

Association of Drainage Authorities

TECHNICAL AND ENVIRONMENTAL COMMITTEE

Minutes of the Meeting held on Wednesday 14 May 2014 at The Farmers Club, London

Present: Ian Benn (IB), Andy Carrott (AC), Cliff Carson (CC), Henry Cator (HC), Gordon Hunt (GH), Andrew Morritt (AM), John Oldfield (JO), David Sisson (DS) (Honorary Secretary), Nick Stevens (NS), David Thomas (DT)

Apologies: Rob Cathcart (RC), Graham Littleton (GL) (Chairman), Andrew Newton (AN), Innes Thomson (IT), Jean Venables (JV) (Chief Executive)

In Attendance: Sharon Grafton (SG) ADA
Tim Vickers (TV) ADA
Ian Russell (IR) EA/ADA

Ref	Minute	Action
1303	Declaration of Interest None	
1304	The Minutes of the meeting held on the 29 January 2014 were agreed as a true and fair record.	
1305	Matters Arising Min 1293: HC told the committee that ADA have secured a meeting with the Secretary of State Owen Paterson on 9 June. The meeting is only likely to be two to three hours but hopefully it will be possible to drive home the importance of maintenance and SuDS. It may be best to cover a few points well, rather than confusing him. The visit is primarily an IDB visit, ADA want to get the best out of the meeting so are trying to restrict the number of people attending. DS said that Owen Paterson attended the recent Lincolnshire Flood Risk and Drainage Management Strategy Group meeting. Discussion surrounded the reorganisation of Somerset, and whether the Lincolnshire Partnership Framework would be applicable. The valuation and proper weighting agricultural land, together with required certainty of maintenance spending alongside capital spending was also brought up. It seems that he is interested in IDBs taking a wider role in rural maintenance and sub catchment approach to water management TV told the committee that a briefing note has been sent to Owen Paterson. AM said that there is an issue with benefits apportionment in the Ouse and Humber IDB area, as there is only one fixed value for properties and it is difficult identifying what the proportion of benefits are and giving communities a choice. An MP support group has just been established for the Humber which is hoping to get something in the Autumn statement regarding estuary flooding. DT asked whether the focus has changed from a year ago – has maintenance moved up the agenda? The question has been raised with Dan Rogerson on two occasions – the first time he was not aware that lack of maintenance causes problems. The second time he recognised that maintenance was required but had possibly moved down to the local level. However Defra and the Environment Agency are not changing their assessment of where spending goes. This means that IDBs are at odds with them as spending money is a non-priority. There needs to be emphasis upon the gap in spending and acceptance that there are local needs which national guidance doesn't cover. Min 1295: IR said that he is to discuss water transfer licencing with Jean Venables, but no date for a meeting has yet been fixed. Min 1297: CC told the committee that he had seen an email from Rob Cathcart asking the status of the first draft of the guidance for water vole mitigation. There seems to be a move	

away from displacement to catch and relocate, but it appears that some of the guidance has been written by a consultant who works for a company which offers catch and relocate services. There are many problems associated with relocating water voles, one of which is finding a new location which doesn't already have an existing population of water voles. The displacement technique is good, provided it is used intelligently.

Min 1299: DS said that he has heard unconfirmed reports that SuDs had been postponed again.

1306 ADA Incorporation, ADA Board, Branch Structure

TV explained to the committee that the incorporation of ADA went through on 1 April. ADA will continue to provide the same services as before and will represent IDBs in the same way. There have been changes to the Executive Committee, which is now the Board. The Board will be made up of 16 Directors: the Chairman, representatives of the 10 ADA Branches, the chairs of T&E and P&F and representatives of the Environment Agency, Lead Local Flood Authorities and RFCCs. The Board will first meet officially in July.

DT said that Iain Smith had said that there were a lot of errors in the articles of association.

TV replied, saying that the articles can be changed, and it would be helpful if Iain would identify what the errors he had found were.

HC added that a pragmatic view to go with what we had was taken and reiterated the articles can still be changed so long as there is mutual consent.

DS said that under the new arrangement the roles of the T&E and P&F boards have been enhanced, as these will be the main feed into the Executive Board, together with the branches.

1307 Lessons learnt from the recent floods

NS began by explaining that the Winter 2012 flooding in Somerset had been followed by the recent flooding over Winter 2013. National news has shown the extensive flooding and that some communities have been cut off, and the length of the event has given people time to get organised – for example FLAG (Flooding on the Levels Action Group) has been established. There have been many visits by MPs, less Environment Agency visits and at times it has proved difficult to get information from the Environment Agency.

