

Association of Drainage Authorities

TECHNICAL AND ENVIRONMENTAL COMMITTEE

Minutes of the Meeting held on Wednesday 16 September 2015 at The Farmers Club, London

Present: Trevor Purllant (TP) (Chairman)

Ian Benn (IB), Paul Burrows (PBw), Cliff Carson (CC), Rob Cathcart (RC), Chris Manning (CM), Andrew Newton (AN), Ken Pratt (KP), Martin Shilling (MS), David Sisson (DS) (Honorary Secretary), Nick Stevens (NS), Innes Thomson (ITh) (Chief Executive)

Apologies: Henry Cator (HC)

In Attendance: Ian Moodie (IM) (ADA Technical Manager), Ian Russell (IR) (EA/ADA Partnership Manager), David Thomas (DT), Ian Warsap (IW) (Chief Executive, Black Sluice IDB)

Ref	Minute	Action
1347	Declarations of interest None	
1348	Minutes of the meeting held on 13 May were agreed as a true and fair record and signed by the Chairman Proposed MS and seconded CM.	
1349	Matters arising Min 1322: Beavers. PBw stated that the EA now has an organisational licence for beavers.	
1350	<p>Health, safety and welfare</p> <p>IB provided an update on health, safety and welfare matters.</p> <ul style="list-style-type: none"> The duties for the self-employed will be brought in line with the recommendations of the Loftstedt Review from 1 October 2015. However, this would not apply to certain high risk activities, which broadly would encompass those for which an IDB may employ a self-employed worker. Further details were still being awaited from the Environment Agency regarding the application of CDM to flood risk and land drainage works. <p>Note on accidents and human behaviour and a Health & Safety Toolkit from HSE were tabled by IB.</p> <p>IM raised recent campaign by Network Rail and NFU regarding safety at user controlled level crossings.</p> <p>ITh wants to disseminate health and safety news to members more widely, through the ADA Gazette and by sharing the health and safety notes prepared by IB on the ADA website.</p> <p>Action: IM to include summary of these topics in Health & Safety Column within the Legal & Guidance section of the Autumn Issue of the Gazette.</p> <p>IR, regarding the CDM regulations under a PSCA the Environment Agency would seek the IDB as the delivery party, and so the works would go ahead under IDB health and safety rules and protocols and not the EA's.</p>	IM

	<p>IB noted the importance that we all use best practice guidance but that there was a difference in approach between IDBs and EA regarding the application of the regulations to maintenance.</p> <p>KP noted that maintenance works do come under CDM regulations but the question was whether they are notifiable or not.</p>	
<p>1351</p>	<p>ADA Position: Transfer of systems and structures</p> <p>IM introduced the need for ADA to develop a formal position relating to the transfer of systems and structures to both new and/or existing IDBs. This would encompass the principles of ‘Investing to save’ and include bring systems and structures into good condition before transfer, reducing precept, an area based grant for local authorities to facilitate payment of special levy in new or expanded IDBs. And the use of PSCAs to facilitate that transition. These broad principles were agreed by the Committee for further development into a formal position by ADA.</p> <p>IW gave a summary of the Black Sluice Catchment Consultation and the Black Sluice IDB’s preferred approach. Black Sluice IDB were awaiting details on running cost of Black Sluice Pumping Station. £25Million cost to replace pumping station had been suggested by the Environment Agency.</p> <p>DS and IB involved in a similar situation in Isle of Axholme catchment with a directive from Defra for some structures and systems to transfer to IDBs within a five year timeframe. All 11 Lincolnshire IDBs had received an email from EA over the summer regarding the transfer of some main rivers and related structures.</p> <p>ITh recognised the strength of opinion on this subject, and a structured approach was called for and not a knee jerk reaction. Time and money was needed for a properly managed transition. IT & HC had met with Oliver Letwin MP and was preparing presentation with the NFU and CLA, focused on enabling the Environment Agency to be able to ‘invest to save’ and thus safely transfer assets. The draft presentation has also been shared with Defra too.</p> <p>CM noted that the biodiversity impacts of reduced maintenance on the South Forty Foot Drain needed to be considered because of its function as a fishery. Stocks appeared to be declining and this had been linked to reduced maintenance works in a paper on the Witham fisheries.</p> <p>IW public appetite has so far been positive towards a transfer to the local IDB as they favour the security that local delivery by an IDB brings. The public are realising this is not the Environment Agency’s fault, this is down to Government funding constraints. Two MPs were involved, including the new Boston MP Matt Warman who is keen to help seek funding support.</p> <p>NS noted that finance is the key to transfer issues. John Chatterton, who was involved in original Multi-Coloured Manual had provided the case for local beneficiaries and business community to contribute. Gives the approach to look at local finance.</p> <p>ITh River Hull strategy should be looked at. Here the LEP have made £12 million available to fund part of the strategy.</p>	

