

Minutes of the meeting of the Association of Drainage Authorities – South East Branch
held at Ashford Cattle Market, Orbital Park, Ashford TN24 0HB
at 10:00am on Wednesday 19th October 2022

1a. Welcome and Introductions:

The Chairman welcomed everyone to the meeting and invited all to introduce themselves.

1b. Present:

L Cooke (Chairman - outgoing), N Botting, Cllr M Burgess, P Dowling (Branch Secretary), A Eastwood, Cllr M Gillman (Vice Chairman), D Goff, B Gower (Chairman – incoming), P Hazelhurst, D Lovejoy, R Monje, I Nunn, O Pantrey, A Solomon, G Steed, I Thompson, J Williamson.

1c. Apologies for absence:

G Bussley, G Chandler, N Claxton, P Coe, Cllr D Crow-Brown, R Kinsella, J Mair, M Tant.

2. Election of Branch Chairman:

The Branch Secretary thanked the Chairman for his time in the role (8 years) and reminded the meeting that Mr Cooke now wished to stand-down. He invited nominations for the position of Branch Chairman. It was proposed by L Cooke, seconded by D Lovejoy and agreed by all that Mr Bill Gower be appointed as Branch Chairman.

3. Election of Vice Chairman:

The Chairman then invited nominations for the position of Branch Vice-Chairman. It was proposed by D Goff, seconded by G Steed and agreed by all that Cllr Mick Gillman be appointed as Branch Vice Chairman.

4. Election of Branch Secretary:

The Chairman invited nominations for the position of Branch Secretary. It was proposed by L Cooke, seconded by G Steed and agreed by all that Mr Peter Dowling be reappointed as Branch Secretary.

5. Election of Branch Director for ADA Board:

The Branch Secretary reminded the meeting that Ms Prisilla Hazelhurst was appointed at last year's meeting as Branch Director, to represent the South East Branch on the ADA Board, for 3 years (until October 2024). Ms Hazelhurst confirmed that she is willing to continue in this role as planned, which was welcomed by all.

6. Minutes of the previous Branch Meeting:

The minutes of the Branch Meeting, held on 14th September 2021, were received. It was proposed by L Cooke, seconded by P Hazelhurst and agreed by all to be a correct record of the previous meeting.

7. Matters arising from minutes:

There were no matters arising.

8. Matters raised for discussion:

a. ADA – General Update (I Thompson)

ADA's Technical Officer, Sophi Lloyd, has moved to the Middle Level Commissioners as its Senior Environment Officer. Whilst her expertise will be retained in the industry, this does

mean that the ADA team is one person down. Due to financial pressures (currently running a £25k deficit) there it is not intended to fill this vacant post straightaway.

ADA Membership rates are to increase by 4.5% next year, which is considered reasonable considering the high level of inflation. Advertising fees are to be increased by 7-8%.

Defra and the EA have asked ADA for information on IDB cost increases (such as energy, fuel, insurances) so ADA will be seeking feedback from IDBs so it can produce a report for them.

The EA is self-insured, although this is underwritten by Defra. ADA has asked if Defra would consider the same for IDBs, and although there is no immediate cost as a result, it does increase overall risk. D Lovejoy asked if Defra would require more control of IDBs if it were to effectively 'insure' their activities. I Thompson agreed that this would need to be considered, if this were to be offered. G Steed added that this would be under Crown Indemnity and not necessarily covered directly by Defra.

Ranil Jayawardena MP was appointed Secretary of State for Environment, Food and Rural Affairs from 6 September 2022. Trudy Harrison MP was appointed Parliamentary Under Secretary of State in the Department for Environment, Food and Rural Affairs on 7 September 2022. ADA will be seeking engagement over the coming weeks and will encourage more joined up water management.

There is still a strong preference from Government for capital funding for new projects over revenue funding for ongoing maintenance, despite the EA highlighting a current £90m shortfall for maintenance. ADA has suggested a virement from the £5.4bn capital fund to revenue to improve the standard of flood risk assets and it will continue to work closely on this with the EA.

ADA is also aiming for closer collaboration with ASA (the Association of SuDS Authorities).

ADA has achieved some success in relation to the use of red diesel, with IDBs still able to use it for any activities benefitting agriculture, but the sharp increase in costs of all fuels has outweighed this and is therefore still causing problems.

Defra has announced a £240m asset replacement fund, initially for the EA but now extended to other RMAs. £160m has already been allocated but Defra will be inviting bids for allocations of the remaining £80m. The Chairman warned that it will be extremely difficult to win any of this fund, as he has been liaising with the EA over the possible renewal of two EA owned pumping stations. I Nunn confirmed that it is a complex process to follow but it has enabled the repair of many assets which would otherwise not been included. It is not however intended to change the current appraisal system for FDGiA. The Chairman stated that the full and wider benefits of schemes need to be better identified, by stressing what is at risk if works are not carried out.

