

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

THE SOMERSET RIVERS AUTHORITY BOARD

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

PRESENT:

Ray Adlam (Axe Brue Internal Drainage Board)
Emma Baker (Environment Agency)
Tony Bradford – Vice-Chair (Parrett Internal Drainage Board)
Cllr Mike Caswell (Sedgemoor District Council)
Jeff Fear (Axe Brue Internal Drainage Board)
Cllr David Hall – Chair (Somerset County Council)
Matthew Heard (Natural England)
David Jenkins (Wessex Regional Flood & Coastal Committee)
Cllr Matt Martin (Mendip District Council)
Cllr Sarah Wakefield (Somerset West and Taunton Council)

IN ATTENDANCE:

Cllr Robin Bastable (South Somerset District Council)
Dr Rachel Burden (Environment Agency)
Roger Burge (Somerset Drainage Boards Consortium)

Cllr Norman Cavill (Somerset West and Taunton Council)

Rebecca Hall (Somerset County Council)

Paula Hewitt (Somerset County Council)

Jonathan Hudston (Somerset Rivers Authority)

David Mitchell (Somerset Rivers Authority)

John Rowlands (Environment Agency)

Martin Woods (South Somerset District Council)

APOLOGIES:

Cllr Mike Stanton (South Somerset District Council)

Rebecca Horsington (Parrett Internal Drainage Board)

Paula Hewitt (Somerset County Council)

Doug Bamsey (Sedgemoor District Council)

MINUTE TAKER:

Jennie Channing (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 24 JULY 2020

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

4. PUBLIC QUESTION TIME

No public questions were submitted.

5. RISKS AND ISSUES

David Mitchell, Senior Manager of Somerset Rivers Authority, took his paper as read. He noted that he intended to update the Board on the progress towards the spending of LEP funds by the March 2021 LEP deadline, this deadline is set by Central Government. He explained that the project teams have been working very hard to meet this deadline. In the January Board meeting, there was confidence that these funds would be used by the deadline, however there have been ongoing challenges to enable the project teams to meet this deadline. He noted that it is very important as the SRA, that this deadline is met to spend funds that have been allocated, it is also important to the LEP that they are seen by Central Government to complete delivery of the projects they have committed to.

Mr Mitchell provided an update on each of the projects that had funds outstanding from the LEP needing to be spent by the deadline. He explained that on table A of his paper, it showed a list of outstanding projects that have funds allocated from the LEP towards them with a forecast of what the position will be by the deadline. David noted that the vast majority of the funds would be claimed before the March 2021 deadline, however there are some larger amounts associated with the some of the bigger projects. The amount that is anticipated not to be spent is £1.058m, this is the worst-case scenario and projects are still pressing on to spend as much of the funding as possible by the deadline.

Mr Mitchell said that despite the best efforts by everyone involved it became clear, based upon advice from the project team and contractors, that it would not be possible to complete all the works on the Sowby/King's Sedgemoor Drain (KSD) Enhancements Scheme by the March 2021 deadline. He explained that although the LEP deadline was the end of March 2021 the deadline for works on this project was the end of October because of the environmental constraints of when work can be undertaken and the potential for poor weather conditions which would make it impossible to work on site. He said the advice at this point was to draw up a contract

that may take the project beyond the 12-month deadline on the LEP deadline. The EA project team requested approval by the Board to go beyond the LEP deadline.

Mr Mitchell explained that the other projects with significant amounts of money still allocated are the Pioneer dredging for Oath to Burrowbridge and the Northmoor to M5 dredging project. The Oath to Burrowbridge dredging project had an initial allocation of £1m of LEP funds however this came under budget. It was hoped that these remaining funds could be used towards the joint mitigation for Oath to Burrowbridge and Sowey/KSD scheme, however it is unlikely that it will be possible to use these funds by the LEP deadline. The implications for not spending this now needs to be considered and what can be done to mitigate losing these funds. The Northmoor to M5 dredging project is planned to take place in early 2021, however there was still a degree of uncertainty whether this would still be possible as there is still work to be done to clarify what was required for the environmental statement, finish design work and consider whether any consultation will be required.

Mr Mitchell advised that the most pressing issue was the Sowey/KSD project and the request to write a contract that would take it beyond the LEP deadline. It needed to be considered as if the contract went beyond the March 2021 deadline, then any LEP funds could be potentially lost to the project. In order for the project team to carry on and agree a contract, the request was made to the Chair of the SRA Board and the Vice-Chair to underwrite the potential funding gap. It was decided that the decision would be taken between Board meetings so that the project team could negotiate with the contractor. The Chair and Vice-Chair approved this request on 28 August 2020. The £635k of contingency is currently ringfenced to fill the potential funding gap. Mr Mitchell explained that they are seeking to take a proposal to Heart of the South West Local Enterprise Partnership (LEP) strategic investment panel in early October, which will propose that Somerset County Council uses the LEP funding on projects it has underway in this financial year which will mean that funds will then be made available to the SRA the following financial year to fill the gap. This is yet to be approved. Mr Mitchell will report back to the Board as soon as they have an outcome.

