

Association of Drainage Authorities

TECHNICAL AND ENVIRONMENTAL COMMITTEE

Minutes of the Meeting held on Wednesday 13 May 2015 at The Farmers Club, London

Present: Trevor Purllant (TP) (Chairman)

Peter Bateson (PBn) (Ex-Officio), Ian Benn (IB), Paul Burrows (PBw), Cliff Carson (CC), Rob Cathcart (RC), Henry Cator (HC), Chris Manning (CM), Martin Shilling (MS), David Sisson (DS) (Honorary Secretary), Nick Stevens (NS), David Thomas (DT), Innes Thomson (IT) (Chief Executive)

Apologies: Andrew Newton (AN), Ken Pratt (KP), Ian Russell (IR) (EA/ADA)

In Attendance: Ian Moodie (IM) (Technical Manager)

Ref	Minute	Action
1337	Declarations of interest MS confirmed KP is on a secondment to Lincolnshire County Council until later in 2015. It was agreed KP would retain his post on the Committee.	
1338	Minutes of the meeting held on 21 January were agreed as a true and fair record and signed by the Chairman	
1339	Matters arising	
	Min 1322: Beavers. ADA awaiting further developments in Devon and any further licenced releases. ADA will stay in touch with NFU, NE and EA. An article was included in the Spring 2015 Gazette. <i>A view from the Environment Agency on Beavers to be sought.</i>	<i>PBw</i>
	Min 1333: IT confirmed the Board had approved the consideration of commercial associate member applications to both the T&E and P&F Committees (see Board minute 37c from 18 March Board meeting)	
	Min 1334b: IB noted that some of the information contained in the AIMS asset viewer was inaccurate, and this had raised concerns about third party use of information. Committee noted that a common system such as AIMS would be useful to IDBs and LLFA. DT asked whether there had been any progress regarding the transfer of IDB data to AIMS. IB noted that there had been some issues with base map and view of pumping stations on AIMS. <i>Update on AIMS and CAMC programme to be sought from EA.</i>	<i>PBw</i>
1340	Health, safety and welfare IB gave an update on health, safety and welfare including: Driving licences: From 8 June the paper counterpart to the photocard driving licence will no longer be valid and is no longer issued by DVLA. It will be important to check that staff are properly registered to drive, further information on the DVLA website as there are corporate manslaughter risks.	

	<p>Lone working: Shire Group of IDBs looking at using ‘Connexion 2’, a lone working system operated either from an app on a smart phone or via a credit card sized dongle. The system shows a map of where your assets are and even checks travelling speeds.</p> <p>There was a discussion regarding health and safety information providers</p> <p>The EA held a workshop in Lincolnshire to review health and safety. There have been two fatalities working near water over the past 15 years and the EA are now working to make sure activities are signed off at the right level. The level of involvement of staff throughout EA on health and safety was positively recognised.</p> <p>CDM 2015: The Construction (Design and Management) Regulations 2015 came into force on 6 April 2015, replacing CDM 2007. CDM 2015 includes a 6 month transitional period until 6 October 2015. Legal series guidance is available from the HSE website.</p> <p>The trigger point for small contracts appeared to be where two contractors are on site. It was noted that even repair of small bank slips can fall within CDM 2015 and therefore relevantly sized and appropriate assessment will be needed.</p> <p>It was noted that the Environment Agency are applying CDM principles of planning to more routine maintenance activities such as bank mowing to ensure clarity of roles in those planning such work.</p> <p>The Committee agreed that the implications of CDM 2015 for routine maintenance works will need further consideration but in principle should not be caught by CDM 2015. It was suggested that providing a tick sheet that demonstrates recognition of CDM 2015 and that the maintenance activity falls below the de Minimis within CDM 2015 might be an appropriate solution.</p> <p>It was noted that the EA has established a 2m control zone for ride-on plant operated near water. Where the activity requires the plant to work within 2 metres of water, then a specific risk assessment is produced that requires additional approval.</p> <p>IB stated that it is for IDBs to regularly put in place, and apply, suitable health and safety risk assessments.</p> <p>Behavioural management: Looking at available accident and incident data the ultimate cause of a large proportion of incidents was often it is where there is human interference. The Committee reflected on need to influence and change behaviours of working in a manner that allows it to be operated and implemented proportionately to the circumstances.</p> <p><i>Include interim article on CDM in Summer 2015 ADA Gazette.</i></p> <p><i>IB and DT to compare notes on health and safety information providers used by their respective IDBs.</i></p>	<p><i>IM</i></p> <p><i>IB/DT</i></p>
<p>1341</p>	<p>Biodiversity 2020 and IDBs</p> <p>IM explained that ADA was to hold a meeting with Natural England and RSPB to discuss how IDBs could demonstrate a contribution towards the</p>	

