

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Structures Committee

held at the offices of the Board on
13th March 2019 at 2pm

Members

Chairman - * Mr J G Fowler

* Mr W Ash	* Mr V A Barker
* Mr P Holmes	* Mr R Leggott
* Mr P Robinson	* Cllr P Skinner
* Cllr M Cooper	

* Member Present

In attendance: Mr I Warsap (Chief Executive)
Mr P Nicholson (Operations Manager)

1406 APOLOGIES FOR ABSENCE - Agenda Item 1

There were no apologies for absence.

1407 DECLARATIONS OF INTEREST - Agenda Item 2

There were no declarations of interest.

The Chairman welcomed Cllr M Cooper to his first Structures Committee meeting.

1408 MINUTES OF THE LAST STRUCTURES COMMITTEE MEETING - Agenda Item 3

Minutes of the last meeting held on the 21st March 2018, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

1409 MATTERS ARISING - Agenda Item 4

(a) REVIEW OF THE STRUCTURES REPLACEMENT POLICY - Minute 1250

Mr R Leggott questioned if the Lincolnshire County Council had been sent a copy of the Structures Replacement Policy? The Chief Executive responded that it has been sent to the central office, whereby it will also be distributed to all the local highway officers, district councils and borough councils.

(b) ACCESS BY THIRD PARTIES USING PUMPING STATIONS AS CROSSING POINTS - Minute 1251

The Chief Executive gave an update on third parties using pumping stations as crossing points. He explained that all parties involved at all the pumping stations have been contacted and gave the current situation of each pumping station as follows:

Pumping Station	Current situation
Swineshead	Locked gates in place.
Ewerby	Locked galvanised gates to be erected.
Chainbridge	Locked pedestrian gate.
Black Hole Drove	Gates have been removed following the committee's approval. Thanks have been received by the local community and ramblers.
Dyke Fen	Obtaining quotations for galvanised gates.

Therefore, the only pumping station outstanding is Great Hale pumping station, at which heavy agricultural equipment is continuing to cross over. Longstaff and Co. have responded as follows on behalf of the land occupier in relation to Great Hale:

'I have spoken further with my clients who have sort advice from their solicitor. Their solicitor has confirmed that they have an unrestricted right of access to this land and the Black Sluice Drainage Board do not have the right to impose restrictions on this access retrospectively.

My clients have said that they cannot see the purpose in meeting when their legal advice is clear. They went on to say they will respond to any attempts to restrict or impose conditions on their legitimate access to their land with legal action.'

The Board's solicitor has started to look into this and provided the following information:

'On 6 July 1965 the Board granted to the (then) owners of land comprised in Bridge Farm:

- 1. A right of way 20 feet in width*
- 2. At all times and for all purposes*
- 3. With or without vehicles and animals*
- 4. Over that part of the piece of land thereby conveyed as lies between the two broken blue lines on Plan 106/2B*
- 5. (To) enable (the Owner for the time being) to and egress from the land to the South West....*
- 6. (Further) such Right of Way shall be maintained at the Board's expense in a fit state of repair to carry normal farm traffic.'*

The Chief Executive added that the Board's solicitor doesn't feel there is any legal argument from the land tenants point of view, however, he has pointed out that they will have a duty of care in relation to damage to the crossing point and pumping station.

The Board's solicitor is therefore currently preparing a letter to the users of the crossing point regarding a way forward; accepting that they have a right of access but also ensuring that they are aware they have a legal responsibility for the condition of the crossing point and pumping station.

Cllr P Skinner noted that 'normal farm traffic', as referred to in the Board's grant to the owners of Bridge Farm, has advanced from relatively small and light equipment to today's heavy agricultural machinery. Therefore, the design may be inadequate for such heavy traffic. The Chief Executive added that he has questioned the exact definition of 'normal farm traffic' in 1965 with the Board's solicitor.

Mr P Holmes added that the vibrations caused by the heavy machines could be doing unseen damage. Therefore, it may be that future tenants have an accident due to the unseen damage caused by the previous tenant. He felt a structural survey should be completed.