- The Chair thanked Mr Mitchell. He wanted to reassure Board members and members of the public that this is a technicality in the way public finances work and no reflection on the hard work going into the projects or the way the projects are being conducted.
- Cllr Robin Bastable, South Somerset District Council, noted that he thinks it is really positive to keep the funds available to continue with the work. He asked what the hold up with the Northmoor to M5 dredging project was as it is an injection dredging project which only requires permission to moor a barge in parts whether the dredging is taking place. He understands that there is more to this project.
- Roger Burge, Somerset Drainage Boards Consortium, provided an update on the current state of the Northmoor to M5 project dredge and let the Board know that the team are ready to start the dredge itself, design work has now been completed, an environmental screening has been completed to ensure that the works being undertaken does not require any further environmental

mitigation. He noted that this is business as usual and no different to other maintenance dredging that has been completed. He said that the Internal Drainage Board consider the dredge to be ready to start works. The design is ready to go to the Environment Agency. Mr Burge noted that this is now in the beholden of Environment Agency and Natural England to approve the dredge to start in January.

- Emma Baker, Environment Agency, advised that they are unable to consent without an application. She noted that the EA are happy to help with the environmental process.
- Matthew Heard, Natural England, noted that they have agreed with the Internal Drainage Board regarding Northmoor to M5 so does not think this will be problematic. He noted the language used by Roger Burge and the word 'beholden' needed to be addressed, as all partners have the responsibility to make sure schemes are legally compliant. He noted that the IDB are not beholden to other partners, all are beholden to ensure that schemes are delivered environmentally soundly and are legally compliant. He said that the Drainage Board is a competent authority and has legal responsibilities to deliver schemes accordingly.
- The Chair reminded colleagues and friends around the table to communicate effectively with each other.

As recommended, the SRA Board:

1. Noted the latest position in relation to Heart of the South West Local Enterprise Partnership (LEP) Growth Deal funded SRA projects.
2. Noted the actions and the decision taken by the SRA Chair and Vice-Chair between Board meetings to enable the Sowey-King's Sedgemoor Drain Enhancements Scheme to maintain momentum towards construction of Phase 1 of the channel works.

6. KEY PROJECT UPDATES

6a. Pioneer Dredging (Oath to Burrowbridge (Northmoor to M5))

Roger Burge, Somerset Drainage Boards Consortium, took his paper as read. He explained that the reseeding work and profiling of crest had not yet been completed due to a conflict between with the Environment Agency (EA) working on the same area. He said that the Internal Drainage Board are working closely with the Environment Agency to complete the reseeding work. He is hoping to get this done by the end of September.

There were no questions from the Board.

As recommended, the SRA Board:

1. Noted that grass seeding and mitigation works on Southlake will commence in September.
2. Noted that monitoring is ongoing to determine whether any further environmental mitigation is required.

6b. Sowy-King's Sedgemoor Drain (KSD) Enhancements Scheme

Dr Rachel Burden, Environment Agency, took her paper as read. She noted that the Environmental statement had been published for 30-day consultation, which closed on 13th September. Dr Burden explained that the mitigation plan had been fully agreed to ensure that the dredge is legally compliant. Letters had been sent out to all landowners effected by the project; this had been supported by the SRA team. Any concerns that are received will be jointly supported by the EA and IDB. Dr Burden explained that she hoped the project team would be on site in the next month to start the preliminary work on the banks. She noted that the team were keen to start to minimise the work that may need to be brought forward. Dr Burden thanked the partner organisations.

- Tony Bradford, Vice-Chair, supported the scheme and everything that needs to be done to complete. He noted that he had recently met with John Rowland of the Environment Agency. He was concerned that some of the work will have a detrimental effect on landowners outside of the designated area, Mr Bradford would like to see this included in one of the papers.
- Dr Burden explained that Tony has had the reassurance and believes that the action is now with the IDB officers.
- John Rowlands noted that several structures were already planned to be delivered. He noted that he had had a brief conversation with Phil Brewin, IDB as to what exactly could be done and has spoken to the field teams regarding the trees.
- Mr Bradford thanked Mr Rowlands for taking the outcome of their recent meeting on board.
- David Jenkins, Wessex Regional Flood and Coastal Committee, explained that he had been asked to chair a meeting of officers for this scheme to iron out any problems. He said that a particular point that had been made at the meeting was that the individual delivery organisation were intrusted with particular actions on the Environmental mitigation plan are nervous about being left to be exposed to particular mitigation plans. It is really important that all partners work together. He said that as long as there is complete openness and transparency then each of the delivery partners should feel that they are not on their own.
- Mr Mitchell asked John Rowlands for a rough date for completion for spring time next year.
- Mr Rowlands advised that if this year has a dry winter then the works will be completed by the end of March, if it is a wet winter then this will be completed in April or May.
- Mr Bradford was concerned that there were mixed messages and if that if certain works were not completed soon then hands will be tied legally as cannot work through designated areas.

