

Somerset Rivers Authority (SRA) Board Meeting – 11 December 2020

THE SOMERSET RIVERS AUTHORITY BOARD

Minutes of the Board meeting of Somerset Rivers Authority
held on Microsoft Teams on Friday 11 December 2020 at 10.00am.

PRESENT:

Cllr David Hall – Chair (Somerset County Council - SCC)
Tony Bradford – Vice-Chair (Parrett Internal Drainage Board - IDB)
Emma Baker (Environment Agency)
Cllr Mike Caswell (Sedgemoor District Council - SDC)
Jeff Fear (Axe Brue IDB)
Matthew Heard (Natural England)
David Jenkins (Wessex Regional Flood & Coastal Committee)
Cllr Matt Martin (Mendip District Council - MDC)
Cllr Mike Stanton (South Somerset District Council - SSDC)

IN ATTENDANCE:

Roger Burge (Somerset Drainage Boards Consortium)
Dr Rachel Burden (EA)
Dave Coles (SDC)
Chris Hall (Somerset West and Taunton Council - SWTC)
Rebecca Hall (SCC)
Jonathan Hudston (Somerset Rivers Authority - SRA)
Cllr Garfield Kennedy (MDC)
David Mitchell (SRA)
John Rowlands (Environment Agency)

APOLOGIES FOR ABSENCE:

Rebecca Horsington (Parrett IDB)
Cllr Sarah Wakefield (SWTC)
Haylee Wilkins (MDC)

1. APOLOGIES FOR ABSENCE

Apologies noted above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING 11 SEPTEMBER 2020

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

Mr Mitchell noted that there had been an action from the previous Board meeting to write a letter to Rebecca Pow MP, as the Department for Environment, Food and Rural Affairs (Defra) Minister responsible for flooding, regarding riparian responsibilities and the continued need for legislation to enable the formal creation of Rivers Authorities. He informed the Board that he is yet to receive a response to this letter but has followed up with an email.

David Jenkins added that he had recently attended the Association of Drainage Authorities AGM and heard David Cooper from Defra deliver a speech on behalf of Minister Pow. Mr Cooper had told the AGM that the Government would be carrying out a review of the issue of riparian responsibilities in the early part of 2021. Mr Jenkins had followed up since with

Mr Cooper, and confirmed that there would be a general announcement on this in early 2021.

There were no further comments.

4. PUBLIC QUESTION TIME

No public questions were submitted.

5. 2020 PROGRESS UPDATE

Jonathan Hudston, SRA Communications Manager, gave a presentation about progress with the delivery of SRA activities since the start of the 2020-21 financial year. Mr Hudston said the SRA currently had more than 40 projects in progress, with many different elements, across all five SRA workstreams.

In Workstream 1 (Dredging & River Management) a second phase of improvements part-funded by the SRA had been made by the Environment Agency at North Drain pumping station. The station operates where North Drain joins the Brue between Westham and Burtle and plays a vital role in reducing flood risks for 9,700 acres of land. Improvements here would ensure that the station continued to function well into the future. Mr Hudston also described ongoing projects in Sampford Brett near Williton, including watercourse debris and vegetation clearing and wall repairs, and a Knapp Hill catchment study in Wells including forthcoming CCTV surveys and ideas for river restoration and natural flood management.

Mr Hudston said that Workstream 2 (Land Management including Natural Flood Management) was always busy. He cited a recent scheme in West Camel diverting hillside run-off into a pond. Lots of work had also been done in the autumn on farms which had successfully bid for grants for works to reduce flooding in SRA-funded online auctions organised by the Farming & Wildlife Advisory Group SouthWest (FWAG SW). Also making encouraging progress with local people and communities was the new Trees for Water Action Fund, part-funded by the SRA and organised by Reimagining the Levels in partnership with FWAG SW and the Woodland Trust.

Work in Workstream 3 (Urban Water Management) was still largely being driven by the findings of the SRA's major review of Sustainable Drainage Systems (SuDS) across Somerset. This review inspected SuDS at 20 places and assessed 438 different elements, with lessons learned about good and not-so-good construction practices. As a result the SRA had been funding inspections at building sites countywide and was funding the development of Somerset-specific SuDS guidance.

In Workstream 4 (Resilient Infrastructure) new silt traps had been installed in Barrington and at Crimchard in Chard and progress was being made with studies into problems around the A38 Blackbird Bends area, and into wetland biomass.

