

**Draft minutes of the
Somerset Rivers Authority (SRA) Board Meeting**

held on Friday 3 March 2023

at the headquarters of South Somerset District Council,
Brympton Way, Yeovil, BA20 2HT

Members of SRA Board:

Cllr Mike Stanton - *Chair*, Somerset County Council (SCC)
Tony Bradford - *Vice-Chair*, Parrett Internal Drainage Board (IDB)
Emma Baker, Environment Agency (EA)
Cllr Mike Caswell, Sedgemoor District Council (SDC)
Cllr Dixie Darch, Somerset West & Taunton Council (SWTC)
Cllr Sarah Dyke, South Somerset District Council (SSDC)
Jeff Fear, Axe Brue IDB
Cllr Andrew Gilling, 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

In Attendance:

Doug Bamsey, SDC
Michele Cusack, SCC
Caroline Dunn, Somerset Rivers Authority (SRA)
Ross Edwards, EA
David Mitchell, SRA
Peter Paddon, SSDC
Jonathan Stevens, SWTC
Iain Sturdy, Somerset Drainage Boards Consortium
Ian Tier, SCC

ITEM 1. APOLOGIES FOR ABSENCE

The Somerset Rivers Authority (SRA) Chair Cllr Mike Stanton (Somerset County Council) welcomed members of the SRA Board and public to the meeting. He said that officer Haylee Wilkins (Mendip District Council) had sent her apologies.

The Chair said that items from the agenda would be taken in a different order to that published. This was to allow more time for discussion about items of particular importance, as some Board members had informed the Chair that they had to leave before 12 noon.

ITEM 2. DECLARATIONS OF INTEREST

None were made at this point, but two declarations were made when Item 11 came up for discussion.

ITEM 3. MINUTES OF PREVIOUS MEETING ON 20 JANUARY 2023

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

ITEM 4. PUBLIC QUESTION TIME

On behalf of Heather Venn of Currymoor Moor Association, Fi Glover read a statement about the SRA-funded Environment Land Management schemes (ELMs) water storage trial that had been held on Currymoor in December 2022.

“After the successful ELMs Test and trial and water storage on Currymoor, the moor association thought it prudent to provide a brief overview of the trial and how it went from a landowner and farmer perspective.

“Currymoor Moor Association agreed to the trial on the basis that it is important to trial a new process for dealing with the compensation for water storage on the moors to help provide better flood risk management within the catchment during storm events, public payments delivering a public service.

“All landowners within the test area agreed to the trial, which in itself is a huge challenge.

“Due to the lack of rain in the first year, the Moor Association agreed to roll over the trial to Winter 22-23. A steering group was set up which consisted of members of the moor association, two farmers and the management authorities, and this was set up to ensure that the parameters set were adhered to and that any decision to go ahead with the trial was set up around that.

“The trial went ahead, and all the parameters were met and it was completed successfully.

“The trial went ahead in December and the water levels were back down to winter pen around a month before the large event in January.

“In terms of farmer perspective, we are very pleased to participate, and it was a great opportunity to highlight different methods of potential income streams considering the subsidy changes that are upon us.

“We very much hope that it is the start to change of thinking in the way that water is used particularly to assist the flood management for the wider community and the ways which farmers are compensated for the services they provide.

“It was also a really great opportunity to collaborate for a common goal, demonstrating that Somerset farmers and landowners can be at the forefront of helping the region adapt to new challenges and opportunities. The Moor Association continues to develop and work with the management agencies and this will continue for the years to come.”

SRA Vice-Chair Tony Bradford (Parrett Internal Drainage Board - IDB) commented that if people wanted to run tests and trials it would be better to put water where it did not normally go and benefit from that, rather than use Currymoor. He said that Currymoor was the most critical moor on the Levels for the prevention of flooding to people and properties, main roads and the railway line. Mr Bradford disagreed that Currymoor had been returned to winter pen before the big event, he said he had seen flood water still there before it started raining. He said that Currymoor had filled up at a rate he had never previously seen, overflowed into Northmoor and panicked Moorland and Fordgate to the degree that people were crying down the telephone and saying that they were going to have another event like 2013-14.

