

# **BLACK SLUICE INTERNAL DRAINAGE BOARD**

## **MINUTES**

of the proceedings of a meeting of the Structures Committee

held at the offices of the Board on  
21<sup>st</sup> March 2023 at 2pm

### **Members**

Chairperson - \* Mr J G Fowler

* Mr W Ash	* Mr V A Barker
* Mr P Holmes	* Cllr M Cooper
* Mr P Robinson	* Cllr P Skinner
* Mr C Wray	

\* Member Present

In attendance: Mr I Warsap (Chief Executive)  
Mr P Nicholson (Operations Manager)  
Mr D Withnall (Finance Manager)  
Mr S Harrison (Works Manager)

#### 2113 Recording the Meeting - Agenda Item 1

Members were informed that the meeting would be recorded.

#### 2114 Apologies for absence - Agenda Item 2

There were no apologies received.

#### 2115 Declarations of Interest - Agenda Item 3

There were no declarations of interest received.

#### 2116 Review the Structures Committee Terms of Reference - Agenda Item 4

The Chairperson presented the Structures Committee Terms of Reference.

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

#### 2117 Minutes of the last Structures Committee Meeting - Agenda Item 5

Minutes of the last meeting held on the 22<sup>nd</sup> March 2022, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

(a) Small Drove – No. 718 – FX1760 – Minute 1949(a)

The Operations Manager noted that there is no update on this culvert as such, the Board continue to monitor and Lincolnshire County Council are aware that the Board will remove any blockage caused from the failure of their culvert. Lincolnshire County Council's current Structural Engineer, Richard Waters, is due to retire and Ian Booth is the newly appointed person for that role.

(b) Quadring Fen – No. 50 – FX1761 – Minute 1949(b)

The Operations Manager noted that there is no update on this culvert as such, the Board continue to monitor and Lincolnshire County Council are aware that the Board will remove any blockage caused from the failure of their culvert.

Mr V Barker noted that there is some work to be done on Quadring High Fen Road and he suggested it would be efficient to tie in that work with Lincolnshire County Council's work on the culvert.

(c) Byelaw Infringements and how can we engage more with our local planning officers – Minute 1950

Mr P Robinson noted that he felt Mr M Gildersleeves (Assistant Director – Planning & Strategic Infrastructure for Boston Borough Council, East Lindsey District Council and South Holland District Council), who attended the previous Structures Committee meeting, was not particularly helpful or cooperative.

The Chief Executive reminded the committee that he wrote to all the district and borough planning departments within the Board's catchment, with a map to highlight all the IDB maintained watercourses in their catchment and request their views on the proposal the Board is contemplating of taking an approach that allows nothing to be consented within a 9 metre easement strip.

The Chief Executive continued that they have tried to arrange a meeting with representatives from each of the planning departments, but have been unsuccessful. North Kesteven District Council have said that they can't send an Officer to attend (Cllr M Head will attend), South Kesteven District Council have also said that they can't send an Officer to attend (Cllr R Reid will attend), Mr M Gildersleeves of Boston Borough Council can attend and a response is yet to be confirmed from South Holland District Council. The Chief Executive noted that they are going to produce a 'Best Practice' guide to be discussed and reviewed at this meeting. The guide will be centred around the Board's policy no. 8, Relaxation of Board's Byelaw No. 10 (the 9 metre byelaw).

Mr W Ash questioned what is hoped to be agreed? Noting that he thought the Board should take the stance of no development within 9 metres and no negotiating that.

The Chief Executive responded that the concern from the Board's Planning and Byelaw Officer is that the Board's enforcement of the 9-metre byelaw under the Land Drainage Act isn't getting through to the planning departments or building control. The Chief Executive noted that the approach of no development within the 9 meters will be the starting point, with different negotiations around the degree of relaxation for each application.

Mr W Ash felt that varying responses for each application meant that nobody would know where they stand, noting that if one person is allowed to develop within the 9 metre byelaw access, they will all want to.

The Chief Executive noted that if the Board wish to take an approach of no development within any 9 metre byelaw areas with no negotiation or relaxation at all, then the Board do have the power to do so, but it won't be well received by planning departments.

