Cllr Darch asked for more information about the Taunton tree pits. Mr Hudston said that pits had been installed at Coal Orchard but he did not believe that trees had gone in yet. He outlined the project's roots in a project called Sponge 2020, part-funded by the SRA with the EU. Its aim had been to show how SuDS could be better and more widely used in urban areas, to inspire people. Not all Sponge 2020 plans had come to fruition because of problems to do with land ownership and possible future uses of land. The tree pits that had gone in at Coal Orchard Tree would allow for bigger healthier trees to be planted rather than saplings that, sadly, might not survive.

Claire Newill (Natural England) endorsed what everyone else had been saying. She particularly liked the key facts on page 3, a good way of putting out key messages, which she would be happy to help promote in support of the SRA.

Mr Mitchell said the SRA would be producing a short summary version of the full report, more along the lines of the visual key facts, for distribution along with the full report.

As recommended, the SRA Board:

1. Reviewed and commented on the draft SRA Annual Report 2020-21.
2. Approved the publication of the SRA Annual Report 2020-21.

8. PEAT STRATEGY SOUTH WEST TASK FORCE

Iain Sturdy (Somerset Drainage Boards Consortium) summarised a recent Peat Strategy South West Task Force meeting.

Central issues were peat preservation, peat mapping and reducing carbon emissions. A visit to the Brue valley by the national Peat Task Force team was scheduled for 5 August.

SRA Chair Cllr David Hall welcomed local engagement with this topic.

David Mitchell asked Mr Sturdy what was currently known about possible Government funding for future initiatives regarding peat, as SRA projects could potentially overlap or perhaps conflict.

Mr Sturdy replied that it was early days for the task force. Peat mapping was going to be funded, because it was important to get an accurate assessment of the current baseline situation. He agreed that work would be needed in future to harmonise potentially different priorities.

Emma Baker stressed the importance for the SRA and its partners of keeping up-to-date with Defra's ongoing peat initiatives.

9. KEY PROJECT UPDATES

9a: River Sowy – King's Sedgemoor Drain

Dr Rachel Burden (Environment Agency) and Gary Cutts, Project Manager for the River Sowy-King's Sedgemoor Drain (KSD) Enhancements Scheme, updated the Board.

Dr Burden outlined progress with various matters since the last SRA Board meeting in March, including serving landowners with notices of entry, awarding a contract for enabling works, and launching a public consultation on an addendum to the scheme's Environmental Statement setting out some necessary recent minor changes.

She said the project remained incredibly challenging, and drew attention to risks including possible effects on local heritage and protected species, current shortages of construction resources and personnel, and unpredictable weather.

Dr Burden also stressed the importance of the Mitigation Action Plan needed to ensure a legally compliant scheme.

Dr Burden and SRA Chair Cllr David Hall agreed with David Mitchell's suggestion that the Mitigation Action Plan should be added to the list of key projects upon which the SRA Board was updated quarterly.

Cllr Hall asked how the weather might affect the project's progress. Emma Baker said the Met Office forecast for the next three months predicted heavy downpours and excessive heat. Mr Cutts said that areas such as river banks, where contractors would be working, were still wet. He highlighted the difficulties of working in a peaty environment. Key months for construction would be August, September and October.

As recommended, the SRA Board:

1. Noted that consultation on the Addendum to the Environmental Statement is live until 1 August.
2. Noted that Phase 1 channel works are scheduled to begin in early August soon after the Environmental Statement Addendum Consultation has closed.
3. Noted the ongoing project risks and their mitigation strategies, which have the potential to delay some aspects of the planned works until mid to late summer, if they materialise.

9b: River Brue Dredging

Iain Sturdy updated the Board about River Brue Dredging. He said the challenges of delivering this work meant it had not so far come to fruition. The Axe Brue IDB felt that it had done everything it could, but it had not been successful and did not feel it was the SRA partner best placed to make progress. The IDB was therefore asking for £279,000 of project funding to be re-allocated back to the SRA and ringfenced for future Brue use once a suitable project and delivery partner were identified.