In Workstream 5 (Building Local Resilience), Mr Hudston said that coronavirus pandemic restrictions had inevitably affected what the SRA's community engagement team could do. So, for example the annual Somerset Community Resilience event had to be held online, and the team and other SRA partners had filmed a series of videos to be shown online.

Mr Hudston concluded by saying that Adapting the Levels – which is part-funded by the SRA – had just published a report collating ideas and feedback from popular pre-pandemic public events focused on possible futures for the Somerset Levels & Moors. Subjects covered included climate change, nature-based solutions to problems of flooding and drought and the importance of farming.

- Tony Bradford asked who was responsible for maintaining natural flood management schemes when they had been put in. He suggested that money should be available for maintenance. SRA Senior Manager David Mitchell said that FWAG SW was keeping this issue under review. Mr Hudston told the Board that when the SRA gave grants for NFM measures, the terms and conditions for recipients included a 5-year maintenance obligation.
- Cllr Garfield Kennedy, an SRA substitute Board member for Mendip District Council, and also Mendip's portfolio holder for planning and policies, asked about ongoing planning issues concerning new developments and phosphates and nitrates in watercourses. SRA Chair Cllr David Hall said that he would like these issues to be discussed as part of Any Other Business later in the meeting.

6. QUARTER 2 2021-21 SRA FINANCE REPORT

SRA Finance Manager Rebecca Hall highlighted some key points from the paper. Chart B shows forecast claims from SRA partners in future years. In Q1 2020/21 it was forecast that the SRA would receive claims for almost £4m during 2020/21. In Q2 there has been a significant change with forecasts now showing approximately half as much will be claimed in 2020/21. The main reasons for this change are reported as the impacts of Covid-19 and planned works on the River Sowy-KSD enhancements scheme being delayed to 2021-22.

Ms Hall said that during Q2 there had been a number of schemes reporting underspends and one scheme requesting additional funding. Mrs Hall proposed £480k is transferred to contingency from underspends and £25k is allocated to the Hills to Levels project to deliver additional works. Contingency funds will increase by £455k to just over £1m.

Ms Hall summarised Grown Deal funded projects financial performance and noted the variation request approved by the LEP. This variation request extends the period in which the SRA can claim LEP funds from March 2021 to March 2022. The majority of LEP funds have already been claimed £10.6m. A further £1.2m is forecast to be claimed by the end of this financial year. The balance - £1.14m – will be claimed by the River Sowy-KSD project during the next financial year.

- Cllr Martin asked Ms Hall about the £22k underspend on enhanced drain jetting, he explained he is aware of potential drain jetting required in his area and would like to know whether these funds could be used. He asked who he would need to get in touch with for more information on this?
- Mr Mitchell noted that he would need to speak to Somerset County Council Highways to check whether the sites Mr Martin referred to could be included in the drain jetting programme. Mr Mitchell to report back to Cllr Martin.
- Paula Hewitt noted that there were significant delays with drain jetting, and other highway activities, earlier in the year due to Covid-19. SCC Highways has been playing catch up ever since.

- Cllr Martin requested that the £22k was not returned to contingency and instead be used to help make the roads safer in his area.
- Cllr Stanton thanked Ms Hall for her work with the SRA as she is moving to a new job and welcomed Mr Tier, Ms Hall's replacement to the SRA. Cllr Stanton asked what the SRA policy is on how much contingency should be held.
- Mr Mitchell said that there was no specific policy on the amount of contingency that should be held but that it should be proportionate to the scale of works underway and the risks associated with them. He stated that the contingency is currently higher than is required to cover potential risks. Mr Mitchell explained this point will be directly addressed under items 7a and 7b.

As recommended, the SRA Board:

1. Noted the financial performance as at the end of Quarter Two 2020-21.
2. The Board also approved the re-allocation of contingency as per section two of the report except for £22k from Somerset County Council's Highways Department, listed in table B, which is not to be re-allocated at this time

7. ENHANCED PROGRAMME & BUDGET

7a. 2021-22 ENHANCED PROGRAMME & BUDGET

Mr Mitchell took his paper as read and provided a short verbal update for this item. He noted that in previous years there has been one call for proposals each year for the SRA's Enhanced Programme. The programme is then provisionally approved in December and formally approved in March after February budget setting meetings by the County and District Councils and Internal Drainage Boards. The forecast precept for 2021-22 is £2.932m.