The Chief Executive stated that the Board have been advised to and have implemented a diary system at the pumping station, whereby any employees attending the pumping station can log any third party machinery crossing to build up a log of evidence. The pumping station currently has no CCTV, the possibility of installing it has been discussed but the solicitor felt that it is not required at this time and that the diary log is sufficient. However, it was noted that attendance is infrequent and so monitoring the traffic crossing may be difficult.

Mr P Robinson questioned whether the Board's machinery needs to be able to cross it? The Operations Manager clarified that the Board do use the crossing point, mostly with the teleporter to clear weed away from the weed dump area and occasionally, when required, with the unimog and trailer. It was questioned whether, if a weight restriction was imposed as a result of the structural survey, if it would apply to the Board?

Cllr M Cooper questioned if there is an alternative route? It was noted that there is an alternative but it is a much further distance and over private land.

Mr R Leggott questioned whether the permission was given to the occupier of the land or the land itself? The Chief Executive responded that it is not the same occupier as in 1965 and the norm would be that the permission would have been transferred with the sale of the land. Mr R Leggott further questioned if it could be put in writing that when the land is next transferred the permission to cross is not transferred with it and therefore stopped, drawing a line under it that way?

The Chairman suggested that in the meantime should installation of CCTV and a structural survey be prioritised? Cllr P Skinner further added that an accelerometer could also be fitted to monitor the vibrations. Mr P Holmes felt that if the Board can prove the use of the crossing point through these suggestions then the Board will be able to prove responsibility for any damage caused.

Cllr P Skinner noted that it only states 'access' as opposed to 'unlimited access' and so it could be that the occupier has to request access for a Board employee to attend and let them across.

The Chief Executive stated that the Board want to work with the land occupier and make them understand the damage they could be causing and the consequential damage of collapse.

The Operations Manager added that he feels an intrusive structural survey is required. The Chief Executive added that the Board will move forward with this. The Operations Manager further noted it was constructed as an outfall bay, not as a crossing point.

The Chief Executive concluded that the Board's solicitor will continue to work on this case, with the outcome of the structural survey being relayed to the occupiers once completed. The Chief Executive added that he will continue to give updates at various meetings.

1410 REVIEW OF THE STRUCTURES REPLACEMENT POLICY - Agenda Item 5

The Chief Executive presented the Structures Replacement Policy, of which the Officers have reviewed and feel no amendments are required. Opinions of the committee were invited.

Mr V Barker made reference to paragraph 6.1 – Structures Carrying Highways. He noted that some drainage Boards have recently encountered problems with culverts under the highways. The Chief Executive responded that it is only hearsay, with the Board taking the approach that any culvert under a highway is the responsibility of the adopted authority. Richard Waters, the Engineer for structures at Lincolnshire County Council, has seen the Structures Replacement Policy and not responded with any feedback or comments and so is clearly aware of it.

The Operations Manager also added that when culvert No. 768 at Boston West collapsed in April 2018, Lincolnshire County Council replaced it following the Boards specification.

All AGREED that the policy be RECOMMENDED to the Board for approval.

1411 REVIEW THE STRUCTURES COMMITTEE TERMS OF REFERENCE - Agenda Item 6

The Chief Executive presented the Structures Committee Terms of Reference and invited opinions of the Committee.

Mr J Fowler noted that the committee have the power to 'reconstruct structures as long as the budgets are not exceeded'. He made reference to emergency situations whereby a large sum of money may be required for the work, questioning if the Executive or Works Committees would then be consulted to approve an emergency budget? The Operations Manager noted that if a collapse took place then the first priority is to re-instate the watercourse / remove the blockage, replacement of the culvert would not be immediate. Therefore, the costs would be quite minimal for a start in removing the blockage until discussion on a replacement culvert took place.

All AGREED that the Structures Committee Terms of Reference be RECOMMENDED to the Board for approval.

1412 TO APPROVE THE PROPOSED STRUCTURES REPLACEMENT PROGRAMME - Agenda Item 7

The Operations Manager presented the proposed structures replacement policy.