	<p>Government's Biodiversity 2020 strategy. This was a result of discussions at Defra's IDB Policy Advisory Group meeting on 5 March. Intention was to establish a quantifiable set of potential activities to demonstrate a contribution and for these to link to existing IDB Biodiversity Action Plans.</p> <p><i>IM and CM to attend meeting with RC</i></p> <p><i>Update to be given at next meeting with greater detail.</i></p>	<p><i>IM/CM</i></p> <p><i>IM</i></p>
1342	<p>Eel Regulations 2009</p> <p>Following a meeting between ADA, Defra and the EA on 16 March 2015 IT reported that the EA recognise the need to work closely with ADA and IDBs on eel passage and screening at pumping stations and that ADA had agreed to put forwards two IDB representatives to an EA led national liaison group on eels. There is a need to seek for simple and relatively low cost options and where there are higher costs longer periods of notice will need to be given.</p> <p>DT stated that there remained a large amount of concern on this topic amongst the IDBs.</p> <p>PBw recognised that concerns had been raised regarding the application of Eel Regulations and stated that the Liaison Panel would be key to raising these with the EA's own task and finish group.</p> <p><i>Members to provide names back to IT to attend Liaison Panel on behalf of IDBs.</i></p> <p><i>IT to explore how other EU countries are applying the Eels Directive.</i></p>	<p><i>IT</i></p> <p><i>IT</i></p>
1343	<p>Water Vole Class Licence</p> <p>Correspondence between ADA and Natural England was shared with the Committee.</p> <p>The Committee discussed the legal need for a class licence relating to displacement of water voles prior to bank reprofiling works or capital works. RC reported that NE had not sought an external legal opinion, but had obtained an internal legal view from its legal and wildlife licensing staff. The Committee agreed there was a need to clarify differences between NE and IDB legal opinion and comments.</p> <p>RC reported that the licencing of displacement activities was being developed in Wales and Scotland and that Natural England is working on a similar organisational licence for the Environment Agency. The reason a licencing approach was being put forward was that it was felt that guidance alone wouldn't provide suitable legal indemnity for IDBs when undertaking displacement activities. The Wildlife & Countryside Act 1981 (as amended) Section 10(3)(c) provides for the disturbance of protected species where this is the 'incidental result of a lawful operation and could not reasonably have been avoided' during an otherwise lawful activity. However, where the objective is clearly the intentional disturbance of water voles through the use of displacement activity, then this is outside the provisions of the Act and NE believes that a class licence is the most effective way of allowing IDBs to continue with their normal bank reprofiling or capital works where water voles are pre-sent and need to be displaced. A class licence would be offered as a voluntary mechanism that IDBs could register for if they saw fit.</p>	

	<p>CC noted that the third edition of the Water Vole Conservation Handbook has advocated ‘trap and transport’ as the most suitable mechanism for moving water voles present in a proposed area of works. It was noted that trap and transport was a very costly method compared to displace of water voles and more appropriate for development works rather than large-scale watercourse operations. CM, RC and CC noted that there was an ongoing need for more evidence on the effectiveness of displacement methods.</p> <p>CM reported that the previous draft Class licence lacked an autumn window for displacement works and this needed further discussion.</p> <p>The Committee agreed three strands of work to be completed prior to next meeting:</p> <p><i>ADA to formally request Natural England’s opinion on the legalities of water vole displacement activities prior to embankment works.</i></p> <p><i>ADA to bring together a practical working group to reach a final draft on a potential class licence. IM to email all IDB Clerks on this matter.</i></p> <p><i>ADA to organise a meeting to enable IDBs who raised legal opinion to discuss opinions with NE and the best way forwards.</i></p>	<p>IM/RC</p> <p>IM/RC</p> <p>IM/RC</p>
<p>1344</p>	<p>Environment Agency update</p> <p>PBw stated that the transfer of EA issued flood defence consents into Environmental Permitting for riparian owners would be a topic for future discussion.</p> <p>PBw: EA working on management of capital programme to ensure there is sufficient stability and flexibility within local agreement of capital settlements. IDBs are critical in managing delivery of their projects within the programme. This includes a 10% efficiency saving requirement, an action which applies across all risk management authorities. The EA are looking at how to package capital works for greater efficiencies and will discuss locally with IDBs and Local Authorities.</p>	
<p>1345</p>	<p>FloodEx 2016</p> <p>IT announced that ADA is in detailed discussions with an events management company called Indigo Media regarding a partnership to deliver an FCERM exhibition (FloodEx 2016) on the 9th and 10th March 2016 at the East of England Showground, Peterborough. The event will be free to enter. Two weeks prior to the event there will be a professional EA/Defra Conference for all risk management authorities.</p> <p>IT explained the key financial risk related to exhibitor income, however this can be managed in advance of the event and therefore minimised. Target milestone of mid-September to assess bookings received at that stage. Majority of delivery cost is during weeks prior to the event.</p> <p><i>Members to offer suggestions for speakers, workshops or seminars at the event.</i></p>	<p>ALL</p>

1346	<p>Defining Committee Workstreams and delivery targets and Forward Plan</p> <p>IT opened a discussion regarding the breadth of issues being brought to both the Committee and P&F. The Committee discussed whether more time was needed within meetings to discuss substantive issues in more detail. The Committee considered starting earlier or splitting its meetings from those held by P&F.</p> <p>The Committee agreed, pending the decision of the P&F Committee, to a proposal for two separate T&E meetings per year and one meeting held on the same day and venue as ADA's P&F Committee. This would occur at the meeting following the annual appointment of new/revised Committee members.</p> <p><i>Venue with suitable audio visual and presentation equipment to be found for future meetings</i></p> <p><i>Members to consider what the Committee's priority list for discussion topics should be for the next 12months.</i></p>	<p><i>IT</i></p> <p><i>ALL</i></p>
1347	<p>Any other business as notified in advance to the Chair</p> <p>Grass cutting and agri-environment</p> <p>MS asked regarding access for operating authorities to buffer strips under agri environmental schemes adopted by farmers. ADA had a guidance note with IDBs and MAFF/Defra on this published in 2005-6.</p> <p>The Committee agreed to revisit this issue at its next meeting and noted that suitable reference was needed to IDBs within the new Countryside Stewardship Manual for farmers applying form agri-environment schemes.</p>	
	<p>Date of next meetings</p> <p>Wednesday 16 September 2015, London 10.45 – 13.00</p>	