

Association of Drainage Authorities

TECHNICAL AND ENVIRONMENTAL COMMITTEE

Minutes of the Meeting held on Wednesday 21 January 2015 at The Farmers Club, London

Present: **Graham Littleton (GL) (Chairman)**

Ian Benn (IB), Cliff Carson (CC), Rob Cathcart (RC), Henry Cator (HC), Chris Manning (CM), Andrew Newton (AN), Ken Pratt (KP), Martin Shilling (MS), David Sisson (DS) (Honorary Secretary), Nick Stevens (NS), David Thomas (DT), Innes Thomson (IT), Jean Venables (JV) (Chief Executive)

Apologies: Peter Bateson (Ex-Officio)

In Attendance: Sharon Grafton (SG) ADA, Chris Trotman (CT) ADA, Ian Russell (IR) EA/ADA, Trevor Purllant (TP)

Ref	Minute	Action
1327	Declarations of interest None	
1328	Minutes of the meeting held on 9 September were agreed as a true and fair record and signed by the Chairman	
1329	Matters arising Min 1308: JV told the committee that it was discovered that Defra had not sent the consultation regarding changes to the Hedge Trimming Rules, and ADA were therefore unable to respond and request derogation for IDBs. Min 1322: JV said that at present policy is being shaped by Natural England regarding beavers, adding that the NFU and ADA were advising. RC said that it is understood that beavers in the River Otter in Devon have been captured and examined for disease. Devon Wildlife Trust have applied for permission to release them back into the wild for five years as a trial to gauge the effect on the environment. IDBs may wish to consider making any representations quickly. Action: ADA to put forward concerns regarding the reintroduction of Beavers. Action: ADA to produce an article for inclusion in the Spring Gazette	ADA ADA
	Min 1322c: IR updated the committee regarding the progress of the Public Sector Cooperation Agreement. There are now 28 in place, with a further 30 agreed in principal waiting for sign off. There have been some queries received regarding insurance, and powers to work on Main rivers, which have been checked with the Environment Agency legal team before responding to the relevant people. The Environment Agency are prepared to revise the document if required but it is preferred to do this in one go nationally than piecemeal. Min 1319: JV requested that a small working party be set up to progress the surface water development contribution rate. DS confirm that he would be happy to liaise with ADA and put a working party together. Action: DS to put together working party	ADA DS
1330	RBMP and FRMP Consultation CT explained that the Environment Agency is consulting on draft updates to the	

river basin management plans (RBMPs) and draft flood risk management plans (FRMPs). The RBMP consultations run to 10 April 2015 and the FRMP consultation closes on 31 January 2015. ADA has urged IDBs to comment.

DT said that the Clerk of Middle Level Commissioners has responded to the consultation, quite critically, as it appears a template has been used and the information is factually incorrect, not containing enough detail in some areas and not accurately reflecting the role of IDBs in other areas. These are likely to form policy so it is important to look and comment on the plans now.

IT agreed that the documents are not perfect but said that this could be an opportunistic look.

RC added that Natural England would also be responding to the plans. It should also be noted that there is no opportunity to respond regarding catchment management plans, which contain detail and operate a more operational level – it is important to not lose these plans.

1331

Eels

CM explained that following the introduction of the Eels Regulations in 2009 Boards had until 1 January 2015 to obtain exemptions from the Environment Agency. The experience of some Boards has indicated that there are inconsistencies in the way each region is treating these, for example the Anglian region has a system of prioritisation and has been happy to discuss this. However in the Midland region everything has been categorised as high. The benefit cost ratio which is used is 0.5 – anything above this will be asked to provide screening. However the ratios used by IDBs are 5:1. The difference could mean that works processes are prolonged, in order to get a reasonable cost benefit ratio. There is also a question regarding whether sites looking for finding for water level management plans will be subject to the same cost benefit analysis.

RC said that, regarding water level management plans, in the past a cost effectiveness test has been used, so it is unlikely that a different method would be applied.

DT explained that in the Anglian region some exemptions have been received, but only until 2021. Many of the reports into high priority pumping stations suggest replacing pumping stations and pumps, with the cost of one of these estimating the cost of replacing 6 pumps and providing backup power at £1.5 million. The cost of replacing pumps throughout the UK could run into £100 million or more, which will be very difficult to find in such a short time frame. Another board has proposed using a system which is as yet untried and untested – why should a Board be investing in something which has not been tested?