ADA membership in the south-east is good with IDBs but Council membership has fallen off over recent years due to increasing cost pressures. It was requested that all try to encourage their local levy paying Councils to join ADA as it has connections at all levels across the country and can provide assistance in most water related matters. Cllr Gilman commented that planning policy requires specialist input and ADA is very good at this.

The Environmental Good Governance Guide has now been published on the ADA website. This is an excellence reference guide and distribution of hard copies will start at the coming ADA Conference.

An All-Party Parliamentary Group (APPG) for Sustainable Flood & Drought Management has been set up. ADA now regularly attends these meetings, which provide access to the highest level of Government.

ADA has been invited by Defra to join the Strategy Programme Board for ELMS, which will help to ensure that appropriate water level management is included.

Flood & Water Live is planned for 5th & 6th July 2023 at Dyson Farm, Carrington, Lincolnshire and will include the usual demonstrations and tours. It is hoped that most IDB members will be able to attend.

ADA has published some educational resources to help improve understanding and raise interest in all aspects of water level management.

Defra has advised that they will very soon be going out to Public Consultation regarding the Land Valuation Statutory Instrument which should pave the way for extended or new Internal Drainage Districts. This will also open up the possibility of more Main River transfers to IDBs. N Botting asked how this would affect the Medway Letter. I Thompson replied that the Medway Letter would still be recognised as the basis for existing IDD's but there are locations where more flexibility is required.

b. EA – General Update (I Nunn)

The EA has a new Chairman, Alan Lovell, who has taken over from Emma Howard-Boyd.

A more strategic approach to organisational change is being considered, Strength in Place. This is in recognition of the amount of ongoing, and sometimes uncoordinated, change. This should feed-in to better communication and partnership working and also provide a more joined-up EA approach to management on a catchment basis.

A major Health & Safety Review is underway, which has resulted in the delay of some of its works. The management of routine asset management should however be simplified as a result.

KSL is running at 15-20% staff vacancies with recruitment being extremely difficult. A business case is to be put to Treasury to make salaries more attractive and to hopefully retain more staff. I Monje asked how putting so much work out to contractors and consultants is impacting on costs. I Nunn agreed that these costs are extremely high, so encouraged more use of Public Sector Cooperation Agreements as these provide much better value for money. P Dowling asked if this is also to transfer risk. I Nunn agreed that this had probably been the case but it has been recognised that experience is also lost as a result, so efforts are being made to retain more work in-house.

The Denge Main Outfall has been refurbished and the culverts are to be relined.

Hythe sea defences are now complete but some shingle recharge needed around groynes.

The Pevensey defences scheme is ongoing and will be delivered over the next 5 years.

Rye Town Walls coastal defences improvements are about to start and should take a couple of years.

Still working on the Future Capital Programme.

There are ongoing challenges around the EA's carbon targets and how the increased costs of alternatives should be funded.

An EA Asset Management Strategy Consultation is due to be carried out.

The EA's Resources Team is getting increasingly worried about drought next summer. A prolonged wet winter is needed to recharge the groundwaters.

D Lovejoy questioned the EA's position on rewilding. I Nunn replied that the EA's Biodiversity Team understandably sees this as a positive, but the FCERM Team must consider the effects on drainage and flood risk. As always, a balance must be found but this can be difficult, especially when some landowners do not wish for their sections of Main River to be maintained.

Enforcement of inappropriate development and illegal activities is becoming problematic, as LPAs do not always take account of EA comments, and unfortunately enforcement is currently not a priority for the EA. P Hazelhurst commented that this is also a problem for IDBs, with LPAs not taking their comments into consideration. It was suggested that, as LLFAs are the lead statutory consultee in most cases, IDBs should seek to have their comments included or referenced in the LLFA's submissions.

c. Beavers – Stour IDB

P Dowling provided an update on the presence of beavers in the Stour catchment, which are becoming widespread in the Lower Stour area as a result of escapes from a licensed enclosure and reported illegal releases.

As a result of the recent consultations, as of 1st October 2022, beavers are protected by law, under the Conservation of Habitats & Species Regs 2017. It is now against the law to:

- deliberately disturb a beaver - this includes any action likely to impair their ability to survive, breed or rear their young
- deliberately injure, capture or kill a beaver
- damage or destroy the breeding site or resting place of a beaver

There are some well promoted positives – beavers can:

- improve water quality
- reduce the risk of flooding and drought
- increase biodiversity
- create more resilient landscapes to reduce the impact of climate change

But there are also some less well promoted negatives: They also dig burrows and channels into banks of waterbodies, fell trees and build lodges and dams, which may cause:

- flooding to adjacent land
- injury to livestock
- damage to crops, property or machinery

There are now three Beaver Class Licences available (+ organisational licences):

CL52 – to modify or remove beaver dams – for farmers, landowners, fishery managers, foresters, land or water managers, and their advisers or consultants.

CL51 – to modify or remove beaver burrows, lodges and dams or possess dead beavers or their body parts – for employees of public bodies or authorities (incl **IDBs**), fishery managers, land and water managers, and their advisers or consultants.