The original 2018/19 replacement budget of £68,200 has been reviewed. In light of the position of the operations team last year, some of this work wasn't going to be completed and so the decision has been taken to reduce the amount and reallocate that budget into rechargeable general maintenance. There are three culverts now being focused on as follows:

Table 1: Proposed Culvert Replacements 2018/19

No. 1253	Horbling Fen	40m x 0.6m	£9,524 (estimate)
No. 1283	Aslackby Fen	12m x 0.6m	£5,000 (estimate)
No. 755	South Kyme	12m x 0.9m	£7,000 (estimate)

The allocation for each culvert is the total cost for replacement. The Board's need for these culverts is currently being reviewed and analysed in light of the cost of replacement. It could be that a Board contribution is offered for all three.

This decrease in and review of the 2018/19 culvert replacement budget has been reflected in the 2019/20 replacement budget which totals approximately £3000. Generally, the value to the Board for each culvert replacement, over a twenty-year period, is in the region of a £1000 contribution from the Board. The identified culverts are only used once or twice a year which equates to the £1000 over the twenty years.

Table 2: Proposed Culvert Replacements 2019/20

No. 635	Swineshead	15m x 0.6m	Armco	£5,500(estimate)
No. 1795	Kirton	12m x 0.6m	Armco	£5,000(estimate)
No. 2880	Kirton	9m x 0.6m	BAT	£4,500(estimate)

The Operations Manager made reference to culvert No. 2880, noting that 'BAT' stands for Brick-arch tunnel. He continued by explaining that it is not currently 9 metres wide, but for practical use in the future it needs to be a minimum of 9 metres wide and potentially 12 metres wide. If over 12 metres in pipe length is required, then the landowner is approached in respect of a contribution for the extra width. Brick arch tunnels are old and narrow and so replacement of them requires future proofing to ensure that the culvert replacement is fit for purpose.

The lengths shown in the table are the lengths of the pipes, with tapered headwalls. The Boards standard culvert replacement is 12 metres; this will guarantee a 6 metre running width as it covers all drain depths. If the landowner wants more than a 6 metre running width, then the additional cost would be with the landowner. Each location and culvert is unique.

The Chairman made reference to the technical side of the headwalls and questioned if the Operations Manager was still happy with using broken kerb headwalls?

The Operations Manager responded, yes, they are a practical approach which are relatively simple for the Board's workforce to build, specialised skill is not required. The Chief Executive added that they are easily obtainable, easily transportable and relatively economical.

The Chairman referred to some culverts at Wyberton, noting that they have longitudinal cracks all the way along the mortar lines of the broken kerbs. He further made reference to another drainage Board's work using concrete sand bags. He expressed his concern of the longevity of the broken kerb headwall approach in comparison to the concrete filled sand bags. He suggested that a review of some of the broken kerb headwalls that have been completed in the last few years be undertaken and the concrete sand bags may possibly have a longer shelf life?

The Chief Executive added that the Operations Manager attends Engineers Forum's with other Lincolnshire Board's and can introduce this as a topic for discussion.

Mr P Holmes felt that the concrete filled bags would be more flexible with ground movement.

The Chief Executive noted that his concern with concrete filled bags is that the concrete needs to be mixed correctly to be effective, this has been an operational issue previously.

The Operations Manager added that, previously, all culverts had block headwalls but because of the skill set required to build them and the cost, other alternatives were looked into. The first alternative was the concrete filled bags, however they tend to deteriorate after a few years and don't offer protection to open ended pipes, which were hit with Boards machinery during maintenance. This is why the broken kerb is used.

The Operations Manager added that different options can be looked into and the Chairman will send some photos of the culverts at Wyberton he previously made reference to.

Mr R Leggott added that he has been pleasantly surprised with his culvert headwalls constructed using broken kerbs, adding that it has absorbed movement and is flexible, therefore serving its purpose.

Culvert Surveys Carried Out 2018 – 2019

The Operations Manager noted that there are c1350 culverts remaining that require inspection, over three years, it equated to completing 450 culvert inspections a year. He continued by explaining that the operations team have only managed to inspect 164 culverts in the past year. The Operations Manager explained that there is never an ideal time to inspect culverts, it is either too wet or there is too much vegetation, dedicated resource is required to complete as previously agreed.

It is possible to complete 25+ surveys per day per two-man team. However, until all surveys are completed a management plan can't be formed.

Mr P Holmes suggested that more staff are brought in as a dedicated team to complete the inspections so that the Board can be proactive as opposed to being reactive towards them.

