

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a Meeting of the
Northern Works Committee

held at the Supreme Inns, Bicker Bar on the
26th February 2019 at 15:45pm

Members

Chairman - * Mr P Holmes

* Cllr T Ashton	* Cllr P Bedford
Cllr C Brotherton	* Cllr M Brookes
* Cllr M Cooper	Mr D Casswell
* Mr R Leggott	* Mr J Fowler
Mr R Needham	Mr J E Pocklington
* Cllr C Rylott	* Mr P Robinson
* Cllr P Skinner	Mr N Scott
Mr R Welberry	* Cllr Mrs S Waring

(* Member Present)

In attendance: Mr I Warsap (Chief Executive)
Mr D Withnall (Finance Manager)
Mr P Nicholson (Operations Manager)
Mr K Methley (Pump Engineer)
Ms N McGarry (Grant Applications Manager)
Mr K C Casswell (Chairman of the Board)
Mr M Rollinson (Chairman Southern Works Committee)

1398 APOLOGIES FOR ABSENCE - Agenda Item 1

The following were not in attendance; Cllr C Brotherton, Mr R Needham, Mr R Welberry, Mr D Casswell, Mr J E Pocklington and Mr N Scott. There was some dispute around the co-opted members receiving the agenda and so officers of the board will investigate this further.

1399 DECLARATIONS OF INTEREST - Agenda Item 2

(a) CLLR M COOPER - BICKER

Cllr M Cooper noted that he is a Borough Councillor for Bicker.

(b) CLLR M BROOKES - BICKER

Cllr M Brookes noted that he is a County Councillor for Bicker.

1400 MINUTES OF LAST MEETING - Agenda Item 3

The Minutes of the Joint Works Committee, regarding the Northern Works Committee, which was held on 28th November 2018, copies of which had been circulated, were considered. It was AGREED that the Minutes should be jointly signed as a true record.

1401 MATTERS ARISING - Agenda Item 4

There were no matters arising.

1402 TERMS OF REFERENCE - Agenda Item 5

The Chairman presented the Terms of Reference for the Northern Works Committee and invited any opinions or questions.

Proposed by Cllr Brookes and seconded by Mr K Casswell, all AGREED that the Terms of Reference be accepted and adopted.

It was noted that there are currently four co-opted members, so there are vacancies if anybody is aware of anybody that may be interested. Cllr Waring questioned what the criteria was for becoming a co-opted member? It was established that it is anybody that can contribute to the committee that has an interest in it; possibly a rate payer or somebody that has a relevant specialist interest.

1403 DISCUSS THE OPERATIONS TOUR & INSPECTION - Agenda Item 6

(a) REPLACEMENT OF WEEDSCREEN CLEANER - WYBERTON MARSH PUMPING STATION

The Operations Manager referred to Wyberton Marsh Pumping Station, explaining that its weedscreen cleaner is at the end of life. There is a proposed budget of £110,000 to replace the whole installation in 2020/21.

Mr R Leggott commented that he is disappointed with the life of the weedscreen cleaner that was only installed in 2000. The Pump Engineer added that most of the equipment at the pumping stations is now Bosker equipment, which is a very reliable make of equipment. The current weedscreen cleaner at Wyberton Marsh is another make of weedscreen cleaner, which has become unreliable. There is only one other pumping station remaining with the unreliable make of equipment. The Chief Executive further noted that it is also a heavily used pump. The weedscreen cleaners operate on a predetermined cycle every time the pump comes on, at this particular pump, the pump is run to maintain water levels within its catchment. The Operations Manager further noted that, where possible, an interim replacement of various parts is completed rather than a whole installation.

Proposed by Cllr T Ashton and seconded by Mr M Rollinson, all AGREED to recommend to the board the replacement of the weedscreen cleaner at Wyberton Marsh Pumping Station in 2020/21 with the proposed budget of £110,000.

(b) PROPOSED THIRD PARTY MAINTENANCE FOR LCC - BOSTON WEST PROCESSING FACILITY

The Operations Manager explained that Black Sluice IDB have been approached by Lincolnshire County Council (LCC) to maintain a section of watercourse that is the outfall for the lagoon from the waste transfer site. There is currently no maintenance being carried out on it. Black Sluice IDB already maintain a section of watercourse on the opposite side of the road.

LCC have requested an initial 'clean out' of the inlet and outlet to the lagoon and to also clear the outfall into the adjacent section of watercourse and section of watercourse along the boundary to the site.

The estimated cost for these works is £1,900 and LCC have further asked if Black Sluice IDB would consider an annual or bi-annual contract. The Operations Manager added that currently, LCC have not established what they would like the contract to entail but they do want Black Sluice IDB to go ahead with the initial clean.

The Chief Executive stated that once specification of the contract is received, then a Public Sector Cooperation Agreement (PSCA) could be established, much like Black Sluice IDB already have with other district councils.

All AGREED that Black Sluice IDB should take on this maintenance work on behalf of the Lincolnshire County Council.

(c) BOSTON BARRIER TOUR

The Operations Manager noted that the visit to the Boston Barrier was very interesting and informative and that future visits to site to view the barrier delivery and installation can be arranged.