Cllr M Cooper mentioned permitted development, for which planning permission is not required, it only gets submitted to building control, it also being noted that there are private companies that offer building regulation approval and so doesn't even necessarily come through the council at all. It being further added that you can currently extend up to 6 metres single storey under permitted development, however, the government are looking to increase this dimension and make it two storey.

Cllr P Skinner noted that Cllr Robert Reid is currently chair of the Flood and Water Committee which helped produced a piece of work on SuDs guidance, suggesting that if something similar was done for the 9 metre byelaw, through ADA, it would perhaps have more force and weight behind it.

The Chief Executive referred to the letters sent to the councils following the Board meeting and noted the following that was within the response of Boston Borough Council, *'I would urge your members to think again on this proposal and retain the current mechanism. If you are experiencing management issues because of breaches other cures need to be identified. Again, because of the lack of evaluation, evidence and consideration of the implications, it is impossible for us to comment accurately. We would however be happy to continue to engage and work with you on ways which may find a more appropriate balance between all of the factors relevant to this matter.'*

Mr P Holmes noted a previous response from developers that they need to be able to fit as many houses on the land in order to justify the expenditure of the plot, adding that if they know they can't build on that 9 metre byelaw then the marketplace will dictate they will pay less for the land. Mr P Holmes also felt that the guidelines the council must meet regarding the number of houses being built is also not a responsibility of the Board and should therefore not be relevant to the 9 metre byelaw.

Mr V Barker questioned whether other IDB's have the same 9 metre byelaw? The Chief Executive responded that previously, each IDB throughout the country had differing byelaw distances, ranging from 6 metres to 21 metres.

This has previously caused some issues and so ADA provided guidance of 9 metres. Mr W Ash felt that the planning departments need making aware that the 9 metre byelaw is nationally advised by ADA.

Mr P Holmes noted his concern for the future operations of the Board if there are more and more inaccessible places for the Board's machinery.

The Chairperson felt that the default position of the byelaw is that there is no development within that 9 metres.

Mr W Ash also felt that any main watercourses need identifying and there to be no relaxation adjacent to these watercourses. The Chief Executive noted that this is the case for the Board's high priority watercourses.

The Operations Manager noted that IDB's need national recognition like other utilities such as electricity and gas companies.

Mr P Holmes also noted his nervousness around having block paving and driveways within the 9 metre byelaw area, acknowledging commuted sums, but adding that these commuted sums have a definitive timeline.

Mr V Barker suggested that the developer could use the 9 metre byelaw as part of their environmental contribution. Mr P Holmes noted that it isn't that straight forward because of the Board's access for maintenance.

The Chief Executive also referred to desilting and that the Board leave the deposits on the bank top, which could therefore be very close to houses. Therefore, some developers provide the Board with a commuted sum for the removal of that silt.

Mr W Ash felt that the new occupiers of the houses should be aware of this. The Chief Executive noted that it is not mentioned in a house survey if it is adjacent to a Board maintained watercourse.

2119 Review of the Structures Replacement Policy - Agenda Item 7

The Chairperson presented the Structures Replacement Policy.

The Operations Manager noted that there is a lot less 'push back' and fewer questions with this policy as it provides a more clarified approach.

All AGREED that the Structures Replacement policy (No. 9) be RECOMMENDED to the Board for approval.

2120 Receive the Structures Report 2023 - Agenda Item 8

The Operations Manager presented the Structures Report 2023, with accompanying photographs displayed on screen.

(i) Structures Replacement / Contribution Programme 2023/24

The Operations Manager reminded the committee that the landowner does not receive the Board's contribution until the culvert has been replaced.

All AGREED the Structures Replacement Programme 2023/24 as below:

No. 635	Swineshead	15m x 600mm	Armco	£1k max contribution
No. 1795	Kirton	12m x 600mm	Armco	£1k max contribution
No. 2989	South Kyme	18m x 1200mm	Armco	£1k max contribution
No 1469	Bicker Fen	18m x 1200mm	Armco	£1k max contribution
No 2757	Holland Fen	12m x 600mm	Armco	£1k max contribution

(a) Boston West – No 2757 – FX1764 – 12m x 600mm Armco (Field entrance, close to road)

Photographs were displayed on screen.

