



Representing Drainage Water Level & Flood Risk Management Authorities

POLICY COMMITTEE Minutes

Wednesday 22 May 2024

Venue: Westminster Kingsway College, 76 Vincent Square, London SW1P 2PD
10.40 – 15.30

APPROVED

| Invited | | | | | |
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| Name | Role and organisation | Present | Name | Role and organisation | Present |
| Charles Mills (CM) | Committee Chairperson, Deputy Chair, ADA | Apol. | Oliver Pantrey (OP) | Clerk, Upper Medway IDB | Y |
| Ed Johnson (EJ) | Committee Secretary, Committee Deputy Chair Chief Engineer, Witham Fourth District IDB | Y | Richard Powell (RP) | Chairperson, Anglian (Eastern) RFCC | Apol. |
| James Addicott (JA) | Manager Engineering – Policy, Environment Agency | Y | Iain Sturdy (IS) | Chief Executive, Somerset Drainage Boards Consortium | Apol. |
| Robert Caudwell (RC) | Chairperson, ADA | Y | Innes Thomson (IT) | Chief Executive, ADA | Y |
| Nigel Everard (NE) | Clerk, Selby Area IDB and Kyle & Upper Ouse IDB | Y (joined from Item 9b) | Carol Tidmarsh (CT) | FCERM Team, Defra | Y |
| Matthew Harrison (MH) | Flood & Water Manager, Lincolnshire County Council | Y | Diana Ward (DW) | Ecologist for Bedford Groups of IDBs | Y |
| Mat Jackson (MJ) | Senior Flood Risk Management Officer, West Sussex County Council | Y | VACANT | Natural England | |
| Steve Larter (SL) | Finance Director, Witham & Humber IDBs | Y. (until Item 10) | | | |
| David Letellier (DL) | Head of Operations South Wales Central, Natural Resources Wales | Apol. | In attendance | | |
| Andrew McGill (AMG) | Chief Executive, Water Management Consortium | Apol. | Heather Bailey (HB) | Marketing & Events Officer, ADA | Y |
| Andrew McLachlan (AMN) | Chief Executive, Yorkshire & Humber Drainage Boards | Y | Martin Hurst (MH) | Chairperson, Southern RFCC | Y |
| Ian Moodie (IM) | Technical Manager, ADA | Y | Adrian Rushworth (AR) | FCRM Manager, Environment Agency | Y (for Item 12 only) |
| Nicola Oldfield (NO) | Engineer, Middle Level Commissioners | Apol. | | | |

| Ref | Minutes |
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| 1 | <p>Welcome and apologies</p> <p>CM offered his apologies in advance for this meeting and EJ chaired the meeting.</p> <p>EJ welcomed appointed members and guests to the meeting and offered thanks to all of those people who had been previously involved with either the P&F or T & E</p> |

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| | Committees who had stood down. All apologies were noted as indicated above. |
| 2 | <p>Declarations of interest</p> <p>None raised.</p> |
| 3 | <p>Minutes of previous meetings</p> <p>Minutes of the former ADA Committees were tabled as follows:</p> <ul style="list-style-type: none"> • ADA Technical & Policy Committee meeting (31 January 2024) • ADA Policy & Finance Committee meeting (14 February 2024) <p><i>ACTION: To share those minutes with respective former committee members for accuracy and approval – IM to lead</i></p> <p><i>DECISION: Future approval of minutes will be via email.</i></p> |
| 4 | <p>Matters arising</p> <p><i>ACTION: To include Eel Regulations on the agenda of the next meeting – IM to lead</i></p> <p>Good Governance Guide (GGG) - SL requested an update on timescales. IT confirmed a delay due to other priorities with publication now expected during the summer. MH suggested the opportunity for the GGG to be more forward looking so Boards are informed about the issues coming up and how the industry might address them.</p> |
| 5 | <p>ADA’s new committees</p> <p>IM presented the Terms of Reference for the Policy Committee as approved by the ADA Board of Directors on 5 March 2024.</p> <p>Discussed the new ADA Committee structure, role and functioning of ADA forums.</p> <p>Members supported the draft Terms of Reference for the Environment/Engineering Forum (see item 6 below).</p> |
| 6 | <p>ADA Forum updates</p> <p>a. ADA Environment Forum DW gave a summary of the topics discussed at the meeting of the ADA Environment Forum on 07 May 2024.</p> <p>b. ADA Engineering Forum EJ gave a summary of the topics discussed at the meeting of the ADA Engineering Forum on 27 Sep 2023.</p> <p><i>ACTION: To take forward the broadening of the scope of the ADA Engineering Forum to include technical experts – EJ to lead.</i></p> <p>MH suggested that ADA needs to develop a carbon policy including what IDBs need to be doing as covered in an IDB policy and strategy. This was supported by EJ and IT who confirmed DEFRA funding would be needed to produce a meaningful, comprehensive and useable guide for IDBs to follow. MH said that carbon counting needs to be a priority when are we aiming for carbon neutrality. Boards need policy to demonstrate to a new government that they have a commitment and setting carbon</p> |