Mr Bradford added that he had been rung up by one test and trial participant to ask what was happening when, as he said, Currymoor was still flooded and pumps were switched off for the test and trial. Mr Bradford said that the money farmers were paid for the test and trial, which he believed was £7 an acre, was not enough to get out of bed for. However, he was concerned more about the principle than the money, the principle being that Currymoor should not be used for this kind of water storage exercise at any time of year.

The Chair ruled that the board could not debate this subject now because it had not been scheduled as an agenda item. As there were clearly many different points of view, it should be discussed at another time. The Chair noted that there was at least a common view that one solution to flooding was to store water in the right places.

ITEM 7. 2022-23 MAJOR FLOODING INCIDENT

David Mitchell, SRA Senior Manager, said he would take his own paper as read. He then asked for updates from Doug Bamsey (Sedgemoor District Council), who had been chairing Local Resilience Recovery Group meetings, and Emma Baker (Environment Agency).

Mr Bamsey said that he had been chairing the recovery group since the major flooding incident of January 2023. He described two working groups, a community working group and a business working group. He said the community working group included people from the communities that had been most affected, to learn lessons about the ways the incident had been dealt and why it happened.

Ms Baker said the Environment Agency was participating in the activities being led by Mr Bamsey, and was also establishing its own recovery team and programme. A recovery manager had just been recruited: a team would be formed. Internal debriefs had been held, the focus was now turning to gathering information from various sources including key stakeholders, such as the IDB and the Flooding on the Levels Action Group (FLAG), and inspecting and restoring assets to pre-incident condition. She said the Environment Agency would attend forthcoming community engagement

sessions being held as part of Mr Bamsey's recovery initiative. Ms Baker also told the Board that smaller 'pop up' pumps had been removed. They would be cleaned and returned to stores as assets for use nationwide. Bigger pumps at Northmoor, Saltmoor, Currymoor and Dunball were now being demobilised as planned. This was expected to take four to six weeks.

Mr Mitchell thanked Mr Bamsey and Ms Baker. He said he was keen to avoid duplication by the SRA, around lessons to be learned. He reminded the Board that it had been agreed in January that the SRA should hold an initial summit before the end of March, with a bigger flood summit at the end of April or in early May.

Points raised:

Rebecca Horsington (Parrett Internal Drainage Board) said that it would be important to hear from key members of the community, including FLAG and landowners with good insights into the ways of local water. She believed this would be very useful.

Cllr Dixie Darch (Somerset West and Taunton Council) welcomed the prospect of involvement by local people. She urged caution about making promises to do with managing and preventing flood risks. She said that properties would get flooded, this is what the future would be like, building local resilience would be about helping people to come through such events successfully, and minimising trauma and damage. People should be reassured that the authorities were doing everything they could, but nature and climate change could not be controlled.

Tony Bradford suggested that it would be better if pumps could stay in places where they were most likely to be needed and turned on at the beginning of a flood event rather than in the middle when it was too late.

The Chair concluded by asking the SRA Senior Manager to check that there would be no unnecessary duplication in the organisation of the SRA's two flood summits.

ITEM 8. SRA FINANCE REPORT

Ian Tier, SRA Finance Manager, took his paper as read. He said it set out the SRA's financial position at the end of Quarter 3. He added that contingency had gone down after the Board's meeting on 20 January 2023, as £499,000 had been allocated to the River Sowey – Kings Sedgemoor Drain (KSD) Enhancements Scheme (Phase 1) and £20,000 to the A38 Blackbird Bends Flood Alleviation Study.

Mr Tier said that Quarter Three spend for 2022-23 was originally estimated to be £3,051,000 in forecasts made at the end of Quarter Four 2021-22, however the actual spend in Quarter Three was £2,741,000, 90% of that estimate.