Towards the end of the flooding event the Secretary of State requested a 20 year action plan, which had eight workstreams including river maintenance, establishing a new Somerset Rivers Board and business community resilience, amongst others. The final plan is estimated to cost £100 million, but at present is only one quarter funded. A project manager is in place, there just needs to be agreement between everyone, and everything needs to be in place by April 2015. There is a specific workgroup dealing with setting up the Somerset Rivers Board

At the height of the flooding event the Prime Minister had stated that money was no object in dealing with the flooding. This was unhelpful as it is not the case. It was also unhelpful to call for work to be carried out immediately, as notice needs to be served on landowners and negotiation for silt to be put on agricultural land needs to take place – additional pressure only makes things more expensive. Additionally the dredging, which was quoted in April 2013 as costing £10 million has since increased, however due to commercial confidentiality there is no way to find out just how much it has increased by.

The whole event is entirely outside of normal practice, and has highlighted the need to think about the what-ifs, not to draw up a detailed plan but for consideration. It has also raised the problems associated with information decimation – during the flooding the rumour mill was in full swing, and getting information out was difficult. PR advice provided much needed assistance, in terms of writing press releases and having the right contacts to get the information circulated. Following the flooding advice has been provided through drop in centres for the public, and community groups have now been set up to educate people at a variety of venues – even pubs.

AM agreed that the community is very important. The biggest support to Ouse and Humber IDB has been through interactions with parish councils and community groups. There is concern over the way that Somerset has been treated as a special case, when other areas in England have also suffered flooding, either as a result of the winter storms or the tidal surge in December. The lack of news coverage has made it difficult to convince people of the magnitude of the event in those areas

DT asked how much difference dredging would have made, and suggested that although in

terms of cost benefits it has been done this time around next time it would not be so effective, so may not be carried out.

NS said that after looking at modelling the dredging would have helped, adding that a fund was set up by the Royal Agricultural Society following the last flooding event to fund maintenance. However in future partnership funding will be the only way to get this maintenance carried out.

IR had been involved in the flooding at Boston, which followed the December tidal surge, and notice that one of the key issues was that people didn't respond to the warnings which were sent out. There is a need to get people to better understand the flood risk they are in and take action appropriately. Although there is a need to look into what needs to be done to increase funding it is important to remember that work has been carried out in the last few years which has reduced the impact of flooding, and the tidal defences on the east coast of England held back a bigger tidal surge than the 1953 event.

JO said that the current policy is broken, and it is difficult to see a way to change. The Pitt review investigated flood events in 2007, but investigating after the event is too late – things have already gone wrong. Previously there needed to be a commitment to fund maintenance before capital projects went ahead but this no longer seems to be the case.

DS suggested there is almost a new heading of “capital maintenance” – restoring current assets to the state they should be in. There is a lot of work sat in the middle which isn't getting done because of the cost of maintenance, and the time it is sat there it simply deteriorates further. As assets are now being transferred from the Environment Agency to other risk management authorities like IDBs there is a danger that the cost of carrying out this work will fall to IDBs.

HC suggested that AM and NS provide articles for the Gazette on the recent events.

AM and NS to write articles for the gazette.

AM/NS

1308 IDB operations and agri-environmental agreements

TV explained that the work IDBs carry out on ditches adjacent to farmland has the potential to breach Environmental Stewardship rules and may affect SPS cross-compliance payments for landowners. Guidance has been drafted by Natural England which aims to help landowners and IDBs to understand their obligations and minimise these risks, which had been circulated prior to the meeting for comments from the committee. These will then be fed back to Natural England.

IR suggested that the document should contain a list of the acronyms.

DS said that the guidance should stress that this relates to IDB maintained watercourses, as it is work carried out by IDBs which is causing landowners problems. Over the last 24 months land inspections have been made under a seemingly much tougher regime, leading to landowners losing payments and pointing the finger at IDBs. There needs to be some guidance for these situations.

DT suggested that landowners should not enter into a scheme unless they have spoken with an IDB. Perhaps the document should be firmer, and rather than trying to find middle ground it should be an exception when IDB watercourses are involved, and this should be short-term guidance for those in the middle of a Higher Level Stewardship.

CC said that landowners encounter a difference of opinion between RPA, who are very black and white and Natural England, who are not. RPA needs to be more involved. There is also currently an underestimation of privately owned ditches which are mostly dry, but during deluges they provide a nutrient stripping zone.

AM pointed out that many boards are in nitrogen vulnerable zones, and the way things are done at present seems to be piecemeal application of the Water Framework Directive. It would be better to find out who the biggest polluter in an area is and deal with them, rather than ticking a box which doesn't address the problem.

AC suggested that ADA needs to provide guidance, and particularly needs to highlight the value of reed beds.