	<p>DS noted concern about transferring systems and structures back to riparian owners, main rivers serve multiple beneficiaries and need to be managed as an integrated system. Pilot on the River Idle showed need for coordinated approach through an IDB.</p> <p>MS stated the need for a more active partnership approach to transferring systems and structures with all involved, so there aren't any surprises. Locally, one watercourse, The Delph hadn't seen a blade of management on an embanked watercourse, that hasn't seen works for 20 years, trees growing. Public need to be aware of the implications of a raised embankment failing on people and communities.</p> <p>The Committee broadly felt that these assets and systems were put in place with public money with an expectation they would be maintained. We cannot just walk away from these things.</p> <p>ITh opportunity for IDBs to think about FRM as well within local partnerships.</p> <p>IR in general terms, EA recognise the benefits of working together and fully support that, we need to work closer together to discuss our respective future maintenance plans and where there are synergies. Confident it will improve.</p>	
<p>1352</p>	<p>Water Vole Displacement Class Licence</p> <p>IM confirmed that ADA had held two meetings between IDB representatives and Natural England to further develop a draft Class Licence for displacement of water voles and review Natural England's position paper, both of which were circulated to the Committee. The question was what constituted an incidental result of an otherwise lawful act and whether it could that be reasonably avoided. The alternative to displacement for IDBs may be to trap out and re-release water voles when undertaking any bank reformation works which is highly expensive.</p> <p>RC noted that there is a clear distinction between displacement cutting and routine vegetation maintenance and that this was embodied within the position statement from Natural England and recognised within the draft class licence. Under the Wildlife & Countryside Act 1981 there had not been a single prosecution of an IDB and the incidental defence appears to have worked well. IDBs felt a bit exposed where doing displacement for bank re-profiling works and other capital works. Previously this was covered by Guidance written with ADA and NE. However, the best way forward would now be via a class licence for IDBs to carry on with the works they had done in the past to reprofile banks.</p> <p>AN confirmed that the Bedford Group of IDBs, Ely Group of IDBs and Water Management Alliance were seeking a further legal opinion which may show that any vegetation cutting in the vicinity of a burrow is a disturbance where water voles are present.</p> <p>Action: AN to share legal opinion with RC.</p> <p>CC noted that there had been a Natural England document that clarified disturbance to badgers. It stated that maintenance mowing over a badger set was not considered disturbance and did not require a licence. The same thing was being worked towards for water voles to make this distinction between routine</p>	<p>AN</p>

	<p>maintenance works and displacement cutting.</p> <p>CC need assurance that routine vegetation cutting for maintenance is acceptable for maintenance purposes as is written within the Position Statement. This needed to be written onto the Class Licence itself.</p> <p>The Committee approved the revised draft class licence, by majority decision (AN and IB voted against) to be taken to public consultation with comments and representation raised, specifically CC point above needed to be amended into the draft.</p>	
1353	<p>Biodiversity 2020 Outcomes & IDBs</p> <p>RC introduced a paper circulated. He stated that this was about capturing the work that the IDB community is already doing towards sustaining and enhancing biodiversity. These outcomes will allow ADA to demonstrate the contribution IDBs are making towards Biodiversity 2020.</p> <p>Committee endorsed the paper to be taken to Defra's next IDB PAG meeting.</p> <p>KP noted that the previous BARS had a problem with duplicate information going in via different partners.</p> <p>CM noted that IDB BAPs were now five years old and due for review, he support a concise reporting system for IDBs through BARS.</p> <p>RC noted that anecdotally IDB maintenance is good for water voles, but it would be good to capture this more formally.</p> <p>ITh noted that the Secretary of State wants the whole industry to be better at the recording of evidence of positive measures being undertaken in this and other areas.</p>	
1354	<p>GIS IDB Shape File</p> <p>The Committee supported ADA seeking the development of a GIS shape file of all IDBs in England.</p>	
1355	<p>Environment Agency updates</p> <p>PB provided an update:</p> <ul style="list-style-type: none"> • Paul Leinster is retiring as Chief Executive this month. David Rooke will step in as Interim Chief Executive and John Curtin steps into his role. • EA are supporting Defra with settlement for SR15. • EA had contributed towards £83 million of in-year cost savings to Defra in 2014-15. For FCERM this had effectively cancelled out the additional £5 million originally offered for 2014-15 following 2013-14 floods. • The EA was currently refreshing capital and maintenance programmes. Formal refresh will land with RFCCs for the October round of meetings. As part of the refresh there has been some ironing out of spending. In addition the EA were looking for efficiencies in capital programme across all floor risk management authorities. • Maintenance engagement remains a strong commitment for all EA areas around the country. This is at different stages around the country currently. • The sign off of Flood Risk Management Plans under the Flood Risk 	