SRA Chair Cllr David Hall said this situation was bound to be a disappointing one for the Board, and he urged members to give serious consideration to the idea of ringfencing the money for future use on the Brue, because a solution needed to be found.

Cllr Matt Martin (Mendip District Council) said that he was disappointed at the continued complications around the delivery of this Brue project. He proposed setting up a small working group to help resolve problems and move things forward. As somebody involved with both the SRA and IDB, and strong contacts with other local groups, Cllr Martin said that he would willingly dedicate time to this cause. He was worried that the SRA and its partners could look foolish if the Brue flooded in future. His view was that if the money was there, it should be used as swiftly as possible.

Cllr Hall said he welcomed proposals for making progress and completing this project. He thought the Brue money should be handed back to the SRA and ringfenced. What was needed was a roadmap.

Iain Sturdy reiterated that the IDB would happily play a supportive and encouraging role in any partnership that came up with suitable proposals, but it was unable to lead this process. The IDB wanted to see money spent pro-actively along the Brue.

Jeff Fear said it would be important to deal with the River Brue and its feeder streams in the forthcoming review of the Flood Action Plan.

David Mitchell said that the SRA team would do it all could to get a roadmap. He cautioned that past history suggested it might be a struggle to get works delivered on the ground, but he said he would come back to the next Board meeting with the beginnings of a roadmap.

As recommended, the SRA Board:

1. Noted the challenges in delivering dredging activity on the River Brue.
2. Noted that the Axe Brue Internal Drainage Board are releasing a total of £279k of funds allocated to them for River Brue dredging back to the SRA.
3. Considered ringfencing the £279k for future use in the River Brue once a suitable project and delivery partner is identified.

In addition, the SRA Chair recommended that a working group led by the SRA Senior Manager should prepare a ‘roadmap’ towards delivery of a suitable project and report on progress at a future meeting.

10. FLOOD ACTION PLAN REVIEW

David Mitchell informed the Board that a first workshop to discuss the Flood Action Plan (FAP) would be held on 20 August. WSP would soon be formally commissioned to act as consultants for the FAP review, with the aim of producing a well-developed draft of a revised FAP draft by the end of March 2022, with final sign-off at the SRA Board meeting in September 2022.

The Chair asked everyone invited to the upcoming workshop to make every effort to attend and contribute, as he believed this Flood Action Plan review would be crucial to the SRA's future success.

Claire Newill agreed it would be important to start discussing the principles underpinning the direction of the Flood Action Plan review. She said Natural England would be delighted to attend. She said the review would a huge opportunity for the SRA to set its place in future flood protection work across Somerset and engage communities with that work.

11. RIPARIAN RESPONSIBILITIES

David Mitchell reminded members they had discussed riparian responsibilities at the last SRA Board meeting. Following the publication of David Jenkins' Defra *Report of a review of the arrangements for determining responsibility for surface water and drainage assets*, Mr Jenkins had been contacted by the Law Commission. The Commission was currently consulting on ideas for inclusion in its 14th Programme of Law Reform. The aim of this programme is to improve and develop laws so they are fair, clear and modern.

At the last Board meeting, members agreed with Mr Jenkins' suggestion that Cllr David Hall should write as SRA Chair to the Law Commission to encourage work on riparian responsibilities, an area of the law widely acknowledged to suffer from a lack of clarity and understanding. Mr Mitchell said that the SRA Communications Manager Jonathan Hudston had drafted a response to the Law Commission's online consultation. This focused on how problems with riparian responsibilities manifest themselves to organisations such as the SRA and its partners, and how they frustrate property owners and the public. He thought Mr Hudston had made a very persuasive case for the Law Commission to include riparian responsibilities in its programme of reform.

Mr Jenkins said that the Law Commission remained very interested in hearing people's views. The Wessex Regional Flood & Coastal Committee was among other bodies who had also proposed the inclusion of riparian responsibilities. Mr Jenkins thought the SRA's proposed submission covered the ground very well and he encouraged Board members to support it.