CL50 – to capture, transport and re-release beavers, modify or remove burrows, lodges and dams or possess dead beavers or their body parts – for beaver management groups, experts and specialists.

Organisational licences for EA, NE etc.

There are also some management actions which can be taken without a licence:

- Make space for beavers
- Install fencing around vulnerable areas or structures.
- Use scarers to deter beavers.
- Protect trees with guards or textured paint.
- Remove dams less than 2 weeks old and not associated with a burrow or lodge.
- Remove inactive burrows.
- Fill in beaver channels (if it does not affect a burrow or lodge).

The Stour IDB has applied for and received a Class Licence (CL51 – allowing us to modify or remove beaver burrows, lodges and dams where necessary). The licence runs to 16 pages, most of which are conditions, we must keep a detailed record of all activities for at least 2 years and we must submit an annual report to NE by 31 January each year.

We must now identify all locations of beaver activity on IDB maintained watercourses in order to develop site specific maintenance plans. We do not expect to be applying to modify/remove dams, lodges or burrows – but this might become necessary. Lastly, we must also consider risks when issuing land drainage consents.

I Nunn suggested using PSCAs for managing some of these risks, as the EA has licensed specialists who will be happy to help. P Dowling agreed that this would be helpful and also flagged other members of the East Kent Beaver Advisory Group, of which the Stour IDB is a member (with the EA, NE, KWT, Wildwood Trust, KSCP). He also recommended that IDBs get involved in future management groups to help achieve a good balance and develop appropriate management techniques.

B Gower expressed concern if sensible management is not agreed in advance. I Thompson commented on the experience in Scotland, where the lack of appropriate management has forced the use of licensed lethal control, where approx. 300 beavers have been culled.

I Nunn reported that the EA has recently appointed a Beaver Technical Specialist, Mr Ben Morris, who will be happy to advise.

d. Staffing and future plans – Upper Medway IDB

O Pantrey stated that I Nunn had covered some of the issues he planned to raise, but highlighted the following matters:

The UMIDB is having difficulties setting up a PSCA, which will help the EA to deliver its maintenance programme, mainly thought to be due to a shortage of technical staff. I Nunn accepted that this had been difficult but agreed to progress the matter.

There is concern about the lack of progress on de-maining and transferring Main Rivers to IDBs, where appropriate. I Nunn reported that the local pilot had been extremely successful and as well as allowing the EA to focus on high-risk systems, it has removed the conflict between the EA and IDB (as these Main Rivers are now being maintained for the benefit of local landowners and communities). Unfortunately, most other pilots were not so successful.

I Thompson reiterated that the Statutory Instrument is intended to simplify the de-maining process.

O Pantrey commented that these Main Rivers would also need to be brought up to a good standard before the IDB could take them on. PSCA working should enable this to happen, which is why both issues need to be progressed. I Nunn agreed but highlighted vacancies throughout the local EA teams, which makes everything more difficult.

O Pantrey further commented that these Main Rivers need to be maintained in the meantime and the EA's strategies need to be better communicated. I Nunn agreed but reiterated that funding for low-category systems is becoming ever tighter, so IDB precepts may be the best option. D Goff commented that loss of local experience is also a factor.

O Pantrey asked why reported pollutions are going unaddressed. I Nunn replied that due to funding and staffing issues, unfortunately not all incidents are investigated. He asked for incidents to be reported as the more they are recorded on the EA's system, the greater the likelihood is of them being prioritised for action. R Monje added that it is also important to take the lengths of watercourse affected into account, as this also raises its categorisation.

O Pantrey reported that the Witham Fourth IDB has recently obtained funding from the EA to model all inflows into its district, and asked if this is available to IDBs in the southeast. I Nunn asked him to provide further details and he will look into this. I Thompson commented that he believed that this would need to be linked to capital projects.

e. North Kent Marshes WLMP – North Kent Marshes IDB

P Hazelhurst reported that the NKMIDB had been working on a review of the North Kent Marshes Water Level Management Plan, funded by £25k of its precept, and had included water level monitoring. This came about through discussions with the RSPB, to understand IDB and RSPB visions for the marshes, and a partnership was soon established (the Hoo Water Level Management Partnership).

The RSPB became aware of Heritage Lottery Funding and was successful in obtaining £100k to carry out a hydrological study of the area. This will identify all inputs and outputs of water and should help to make water use far more efficient, for the environment, landowners and the local communities.

P Hazelhurst stated that this shows that putting in some effort into understanding funding opportunities and drawing up projects, so they are ready to go, improves the chances of obtaining funding and actually implementing them.

9. Date of next meeting:

The Chairman asked for suggestions for the next meeting. I Thompson suggested a mid-year meeting or site visit. All agreed that this would be useful. P Dowling agreed to contact the other Clerks to hopefully arrange a site visit sometime in the summer. It was agreed that the next annual meeting should be arranged, via email, for October 2023.

10. Any other business:

I Thompson reported that ADA is looking to produce a template constitution for all Branches to consider and further details will be issued soon.

With there being no further business, the Chairman thanked everyone again for their attendance and closed the meeting.