

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a Meeting of the
Northern Works Committee

held at the Offices of the Board on
7th September 2021 at 15:36

Members

Chairman - * Mr P Holmes

Cllr T Ashton	Cllr R Austin
* Cllr P Bedford	* Mr M Brookes
* Mr D Casswell	Cllr M Cooper
* Mr J Fowler	* Cllr M Head
* Mr R Leggott	* Mr R Needham
* Cllr F Pickett	* Mr J E Pocklington
* Mr P Robinson	Mr N Scott
Cllr P Skinner	* Mr R Welberry

(* Member Present)

In attendance: Mr D Withnall (Finance Manager)
Mr P Nicholson (Operations Manager)
Mr K Methley (Pump Engineer)
Mr K Casswell (Chairman)

1834 RECORDING THE MEETING – Agenda Item 1

Members were informed that the meeting would be recorded.

1835 APOLOGIES FOR ABSENCE - Agenda Item 2

Apologies for absence were received from Cllr T Ashton, Mr N Scott, Cllr R Austin, Cllr M Cooper, Cllr P Skinner and Mr M Rollinson.

1836 DECLARATIONS OF INTEREST - Agenda Item 3

Declarations of interest were received from:

- Mr R Welberry – Minute 1839 - Breach of Board consent at Coles Lane, Swineshead
- Mr M Brookes – Minute 1839 - Breach of Board consent at Coles Lane, Swineshead
- Mr D Casswell – Minute 1839 - Proposed works to Drain 14/2, Mill Green Farm, South Kyme

1837 MINUTES OF LAST MEETING - Agenda Item 4

The Minutes of the Northern Works Committee, which was held on 2nd June 2021, copies of which had been circulated, were considered. It was AGREED that the Minutes should be signed as a true record.

1838 MATTERS ARISING - Agenda Item 5

There were no matters arising.

1839 DISCUSS THE OPERATIONS REPORT & INSPECTION - Agenda Item 6

The Chairman thanked the Operations Manager for organising the inspection day which he felt covered a diverse range of topics.

The Operations Manager led discussions about the inspection, as follows.

1. PROPOSED WORKS TO DRAIN 14/2, MILL GREEN FARM, SOUTH KYME

The Operations Manager outlined the proposal, as below:

Pipe a 115m section of Drain 14/2 (Board maintained watercourse) and connect the existing surface water drainage outfalls from the farm buildings into a 150mm (6 inch) perforated pipe. Use the foundations of the old IDB pumping station as backfill for the piped section. The remaining 280m of open watercourse would be cleaned out by the applicant. Once works completed, proposed that the Board give up the drain and the applicant take on all future maintenance and responsibility of the watercourse (Drain 14/2). All works will be required to meet the Board's specification.

Proposed by Mr K Casswell, seconded Mr P Robinson, all AGREED to the above proposal to be funded by the landowner/occupier.

2. SOUTH KYME PUMPING STATION – PROPOSED RECTIFICATION WORKS TO REPAIR BANK LEAKAGES FROM EA MAIN RIVERS AFFECTING SOUTH KYME, EWERBY, DAMFORD AND TRINITY COLLEGE PUMPING STATIONS 2019 - 2021

The Operations Manager reminded the committee of the issues that have occurred in times of high-water levels, with water getting over / seeping through the bank. Investigations have taken place, the outcome of which has been previously reported to the committee. Quotations are now being awaited for the cost to complete the works required which will be reported to either this committee or the Board, whichever is first. The Environment Agency (EA) have agreed to provide a purchase order to cover these costs.

Cllr M Head referred to the wall on the eastern side of the pumping station, questioning if any investigation has taken place to determine whether it requires underpinning? The Operations Manager explained that groundwork investigations have taken place over a period of three months and has concluded that it doesn't require underpinning.