KP said that he was involved in assisting with the design of a new pumping station which is unlikely to see an eel. Although it falls below the 0.5 used for benefit cost ratio safe eel passage is viewed as best practice, therefore something which needs to be in place. This is likely to cost 2-3 time more to be spent on the pumping station.

IT said that the inconsistencies within Environment Agency regions would be taken away and added that there is a need to be pragmatic regarding changes required.

DT warned that there was the danger of diverting huge sums of money away from flood risk management.

JV told the committee that ADA was trying to explain to Defra and Ministers that conforming to the Eel Regulations is expensive and requires funding. Taking this money out of the flood risk management budget leaves less for flood risk management. If a separate funding stream was established it would allow for transparency as to the actual cost of complying.

DS said that IDBs seemed to be coming up against individual interpretations

regarding the application of the regulation.

KP said that in order to meet GiA criteria there is a need to say that eels will be dealt with. When submitting an application it may be that applicants have to weigh up spending additional money to meet regulations, or not include eel passage and receive no grant.

CM commented that although eel friendly pumps are now available there is little understanding of other components of pumping stations, such as pipework, in relation to eels. Additionally much technology is a prototype stage, so there is no information regarding how well it functions or how long it is likely to last.

IT advised Boards to speak with their regional flood risk manager, as any funding submissions up to £100,000 will be dealt with by them. For applications between £100,000 and £2 million will be dealt with by correspondence and may mean presentation. Above £2 million will require presentation.

IR recommended those in the Anglian region looking for information on best practice should speak with Ros Wright.

MS pointed out that Boards were being required to put certain measures in place without guidance, which should have been produced first.

IB suggested that he would be happy to work with the Environment Agency, or discuss the regulations and its effects with IR, adding that IDBs should be offering solutions rather than waiting for guidance.

IT said that there was a need to take the “quick wins”, which will show an increase in elvers.

DT said that he was involved in investigating how a tidal lock can be operated to help eels – this is something which is relatively easy to do.

AN added that one of the Ely Group of IDBs has installed two fish friendly pumps, and offered to provide information to the Environment Agency.

DT said that there has been a large increase of elvers in the last two years, while records show that prior to this population jump numbers were at a record low – are regulations a knee jerk reaction to these low years?

CC replied that there have been two decades of decline in elver populations throughout Europe, although experts are undecided as to the reasons for this.

JV said that at the conference there was a comment about elvers being caught and sold by fishermen, and asked whether licences for fishermen had been considered?

Action: ADA to raise the subject of licencing for the fishing of elvers

ADA

1332

Water Voles

CM told the committee that since the last meeting a legal opinion was sought regarding displacement, suggesting that licencing is not required. This has been shared with Natural England who have passed it on to their legal team. There have also been ongoing discussions regarding guidance with Natural England happy to look at an autumn/winter window.

IB said that it was pleasing that displacement was being viewed as a good option as trapping can be a very costly exercise.

CM said that scientific trial have not been carried out for displacement which makes it difficult to say whether it does or does not work.

IT said that the Environment Agency is asked for data about water voles, as well as eels, and would be grateful of any data which IDBs could supply.

RC said that Natural England is minded to look into displacement activites, as minds are being changed due to evidence which has been provided by the Environment Agency. Anecdotally it is known that IDB drains are a good habitat

for water voles, and if IDBs can collate any information they have to share with Natural England this would be welcome. Natural England was also thankful to the Boards for sharing the legal opinion which was obtained.

MS said that all Boards in Lincolnshire and beyond collate information regarding water vole sightings for submission to local wildlife trusts, therefore information is readily available.

CM added that the key sites programme maps key sites where water voles can be found, information which can be shared.

AN said that Ely Group of IDBs would share information and work together to move forward and get a good outcome.

DS thanked everyone who took part in the group for their input, saying that it was clear that there needed to be further work before going down the class licencing route. There are currently two strands of work, one rewriting guidance and one relates to class licenses. The group will meet again, once a response has been received from Natural England.

Action: DS to report to Committee following further meeting

DS

1333

ADA Associate Members of T&E and P&F Committee

JV explained that when requests for applications to join the T&E and P&F Committees were sent in 2014 a commercial member had applied. They were not selected, but the application raised the question of whether commercial members could sit on ADA's committees. During the selection process members are selected on merit, so the type of member they are should not make any difference.

MS said that his initial thought was whether there was a commercial motive, however if the applicant has useful skills there shouldn't be any problem. On some committees, for example the special events committee, commercial members have been essential.

IB said that applicants should be assessed on their ability to bring something different to the table, so commercial members shouldn't be discounted but it selection should be done with care.