The Operations Manager acknowledged that all the inspections need to be completed as soon as possible in order to create a full picture.

The Chief Executive added that the Board employ external hand roding operatives for a number of weeks during the summer and questioned whether they could be trained to form a couple of teams to inspect the culverts. The Operations Manager responded that it could be done, noting that the most difficult part of the survey is finding the culverts.

Mr W Ash stated that the operatives must be crossing these culverts all the time and questioned if they could do the inspection whilst there for maintenance? The Chief Executive added that it would slow down the operations programme. Mr V Barker suggested that if it was a serious 'red' situation of a culvert then the operative could put it in the tom-tom equipment.

It was established that, currently, the inspections are being conducted by area. Cllr P Skinner questioned if there was an asset register to give the age of the culverts, which could then be used to inspect the oldest culverts first? The Operations Manager responded that there isn't an accurate age list.

The Operations Manager felt that inspecting the culverts by catchment area is the most effective way of completing them, noting that those outstanding in almost completed catchments are due to a reduction in water levels being required.

The Chief Executive noted that the committee could, if they wanted to, request additional funds at the Board meeting to bring in additional staff to complete the culvert inspections.

Mr R Leggott expressed that rather than additional temporary staff completing the inspections on their own, he felt it would be beneficial for them to be grouped with current employees, for the beginning of the process at least. The Chief Executive agreed, stating that the additional staff would be accompanied by current employees for a number of inspections until they were comfortable with the correct process.

Mr P Robinson questioned if there could be a budgetary problem if lots of culverts are found to be in a bad condition? It was felt that all culverts still need to inspected in order to form a programme.

All AGREED that the officers will calculate a figure for temporary additional staff to be brought in to complete culvert inspections, which will be put to the Board for approval.

Culvert 1684 - Drain 2/37 - Mill Drain, Donington
(For information purposes only)

The Operations Manager made reference to culvert No. 1684 on the Mill Drain at Donington. It is located on a farm track that is accessed off the A52. The Operations Manager has been approached on several occasions about the replacement of this culvert and so the Operations Manager has provided a cost for this multiple times.

Recently, the land owner has asked again for a cost for replacement. Photographs of the culvert were displayed on screen, it being evident that something heavy travels across it which has consequently pushed the top of the headwall out.

The Operations Manager felt that there is some value to the Board, it is across a roadway that is of benefit for the Board's access. The total cost of the replacement of the culvert will be approximately £15,000+, with around a £1000 value contribution from the Board. The practical method of replacement would be to break out the top and fit the pipe between the brick arch.

The Operations Manager clarified that the land owner is aware of the cost and that there may be a contribution from the Board. The last cost given was in July 2017 when the Operations Manager received no further response.

Mr P Holmes suggested, given they have asked for quotes before and not responded, that an end date is put on the quote, for example, the quote will stand for six months only.

Proposed new access culvert - Drain 22/31 - Northgate
(For information purposes only)

The Operations Manager explained that the Board has been asked to consider a new application for a proposed new access culvert. The existing access is off Small Drove, which is quite narrow and therefore not really fit for purpose.

The applicant has applied for an 18 metre culvert (pipe length) to allow wide access due to the road being narrow, therefore making turning in off it difficult. The Operations Manager noted that he would like the culvert a minimum of 5 metres away from the Small Drove access so that the Board still has mechanical access for maintenance. There is a yard entrance the other side of the road and so the aim is to try and position the new culvert opposite the yard entrance to allow more room for turning.

The Operations Manager has had a lengthy discussion with the applicant regarding responsibility and cost, noting that the Board would only offer a small contribution as it would most likely only be crossed on an alternate annual basis. The applicant has been given the quote. The quotation doesn't include for any backfill.

There are two potential options that have been explained to the applicant as follows regarding backfill; generation of soil from the field on site or soil imported at an additional cost. It was suggested that soil from culverts that are hoping to be removed could be used.

Mr V Barker questioned if there were any culverts nearby that could be extended? The Operations Manager responded that there are no existing culverts that could be extended.

Planning permission will also be required in addition to the Boards byelaw consent.