Mr R Welberry noted that the outfall of the drain comes out at the Skirth, which in turn goes straight into the South Forty Foot Drain (SFFD) without any barrier, suggesting this as a weakness. The Operations Manager noted that all the eight highland carriers are a weakness and that the EA are looking into reducing flows into the SFFD, referencing the natural flood management scheme being piloted at Swaton using an attenuation pond.

The Chairman questioned if anything was progressed regarding having to pump the same water multiple times? The Finance Manager noted that the amount that would be received would be negligible.

The Operations Manager noted that the duration of recent high-water events may have been a contributing factor to this issue, highlighting that when the water level is so high for a continuous period, it saturated the banks without allowing them time to dry out again.

Mr K Casswell also felt that the speed the water is draining off land is a contributing factor, noting that farmers can't produce established crops and roots like they used to, meaning the crop isn't holding water in the land like it did. Heavy equipment causing compaction will also be impacting.

Mr R Leggott questioned if there was anything else the Board could do, such as review the pumping programme?

The Chairman noted that it is hard to prepare for such extreme weather patterns that have been experienced in the past few years. He also informed the committee that consideration is being given to having a whole catchment survey completed which will look at each catchment with a 'blank sheet' and give thought to how it would be operated if it was being started 'from scratch'. The Chairman also noted the South Lincs Water Partnership (SLWP) could impact on the operation of the catchment.

Mr R Needham questioned if the Board have had any connection or influence on developing the Environmental Land Management Scheme (ELMS)? It was confirmed that there has been no connection with this, also noting that schemes such as ELMS tend to be nationwide and not area specific.

3. PROPOSED FOUL WATER MAIN CROSSING – NORTH FORTY FOOT DRAIN, BOSTON WEST – FX1821

The Operations Manager informed the committee of Boston Borough Council Planning Application B/17/0367 for a 1200 home development north of Endeavour Park.

The Operations Manager noted that the 9-metre byelaw will be maintained at both sites of the development. One of the possible ways forward in relation to desilting could be with a cutter suction dredger, however, it only becomes cost equivalent on large scale projects such as the SFFD. The Operations Manager added that it is his aim to ensure that the 9-metre byelaw remains undeveloped so that the traditional method of using the excavator and depositing the spoil on the 9m byelaw land can be used.

Mr R Welberry questioned if dams are put in place with the cutter suction dredger for the fish? The Operations Manager noted that it is not required because the machine is moving that slowly they usually move out of the way and can pass through the machine.

Mr J Pocklington noted that the 9 metres is not going to be enough space for the spoil time after time, questioning if anything could be got back from the developers for carting it away?

The Operations Manager explained to the committee that whenever spoil is carted away, it must be tested for contaminants. If it is contaminated, the costs associated with taking it away then increase considerably as it must be taken to specific waste transfer sites. The cost of this was explained to the developer, after they stated they didn't want the spoil leaving on the 9m byelaw land, who never responded and so it will therefore be left on the 9m byelaw bank. The Operations Manager agreed that 9 metres is not big enough for desilting time after time, adjacent to a watercourse as large as the North Forty Foot.

The Chairman also noted that there may be new methods to use in the future also.

4. NORTH FORTY FOOT DRAIN WORKS – DESILTING BY SUCTION DREDGER – AUTUMN / WINTER 2021-22

The Operations Manager explained to the committee that the lagoon is already completed because works should have been completed by now, but unfortunately, due to COVID-19 this was not possible. It is now programmed to commence in the first week of November 2021 and complete within 5 weeks. Preparation works for this will include de-vegetation of the watercourse and removal of some of the trees and bushes.

It was also confirmed that written notification was issued for any unconsented structures in the watercourse from the adjacent properties and that if not removed by them, the Board would remove them.

Mr R Welberry questioned if the property owners have the right of the bank at the back of their properties? The Operations Manager explained that it is riparian, however, the Board has the byelaw powers to stop structures adjacent.