As recommended, the SRA Board:

1. Noted the latest position with the River Sowey-King's Sedgemoor Drain Enhancements Scheme.
2. Noted that the Environmental Statement for the project is currently being consulted on and that the consultation will close on 13 September.

7. QUARTER 1 2020-21 SRA FINANCE REPORT

SRA Finance Manager Rebecca Hall took her paper as read. She noted that this was the end of Q1 finance report and something that will be different on this report is as the end of LEP funding approaches there has been a separation on the paper, the first section looks at local partner funding which is the funding raised through precept and the second part of the paper will look at growth deal funding. At the start of Quarter 1 there was just over £8.5m available, £5.6m of this was carried forward from last year and £2.9m raised in precept this year. She explained that the vast amount of the funds had already been allocated to schemes and these have been split by workstreams. She said there is £590k in contingency. She explained that at Q1 there have been claims received from partners for £225k which is lower than usual however due to the impact of Covid-19, this was expected. Ms Hall said that they are forecasting to receive £3.6m of claims during this year.

Ms Hall explained that the majority of claims received in quarter 1 were for Workstream 2, Land Management and Workstream 5, Building Local Resilience. She advised that after receiving financial information from delivery partners, it was identified that there were over and under spends. She said that there was £264 being asked from contingency for overspends and £45k returned to contingency for the under spends. This would increase contingency from £590k to £635k, this would equal 8% of Local Partner Funds with the rest being allocated to specific schemes. Ms Hall noted that Growth Deal Funding financial performance, the allocation was just over £13m of funding, at the end of quarter 1 just over £10m had been claimed.

- Mr Mitchell noted that the paper has been changed slightly this year, Table A includes forecast information and chart B also includes the forecast of when the funds are likely to be spent. This information has been added so that the Board have a view of where this funding would be spent.
- Cllr Matt Martin asked whether the money in contingency is used for another project until needed by the SRA or whether it is in a bank account. He requested details on what the money is used for while it is in contingency and not being spent on material works.
- Ms Hall confirmed that the money is not utilised whilst it is sat in contingency and is sat within Somerset County Council as the host authority.
- Mr Mitchell noted that the contingency figure is higher than in usual quarters, the contingency figures is used to underwrite the difference which is approximately £630k.

As recommended, the SRA Board:

1. Noted the financial performance as at the end of Quarter One 2020-21
2. Approved the re-allocation of contingency as per section two.

8. FLOOD ACTION PLAN REVIEW

Mr Mitchell provided a short verbal update for this item. He advised that this had not been moved forward as he would have liked. A meeting for the Management Group is being organised by Mr Mitchell and Jennie Channing, SRA Administration officer to discuss the format of each Flood Action Plan workshop. The aim is to start the organisation of the workshops this side of Christmas.

9. RIPARIAN RESPONSIBILITIES

Johnathan Hudston, SRA Communications Manager, presented this paper and took the paper as read. He noted that there were three main areas for discussion. First to report how the SRA partners have responded to Board members' instructions for a proposal to be prepared about raising awareness of riparian responsibilities in Somerset. He explained that since the last Board meeting on the 24 July 2020 there was a discussion at the SRA Technical Group about what could be done in response to the Boards request. Towards the end of August Mr Jenkins report which was commissioned by Defra was published, which covers riparian responsibilities, after reading the report carefully he followed certain points up.

Mr Hudston noted that the Environment Agency have published a new guide on their website with details on owning a watercourse which replaces the booklet titled 'Living on the Edge'.

He said that there were certain things we can do going forward until a decision has been made, If enquiries are sent through these can be directed to the owning a watercourse page on the Government website, there could be a document publicised with the details of owning a watercourse and how things currently stand, Paying people to get the information improved or to a better standard could also be a possibility. He advised that the situation is complicating and confusing.

Mr Hudston explained that there were three key questions for the Board. First, given that riparian responsibilities are currently judged to be "complex and difficult", is it the Board's wish that all SRA partners should together seek to find creative ways to raise awareness of the current situation, or would the Board prefer partners to hold off until Defra and the Environment Agency have had more time to act upon Mr Jenkins' recommendations?