Mr Tier told the Board that if the re-allocation proposed in his paper's recommendations was approved then contingency would increase by £607,000 from

£368,000 to £975,000. This equated to 9% of the Local Partner Funds available with the rest allocated to specific schemes.

Points raised:

Cllr Matt Martin (Mendip District Council) asked about the flood signage scheme from which £75,000 was proposed to come back into contingency. Caroline Dunn, Somerset Rivers Authority Project and Performance Officer, said this related to a new flood warning system for Ham and Ruishton which had come in £75,000 under budget, hence this money was being returned.

Recommendations

The SRA Board noted the SRA's financial performance as at the end of Quarter Three 2022-23.

The Board also approved the re-allocation of funds to and from contingency as per Part Two.

ITEM 11. KEY PROJECT UPDATE- RIVER SOWY- KING'S SEDGEMOOR DRAIN (KSD) ENHANCMENTS SCHEME

This item was taken earlier than planned on the agenda for this meeting,

SRA Chair Cllr Mike Stanton declared an interest as the ward member for Langport and Curry Rivel. SRA Vice-Chair Tony Bradford declared an interest as an owner of farmland in affected areas.

Emma Baker took the Board through her paper section by section, while adding some details and thoughts. Ms Baker began by apologising for the paper's late circulation. She said that some key staff had been – and were still – off sick. When talking about the impacts that major incidents had on communities' mental health, she said it was important to remember that others too had to recover.

Ms Baker said that Phase 1 of the Sowy-KSD Enhancements Scheme was 80 to 90 per cent achieved. She believed that the right thing to do now was finish this phase, then strategically pause.

She said that work on two outfalls had been done, and that contractors Kier were on site at Parchey. Work on two remaining outfalls (Level Rhyne outfall and KSD Back Ditch outfall) would be partially funded by the Environment Agency, but extra money from the SRA was needed. Chedzoy Tilting Weir likewise needed SRA funding, as did up to 1.8km of bank-raising work along the left bank of the KSD. An access track to the KSD would be required, as Chedzoy residents had asked the Environment Agency not to run tractors, trailers, lorries through their village, for understandable reasons to do with noise and disruption. Discussions with landowners about an access track were in hand.

Ms Baker explained how the estimates given in the paper had been drawn up. For example, the most likely figure of £1.15million included a provision of £250,000 for risks that might arise for environmental or archaeological issues.

Ms Baker said that not completing Phase One would not increase flood risks to properties or main roads. However, it would increase flood risks to some agricultural land and there were good reasons and wider systemic benefits why Phase One should be completed. First of all, completion would allow for greater flexibility in flood management. It would help to improve the management of the River Tone and the River Parrett, and it would mean that pumping could be started earlier so that the duration of flooding could be reduced. She acknowledged that the Sowy-KSD Enhancements Scheme had been a priority for the SRA since its inception, and the scheme was in the original 2014 Somerset Levels and Moors Flood Action Plan. Until Phase 1 was complete, Ms Baker said her understanding was that the Sowy could not be operated through Monk's Leaze Clyse beyond currently agreed managed flows of 17 cubic metres per second and every time they would want to go above that they would need agreement from partners including the Parrett Internal Drainage Board. But if the outfalls and banks were done, she was comfortable and confident that 21 cumecs could be passed down through there in bank in managed flow conditions. From this winter, there was some evidence of being able to do that. Another reason for completing the scheme was that the Environment Agency might not be fully able to discharge water at Dunball back into the Parrett and thence out to sea. She said this January's event occurred pretty much through lower tides, but during high spring tides the system could become tide-locked and overtopping might then arise, if KSD left bank works were not finished. So as a Board member she favoured finishing, and then strategic pause in a situation where people could look to the future with some comfort and certainty, knowing that 21 cumecs could be run.