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| | <p>reduction actions.</p> <p>There was also discussion around climate change adaption and the ask of ADA from Defra to provide central reporting to Defra on behalf of ADA members, IT has responded to Minister Pow's request and saying that ADA does not have the resource to do this but could contract in. Defra are not currently in a position to support ADA to do that.</p> <p>MH reported issues around consistency of approach to maintenance issues between IDBs and Local Authority.</p> <p><i>ACTION : To make enquiries and report back – MH to lead</i></p> |
| 7 | <p>Interpretation of IDB model land drainage byelaws 2 and 3</p> <p>IM said that clarity was required around the interpretation of drainage byelaws 2 and 3. CT working with legal looking at the byelaw changes, needs to bottom out watercourses not under control by boards.</p> <p><i>ACTION: ADA to liaise with Defra on the matter – IM to lead with CT</i></p> <p><i>ACTION: To engage further with Defra legal team – CT to lead</i></p> |
| 8 | <p>Badger licencing</p> <p>DW reported that several IDBs had received warning letters from Natural England related to the registration of licenced operators. There are problems with the significant delay between applications being made to Natural England and registrations being made during a key operational period in the calendar year.</p> <p>This has also highlighted some potential inconsistencies between the legislation and how Natural England are operating the licence. It has also raised questions as to whether certain activities such as grass cutting on banks or vegetation removal from channels near badgers are in fact activities that would be unlawful without a licence.</p> <p>JA said EA have organisational license, he was going to look into if the they have had any incidents.</p> <p>Key questions relate to:</p> <ul style="list-style-type: none"> • What IDB activities are licensable • Do non-licensable activities need to be notified and/or registered • Timeframes for notifications and registrations, including re-registrations • Who must be a registered person • What is appropriate supervision <p>Several IDBs are seeking legal opinion from a national legal firm with environmental expertise to help clarify these uncertainties and this could be used by IDBs to determine what actions they need to take to be legally compliant.</p> <p>ADA is happy to provide support at a high level in discussions with Natural England. ADA would like this to be a joint and agreed approach with all the IDB ecologists to identify the problems and come up with solutions that can be put to NE.</p> <p>It is understood Natural England are due to review the licence in October 2024 and have stated a willingness to engage with ADA and IDBs on this issue.</p> <p>Engagement with Natural England by IDBs and ADA will await findings from legal opinion.</p> |