10 proposals to the value of £1.88m had been submitted by SRA partners requesting SRA funding in 2021. Proposals were assessed and scored by the SRA Technical Group and then reviewed by SRA Management Group. Mr Mitchell explained that Covid-19 seemed to have had an effect on the number of bids submitted in August, in previous years there had been a higher number of proposals received. The forecast staff and overheads budget for 2021/22 is £250k which is the same as the previous year. He noted that the total for the 10 proposals plus staff and overheads is £2.13m which provides an opportunity to invest a further £802k on other projects if the full £2.932m of precept is raised in 2021-22 .

As recommended, the SRA Board:

1. Provisionally approved the proposed 2021-22 Enhanced Programme, subject to final approval after funding is confirmed in February 2021

7b. 2021-22 ENHANCED PROGRAMME ADDITIONAL OPTIONS

Mr Mitchell explained that the combination of contingency funds available, as reported in item 6, and the amount of precept yet to be allocated, as reported in item 7a means that

the SRA will have up to £1.89m of funds available in 2021-22 that is yet to be allocated to projects. Mr Mitchell asked the Board to approve undertaking an additional round of requesting proposals from SRA partners for project funding. Mr Mitchell explained that they had reached out to Partners and Stakeholders to let them know that there may be the opportunity to access SRA funding to assess whether there would be appetite for applying. He reported that there had been a positive response with 13 expressions of interest submitted with a total value of £3.699m. If the Board approves undertaking an additional round of requesting proposals full bids will be invited from those who submitted an expression of interest. Bids will then be assessed, and a recommended 2021-22 Enhanced programme brought to the Board in March for their review and approval.

- Cllr Stanton stated that it concerned him that the Bridgwater Tidal Barrier (BTB) design does not include a Tidal Power Generator and asked if it was possible to add this to the scheme.
- Emma Baker explained that this was not part of the Barrier project scope. There are other sustainability measures being included though such as reducing carbon impacts during construction and generating power using solar panels.
- Mr Stanton thanked Mrs Baker for her response however noted that the country has invested far less funding into tidal power than it has into wind power. He asked if the SRA could fund a feasibility study on whether a generator could be added to the Barrier project? It would be cheaper to add it when the BTB is being constructed than at a later date.
- The Chair said that he understands the sentiment behind the question however, he believes that due to the agreed scope of the project and the stage it is at, it would not be appropriate to undertake a feasibility study into this.
- Mr Mewes, Somerset Wildlife Trust, agreed with the Chair and noted that although it was a good idea he does not believe it is viable option at the BTB site.
- Mr Bradford asked if it was possible before the next meeting to prioritise proposed schemes so that the money is spent on what is most important. Mr Bradford suggested that top priority should be 'keeping people's property and feet dry'.
- Mr Mitchell assured Mr Bradford that when these schemes are assessed, they are scored against the Flood Action Plan objectives which then gives a prioritised list that is then reviewed by both Technical Group and Management Group.
- Cllr Martin asked if there was a video that showed how the Tidal Barrier will operate.
- Mrs Burden advised that there are videos and graphics to show this and she will organise for these to be shared with the Board.

As recommended:

1. The SRA Board noted the opportunity to fund additional projects by using SRA contingency funds as well as the SRA's 2021-22 shadow precept funding.
2. The Board noted the second tranche of proposals submitted for the SRA Enhanced Programme 2021-22.
3. The Board also tasked the SRA's Technical Group and Management Group with producing a costed list of second-tranche scheme proposals for SRA Board

members approval at the final SRA 2021-22 budget-setting meeting on 5 March 2021.

8. KEY PROJECT UPDATES

8a. LEP UPDATE

Mr Mitchell provided a short update to let the Board know that the variation request submitted to the Heart of the SW Local Enterprise Partnership requesting an extension to the funding deadline from March 2021 to March 22 had been approved. The majority of funding will still be claimed by March 2021.

8b. STRATEGIC APPROACH TO MITIGATION

Matthew Heard shared a presentation with the Board. A copy of the presentation was circulated with the meeting papers.

Mr Heard explained that the SRA Board asked Natural England to develop a Strategic Approach to Environmental Mitigation (SAM). AN important element of Somerset Flood Action Plan objectives is to improve conveyance of water across the Somerset Levels to help reduce flood risk. The Somerset Levels are an internationally protected wetland so. He explained that the aim of the SAM is to find a quicker route through regulatory processes to deliver legally compliant SRA schemes whilst securing long term and ongoing management of the internationally important wildlife sites of the Levels. The MAP will avoid the need to always provide scheme by scheme mitigations for new projects which can be time consuming and expensive. There is also a hope that the SAM will bring forward incentivisation, payment regimes and support for landowners to encourage multi-functional land-use.

