

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Structures Committee

held at the offices of the Board on
19th March 2024 at 2pm

Members

Chairperson - * Mr J G Fowler

* Mr W Ash	* Mr V A Barker
* Mr P Holmes	* Cllr D Middleton
* Mr P Robinson	* Mr M Leggott
* Mr C Wray	

* Member Present

In attendance: Mr D Withnall (Chief Executive)
Mr P Nicholson (Projects Director)
Mr S Harrison (Works Manager)

2285 Recording the Meeting - Agenda Item 1

Members were informed that the meeting would be recorded.

2286 Apologies for absence - Agenda Item 2

There were no apologies received.

2287 Declarations of Interest - Agenda Item 3

Mr V Barker noted a declaration of interest in relation to Minute 2118(b) of the minutes of the previous meeting (Quadrang Fen – No. 50 – FX1761) held on 21st March 2023.

2288 Minutes of the last Structures Committee Meeting - Agenda Item 4

Minutes of the last meeting held on the 21st March 2023, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record.

2289 Matters Arising - Agenda Item 5

(a) Quadrang Fen - No. 50 - FX1761 - Minute 2118(b)

Mr V Barker declared an interest, noting that this culvert has been holding water up in high volumes. The Projects Director noted that it needs to be established whether it is the integrity of the culvert or if it is the high volumes of water or both that is restricting the flow.

(b) Byelaw infringements and how we can engage more with our local planning officers - Minute 2118(c)

Mr W Ash questioned what the policy of the Board is in relation to the relaxation of the Board's Byelaw No. 10 (9 metre byelaw).

The Chief Executive confirmed that the current policy is, as per the direction from the Board, the 9 metre byelaw is not being relaxed. It being added that the Board can enforce on any infringements, but the infringements are required to be known about in the first instance.

The Projects Director noted that many of the 9 metre byelaw infringements are from permitted development as the Board is not notified of these as they do not have to go through planning.

Mr M Leggott added that the Board are also not notified when people plant trees / hedges within the 9 metres, adding that there are few instances of this in Holland Fen.

Cllr D Middleton (Chair of Boston Borough Council Planning Committee) noted that he got the impression from the minutes of the previous meeting that the Board are 'feeling sorry' for the developers. Further noting that all the legislation etc. is in the favour of the developers. Cllr D Middleton felt that the Board should be stringent on the 9 metre byelaw.

The Chief Executive responded that it wasn't the committee supporting the developers in the meeting, but that the Assistant Director of Planning & Strategic Infrastructure for Boston Borough Council, East Lindsey District Council and South Holland District Council (Mr M Gildersleeves) who attended the Structures Committee meeting in 2022 was very much in favour of supporting the developers as opposed to the Board on this matter. It was noted that Mr M Gildersleeves has since left this employment.

Cllr D Middleton explained that it is within the interests of the person in that position (Assistant Director of Planning & Strategic Infrastructure for Boston Borough Council, East Lindsey District Council and South Holland District Council) to 'favour' the developers as they are measured against certain criteria (have to build c700 houses a year and therefore it is deemed that they require a 'bank' of 5,000 houses with planning approval to meet this).

Mr P Robinson noted that at the meeting, Mr Gildersleeves accepted no responsibility for assisting the Board in the enforcement of the 9 metre byelaw.

The Chief Executive noted that the Board are not a statutory respondee to planning applications, but do chose to reply, with the inclusion of a standard paragraph outlining the 9 metre byelaw.

Cllr D Middleton added that he thinks the Board should also be asking the planning department to inform any building regulation applications to be informed of the 9 metre byelaw. The Chief Executive noted that Mr M Gildersleeves was not open to this suggestion.

Cllr D Middleton added that he can discuss this with the planning department, noting that in order for the Board to be able to for fill its responsibilities the access is required. Further noting that it is within the homeowners interests also.

The Chairperson responded that not all homeowners / purchasers are aware as it is not made clear on deeds or solicitors searches. An example of what limited information is given on a basic survey was displayed on screen.

Cllr D Middleton added that if there any infringements it needs enforcing and others being made aware that it has been enforced so that it is known there is no flexibility at all.

Mr P Holmes added that it is not always necessarily about the first person purchasing the house, the information around the restrictions is then not passed on to the next owner, or the owner after that etc.

Cllr D Middleton suggested that something could be done with the Parish Councils to communicate this message? Either through their noticeboard, newsletter etc.

Mr M Leggott referenced the leaflet that was circulated with this year's community charge request, noting how informative it was and that something could be included within that in future.

The Chairperson added that the communication on this matter should be led by the Council planning department as they are the ones making the decisions.