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| | <p>ACTION: ADA to seek data from the Environment Agency regarding the cost of damage, repairs, and artificial sets related to their flood and water management assets and systems – IT to lead.</p> <p>ACTION: EA to check if they have had any issues using their organisational licence to control badger damage – JA to lead</p> |
| 9 | <p>IDB audit</p> <p>a. Audit thresholds - The Policy Committee unanimously supports Option 3 which means that the regulations change such that town and parish councils, IDBs and other smaller authorities are designated as Smaller Authorities regardless of turnover. ADA, NALC and SAAA are collectively aligned on this.</p> <p>c. Use of SAAA reserves – two options were put in front of the Committee asking for their preference to feed back to SAAA. Option 1 involved handing back money to IDBs and Option 2 involved using reserves to subsidise (soften the blow) future likely increases in audit fees. Option 2 received majority support.</p> <p>ACTION – To feedback to SAAA that Option 2 in continuing to build up reserves and make decision around their use “to soften the blow” at next contract award in 2026 (as outlined in the paper) – IT to lead</p> |
| 10 | <p>Framework contracting – Presentation by Balfour Beatty</p> <p>Item postponed. ACTION: to reschedule to next meeting – IM to lead</p> |
| 11 | <p>Updates</p> <p>Defra - New Deputy Director Laura Lutkoski replaces David Cooper from April 2024. 3 x new RFCC chairs appointed – Paula Hewitt (Thames), Matthew Riddle (Severn & Wye) and Rachel Gavey (Wessex). Defra will be consulting in June 2024 on environment permitting regulations with reforms to flood risk activities whereby EA will be able to move in and out of exemptions.</p> <p>Baroness Scott & Baroness Taylor were expected to meet to discuss the LGA SIG for IDBs issues with special levies. CT said that Defra was committed to working with MHCLG.</p> <p>Environment Agency updates</p> <p>JA Reported second wettest winter on record with various EA teams working on groundwater flooding issues, with consequent pressure on Ops teams. Chair and CEO have been out and about, supported by FCERM teams.</p> <p>The Government have agree to all recommendations made in the National Audit Office (NAO) and Public Accounts Committee (PAC) reports and in particular developing better resilience to flooding and the impacts on rural communities. A quicker approach to approvals for smaller projects is also needed. The EA are also considering the transition plan for the Flood Re-insurance company, FloodRe, when it finishes its remit in 2039. The EA have also been interviewed by OFGEM in relation to electricity charges.</p> <p>New guidance in place of ‘Living on the Edge’ covers assets/riparian ownership.</p> <p>The PSCA user guide has now been agreed.</p> <p>ACTION: ADA to signpost new PSCA guide for members – IM to lead</p> |

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| | <p>MH mentioned expected investment to be announced in June on Combined Sewage Outfalls (CSOs) and to reduce flooding.</p> <p>Local Authorities updates</p> <p>MH reported unprecedented activity by Local Authorities in the aftermath of the winter flooding, particularly with respect to the number of S19 reports having to be produced. In Lincolnshire alone, there were 900 reports of internal flooding and 600 near misses, although the actual numbers are estimated to be far higher than that. MH also mentioned differences in reporting between the EA and Local Authority. JA offered to work with MH to investigate.</p> <p>The application of Property Flood Resilience measures is facing considerable pressure to spend allocated money by 31st March 2025.</p> <p>MH said that worryingly, much of the above was leading to an underlying effect on people and resulting increase in societal issues.</p> <p>MJ added that there have been significant winter issues with coastal erosion.</p> <p>He reported also that some Local Authorities were starting to get concerned about the implications of the enabling of Schedule 3 on resources and funding.</p> <p>MJ also reported concerns with the operation and running of Arun IDB.</p> <p>JA reported that work was nearing completion on NAFRA2 which would provide much needed updated accuracy to surface water flooding mapping. It was suggested that this be presented in more detail at a future Policy Committee meeting.</p> <p><i>ACTION: to schedule a presentation on NAFRA2 for a future meeting – IM to lead</i></p> |
| 12 | <p>IDB Storm Recovery & Asset Improvement Fund</p> <p>JA gave a presentation outlining the Prime Minister pledged £75 million fund for IDBs, and the purpose of its two tranches:</p> <p>Tranche 1: Storm Recovery (~£25 million), assisting with IDB operational expenses during and following the winter storms of 2023/24, and supporting repairs to pumping stations, watercourses and other assets damaged during the winter.</p> <p>Tranche 2: Asset Improvement (~£50 million) for the modernisation and upgrade of IDB assets and waterways, making them more efficient/effective, sustainable and environment friendly and to diversify the outcomes they achieve for lowland landscapes and communities.</p> <p>As set out in the grant prospectus all works funded by the grant must be completed by 31 March 2025. All agreed that this was a hugely challenging ask given the short timescales left to design, procure and build. Every effort was being made to try to ease that deadline.</p> <p>Bid documents are expected shortly with dates for return of bids of 7th June for Tranche 1 and 28th June for Tranche 2. Decisions would be expected by the end of June for Tranche 1 and the end of July for Tranche 2.</p> |
| 13 | <p>IDB funding and costs</p> <p>a. Electricity standing charges</p> <p>CT said that Minister Moore was planning to write to OFGEM asking for an update on</p> |

what recommendations they were arriving at. It was suggested that in parallel, ADA should also write to OFGEM.