Mr Heard explained that the ambition was not necessarily to increase protected sites but to secure the condition of these sites for the long term. The Somerset Levels are one of the best and most important protected sites in the country but conditions are deteriorating in some areas. The economic value of these areas should not be forgotten.

Steps towards delivery of the Strategic Approach to Mitigation include:

1. Develop a protocol for monitoring the condition of the Somerset wetlands. To show the effectiveness of the actions of the SRA.
2. Find consensus on water level management, underpinned by a new payments regime.
3. Forward looking creation of upfront mitigation to enable fast-tracking of critical flood works.

A key action is to establish a clear environmental baseline and understand the impact of the actions we are taking as the SRA on these protected sites. We are at a critical juncture in terms of current payment regimes for landowners – this presents an opportunity to encourage change. Mr Heard said that more progress needs to be made on updating Water Level Management Plans. There needs to be agreement with landowners about where Water will be held and for how long.

Mr Heard summarised funding opportunities that could be bid into to support delivery of the SAM and suggested SRA partners work together to investigate these. Natural England plan to submit a funding proposal to the SRA to deliver the first elements of the SAM in the spring.

- Cllr Kennedy asked if Mr Heard could give an indication of what interventions are proposed to remove phosphates from protected sites?
- Mr Heard said that phosphates is a long-term issue. Natural England are looking at a graduated approach. There are some small simple measures that can be done now right up to large scale land-use changes which will take time.
- Mr Mitchell thanked Mr Heard for the presentation. He asked if it was possible to provide the Board with details of what might be different in terms of practical project delivery once the SAM is in place.
- Mr Heard explained that the SAM will ensure favourable conditions in the protected areas into the long term. Confidence that these sites are protected will help to get permission to deliver projects that reduce flood risk.

8c. SOWY-KING'S SEDGEMOOR DRAIN (KSD) ENHANCEMENTS SCHEME

Dr Rachel Burden took the paper as read. She explained that in October the LEP agreed a variation request to extend the agreed project completion date to November 2021. This extension will reduce project risks and overall cost implications. She explained that since the last Board meeting there have been significant works completed on mitigation structures on raised water level areas and good progress made on other preparatory work. The Environment Agency published their notice of determination to proceed with the works having completed consultation on the Environmental Statement. Tree and vegetation clearance for the channel works is planned for early 2021; it is important this takes place before bird nesting season. The main channel works along the River Sowy - KSD will be undertaken from August 2021 onwards.

Dr Burden noted that delivery of a joint Mitigation Action Plan (MAP) is key to ensure that the Sowy-KSD scheme and Oath to Burrowbridge dredge are legally compliant. The approach being proposed is to mitigate potential negative impacts and use ongoing monitoring to ensure mitigation is effective. She said that delivery of the MAP remains challenging and failure to deliver this is potentially the biggest risk to the project. Dr Burden asked that all partners prioritise this mitigation action plan work so that it can be moved forward.

Dr Burden concluded by saying that there had been very good work completed by the project team however delivery of the mitigation action plan is a concern. The MAP needed moving forward to give partners the confidence that the Sowy-KSD and the Oath to Burrowbridge dredge will remain legally compliant schemes.

- Mr Heard noted that a critical part of delivery of the MAP is updating Water Level Management Plans and asked what SRA partners can do together to drive this forward.

- Mr Mitchell asked if there was anything specific the SRA team could do to help delivery of the MAP. It was agreed officers would investigate this away from the meeting.
- Mr Bradford welcomed the work that is planned for the River Sowey-KSD but thinks there also needs to be existing maintenance issues addressed such as vegetation clearance. Mr Bradford asked what is planned to address this issue?
- Mrs Burden reassured Mr Bradford that the Environment Agency undertook regular maintenance inspections and performed maintenance works as necessary.

As recommended, the SRA Board:

1. Noted the substantial completion of mitigation works on Raised Water Level Areas.
2. The Board also noted the change to the project completion date as a result of the approval of the Heart of the South West Local Enterprise Partnership variation request.

9. RISKS AND ISSUES

Mr Mitchell summarised the paper. He said that the Management Group retain a strategic risk log for risks and issues and escalate necessary matters to the Board. He noted that there is not anything currently on the risk register that scores sufficiently that it needs to be escalated however it was agreed that at least once a year the Board would have the opportunity to review the register, check what is on it and recommend any additions or amendments.

No recommendations for any additions or amendments to the strategic risk log were requested by the Board.