Mr D Casswell felt it would be beneficial to send a reminder to the property owners, which the Operations Manager confirmed would be done now that the programme dates have been confirmed.

5. BOSTON BARRIER & SOUTH FORTY FOOT DRAIN NAVIGATION LOCK

The Operations Manager noted that he hopes the committee found the visit and presentation at the Boston Barrier interesting.

Mr R Welberry questioned if the banks from the Dock down the Haven have been raised? It was confirmed that they already have been, the first section is now 7.55m ODN, the Board were involved through PSCA work through a subcontractor.

6. HERON PARK RESIDENTIAL DEVELOPMENT – WYBERTON LOW ROAD – DRAIN 6/20

The Operations Manager explained that this development is adjacent to a critical watercourse. A critical watercourse is one in an urbanised area with a lot of hardstanding and run off, therefore having more importance. The Board's critical watercourses are maintained dependent on the vegetation growth up to three times a year.

The Operations Manager continued by explaining to the committee that discussion has been held with Longhurst Housing Association and Chestnut Homes about a commuted sum. LHA agreed to purchase protective mats for the Board to use and keep, to enable access to site and protect the areas that will be travelled on by a Twiga and excavator. The commuted sum reflects the additional cost of having to deliver / place / load / return the ground protection mats and carting away any spoil. The proposed commuted sum is outlined below:

Longhurst Housing Association commuted sum (based on an annual average 2% compound interest) and based upon a 229m frontage

- Annual maintenance £3,000 x 25 years x 2% compound interest
£96,090.00 (Combined)

Based upon 3 maintenance visits per year as this is a critical watercourse.

- Desilting based upon 3 visits to site over the 25-year period
£44,500.00
- **Total cost commuted sum over 25 year period £140,590.00 +VAT**

The Board's solicitor is currently reviewing a legal agreement.

Chestnut Homes commuted sum (based on an annual average 2% compound interest) and based upon a 98m frontage

- Annual maintenance £3,000 x 25 years x 2% compound interest
£96,090.00 (Combined)

Based upon 3 maintenance visits per year as this is a critical watercourse.

- Desilting based upon 3 visits to site over the 25-year period
£22,350.00

The Operations Manager noted that the ideal is that developments do not put tarmac / block paving etc. on the 9m byelaw area to enable the machines to run on the bare bank without extra cost. It was also noted that it was permeable block paving that was applied for, but tarmac has been laid.

Mr R Needham confirmed that the developers have done something that wasn't agreed, feeling that if they are twisting consents to suit them then it needs to be clearer.

The Operations Manager added that it does state in the byelaws that the Board are not responsible for any damage. Further noting that land will continue to be developed and so more and more watercourses will be adjacent to developed land whereby the method of maintenance will have to be reviewed.

The Chairman felt that the Board should continue with their usual operation and run on the tarmac with the machines and see if the developers do anything about it.

Mr P Robinson felt that the Board should be stricter and felt it would be better to stop it before it was done.

The Operations Manager explained that the Board are not always aware when the construction is going to start, and once consent has been gained there is no timeframe on it to commence the works.

Mr P Robinson argued that the consent is given under the conditions of the byelaw.

Cllr P Bedford noted the amount of planning application alterations the developers applied for and questioned if the Board are consulted every time an amendment is applied for?

The Operations Manager replied that the Board should be but wasn't sure if that was always the case.

The Chairman suggested that a closer affiliation to the council's planning department may be beneficial, suggesting it may be useful to invite to the Head of Planning for Boston and East Lindsey (Mike Gildersleeve) to the inspection tours. Cllr P Bedford to contact Mike Gildersleeve on behalf of the Board.

7. WYBERTON MARSH PUMPING STATION – PUMP REFURBISHMENT

The Operations Manager reminded the committee of the agreed decision to prioritise the refurbishment at Wyberton Marsh Pumping Station and defer Great Hale Pumping Station weedscreen cleaner.