1309 Special Events Committee

DS explained that the special events committee as a small sub-committee of T&E which arranges the exhibitions and demonstrations for ADA. Following the 2013 Demonstration

James Epton, who had been the committee chair, and Stuart Hemmings stepped down, and Peter Pridgeon has offered to lead the committee. ADA is looking for people to get involved and would be pleased to hear from anyone who is interested. The next event will be held in 2016, and work needs to begin soon in preparation.

HC added that the demonstrations and exhibitions are set out in ADAs business plan, and important to deliver.

1310 Chemical weed control trials

DT explained that chemical weed control trials are still ongoing. Jonathan Newman undertook reduced dosage trials of Roundup for controlling weed growth in autumn 2013. These are being carried out by some of the Lincolnshire Boards, Middle Level Commissioners and North Level IDB, and it will be a year before the results are received. The trials are as a result of a push by Defra and desire within the EU community to reduce chemical use.

AC added that in previous years it had been estimated that the cost of obtaining a licence to carry out trials on new chemicals would be £30,000. Jonathan Newman has found that there may be a way to carry out a trial on Flumioxozine this year without paying the fee. Witham Fourth IDB have also received approval to use Diquat this year.

HC suggested that an article in the ADA Gazette would prove useful, stressing that it is important that IDBs have access to chemicals.

ADA to contact Jonathan Newman regarding writing an article in the ADA Gazette

1311 Slowing catchment flow

DT explained that “slowing the flow” had been in the media a lot since the winter floods, with much talk about taking a more holistic approach. There is concern about where this is leading, and ADA and IDBs need to be aware of the continued move by Defra and Government to look at whole catchments, as if there is a lack of involvement an answer will just be given to Boards. ADA needs to be involved, and if possible leading.

JO added that Boards need to be mindful of the terminology that they are using. At present the Environment Agency is keen to divorce land drainage from flood risk management, when they are inextricably linked. There are also many mixed messages at present and it is important for Boards to have their say to ensure the discussion is balanced.

DT said that there is a danger that someone comes up with a good idea, but it needs to be thought through properly, not just considering “normal” years but considering wet years too.

HC added that, when giving evidence at the Efra Committee, ADA tried to get across the point that well drained land can cope with deluges better than waterlogged land, and asked whether there was any work carried out in a drainage district to prove this? If not perhaps a small trial could be set up for ADA to lead and that they may find allies in the CLA and NFU.

NS urged caution, as there is currently a lot of interest in this area. Defra are investigating this at the Hornicutt Estate; Professor Howard Wheater has been involved in investigating the changing water cycle in the Welsh hills; and Steve Dangerfield has been focusing a PHD on investigating soil management. What may be required is someone who can draw all the research together. Professor Colin Thorne, of Nottingham University could be a useful person to speak with.

CC added that there has been a lot of work looking into the effects on hills and pastureland, but not much on inundation in the flat lands which is different to the clay soil on the hills.

IR said that it is likely that the Environment Agency will have carried out some work on this – catchment management plans will have some information. Investigations into any work and contacts will be carried out.

IB suggested that the Water Framework Directive mitigation manual would be a good starting point as it includes good examples of how catchments should be managed. ADA should encourage IDBs to be responsible public bodies who meet requirements, rather than trying to circumnavigate them.

DT said that one failure of the old catchments was that the recommendations it made were very loose. Perhaps there is a need to fill this out and flag things up, in order to consider things from all angles. This could open up opportunities to talk with landowners as to how

their land is managed.

DS commented ADA and IDBs are part of a wider partnership now and need to get involved and push for things they think should be done.

1312 Health and Safety Issues

IB provided the Committee with an update regarding Health and Safety issues. He explained that there is currently a consultation looking to replace the current Construction (Design and Management) (CDM) regulations. There have also been problems interpreting CDM regulations, as some areas of the Environment Agency have stated that these regulations apply to normal channel maintenance, which IB contends is not the case. This is only the case when construction works are taking place.

IB reminded the committee that direct workforce should be advised to take care and use sunscreen when working in the open, as employees working outdoors in daytime hours are at a higher risk of developing skin cancer. Some boards have an arrangement where employees have an annual occupational health exam, which is relatively inexpensive and are of benefit both to employees and the board.

IB drew attention to a recent court case involving three workers who suffer a condition Hand Arm Vibration after being exposed to high levels of vibration from tools such as hedge cutters and strimmer's. Babcock Flagship Ltd were found to have not properly assessed the risks faced by staff using such equipment, and had not put control measures in place even after the condition had been identified.