The landowner doesn't want to replace the culvert because of the cost, however, the tenant needs it. The Board have highlighted the condition of it and that it could fail imminently and therefore will monitor it, in light of collapse and obstructing the conveyance of water.

The Operations Manager highlighted some bank repair work completed by the Board adjacent to the culvert which was carried out following the bank collapsing after desilting works. It was whilst carrying out this work that the Board noticed the poor condition of the culvert.

The Operations Manager confirmed that there is another access that the Board can use to gain access for maintenance of the drain from both sides.

Mr V Barker referred to the photograph on the bottom right of the screen, showing the bank repair works using stone. He noted that this reminds him of some similar work carried out by the Board at Dowsby Lode, which, at the time of the work being completed, Mr V Barker thought had been carried out to a very high standard. However, not long after, the bank slipped in. Mr V Barker therefore suggested that perhaps something needs driving further into the ground to stop it slipping.

The Operations Manager noted that using stone does work in the right application, adding that this work has been successful and has not slipped back in.

(b) Bicker Fen – No 1469 – FX1769 – 18M X 1200MM Armco (Farm track field entrance)

Photographs were displayed on screen.

The section that failed has been removed, the landowner is aware of the condition of the culvert, but has chosen not to do anything with it yet.

The Chief Executive questioned if it is the defiance of landowners that is the reason they are choosing not to replace their culverts?

The Operations Manager noted that he explains to the landowners that the Board do use it and therefore offer a contribution to its replacement, but it is a convenience, and the Board could still carry out their job without it.

The Board will monitor this culvert and will remove any failure of the culvert that prevents conveyance of water.

Mr V Barker noted the believes concrete pipes last longer than Armco.

The Operations Manager noted that it is up to the landowner what materials they use and how they replace it, as long as it meets the criteria the Board are happy with.

(c) South Kyme Fen – No 2989 – FX1888 – 18m x 1200mm Armco (Field Entrance)

The Board was notified by the landowner about this culvert starting to collapse because there was a hole in the top of the bank. It was blocking the watercourse and so the Board removed it to allow conveyance.

An estimate for the replacement of this culvert was provided by the Board, accepted and has now been replaced due to the landowner needing it to be able to harvest the crop, the Board will ask the landowner to invoice the Board for its contribution to the repair.

(ii) Culvert Surveys Reports

The Operations Manager noted that at the last meeting of the Structures Committee, he reported that there were around 950 culverts left to survey.

The Operations Manager continued that last year the Board surveyed around 320 culverts which should have left around 630 to survey. However, it has become apparent that some of the data had not been processed and recorded and so the Board are in a stronger position than originally thought. There are actually only around 40-50 culverts left to survey. However, the Operations Manager noted that this data still needs to be confirmed.

The Operations Manager presented two maps on screen, the first outlining the culverts that the Board are responsible for (the culverts that the Board would pay the full amount for if they required replacing), the second outlining those in poor and very poor condition. However, noting that just because they are in poor condition doesn't mean that they are going to fail imminently.

The Operations Manager continued by reminding the committee of the Board's aim to have all culverts inspected, with the Operations Manager of the opinion that those culverts that the Board are responsible for and would pay for in full, should be priority for inspection going forward, followed by those culverts that the Board would contribute to.

The remainder of the culverts will be categorised in a RAG system and the landowner notified of the condition of their culvert/s.

The Operations Manager questioned whether the Board should continue to use those culverts that the Board would not contribute to their replacement?

The Chief Executive also questioned whether the Board should continue surveying those culverts that the Board has no association with? Or, whether the Board should take a more reactive approach and only become involved to remove any failed culvert preventing the conveyance of water.

The Chairperson felt that the importance of the culvert to the watercourse should be a contributing factor to this, suggesting that this element could be categorised in a RAG system also.