Cllr D Middleton questioned if there are any examples where the Board has requested that something be taken down? It was noted that there has been previous instances of a conservatory, trees, hard standing etc.

It was added that if all developers are aware of the 9 metre byelaw, and therefore how many houses they can fit on a parcel of land, it will be priced accordingly by the current marketplace.

Cllr D Middleton noted that he will support the Board as much as he can, suggesting that the Board draft something and share with him that he will then request is included with all planning applications.

Mr P Holmes noted that the attitude of Mr M Gildersleeves was disappointing.

The committee concluded this item by noting that communication is key and thanking Cllr D Middleton for his refreshing and supportive attitude towards the matter.

(c) Water seepage at Ewerby, South Kyme, Damford and Trintiy College Pumping Stations - Minute 2120(iv) and 2120(v)

Cllr D Middleton questioned if the water seepage at the pumping stations listed above have been worse during the recent high rainfall events?

The Projects Director confirmed that the water seepage at all four pumping stations has worsened during the recent events (highest known levels reached in the last rainfall event).

The outline business case has now had approval and funding has been achieved as follows. £1 million of funding proposed for each of the four pumping stations (Ewerby, South Kyme, Damford and Trintiy College) for the repair works and an additional £65,000 of funding received for each of the four pumping stations to prepare a specification of work for tender. This is currently in progress.

(d) Supporting a Ratepayer with a claim against Network Rail - Minute 2121(b)

It was confirmed that no advice was given due to it not being within the remit of the Board's Professional Indemnity insurance.

2290 Review of the Structures Replacement Policy - Agenda Item 6

The Chairperson presented the Structures Replacement Policy, the only suggested change being that of a change of employee role from the previous Operations Manager to the Maintenance Director as a result of the recent organisational restructure.

Mr V Barker referred to point 6.1 – *'It is generally the case that all clear span bridges and culverts carrying LCC Highways are owned and maintained by LCC'*, noting the recent issue around ownership of a culvert carrying a LCC highway in Donington. It was noted that this matter is to be discussed at Minute 2291(i)(a).

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

2291 Receive the Structures Report for 2023 - Agenda Item 8

The Maintenance Director presented the Structures Report for 2023, with accompanying photographs displayed on screen.

(i) Structures Replacement / Contribution Programme 2024/25

There are two culverts within this that have been carried forward. They are monitored by the Board and have not got any worse currently (landowner responsibility); culvert no.'s 1469 and 2757.

All AGREED the Structures Replacement Programme 2024/25 as below:

No 1469	Bicker Fen	18m x 1200mm	Armco	£1k max contribution
No 2757	Holland Fen	12m x 600m	Armco	£1k max contribution
No 1584	Donington Wykes	18m x 1200mm	Armco	
No 757	Northorpe	70m x 600mm		

(a) Donington Wykes Culvert Collapse – No 1584 – FX1938 Armco

The Projects Director noted the following in relation to the Donington Wykes Culvert collapse. On the 12th December 2023, one of the Board's operatives noted high water levels, with further investigation finding that culvert 1584 had started to fail adjacent to Wykes Lane where a large hole had opened up in the verge.

Contact was made with Lincolnshire County Council (LCC) with subsequent contact back and forth with them over responsibility for the culvert.

On 13th December, LCC confirmed that the road had been closed. As shown on the photo within the agenda, the road closure was not very secure at preventing access and it looks that an agricultural vehicle has passed along the side of it and is possibly the result of its failure. The Board subsequently removed the failure to restore the conveyance of water.

LCC were kept informed at all stages, with conversation back and forth around liability for replacement of the culvert. This got to the point where LCC issued the Board with a legal notice that they were going to prosecute the Board for opening up the road. The Chief Executive responded to this that the road was already open and that the Board were removing a blockage from a watercourse.

Following the issue of the legal notice, the Chief Executive made contact with other LCC employees, including the Chief Executive of LCC. The LCC Director of Place was quick to respond with promises that the culvert would be repaired / reinstated and a meeting with the Lincolnshire IDB Chief Executive's, LCC Director of Place, Highways Manager for the county and Environment Manager of the county was planned. The meeting took place with some constructive discussion, however, no action from this meeting has yet been seen.

LCC have a register of structures (anything over 600mm) and who is responsible for each of them. On the register, they have got the Board down as responsible for this culvert, due to the Board replacing it in 1988. However, the Board has got two letters dated 1963 of LCC accepting responsibility for maintenance. The Chief Executive noted the amount of time it has taken to find these documents in the archives to prove LCC responsibility.

The Board's understanding is that any culvert under a highway is LCC responsibility. Going forward, LCC are going to take it on an individual basis where responsibility will have to be proven in each case.