ACTION: ADA Update enquiry letter to Ofgem – IT to lead

b. Special levies

ADA to continue to progress and play active role in SIG. IT making sure language used is positive with regard to the work of IDBs.

c. The English Drainage Boards (Alternative Valuation Calculation) Regulations 2024.

Public consultation closed 19/4/24 and 38 responses had been received. CT reported no major issues but still a few things to resolve requiring guidance from Defra’s legal team. CT said that they were looking at how to incorporate regular updates and how to work with the Valuations Office Agency (VOA) on data sharing agreements.

The intention was to finalise by the end of May towards a review by the SI Committee on 7th June, and then a draft laid in Parliament in early July.

d. Drainage Rating System (DRS)

Financial support may be available from EA/Defra within the £75m funding package for IDBs to help with the development and migration to a new Microsoft 365 system.

IT reported that a new Ratings Group has been set up to oversee and scrutinise and future developments of ratings systems. He went on to say that ADA is neither able or experienced enough to take on the development and/or management of a new system but will help to resolve the current situation, representing the needs of every drainage board.

ADA is aware that the Water Management Alliance Boards are moving to update their existing platform to an Microsoft 365 system by the autumn. ADA has confidence that this system will be fully operational in that timescale for any IDB to then use, in commercial agreement with WMA. ADA recognise IDBs will want the choice to move to their own systems and AM confirmed that the Yorkshire Boards just want to keep their options open.

ACTION: ADA will need to pitch for funding by 28/6/24 – IM to lead.

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Workstreams

From the outset of the discussions, it was clear that the list of desired work to be done far exceeded the capacities of either the Policy Committee and/or ADA officers to deliver within reasonable timescales. IT stated that ADA’s forward programme of current or planned work is expected to extend well into 2025 and that the taking on of any new items of work by ADA staff would have to be planned to slot in after that. The major components of ADA’s current work plan include;

- Good Governance Guide for IDBs
- Lowland Agricultural Peat Small Infrastructure Projects
- IDB Health, Safety & Welfare survey No, 2
- IDB £75m funding stream works
- ADA Business Plan update, including ASA/ADA collaboration plans
- ADA Membership database and systems upgrades
- IDB Ratings guidance note
- IDB Developer contributions guidance note

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| | <p>Added to that will be inevitable activity related to a General Election, events planning covering the ADA Conference, AGM and ADA Environment Day.</p> <p>IT also mentioned that the production of the ADA Gazette, whilst cyclical, required focussed input over several weeks 4 times per year. IT also stressed that the ADA Gazette was an income-earner for ADA and would remain a high priority for ADA staff input.</p> <p>MH suggested that the Committee starts with a “forward look” approach, based on agreed themes. AM suggested that any work to be done should look at sharing and adapting best practices. NE asked if there were any quick wins.</p> <p>There were discussions around what future political focus may drive and there was consensus around the subjects of carbon reduction policy and strategy, and capital vs. revenue spending.</p> <p>MH echoed the above, adding the RFCC’s interests in procurement and supply chain along with skills and succession planning challenges.</p> <p>It was agreed that the Committee need to come up with a set of achievable recommended priorities to be put before the ADA Board for their support and approval.</p> <p>It may be the case that some work might be best carried out by specialists for an agreed price and in such cases, that would have to be built into ADA forward budgeting.</p> <p>Forward actions were agreed as follows;</p> <p><i>ACTION: To develop an IDB carbon policy and strategy – EJ to lead</i></p> <p><i>ACTION: 2nd Health, Safety & Welfare Questionnaire for IDBs to be circulated – IM to lead</i></p> <p><i>ACTION: To me more actively involved in spending review forward planning with the EA, with specific interest in the balance between capital and revenue allocations – IT to Lead</i></p> |
| 15 | <p>AOB</p> <p>A significant issue concerning nutrient neutrality rules in relation to development is seriously affecting planning decisions in Kent</p> |
| | <p>CLOSE</p> |
| | <p>Next meetings</p> <p>ADA Policy Committee: 10.40 – 15.30 Wednesday 11 September 2024 Westminster Kingsway College, London</p> <p>ADA Environment Forum: 13.00 – 15.00 Monday 9 September 2024 Online ADA Engineering Forum:</p> <p>ADA Board of Directors 11.00 – 15.00 Tuesday 2 July 2024 Westminster Kingsway College, London</p> |