To help get to that point, Ms Baker proposed to put additional controls in place, such as monthly updates to the SRA's Management Group. She explained that the Environment Agency would have to continue using framework contractor Kier for this scheme, as once a job was priced beyond £500,000, procurement rules dictated that smaller providers could not be used. Ms Baker said that Kier were reliable and resilient, with the capability and capacity to deliver a number of complex schemes in sequence – that is why they were a provider for the Environment Agency's £5.2 billion national six-year capital programme. Kier, she said, were also now experienced in the complex environment and challenges of the River Sowy-KSD area.

Ms Baker noted that inflation generally was still burning above 10%, and in the construction industry it was well above 10%. She added that she could not promise that the Environment Agency would be able to be able to do this work in one or two years' time. She expected Bridgwater Tidal Barrier to have ramped up massively on

site, some Taunton Strategic Flood Alleviation Improvements Scheme construction work could have begun, and the Environment Agency would be looking at the coast.

Ms Baker asked for an SRA commitment to risk sharing to be in place by 31 March, as she recognised that it might be difficult to reach an actual agreement. She said the Environment Agency would go 50-50 financially, up to a capped level to be confirmed, and that an agreement could be constrained just to the Sowy-KSD.

She concluded by saying that during the Major Incident of flooding in January, some sections of banks had sustained some limited damage, but in the main the majority did really well. She said the Environment Agency would deal with repairs to banks as part of its local recovery works.

The Chair thanked Ms Baker. He proposed that the recommendations in the paper should be taken out of sequence, for reasons of discursive logic. First recommendation 1, then recommendations 3, 4, 2 and 5.

Points raised during the discussion:

Iain Sturdy (Somerset Drainage Boards Consortium) stressed that the work still needing to be done as part of Phase 1 was not just about a few bits of farmland, and a small number of businesses and properties at the lower end of the Sowy-KSD system, it was about the whole system, and about establishing ways of being able to operate that whole system more effectively to reduce flood risks in places like Currymoor and Northmoor. In January, he said, there had been no complaints from places such as Langport, Muchelney and Thorney, because of the effectiveness of previous improvements and the better possibilities they created. Mr Sturdy reminded members that the floods of 2013-14 had cost Somerset up to an estimated £148million. In that light, the Sowy-KSD Enhancements Scheme (Phase 1) was a good, worthwhile scheme.

David Jenkins (Wessex Regional Flood & Coastal Committee) said the purpose of the SRA was to achieve things which existing governmental formulae for public expenditure would not countenance. Not finishing Phase 1 would leave a gap in what the SRA had wished to achieve, therefore the Board should seek to put what would be required in place, and – to inspire confidence – should discuss additional contract management controls and transparency arrangements.

Tony Bradford requested Ms Baker to check again whether this scheme would qualify for Flood Defence Grant in Aid (FDGiA). He cited benefits arising to the whole catchment, in particular to the railway line and main roads. He stressed that people worked out on farmland – it was their business – and their land should not be seen just as a dumping ground for water. Mr Bradford said that Phase 1 must be completed.

Cllr Sarah Dyke (South Somerset District Council, also Lead Executive Member for Environment and Climate Change at Somerset County Council) thought that all would probably agree that the work needed to be done, but she would like to see more technical details provided to help members reach a consensus and take a decision. She agreed that more performance indicators and milestones needed to be incorporated into the project's next steps.

Cllr Dixie Darch (Somerset West and Taunton Council) also felt there was a consensus that the work should be done, but the SRA should not just go headlong into it at any cost. She was concerned about uncomfortable parallels with the national HS2 project. Cllr Darch agreed with Emma Baker's earlier point that a review should certainly be held at the end of Phase One.

The Chair sought the feel of the meeting, declared there was a consensus that Phase 1 should be completed, and the Board moved on to discussing Recommendation 3.