Another element that arose during the meeting was that there was an agreement made, initially in the Total Environment Partnership, that the public would not be passed from one place to another.

However, LCC have recently passed members of the public to the Board from Fix My Street Reports (one of which is not even in the Board's catchment).

Mr V Barker thanked the Chief Executive for his time on this matter, feeling it is time well spent, proving the Board's case.

Mr M Leggott referred to the letters dated 1963, questioning if they are physical copies or whether the Board's archives have been digitalised? The Chief Executive noted that it was scanned in as well as in physical form, but only a fraction of the Board's archives have been scanned so far. He further noted the Board's Minute Book's which also need to be digitalised. Mr M Leggott noted that Witham 4th IDB have recently digitalised their drain, culvert etc. records so that they are digitally accessible to all employees.

Mr P Holmes questioned whether the records should be digitised in priority order i.e., culverts under major roads? It was noted that they are currently filed by drain and catchment.

The committee were surprised that there was no legal responsibility on LCC for any culvert under a highway. The Chairperson suggested whether ADA could assist in such matters.

The Chief Executive noted the following legislation:

"A highway authority has a duty under section 41(1) of the Highways Act 1980 to maintain a highway maintainable at the public expense, unless it can prove that someone else is responsible. The highway authority's statutory duty extends to the repair and maintenance of drainage systems beneath the highway surface. This statutory duty benefits the users of the highway only.

In Burnside v Emerson [1968], the Court of Appeal held that the statutory duty on highways authorities to repair highways (under the legislation preceding and replaced by the HA 1980) included a duty to repair drains.

In Mott MacDonald Ltd v Department of Transport [2006], the Court of Appeal confirmed that the statutory duty to repair is not limited to fixing defective drains, but extends to clearing blockages dealing with the consequences of inadequate drainage.

Depending on the facts, the highway, and/or responsibility for highway maintenance, could extend to bridges, culverts, drains,

retaining walls, sub-structures, verges, or other features adjoining the route. Ditches are presumed to belong to the adjoining landowner, unless there is evidence linking the ditch to the highway such as its express inclusion in the dedication or its construction for the purposes of highway drainage”.

Mr C Wray suggested whether the Board should be considering legal advice, noting that it reads that it is the responsibility of the one putting the culvert in.

The Chief Executive responded that the Board don't have to do anything, only having permissive powers means that the Board can only be liable if we did something negligible. Mr C Wray noted that what he is getting at is that if there was a problem with the water passing under it, the Board could push them to sort it as their responsibility. At the moment, the Board is doing that element for them and so is therefore not costing them to do that aspect currently.

The Chief Executive noted that it was noted to LCC prior to them issuing the legal notice that the Board could enforce for blockage of a watercourse.

It was also noted that LCC press office informed a local reporter that it was the responsibility of the Board.

It was felt by the committee that the road closure barriers put up by LCC were not adequate. It was confirmed that liability would be with LCC if somebody were to fall into it.

(b) Northorpe Culvert Collapse – No 757 – FX1935

This is being monitored and is worsening, opening up along their driveway. Quotes have been requested from contractors.

The remainder of the pipeline, shown on the map within the agenda, will be inspected using a camera survey to see its condition (30 metres), with a view to potentially lining it if required.

Mr P Holmes questioned when this culvert was put in? It was confirmed mid 1980's. Mr P Holmes noted others of that era that will also soon require replacement? The Projects Director added that a lot of those that were put in in that time period have already been replaced. The Projects Director also noted that it is quite difficult to detect the deterioration of the steel until it starts failing.

Mr V Barker questioned if there is any difference in the thickness in pipe of a smaller pipe compared to a larger pipe. The Projects Director confirmed that the larger the diameter of the pipe the thicker it is. The potential increased lifespan of larger diameter pipes was noted.

Cllr D Middleton noted the fact that contractors have been asked to provide quotes, rather than the Board carrying out the work? The Maintenance Director confirmed that due to the close proximity of the work to the house, and the equipment required to complete the work, it is not something the Board would feel comfortable doing.

(ii) Culvert Surveys Reports

It was confirmed that the remaining culverts to be surveyed are highlighted by yellow dots on the map within the agenda. It is proposed that the Site Engineer will now undertake the remaining culvert surveys.

(iii) Jetting and Surveying

It was confirmed that 1952m of jetting has been completed this year, shown on the map within the agenda in blue, the red showing the remaining to be completed. It was noted that the weather conditions have hampered the jetting programme this year.

The Chairperson questioned if there is a specific time of year when jetting is completed? The Maintenance Director responded that ideally it is done during the summer when water levels are lower, but if the opportunity arises to complete jetting at other times of the year, it is done then.