As recommended, the SRA Board:

1. Reviewed the current risk log.

10. 2021-22 ADMINISTRATION

10a. CALENDAR OF MEETINGS

As recommended, the SRA Board:

1. Approved the proposed meeting dates for financial year 2021-22.

10b. MoU

Mr Mitchell circulated the draft MoU for information and to remind the Board that at the March Board meeting Members will be asked to approve and sign the MoU for 2021-22. There were no questions on this item.

11. ANY OTHER BUSINESS (AOB)

Phosphates and planning applications

The Chair raised the matter of Natural England writing to Local Planning Authorities about phosphate levels in Somerset watercourses. As a result of the letter from Natural England LPAs have had to postpone many planning decisions. Cllr Hall feels that this is such an important issue which affects all partners that he wished to discuss it. Cllr Hall invited Matt Heard to provide an update on the matter.

Mr Heard explained that the issue arose as the protected sites on the Somerset Levels are all now in a declining state due to poor water quality. The levels of nutrients in the water far exceed target levels for those sites; that in itself should trigger mitigating actions. The reason for the Natural England advice given to LPAs is because of a legal ruling that stated 'you' can't knowingly deteriorate the condition of an already failing site by putting more nutrients into it e.g. planning authorities cannot grant permissions where there is evidence that a development will increase the level of nutrients entering a protected site.

The Planning Authorities have taken advice from Natural England and have chosen to stop issuing planning approvals until it is ensured that there are schemes in place to ensure nutrient neutrality from any new development. Since then, Natural England have been working full time with LPAs to develop a scheme that will deliver nutrient neutrality in any new development, this includes any agricultural intensification. Mr Heard said he doesn't think the solution is too far away but it will take a little time to get it right. Natural England is working with LPAs to find a way to approve individual sites where possible. He said that they are in discussions with both Defra and Ministry of Housing Communities and Local Government to take forward the request from Somerset for Government support to address this issue.

- Cllr Stanton said that this is an issue for lots of his constituents who are making relatively small home improvements. Property owners are being advised the only way to offset their impact is by Wessex Water upgrading its treatment works which is completely out of their control.
- Mr Heard explained that the scheme Natural England is currently working on with Wessex Water will address the issue. The intention is that property owners will purchase nutrient credits to offset the impact of their development.
- Emma Baker said that this is a bigger problem than just Somerset. Issues are emerging across the Wessex Water area so there is a need for Government departments to work together to find solutions.
- The Chair supported the need for joining up Government departments to sort this issue and highlighted that unless it is sorted it will scupper economic development and recovery from the economic impacts of Covid-19.
- Cllr Martin highlighted the potential impacts to the farm businesses if they have to take additional actions to tackle the effect of field run off on nutrient levels.
- The Chair asked that as soon as a solution is forthcoming that Natural England make sure it is widely understood and adopted as quickly as possible.
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Environment Agency finance settlement

Emma Baker explained that Treasury and Government had confirmed the Environment Agency's next six-year capital programme funding - £5.2billion for Capital Flood defences, these will be new defences that have to be focused on protecting homes and businesses. The money will be used to protect 336,000 homes and businesses. In Wessex region there are three large schemes, one of which is the Bridgwater Tidal Barrier. The government spending review, which sets revenue / maintenance budgets, will now only be a one-year review. The outcome of that review is not yet known but there may be pressures on the Wessex Area revenue budget. As part of the review the EA has proposed an indicative allocation of £4m for maintenance of Somerset's pumping stations. Mrs Baker agreed to keep the Board informed on the outcome of the review.

Axe Brue Board representation

Cllr Martin advised the Chair that Ray Adlam was no longer a member of the Board of the Axe Brue Internal Drainage Board so would no longer be on the SRA Board either.

12. PAPERS TO NOTE

12a. Bridgwater Tidal Barrier

No points were raised.

12b. Taunton Strategic Flood Alleviation Improvements Scheme

No points were raised.

12c. River Brue Dredging

Cllr Martin enquired about the status of funding previously allocated to dredging on the River Brue.

Mr Mitchell explained that funding is still allocated for the Axe Brue Internal Drainage Board to take forward a dredging project, but it is proving challenging to make progress. Mr Sturdy added that there is a need for a multi-agency group of SRA partners to come together to pro-actively promote and move a project forward. A meeting of senior officers is planned.

12d. River Parrett Dredging

12di) No points were raised.

12dii) No points were raised.

The Chair thanked the Board for attending. The meeting closed at 12:10pm.