DS said that he supported commercial members on the T&E and P&F Committees, but would prefer to a recommendation from the committees to the board to create a new position on the committees for commercial members.

DT asked whether it would be either/or regarding local authority members and commercial members, as it would be desirable for a LLFA members to sit on the committee.

Action: ADA to put proposal to for Commercial Associate Members to the ADA Board in March 2015

ADA

1334

Environment Agency Matters

a. EA's Working with Natural Processes project update

JV explained that John Oldfield, who had been a member of T&E until December 2014 had been the ADA representative regarding the Working with Natural Processes project update, asking the committee whether John should continue in the role, which was agreed.

Action: John Oldfield to continue representing ADA in the Working with Natural Processes Group

ADA

IR said that the overall programme included a number of R&D projects. Some of these, such as the Aquatic and Riparian Guide, have already been completed, but there are still ongoing projects, such as a Green Engineering Design Guide. Information of the ongoing projects will be forwarded to CT.

IT said that the Environment Agency is now operating to a six year capital

programme, and advised Committee members to ensure Boards have an active representation at partnership meetings.

b. AIMS update

DT asked for an update regarding AIMS, as when its availability was questioned at a workshop the response was that there was a lack of space on the .gov domain. Some LLFAs are now developing their own solutions, which could cause issues in the future.

IT said that this would be taken away.

Action: IT to follow up availability of AIMS

IT

1335

Special Events

DS explained to the Committee that there is currently no progress to report due to lack of time. There is the need to regroup and speak with IT and JV regarding this.

Health and safety issues

IB told the committee that although CDM guidance is still at a draft stage, changes will come into force from 1 April 2015. If Boards are working on a large project where CDM applies it is recommended that they obtain advice.

JV said that the Environment Agency were using CDM for maintenance work, which was challenged as CDM is project based regulation, so is not appropriate for maintenance, and asked whether this had been dropped.

IR replied that the Environment Agency has looked into this.

KP warned that in some documents rivers are defined as structures, as is “anything that looks like one”. The maintenance of structures is mentioned, but if a lot of watercourses are structures then maintenance is CDM. Work such as painting, cleaning and working for domestic clients are listed as requiring CDM. Boards may not have issues when doing their own work, but carrying out work for others may come under CDM.

MS said that this could result in a lack of consistency, with the Environment Agency applying CDM to work which Boards would not.

IB suggested it may be a matter of interpretation, with some more applying CDM more readily than others.

NS told the committee that this concern was raised in Somerset, but after a helpful conversation with the Health and Safety department the Boards stance of not applying CDM was accepted.

IB reminded the committee that risk assessments should be continually reviewed, and suggested that a daily check sheet be used for site work. Both risk assessments and check sheets could be used as evidence if an incident were occur and be investigated by HSE.

IB warned that HSE were carrying out small site inspections, a category which IDB work could fall into.

JV suggested that H&S be a standing item on Branch agendas, to ensure everyone is up to date.

1336

Any Other Business

- a.** JV told the committee about “The future of landscape-scale conservation in Europe” meeting taking place in Bristol on 4 and 5 March. The meeting also includes site visits to either the Somerset Levels, Gwent Levels or Feed Bristol.
- b.** DT said that the proposed visit by the Secretary of State to Middle Level Commissioners has been postponed, with no new date.
- c.** IT said that Paul Burrows would be taking his place at the next T&E meeting.

- d.** DT asked whether there was any update regarding the Aquatic Research Group.
- DS explained that a meeting was held between Jonathan Newman (CEH), North Level IDB and Witham Fourth IDB who are actively working on this. Permission has been granted to carry out research in tanks, but it could be two years before permission is granted to carry out research on open watercourses.
- e.** DS said that following a meeting with Defra a project has been set up looking into “Enhancing ex-post evaluation of FCERM plans”, which is looking to engage with people involved with FDGiA projects. If anyone is interested in taking part they should contact ADA.
- f.** HC said that this was the last meeting for JV as Chief Executive, and thanked her and her staff for the work which they carried out, adding that he hoped this would be an ongoing relationship.
- g.** HC also thank GL for his chairmanship, as he is standing down, with TP taking on the role of chair.

GL thanked HC for his comments, adding that throughout his role as chairman he had gained much experience and knowledge, which has been transferred back to Lower Severn. He congratulated TP, and paid tribute to JV for the support which she has provided.

Date of next meetings

Wednesday 13 May 2015	10.45 – 13.00
Wednesday 16 September 2015	10.45 – 13.00