The estimated cost, prior to removal, to refurbish one of the pumps was £18,000 which is currently being refurbished and is expected that the estimate was accurate. It is anticipated ~~hope~~ that the next pump will also cost similar, and it is not felt that the third pump requires refurbishment at this time. The remaining budget for this scheme (£6,000) will be used to refurbish some of the motors.

The Operations Manager also highlighted the new weedscreen cleaner at Wyberton Marsh Pumping Station, which was completed in October 2020, during COVID-19 restrictions. It was noted that some of the parts from the old cleaner are now kept in stock as spares.

8. QUADRANT DEVELOPMENT – PROPOSED REALIGNMENT OF WYBERTON TOWNS DRAIN

The Operations Manager informed the committee that there has been a further proposal.

The Board's Officers have previously discussed with Chestnut Homes and identified Revision C as the best realignment proposal (making the boundary straight). There has since been further revision and Revision F has been proposed, which only removes one bend.

The Board has been asked to provide an estimated cost for the Board to clear the existing watercourse of bushes / trees vegetation, realign and fill in the line of the existing watercourse which is £42,500 + VAT. The Operations Manager has explained to Chestnut Homes that the Board do not have to complete the work but has provided the specification it needs the works to be completed to. The Operations Manager also highlighted to the committee that any future agreements will contain a caveat that the banks must be stable upon completion and that costs would increase if the banks are unstable.

The Operations Manager also made the committee aware that Chestnut Homes have informally asked the Board's opinion about the potential to redevelop the site to fit more houses on it and face some properties towards the watercourse. The Operations Manager has responded that this matter cannot be advised upon unless a formal application is made and that it may be likely it would have to go to the Board for approval.

The Chairman questioned if there would be enough soil to fill in the existing bend with the new cut as it would be land locked.

9. BREACH OF BOARD CONSENT – COLES LANE, SWINESHEAD

The Operations Manager referred to planning application BB/0447/20 submitted to Boston Borough Council (BBC) in late 2020 for a proposed bungalow and associated works. BBC specified the requirement for boundary fencing for the property as a condition of the planning permission, which would place the fence within 9 metres of pipe Drain 4/44. The landowner applied to the Board for a relaxation of Byelaw No. 10 for the proposed fence and consent 2021-B03 was granted. The conditions of which included the following:

Condition 3: Any fences or gates to be erected within 9 metres of the Board-maintained piped watercourse 4/44 along the western boundary shall be fully demountable and shall be erected such that no manhole along the piped watercourse is obstructed.

Condition 9: No other structures, including planting, whether permanent or temporary, shall be sited within the 9 metre Byelaw distance without the prior written consent of the Board.

The Board subsequently received correspondence and photos from the landowner as follows:

'I am writing to you in the hope that you can offer some advice/assistance regarding the above development. We have spoken previously around 6 months ago whilst trying to obtain planning permission to build a sixth property on the site, which was successful.

Whilst constructing this property I have also built a retaining wall on the eastern side of the entrance drive, the reason for this, there is a considerable difference in ground level of the driveway to the garden of The Croft.

When having the topographical survey of the site, this area was omitted, and the architect was unaware of the potential problem.

Therefore, when submitting his drawings, he has stated that a demountable timber fence would be erected, but obviously this would be insufficient to retain the garden soil approximately 600/700mm in height.

A neighbour has informed the local authority planning department that I have built the wall contrary to the planning permission. They have in turn notified me that I will need to apply for planning permission for the wall, this shouldn't be a problem but would be if the Black Sluice objects! I am hopeful that there can be a solution to resolve this issue, as I am sure you are aware the cost of constructing a garden wall is a considerable one. If you wish to call me, please do not hesitate to contact me.'

The Operations Manager informed the committee that the Board's Officers have been out to site. The Operations Manager can see the reasoning behind the landowner building the wall, but that he should have approached the Board to discuss this before erecting the wall.