IB updated the committee with information regarding revised working at height guidance; a toolkit designed by the Utility Strike Avoidance Group which aims to avoid accidental strikes on utilities in the ground; and advised that the HSE agriculture website has been updated (many IDB activities align with work carried out within agriculture). It was also mentioned that in the run up to maintenance it was a good time to review risk assessments, and toolbox talks are a good way to keep the workforce up to speed.

ADA are also putting together a mailing list of relevant contacts within all IDBs, and adding information to their website, in order to ensure that information is available as widely as possible.

1313 Updates

a. Powers of Entry

TV told the committee that following Defra's Review of IDB Powers of Entry a proposal that a warrant be required before entering any dwelling premises has not been taken forward. Defra are currently exploring an amendment to provide reasonable notice, which would mean serving a formal notice of entry before entry is made in cases other than accessing residential land. The timescale currently proposed is 7 days' notice when accessing residential land or for access with heavy equipment, but no notice will be required in an emergency.

b. Water Transfer Licensing

TV explained that the Secretary of State has approved the Environment Agency's charging proposals for 2014-15. These include a requirement for new applications or subsistence charges for previously exempt abstractions, including IDB transfers. ADA responded to the consultation, stating that the practice where IDBs transfer water (e.g from a main river to local drains) should not be subject to a new application or new subsistence charge, however these changes will require IDBs to apply.

DT was concerned about the lack of clarity, asking what the situation would be for inter-IDB movement, and what the likely charge would be.

TV said that the schemes had not yet been ratified, but once this has happened the charging regimes will be published on gov.uk

c. EA's Working with Natural Processes Project

JO has been involved in an R&D project on behalf of ADA. The project is still in a draft format and a review of data is being undertaken at present. It is important that the solution provided is good, but is not a be all and end all as in some circumstances hard engineering will be required. In reviewing the data there is also a view to finding gaps, which future

projects can then look into.

d. Local Flood Risk Research Framework Workshop

JO and IB attended a Local Flood Risk Research Framework Workshop in Birmingham. The introduction from the Environment Agency was disappointing, as it was focused on flood risk and only looking at local watercourses. It was pointed out that this is flawed and disjointed as the workshop did not consider main river or ground water flooding. This was a view which the whole room supported, so it is hoped that this point has been taken away from the meeting. There was also only one theme on maintenance, which seems strange as it is an important tool and even local media is picking up on the lack for maintenance.

IB vented an opinion that it appears there are some officers of the Environment Agency who have perhaps not been out in the field and consequently were not aware of wider issues.

IR asked for details of the meeting, so that information can be fed back to the relevant people.

HC asked JO to email Jean Venables in order that this can be flagged with Pete Fox at the Environment Agency.

JO to email ADA details of the meeting for further discussion

JO

1314 Any other business

a. Channel management handbook

AC explained that the Channel Management Handbook was now in the third year of a one year project, and was on its third rewrite. The last meeting was held on 25 April.

JO had heard alarming feedback from one of the meetings, which appeared to suggest that in one consultants presentation that information was being gathered to reduce the cost of maintenance, which he felt is going in the wrong direction. This was challenged; pointing out that the information should be used to justify maintenance, which the Environment Agency agreed with, stating that reducing the cost of maintenance was not the aim of the handbook.

IR said that he would feedback JO's experience to the relevant people within the Environment Agency.

AC said that a draft had been promised for peer review on 11 June, which will be circulated but there will be a tight turnaround for comments as the next advisory group meeting is two weeks later.

b. Environment Agency – Ian Russell

IR told the committee that promotion of the Public Sector Cooperation Agreement was continuing, with 14 in place with IDBs and a further 26 agreed in principal. Following the confirmation of ADAs funding towards the work IR is carrying out there is ongoing discussion as to what topics will be targeted in the coming year. At present the following items are:

- Highland Water Charge
- New IDBs
- Good Practise
- Water Transfer Licences

IB suggested adding funding opportunities, as it is important that IDBs are aware of any opportunities which are available.

HC requested IR send a list of topic to ADA to be discussed and agreed at the Executive Board Meeting on 15 July.

IR to send list of topics to ADA for discussion at the Executive Board Meeting

IR

c. Modelling and mapping

JO explained that having seen the area mapping of the Great Ouse area there had been queries as it appear that the risk of flooding has been reduced significantly on the "blue maps". Following this it appear that the Environment Agency are no longer including ordinary watercourses on these maps, only main rivers.

HC advised JO to email IR and Jean Venables a copy of correspondence to date, in order

that this can be followed up.

JO to send details regarding the sole inclusion of main rivers on “blue maps”

JO

d. BS8533 review

DT told the committee that BS8533 “Assessing and managing flood risk in development. Code of practice” was currently being reviewed

Date of next meeting

Tuesday 9 September 2014 10.45 – 13.00