Cllr Hall thanked Mr Jenkins for all his hard work in bringing to the fore a complex and important subject, and Mr Mitchell and Mr Hudston for their work on the draft response.

As recommended, the SRA Board:

1. Reviewed and commented on the draft submission to the Law Commission about Riparian Responsibilities.
2. Approved the sending by the SRA Chair (on behalf of the SRA Board) of an agreed submission to the Law Commission about Riparian Responsibilities.

12. ANY OTHER BUSINESS (AOB)

1. Cllr Mike Stanton (South Somerset District Council) raised the ongoing issue of phosphates and the Somerset Levels & Moors, including the SRA's obligation to ensure that habitats do not deteriorate. Cllr Stanton reminded members of Natural England's requirement – made in August 2020 – that housebuilders should not add to phosphates on the Somerset Levels, particularly on RAMSAR sites.

Cllr Stanton said phosphates in low-lying wetlands harmed wildlife and could take over 100 years to clear out. While solutions were being sought, Cllr Stanton said no housebuilding was taking place across a large part of Somerset. In his view, problems needed to be addressed at source, rather than through measures such as offsetting, which made people feel good but did not tackle the real issues. If people tried to address problems through mitigation, he feared that Somerset and the SRA could end up with a situation where wetlands were created elsewhere, but the Levels were left with increased phosphate levels and no wildlife. Cllr Stanton said that Wessex Water had refused point-blank to speed up the installation of phosphate removal kits in smaller sewage works, because the company said it had been a battle to get approval for existing plans to invest £72 million and it was not going back to that. He recalled that the company had said last September that alternative mitigation arrangements would take a few months but now nearly a year later everything seemed to be stuck.

Cllr Matt Martin asked if there was any official guidance from Westminster, as he agreed that everything currently seemed to be stuck. Cllr Stanton said that a Private Members Bill, which had been going through the Commons, to stop the discharge of raw sewage, was now being incorporated into the Environment Bill going through Parliament. He thought this was a good thing, but the Bill had not yet placed duties for phosphate removal at source upon bodies such as Wessex Water. He asked for anyone who could influence Rebecca Pow as a minister at Defra to please do so.

Cllr Dixie Darch said she agreed with everything that Cllr Stanton had said. She spoke of small construction companies now threatening to lay people off. She agreed that mitigations such as creating wetlands were welcome in some ways but they did not tackle the problem at source. She said Somerset West and Taunton Council was seeking support from Rebecca Pow and the Ministry of Housing, Communities and Local Government as the problem was too big and complicated for district councils to deal with alone. It required national help.

Cllr Hall said he too was aware of developers feeling increasingly desperate. He was seeking a meeting with Rebecca Pow to discuss two main items, phosphates and SRA legislation. This was welcomed by Cllr Stanton.

Rebecca Horsington (Parrett Internal Drainage Board) thanked everyone for their work on the phosphates issue. She asked if anyone knew when the issue was expected to be resolved. No one did.

2. Cllr Matt Martin said that the SRA Annual Report 2020-21 referred to drain jetting benefitting 209 places. Based on his experience of drains in his patch, and a previous discussion about Somerset County Council's use of SRA money allocated

for the purpose of jetting, he queried this total and asked for guidance about getting problems sorted out.

SRA Chair Cllr David Hall said that highways team members had been transferred to other work during the coronavirus pandemic, which had caused a backlog possibly affecting Cllr Martin's area. He assured Cllr Martin that outstanding matters would be dealt with.

David Mitchell apologised to Cllr Martin if there had been no response to questions raised at a previous Board meeting. He said that an SRA team member had been liaising with the Highways department.

Jonathan Hudston assured Cllr Martin that he had triple-checked drain jetting figures and he believed them to be accurate.

3. Emma Baker told the Board that as the weather was soon expected to break, with heavy rain forecast and risks possibly arising from surface water, preparations were being made to deal with this across Somerset.

13. PAPERS TO NOTE

No points were raised under this item.

The Chair thanked all Board members for their attendance and closed the meeting at 12pm.