Cllr M Head noted that he can see both sides of this but raised his concern about setting a precedence. He also posed the thought around whether consent would have been granted to build a brick wall there if he had asked prior to building it.

The Chairman agreed with Cllr M Head's concern about setting a precedence and felt that if the landowner was asking for consent to build the wall, as he should have done, prior to building it that the Board would not have granted consent for it. The other element the Chairman felt needed to be considered is that the Board employs a full time Planning and Byelaw Officer and by overlooking the wall being built it may be seen as undermining the role of that employee.

Mr R Leggott noted that he went to the site a few days ago and spoke with the landowner, noting that he can see why it was done. Mr R Leggott also looked at the position of the inspection chamber and felt that, in his opinion, the machinery used could reach over the wall. Also highlighting that the landowner is putting a grass roadway into the inspection chamber. However, Mr R Leggott still wasn't sure that it was the correct thing just to let it continue and suggested the possibility of getting indemnification on the deeds of his property.

The Chairman noted that the wall is not detrimental to access, but worried that the building of the wall may decrease the serviceable life of the pipeline underneath it because of the weight of the wall. The Chairman added that he can understand the purpose and reasoning for the wall, but that it shouldn't be there, and the Board don't want to set a precedence.

Mr R Needham questioned whether the landowner knew that he wasn't allowed to build the wall? It was confirmed that the consent was given for a fence only and so the landowner was aware a wall was not consented.

Mr R Needham highlighted the reoccurring problem of people not following the Board's consent and felt that something needs amending, for example the Board inspect at stages of construction, to ensure that the conditions of the consent are followed.

The Finance Manager highlighted that the Board's byelaws can be enforced with a level 5 standard scale fine with the Criminal Justice Act 1982 and then a further fine for every day on which the contravention or failure is continued after conviction.

Mr J Fowler suggested that when planning permission is granted there is a building inspection carried out for anything relevant to the Board. Mr J Fowler felt that the options in this case at Coles Lane, Swineshead would be removal of the wall, a commuted sum to cover the potential demolition of the wall for future maintenance of the pipeline to be included within the deeds of the property. Therefore, any future owner of the property would be aware and responsible for the wall.

The Chairman felt that the first action should be to see if the deeds of the property can be altered and questioned what Mr M Brookes thought of this as he knows the landowner? Mr M Brookes felt the landowner would be happy to negotiate with the Board.

Mr P Robinson raised his concern for people and developers doing unconsented work.

The Chairman noted that the Board haven't got enough 'feet on the ground' to be able to check everything that is being done continually.

Cllr M Head referred to the block plan of Coles Lane, Swineshead and highlighted that the indemnity on the deeds would need to be for two properties; both The Croft and the new bungalow situated behind it as the wall runs adjacent to both.

The Finance Manager also noted that directly above the pipe is subject to Section 23 of the Land Drainage Act which retrospective consent can't be given for.

The Chairman suggested a time frame to have resolved this case by of 12 months. It was also suggested that further discussion to be had by the Structures Committee regarding 9 metre byelaws being left solely for the purpose of the Board i.e., not tarmac, paving etc. It was suggested that it may be beneficial to invite the Planning Officer to the Structures Committee meeting.

The Chairman asked Mr R Welberry and Mr M Brookes to report back to the landowner, on behalf of the Board.

ENGINEERING REPORT

The Operations Manager presented the report on Engineering Works, highlighting points as follows.

1. CAPITAL ASSET IMPROVEMENTS

(a) 2021/22 Defra/EA Funded Grant in Aid (GiA) Schemes

(i) NORTH FORTY FOOT CLEANSING/REVTMENT & LANGRICK ROAD PIPELINE

There were no questions or comments on this scheme.

(ii) REMOTE MONITORING, TELEMETRY H&S SCHEME

There were no questions or comments on this scheme.