Secondly, if the Board's wish is for SRA action to continue now, to help partners ascertain local priorities, what are members' views on what they would like

Somerset people to feel, think and do differently as a result of any awareness-raising activities?

Thirdly, as Mr Jenkins' report has persuaded the Government to accept his recommendations about riparian responsibilities, are there actions that Board members would like to take in response to this? One possibility could be write to Rebecca Pow MP as Flooding Minister to welcome the Government's acceptance of Mr Jenkin's recommendations and to encourage Defra to expedite this work. Mr Hudson welcomed questions and comments from the Board in particularly Mr Jenkins.

- The Chair noted that this was a very big subject with implications that stretch far beyond the SRA.
- Mr Jenkins explained that at the end of 2019, he was asked by Dr Thérèse Coffey, Minister in Defra who was responsible for Flood Risk Management, to conduct a review to provide government with a report on Surface Water Flooding Risk Management, in particular, who is responsible for what under the present law. He noted that the fact he had been asked to conduct this report by Defra, it was clear that there had been recognised that there are problems with the current legislation and a lack of clarity in a number of areas. Mr Jenkins provided his report in May and the government published this at the end of August. There were 28 recommendations made, with two on the subject of Riparian Responsibilities. When the report was published, the government said they were immediately accepting of 12 of the recommendations without consultation, they will consult further on the remaining 16 because they affect other bodies. The two recommendations on Riparian Responsibilities are firstly the guidance from the Environment Agency on owning a watercourse needs clarity and the second that Defra need to consider what other steps need to be taken beyond issuing guidance on particular issues. He suggested is that these questions that have been asked by the SRA Board which may not be definitively answered by SRA officers, may need to be communicated with Defra and note that the concerns are also shared by the SRA, and ask the timescale for action. He noted that when it comes to the recommendations, he would abstain on these as he had set out his views within his report.
- The Chair thanked Mr Jenkins. He noted that the SRA are overdue sending a letter to Rebecca Pow, to ask what progress is being made on the legislation for the precepting for the SRA. He suggested, a letter is drafted and to include the question that would like to be put to Defra.
- Mr Bradford advised that this is a huge issue and is a national problem. He said that David had produced a very good paper. He asked if Mr Jenkins and ADA could work together with the Environment agency to write a national policy to cover the whole country.
- Mr Jenkins has spoken to the Chief Executive at ADA. The ADA Board have not met since the report was published however they are likely to

consider letting the Minister know that they support it and are likely to ask the timescale of implementation.

- Cllr Bastable asked if riparian owners could go to a member of the SRA or associated partners to get the licences for work to be completed and if this would be a way forward.
- The Chair suggested that the issue is a live issue at the moment and we don't want this issue to be forgotten. He recommended that the report is supported and Rebecca Pow is contacted to move this forward as soon as possible. He also suggested a small subcommittee is organised to discuss going forward.
- Cllr Sarah Wakefield wanted to add her support on the Riparian Responsibility issues and getting in touch with Rebecca Pow.
- Helen Smith, Flood Risk Management, Somerset County Council, would like to be included in any subcommittee going forward.
- A letter would be drafted to send to Rebecca Pow, all Board members agreed apart from David Jenkins who abstained.

As recommended, the SRA Board:

1. Noted David Jenkins' report of a review for the arrangements for determining responsibility for surface water and drainage assets and its recommendations for national moves by the Environment Agency and Defra to review guidance on riparian owners' responsibilities, to promote that guidance, and to consider further steps.
2. Considered the actions that the SRA could take to support progress on the recommendations about riparian responsibilities made by Mr Jenkins.

10. ANY OTHER BUSINESS (AOB)

John Rowlands provided a short update on the Highbridge Clyse tidal structure, which is situated at the end of the River Brue in Highbridge. He explained that there have been repairs undertaken recently. It is a large structure with four sets of mitre doors, some of which had damage around hinges and joints. One of the gates was removed and replaced the previous week and the second damaged gate being removed and replaced the following week. The remaining will be removed and replaced in due course. He explained that this is part of a larger package including works at Brean Cross. He noted that this project is Environment Agency funded and is routine Business as Usual.

11. PAPERS TO NOTE

11a. Bridgwater Tidal Barrier

The paper was taken as read – no further comments.

11b. Taunton Strategic Flood Alleviation Improvements Scheme

The paper was taken as read – no further comments.

11c. Strategic Approach to Mitigation

The paper was taken as read – no further comments.

11d. River Brue Dredging

The paper was taken as read – no further comments.

The Chair thanked the Board for attending and all their hard work.

The meeting closed at 11:53am.