Iain Sturdy outlined the important role played in catchment management by outfall structures. He said that since 2012 an Internal Drainage Board policy specified that structures – when replaced – should not be reduced in size and should not increase flood risk. The logic of that policy therefore required works in this case (Chedzoy Tilting Weir, Level Rhyne Outfall and KSD Back Ditch Outfall) to be like-for-like. Mr Sturdy stressed that the IDB was not demanding better, bigger, newer, shinier things: it was seeking to preserve existing functionality and particularly to guard against blockages. Mr Sturdy said that recent flood events in January had shown how crucial it was for water to be able to flow to places where it could be pumped away.

Tony Bradford expressed frustration at the duration and cost of what he said should be simple jobs to get done, but said he was not opposed to the recommendation.

The Board agreed that extra money should be allocated for Level Rhyne and KSD Back Ditch outfalls and Chedzoy tilting weir, and discussions moved on to Recommendation 4, about risk sharing.

Emma Baker explained that if further expenditure was going to be required on top of the sums outlined in the paper, then the Environment Agency was prepared to go 50-50 with the SRA, up to a capped figure to be confirmed. However, Ms Baker thought that with additional controls and monthly reporting systems in place, then matters should not actually get to the point of extra money being needed.

Tony Bradford said this recommendation appeared to him to be the most important one, as the Environment Agency was saying it needed a risk-sharing agreement as a pre-requisite for it starting works.

Rebecca Horsington felt that a risk-sharing arrangement was already in place, albeit unofficially, because the SRA had been providing funding for previous cost over-runs.

Emma Baker insisted that the Environment Agency had been carrying risk, and in the light of that she felt it was only a matter of time before she would be asked by her directors not to do some things. She added that an agreement could be confined just to Phase 1 of the Sowy-KSD Enhancements Scheme and could perhaps take the form of a Memorandum of Understanding. She realised that it would be difficult to get an agreement finalised by 31 March, but she wanted people to start and be committed to the idea and the process.

Cllr Dyke suggested rephrasing the recommendation so that it committed the SRA to exploring risk-sharing and entering into negotiations about it.

Doug Bamsey said that discussions should focus not just on the principle of sharing risk, but on the practicalities of how it should be shared.

Michele Cusack (Somerset County Council) was concerned that Somerset County Council was currently so busy with new Somerset Council business, it might be difficult to get a Key Decision through, but people should try.

Discussions then moved onto questions about costs, as highlighted in Recommendation 2.

Rebecca Horsington said that not finishing Phase 1 would be damaging for the reputations of both the SRA and the Environment Agency. The situation was unfortunate, but the cost of the works was what it was, and had to be approved.

Cllr Dyke repeated that she was really uncomfortable with this allocation of public funds at his time. She said again that she would like to see more detail.

In response to questions from the Chair, Ian Tier and David Mitchell explained how the SRA could pay for the works by effectively using SRA funds allocated to other projects but not yet required as 'cash-flow'. However, there are risks to this approach. If Sowy-KSD project costs significantly increase it could put other projects at risk of non-delivery

Tony Bradford expressed his anger at repeated requests for more funding, but said again that he believed these works had to be finished and the banks raised as planned. He spoke of his role as the chairman of Somerset Drainage Boards Consortium, and how IDB ratepayers in affected areas feared they would be driven out of business by flooding that they never used to experience. Mr Bradford particularly drew attention to the possibility of summer flooding, which would be a disaster in vulnerable areas.

Michele Cusack asked if the new Somerset Council's exposure to risk could be quantified. She thought at the moment it could not be. She added that the new council would not want to be faced with extra costs in its first few months, were a situation to arise in which the SRA was asked for an extra £1million, £2million or £3 million and did not have enough money in contingency.

David Mitchell said that large-scale cost increases had occurred over the last 12 months. He said that the SRA did not have enough money in contingency to cover further requests of that size but other projects could be stopped to provide money.

Rebecca Horsington said she agreed wholeheartedly with what had been said about the monetary situation, but she feared that if these works were not approved then Phase 1 would never get finished.