	<p>Regulations was due alongside River Basin Management Plans in December 2015.</p> <ul style="list-style-type: none"> • Flooding and Coast 2016 Conference set to go ahead between 23-25 February 2016. <p>MS requested an update on the current area flood risk managers around the country.</p> <p>Action: PB to circulate names of the current Area Flood Risk Managers.</p> <p>IR drew attention to covering note on PSCA. A revised User Guide is being drafted, with the final version expected in October. All new PSCAs will use the new national template format. Existing PSCAs will be varied to the new template format to ensure national consistency.</p>	PB
1356	<p>Defining Committee Workstreams and delivery targets The Committee discussed future topics for future meetings.</p> <p>Future meetings will allow for longer sessions when needed, and possibility of visits if necessary. Extend visit to others on a site visit, but could enable others to feel more engaged particularly LLFAs.</p> <p>The Committee agreed that minutes of these meetings should be uploaded as soon as possible once circulate to Committee Members and then uploaded as unapproved minutes watermarked across middle.</p> <p>NS noted the need to carefully manage travel commitments for Committee members.</p> <p>Action: Within next 5-7 days provide by email key topics for discussion and delivery by the committee.</p>	ALL
1357	<p>Grass cutting and agri-environment MS raised the need for better communication between ratepayers, Natural England and IDBs and those potentially applying for new agri-environment schemes</p> <p>RC noted that a problem that has raised its head a few times. Under the old scheme, there was a warning to farmers that they needed to only enter into schemes where it was compatible with the practices of those who have regular access to land.</p> <p>IM and RC to investigate wording of new Countryside Stewardship Scheme.</p>	IM/RC
1358	<p>FloodEx 2016 ITh announced new dates for FloodEx on 11-12 May 2016. This was moved to accommodate Flood & Coast 2016 and enable both events to work together. ITh commended ADA members putting papers into Flood & Coast 2016. FloodEx will be a trade event with some seminars and presentations around it. There may be some foreign interest in attendance.</p>	
1359	<p>Eel Regulations 2009 ITh noted that DT and Alison Briggs had attended an Eels Liaison Panel meeting with the Environment Agency for ADA, representing the IDB community. ITh report that the Dutch view on the Eels Directive should be</p>	

	<p>informing Defra's long view on eels. Dutch recognised the need to look beyond a 2021 deadline and have delayed implementation through until to 2027. This would allow capital investment to be timetabled and phased with planned repairs and refurbishments.</p> <p>AN announced that Hull University will be looking at Ely Group's fish friendly pumps.</p> <p>CC confirmed a University is doing a similar study at St Germans Pumping Station.</p> <p>KP noted that Lincolnshire County Council is also putting in a fish friendly pump.</p> <p><i>IM to circulate questionnaire to Local Authority Associate Members.</i></p>	<i>IM</i>
1360	<p>British Standard 55000 Asset Management IB stated that the standard looks at whole life and strategic management of assets. Need to work on a wider basis with colleagues from EA, water companies etc. so that SAMPs and AMPs etc align.</p> <p>To comply with the standard would be a significant piece of work, but something the Shire Group of IDBs will be taking forwards.</p> <p><i>IB to provide future updates to Committee on using this and potentially an article for the Gazette.</i></p>	<i>IB</i>
1361	<p>EUWMA ITh provided an update following the recent EUWMA 2015 meeting in Lisbon, Portugal. Desire for stronger working ties between ADA members and European organisations within EUWMA community. EUWMA would be looking at the European Commission's review of WFD which was coming up from 2017. Dutch, Germans and Spanish members were happy to help with this alongside ADA from the UK. There was a lot of interest in the innovative efficient use and generation of energy at the meeting.</p> <p><i>Committee members to contact ITh if interested to engage on EUWMA matters.</i></p>	<i>ALL</i>
1362	<p>Any other Business</p> <p>Aquatic Herbicide - Diquat DS stated that Witham Fourth District IDB had successfully applied for a trial licence to use reglone (diquat) on watercourses within their district to treat cot (a filamentous aquatic weed). On approval the Minister had asked why other Boards had not applied for the use of diquat.</p> <p>The Committee noted the need in principle for appropriate active ingredients where direct maintenance was either impossible or could be damaging to structures or habitats. They also noted the precautionary principle that applies to the use of chemicals and agreed ADA should survey members regarding the need and previous use of aquatic herbicides to build a better understanding of the issues involved.</p> <p><i>IM to circulate questionnaire to IDBs relating to use of aquatic herbicides.</i></p>	<i>IM</i>

	<p>Plant machinery ground pressures on embankments KP had heard that the Environment Agency were working on guidance regarding ground pressure of tyres and tracks on different reaches of watercourse, depending on bank type and appendages of tractors.</p> <p><i>PB to check with Environment Agency colleagues.</i></p> <p>Date of next meetings Tuesday 12 January 2016, London 10.45 – 13.00</p>	<p>PB</p>
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UNAPPROVED MINUTES