(b) 2021/22 Board Funded Capital Schemes

(i) REMOTE MONITORING & CONTROL (H&S SCHEME)

The Operations Manager highlighted the Grant in Aid Manager has been working on this scheme and it is now likely that 100% Grant in Aid funding will be achieved, with the total value of the scheme being £204,500.

(ii) JETTING TO MAJOR PIPELINES

There were no questions or comments on this scheme.

(iii) GENERAL CULVERT CONTRIBUTIONS

The following culverts are proposed to for replacement / contribution:

No. 635	Swineshead	15m x 0.6m	Armco	£1k max contribution
No. 1795	Kirton	12m x 0.6m	Armco	£1k max contribution
No. 2880	Kirton	9m x 0.6m	BAT	Potential to give this up

A Board contribution has also been agreed towards Culvert 1469 in Bicker following its replacement.

(c) Pumping Station Schemes

(i) WYBERTON MARSH PS REFURBISHMENT

The Operations Manager confirmed that works have commenced, one pump is currently out and will be reinstalled before taking the second pump out for refurbishment.

2. PROPOSED WORKS 2022/23

(a) Defra/EA Granted Schemes

The Operations Manager informed the committee that there are 26 schemes within the next 6-year programme and these schemes will be brought into the Board's 10 year programme based on priority.

(i) EWERBY FEN CATCHMENT WORKS

There were no questions or comments on this scheme.

(ii) BICKER FEN CATCHMENT WORKS STUDY

There were no questions or comments on this scheme.

(iii) EWERBY FEN CATCHMENT WORKS STUDY

There were no questions or comments on this scheme.

3. INFORMATION ON SITE INSPECTION AT TRINITY COLLEGE P/S

There were no questions or comments on this scheme.

4. DRAIN MAINTENANCE

There were no questions or comments on this scheme.

5. PUMPING STATION MAINTENANCE

There were no questions or comments on this scheme.

6. EXTERNAL RECOVERABLE WORKS

There were no questions or comments on this scheme.

7. HEALTH & SAFETY

There were no questions or comments on this scheme.

8. SUMMER CUTTING WORKS (FLAILING) 2021 MAP

The Operations Manager highlighted that the map shows the flailing work up to date which commenced the first week in August 2021.

9. SUMMER CUTTING WORKS (RODING) 2021 MAP

The Operations Manager highlighted that the map shows the roding work up to date which commenced not long after the flailing. This is the closest together the roding has started following the flailing due to starting the flailing later this year.

Mr D Caswell noted that from a farmer's perspective the change to starting the programme later has been beneficial as crops are not ran on by the Board's machinery just before they are about to be harvested.

1840 REPORT ON RAINFALL - Agenda Item 7

The rainfall figures at Swineshead were circulated. The Committee RESOLVED that this report be noted.

1841 ANY OTHER BUSINESS - Agenda Item 8

(a) SOUTH FORTY FOOT DRAIN (SFFD) DESILTING

Mr R Needham questioned if there was any progress with desilting any more of the SFFD?

The Operations Manager explained that the Board are still wanting to continue with the desilting of the SFFD and that he believes that the person he is dealing with at the Environment Agency (EA) also wants to continue but doesn't think anything will happen this year now. The Board are wanting to complete from the A52 to the A17.

The Operations Manager also noted that downstream of the A52 the SFFD changes and widens, becoming more 'river like' and the EA therefore think they may not need to carry out the same process. An EA survey is currently being awaited.

(b) CLAYDIKE FARM – FX1468

The Operations Manager reminded the committee of the Board's offer of £3,000 for the repairs to the damaged concrete. As of mid-August, no repairs appear to have taken place (confirmed by Operations Supervisor).

The Operations Manager informed the committee, as a matter of interest, that in July 2021, Mr Gadd submitted a planning application to Boston Borough Council for the conversion of his existing barn to a large dwelling (B/21/0300).

There being no further business the meeting closed at 17:31.