SRA Chair Cllr Mike Stanton said Board members had confirmed that they wanted the project to be finished. The debate now was about whether the SRA could proceed with the expenditure proposed by the Environment Agency or was there another way. He felt it would be difficult to approve the totality of today's request for almost £2 million for bank-raising works (allowing for a substantial provision for an extra reserve split 50-50 with the Environment Agency)

Discussions therefore moved onto questions about what next steps should be taken, with members suggesting a range of different options.

Doug Bamsey thought the Board should consider holding off from making a decision at this meeting. SRA Chair Cllr Stanton suggested that 'leaving this matter to lie on the table' and exploring whether a risk sharing agreement was possible by the end of March was one option. He asked SRA Senior Manager David Mitchell if there were others he could suggest.

Mr Mitchell replied that there was only limited time available for more meetings and he thought it unlikely they would lead to different views and outcomes. One other option was to commit to finding another way to deliver works at a lower cost than £1.35million. This option would mean no bank-raising works taking place this coming financial year, and would require everyone around the table to commit to finding and implementing another way. On a point of clarification, it was confirmed that as funding for outfall structure works had been approved, they were expected to happen this year.

David Jenkins noted that the Environment Agency was saying that without some understanding on risk they could not proceed, while local authority members were saying that on the basis of the information provided, they could not approve proceeding. Given this impasse, he suggested that the only way forward was officers to have intense discussions to find a way forward within a very tight timescale to fulfil the SRA Board's express ambition of continuing and completing works.

Emma Baker said there had already been a discussion about finding a different way to deliver works but there was no other option except that offered by the Environment Agency.

Iain Sturdy and David Mitchell said that the Environment Agency needed to have an answer by 31 March, so that contractors Kier could be instructed. Emma Baker said that if the Environment Agency let Kier go, there would be an additional cost to get them back, they would let plant go, and this project would lose its metaphorical slot on the runway. It might be possible to go a few days past 31 March, but that would then be it. Ms Baker said she could not guarantee that the Environment Agency would be able to come back with an offer to do more work next year or the year after.

Cllr Dyke proposed 'leaving the paper to lie on the table' while agreeing in principle to work towards a risk-sharing agreement. Cllr Darch seconded this, while calling for an options paper to help members further consider next steps.

Tony Bradford said that as everyone was committed to getting risk sharing sorted out, the Board should vote on whether to allocate extra funding.

Rebecca Horsington thought the Board should take a vote on the money subject to a risk sharing deal being agreed.

Iain Sturdy asked if a suitable risk sharing agreement could be found, did that mean that the Board would approve the additional funding? The Chair said no, the funding was a separate issue.

Doug Bamsey said he would prefer the Board not to vote on this item at this meeting, as he feared there was presently some risk of confusion.

David Jenkins said that as there was a lack of consensus around the table a decision should be deferred until a meeting of the Board to be arranged before the end of this month.

Cllr Mike Caswell (Sedgemoor District Council) said that Mr Jenkins' option was sensible and should be voted on.

Michele Cusack ended the discussion by asking if any Board Member felt comfortable that the Board was in a position to say yes to the costs proposed. No one replied.

The Chair proposed that the recommendations from Cllr Dyke and David Jenkins should be combined.

The SRA Board thus deferred taking a decision on recommendations 2 and 5, pending SRA partners using best endeavours and good will to reach an agreement on risk sharing by 31 March, with a Board meeting to be held if need be by 31 March.

ITEM 9. SRA 2023-24 ENHANCED PROGRAMME & BUDGET

David Mitchell, SRA Senior Manager, took his paper as read. He said that the SRA's proposed Enhanced Programme for 2023-24 was the same as that which had been provisionally approved at the Board's meeting on 20 January 2023.

Points raised:

None.

Recommendations:

The Board approved the proposed 2023-24 SRA Enhanced Programme.

The Board also approved the 2023-24 SRA Budget.

The meeting finished at 12:07pm