2292 Any Other Business - Agenda Item 8

(a) Swineshead Pumping Station - Concern about structural stability

The Projects Director reminded the committee of the previously achieved funding for a whole catchment study. Pumping station inspections forms part of these studies, which are visual inspections carried out by the Projects Director, Pump Engineer and Grant in Aid Manager. Whilst carrying out these inspections, some issues were noted at Swineshead, Bicker Eau and Holland Fen. These three pumping stations have therefore since been inspected by a Structural Engineer. The pile thickness was tested where the normal water level sits to assess the corrosion level. All three sites had pile thickness within the adequate tolerance.

However, although that aspect of the inspection was adequate, the Structural Engineer was not satisfied with what he had seen at Swineshead Pumping Station, quoting; 'I don't know how it is still standing it is in such poor condition below ground'.

Swineshead Pumping Station is unique in its construction (there are no other pumping stations constructed in the same way as this site). It is the Board's biggest capacity pumping station (Board's biggest catchment, three pumps, 7 Cumecs (cubic metres per second)). It has a web of I-beams that creates the structure holding the lower part of the pumping structure in place. Some sections of the I-beams have corroded away, almost completely in places. Therefore, short term repairs need to be considered and, also, how / if the pumping station is continued to be used. Photographs and plans of the pumping station were displayed on screen.

The Projects Director relayed the email received from the Structural Engineer to the committee, as follows:

'The main concern was the steel beams providing support to the pumps, which were severely corroded. The bottom flanges of the beams in particular were in very poor condition and appeared to have lost most of their cross section meaning that the beams have a reduced structural capacity.'

To assess the risk of structural instability or failure would be quite complex but we suspect that any numerical analysis would be unable to demonstrate an adequate factor of safety to current design standards. We would therefore recommend urgent repairs or temporary support. In the meantime there unfortunately does appear to be a risk that these steel beams could fail.'

A further full report will be produced, but they won't be providing any recommendations as to how to move forward with any repair as part of that report.

Mr M Leggott questioned whether the Environment Agency (EA) should be contacted about the replacement of these pumps through Grant in Aid funding? It was noted that the Grant in Aid Manager is already working on this. It was confirmed that this will be an expense of the Board, but will hopefully attract Grant in Aid funding.

The Chief Executive noted that it needs to be established what a 'failure' would look like, i.e., would the building collapse, would the banks collapse with it etc.?

It was noted the Chain Bridge and Donington Northings Pumping Stations would pull the water either way, but that it would make a big difference in high water events if Swineshead Pumping Station wasn't used.

Mr C Wray confirmed that it is the pump support structure that is weak, but the building is generally alright? It was confirmed that is correct and so, effectively, the pump could fall through. It was noted that it all sits on a concrete slab, Mr C Wray noting that as a short-term precaution, the whole frame could be put onto that.

Mr V Barker questioned the tonnage of water being put on those pumps, noting it will be a considerable weight, suggesting temporary beams.

Mr M Leggott questioned whether temporary pumps have been organised to use in the case of the absence of using the pumping station? It was noted that this has not yet been done as this has only come to light a few days prior to this meeting. The Chairperson added his support for a contingency plan in the case of a full shutdown of the pumping station.

Mr V Barker questioned the stability of other pumping stations? The Projects Director noted that the other pumping stations are on concrete substructure, as opposed to the I-beams. Visual inspections of the concrete have been conducted and they look in sufficient condition.

It was also confirmed that the Structural Engineer has not mentioned the other two sites inspected (Bicker Eau and Holland Fen) and so it believed they are in adequate condition.

Mr V Barker made the suggestion of driving through two steel beams from one side to the other, as a temporary measure.

Mr P Holmes questioned if Grant in Aid funding could be achieved for a temporary repair? The Projects Director noted it may be. It was further noted that timescale will be the influencing factor on repair.

Mr V Barker questioned if the site lends itself to a new pumping station one side? The Projects Director noted it could be an option, adding that, irrelevant of these issues at Swineshead, the management of the catchment is being reviewed anyway as part of the catchment study.

The Projects Director noted the different criteria for Grant in Aid funding around the difference between a non-intrusive change (refurbishment) and replacement, noting that replacement would require the new pumps to be compliant with current legislation including being eel and fish friendly.

Mr V Barker questioned if the site could be visited following the meeting for those interested, it was acknowledged this could be arranged.

The Chairperson questioned whether the closure of the footpath has been requested to prevent public access? It was noted that it hasn't yet as the formal report is still being awaited, but it is probable that it will require closing.

It was noted that the gates are locked so it is not accessible, even to the Grazier.

There being no further business the meeting closed at 15:24.