Mr V Barker noted his concern for a neighbour of his, noting that there was originally a ten-foot drain which had a culvert across for access, it being the only way of entrance. However, in the early 1960's it was widened to become a main drain to the Gosberton pump by the Board. Mr V Barker felt that the landowner should not be responsible for the cost of replacing such a culvert, if it were to fail, due to the Board widening the drain and installing the larger culvert, when the landowner could have carried out their work adequately with the smaller culvert across the smaller drain. The Operations Manager highlighted section four of the Structures Replacement Policy, as follows; *'However, this policy is not intended to cover every eventuality and the Board (in formal meeting) may waive the policy and make a determination on the basis of reasonable fairness to all parties.'*

The Operations Manager continued that from the Board's point of view, the priority culverts should be those that the Board has responsibility for and should be surveyed periodically, followed by those culverts that the Board would contribute towards, it is a question of whether the remainder of culverts are continued to be surveyed by the Board going forward? The Operations Manager gave his opinion that if the Board doesn't have an association with it then it shouldn't be the Board's responsibility to assess the condition of it, and if any failed and became an obstruction in the watercourse, the Board would then go and remove it.

Mr P Holmes felt that it has been proven over the last few years how difficult and time consuming it is to survey all the culverts and therefore felt that the surveying should be prioritised as the Operations Manager suggested above.

Cllr M Cooper added that even if the Board continued to survey those culverts that the Board has no association with and inform the landowner of its condition, that landowner may not even do anything about the culvert anyway. All the Board will do is remove it if it blocked a watercourse. Cllr M Cooper therefore agreed with the Operations Manager and Mr P Holmes and couldn't see the point in continuing to survey those the Board has no association with.

The Operations Manager next showed the committee, on screen, the information that is within the Board's database about each culvert.

Mr V Barker suggested that those culverts that have failed or are on the brink of failure should be easily identifiable, by an asterisk perhaps. The Operations Manager noted that this information is straight from the database, the Board can create a spreadsheet using this information which can then be colour coded etc.

The Operations Manager added that he is highly confident that the remaining culvert surveys will be completed in 2023/24.

(iii) Culverts reported in a poor condition

(a) Quadring Fen – No 3353 – FX1889 – 15m x 600mm Armco (Field Entrance)

The Operations Manager noted that this culvert has failed, and the Board have been to site and removed it from the watercourse.

The Works Manager has spoken with the landowner regarding the cost of repair.

(b) Bicker Fen – No 1090 – FX1885 – 12m x 600mm Armco (Farm track field access)

The Board has provided a quotation for the replacement of this culvert to the landowner but have had no response.

(iv) Information on investigations at Ewerby, South Kyme and Damford Pumping Station

This matter is covered within the below discussion.

(v) Trinity College Pumping Station water seepage from Long Skerth

(i) Stantec Technical Note Trinity College Pumping Station

The Operations Manager noted that he included the whole technical note from Stantec to show the committee what the Board receive back for the cost of the work.

The Operations Manager referred to page 27 of the agenda, referring to the proposal as follows; '*...the most appropriate form of remediation for the wingwalls would be to replace them with new walls. The most efficient method for this is likely to be to use interlocking sheet piles capped with a concrete wall.*'

The Operations Manager noted that he has had conversations with the Environment Agency (EA) about them funding this work, however, it is not high on their priority list as it is not currently causing them a problem.

The Operations Manager further expressed his concern that if the EA take a 'fix when fail' attitude in this case then if the banks failed around the pumping station the pumping station would be sitting on an island and unable to perform its job.

The Operations Manager further explained that all four of the pumping stations (Ewerby, South Kyme, Damford and Trinity College) are within the area of the EA's current Lower Witham Scheme. The new lead for this scheme is Louise Smith, who is the same person who works with the Board on FCERM applications. She has now been made aware of the situation with these pumping stations and is going to review the information. The Operations Manager adding that hopefully the Board is on the right path to getting where we want to be.

The Operations Manager reminded the committee that Stantec quoted another £50,000 to provide the specifications.

Mr J Fowler noted the EA's current attitude towards it is a 'watching brief'. The Operations Manager added that it hasn't supported the case because it has been so dry, as this problem only occurs during high water levels.