Mr W Ash questioned if the Board should definitely give a small contribution to entitle them to access rights? The Operations Manager noted that it is not always necessary, if they are there and the Board require access then they will be used, whether any contribution has been made to them or not. The Board have permissive rights to do this, the Board only need to be responsible for the culverts that enable the Board to complete its operations.

The applicant has been provided with a specification and knows that even if the work wasn't completed by the Board, it would still have to be constructed to the Boards specification.

It was further noted that Anglian Water have recently started to put in a new culvert along the drain, of which the Board has authorised the application. The Board are hoping to work in conjunction with Anglian Water's traffic management.

Mr P Robinson questioned that if the Board made no contribution and it was merely the land owners responsibility to build the culvert, could access for the Board be refused? Mr W Ash felt that if the applicant paid 100% of the cost on the basis that the Board don't use it and therefore didn't make a contribution, he didn't feel the applicant would be too pleased if the Board then started to use it.

The Operations Manager noted that the existing access could still be used and there are restrictions on the field side with regard to summer maintenance, so the remaining section from the obstruction (barn) would have to be maintained from the road side anyway.

1413 ANY OTHER BUSINESS - Agenda Item 8

(a) RAILWAY CONTRIBUTION

Mr V Barker noted that in 1853, British Rail were paying £50 per mile to put a track on the Forty Foot bank and £50 annual maintenance to the drainage Board, most of which was Environment Agency bank. He further added that Black Sluice IDB have a section of the bank and questioned if the Board could re-introduce a rent / recovery of money? The Chief Executive noted that this had been noted with him before the meeting and so the Board's solicitor is going to look into it.

(b) UNCONSENTED APPARATUS WITHIN THE 9 METRE BYELAW

The Chief Executive introduced this topic, explaining that he wanted to get an idea of the approach the committee want to take in relation to this.

The Chief Executive explained that the 2019 Rating Brochure gives details of a twelve-month amnesty for unconsented irrigation equipment within the 9 metre byelaw distance. The land occupier will then be able to apply for consent to erect a marker post next to the unconsented apparatus to ensure that it is clearly visible.

The Chief Executive invited opinions of the committee, questioning whether the Board should take more of a 'zero tolerance' approach?

It was clarified that the byelaws are as strong and enforceable as the Land Drainage Act 1991 is.

Mr R Leggott felt that a strong attitude needs to be taken, with the rules being laid out clearly. Mr V Barker agreed with this, feeling that the issue is divided into two parts; permanent and temporary obstructions, with it being the temporary apparatus that is causing the problems and so needs addressing differently.

Reference was made to an ongoing case, whereby irrigation equipment was hit, that was not clearly visible. The Farm Manager has argued that it hasn't been hit in the last 20 years, but it maybe that it is a different operator now. Mr W Ash felt that the onus should be on the land occupier to clear the area and make it obviously visible.

The Chief Executive further added that a meeting will be held on Tuesday 14th May at 10:00am, whereby all irrigators or anybody with an interest within the area will be invited to attend the Boards offices to discuss this matter. Notification of this meeting will also be included in the 2019 rating brochure.

Mr P Holmes suggested contacting other local Boards to find out their approach and policies on the matter. He made reference to a neighbouring Board that don't even take responsibility for hitting consented apparatus.

The Chief Executive noted that the twelve-month amnesty period will be to erect a marker post and anything found that is not consented after that period may be removed. The Chairman also added that he would be hesitant in threatening the removal of equipment and suggested wording along the lines of 'In extreme cases, the Board has the right to remove any unconsented equipment...'

The Chief Executive added that following the meeting in May, a policy will be prepared for Board approval.

Mr R Leggott noted that farmers won't always be able to guarantee where the apparatus will be put until the time it needs placing. He suggested the wording 'as soon as practical' rather than asking them to tell the Board within a certain timescale.

It was questioned whether a suitable post had been finalised? The Chief Executive explained that no supplier has been able to provide a suitable post yet. Mr P Holmes added that it might be advisable to purchase a few for review before purchasing and committing to a large quantity.

All AGREED that a firm 'zero-tolerance' attitude be taken by the Officers towards unconsented apparatus within the 9 metre byelaw distance.

There being no further business the meeting closed at 16:08.