Mr P Holmes questioned if it only occurs in really extreme high-water levels? The Operations Manager responded that Damford Pumping Station has always had a problem with seepage, which is now known is through the bank. Further adding that the EA have carried out improvement works on the banks of the Kyme Eau but didn't complete the section adjacent to the pumping station. The Operations Manager noted that the EA have already provided funding towards the initial investigation inspections at these pumping stations and so, in that respect, have already acknowledged responsibility.

The Chief Executive added that in times of high-water levels, the Board's workforce would observe, noting his concern that something serious will happen at some point.

Cllr M Cooper added that it is only going to get worse.

Cllr P Skinner noted sections of bank failing in previous events at Wainfleet and on the Witham, adding that high water level events are becoming more frequent with the effects of climate change.

It was noted that, at least, one of these pumping stations could potentially become redundant with the possible development of the open water transfer to the Lincolnshire Reservoir. The Operations Manager noted that he would like to think there isn't any hesitancy to complete this work because of this as the reservoir won't be operational for c15 years.

Mr V Barker referenced page 37 of the Stantec report and that the pumping station was built on tidal flat deposits. He noted his concern for other pumping stations including Frampton and Kirton Marsh which

would most definitely be built on tidal deposits and suggested that these should be under observation during high water level events.

2121 Any Other Business - Agenda Item 9

(a) Machine movement along South Forty Foot Drain banks

Mr V Barker noted that he has observed machines not being able to travel fluently along the South Forty Foot bank. Therefore suggesting that, in light of the development of the Lincolnshire Reservoir, the Chief Executive should put forward to the Environment Agency (EA) that where there are some of the highland drains, they put pipes in the bottom (not of large diameter) so that the water can travel through these pipes at low levels and if there is a high level, the water would go over the top of the structures. Further taking off the shoulder of the end of the banks so that machinery can get from one bank to the next, particularly referring to between Aslackby and Pointon and Rippingale and Dunsby (west side of bank).

The Operations Manager noted that it can prove difficult to get funding from the EA for maintenance, let alone anything over and above that. The Operations Manager further added that he quoted 11-12 machine moves to get along that bank, so you don't need to have done that many times before the money would have been gained to carryout the work to provide those access points.

The Chief Executive added that it is a valid point and will be introduced to the EA.

(b) Supporting a Ratepayer with a claim against Network Rail

The Chief Executive referred to an email received from a solicitor on behalf of a ratepayer, who are *'preparing to bring a claim against Network Rail relating to flooding into various fields between 2013 and 2019 causing loss of crops. Network Rail have asked for evidence from an expert to prove that the flooding was caused by defects to the flaps on the culverts. The solicitors understand that the Board were involved at the time of the flooding and inspected the flaps on the culverts and so would be most grateful if the Board are able to provide a report to include:*

- *Qualifications / experience from the person producing the report*
- *Summary of the Board's inspections of the culverts and flaps*
- *Confirmation of the Board's opinion as to the cause of the flooding, specifically whether this was caused by defect to the culvert or flaps to the culvert, which, is understood have now been fixed.*

*Please let us know if you are able to assist and confirm fees for such a report, so that we can then seek approval from our client to proceed.'*

The Chief Executive therefore questioned whether the committee are happy for the Board to produce this report and, if so, what fee should be charged? The Chief Executive noted that himself and the Operations Manager are familiar with this scenario and have photographs etc.

Mr C Wray questioned how many hours work it would be for the Board's Officer's? The Chief Executive confirmed it would be a couple of hours work.

Mr J Fowler questioned if the Board have a recharge rate for if they were doing work for the EA? It was confirmed that the Board has an internal rate but not external for officer's.

The Finance Manager noted that the Board's Professional Indemnity insurance needs to be checked to ensure the Board are covered to produce such a report.

Mr P Holmes suggested £500.

The Chief Executive concluded to check the Professional Indemnity insurance and, if covered, a fee of £500. All AGREED.

Mr C Wray added that there are ways it can be written if not covered by the insurance. The Finance Manager added that the Board can answer the questions without it being a legal professional opinion, adding that the Board did make representations for the ratepayer at the time of the flooding.

There being no further business the meeting closed at 15:28.