The Chief Executive noted that there is a meeting being held with Van Heck on Friday 1st March to produce a pumping station disaster recovery contingency plan for Black Sluice IDB. They are also being taken to Black Sluice Pumping Station (Boston) to evaluate a similar opportunity for a disaster recovery contingency plan to be produced.

(d) PROPOSED CLEANSING WORKS - DRAIN 5/3, CHAIN BRIDGE ROAD, WYBERTON

The Operations Manager made reference to uncropped land with regard to cleansing works. At current, if land is not cropped, there is no reason to offer compensation. However, grass land is not classified as a crop and so there is no opportunity to offer compensation.

With reference to this particular case, the landowner has stated that he does not want the spoil material on his grass land, the Operations Manager noted that the Chairman has further spoken with the landowner.

The Chairman continued by explaining that, initially, the landowner was adamant that he didn't want the spoil on his land due to his concern that it is contaminated with creosote. By the end of the conversation, he had suggested that he may consider it being placed on another suitable site of his own, but that he wouldn't be able to cart it himself.

The Chairman suggested that it should be checked for contamination of creosote, which if it is found in the spoil shall mean it will become contaminated waste and will have to be disposed of in a different manner.

The Operations Manager questioned how, going forward, to standardise agreements between Black Sluice IDB and landowners with regards to uncropped land? This case can be seen as unique standalone case due to the possible contamination, but should there be a standard approach taken to others?

The Chairman suggested that it could be that, if it is to be carted away, the extra expense of this is paid half each by the landowner and board. However, he also suggested that it is not the board's responsibility to cart it away and so the landowner could be asked to pay the full cost for the board to cart it.

The Operations Manager clarified that this is what he is seeking direction on. Operationally, there are issues with carting material away including the slowing down of the process and the damage that can be caused such as the creation of large ruts.

Mr P Robinson questioned if material moving off site is obliged to be analysed? The Operations Manager clarified that it would be classified as waste transfer.

Mr P Robinson further questioned if it is still correct not to recognise grass as a crop? The landowner may take a crop of hay from it for instance.

The Finance Manager made reference to the Land Drainage Act as follows:

'Disposal of spoil by boards and local authorities

Shall not authorise the deposit of any matter if the matter deposited would constitute a statutory nuisance within the meaning of Part III of the Environmental Protection Act 1990.

Where injury is sustained by any person by reason of the exercise by an internal drainage board or local authority of their powers under subsection (1)(b):

(a) the board or authority may, if they think fit, pay to him such compensation as they may determine; and

(b) where the injury could have been avoided if those powers had been exercised with reasonable care, subsections (5) and (6) of section 14 above shall apply as if the injury had been sustained by reason of the exercise by the board or authority of their powers under that section.'

The Finance Manager therefore stated that if the spoil is contaminated and comes under the Environmental Protection Act 1990 the board will be responsible for the disposal of it.

Cllr M Brookes suggested that this particular case isn't a usual one, with the possibility of contamination, and so isn't a good example to be considering to try and determine a standard approach for future grassland / non-cropped land going forward. Cllr M Brookes further felt that in usual cases, with no contamination, on non-cropped land the board shouldn't pay more than they are obliged to.

The Chairman questioned how many of these grassland cases occur? The Operations Manager suggested only a couple of dozen.

Cllr T Ashton felt that option one presented within the agenda item gives the landowner some choice and if they are not contented with that then it should be the landowner paying for carting it away.

Mr R Leggott questioned if this matter can actually be resolved before testing for contamination. Once it is known whether the material is contaminated or not, the board will then be able to make decisions according to that outcome.

The Chief Executive suggested that the material is tested. If it is contaminated, then the board seek an order from Calders for removal off site. If it isn't contaminated, then the landowner be asked to cover the extra costs of the removal from the site, due to it being the landowner's request that it is not spread on the grassland adjacent.

All AGREED with the Chief Executive's proposal.

Mr J Fowler noted that it should possibly be considered to bring grassland into the same category as arable land for compensation.

The Finance Manager noted that he didn't feel that grassland could be categorised as a crop generically as there could be various different scenarios. For instance, it could be somebody's front lawn, but it would then be classed as a nuisance and so the board wouldn't be able to put the spoil there. He felt there ought to be some further investigation done into this matter, so that it is clear when the board have authority to put spoil in a certain area of grass and when the board are required to pay compensation.

Mr R Leggott suggested that the concept of grassland, with regard to identifying a standard approach, be brought to the board meeting when considering compensation as a whole. All AGREED.

(e) WEEDSCREEN CLEANER REFURBISHMENT - CHAIN BRIDGE PUMPING STATION

The Operations Manager stated that the replacement of the moving parts of the weedscreen cleaner at Chain Bridge Pumping Station have been budgeted for 2019/20. The estimated cost is £45,000.

(f) WASTE ISSUE - ALBAN RETAIL PARK

The Operations Manager made reference to the committee viewing this issue whilst on the inspection tour. He further explained that in April 2018 a notice was issued to the retailers around the rubbish that was being generated. It has been brought to this committee to identify a way forward of future maintenance of the site and to identify a way to stop the rubbish leaving the retailers sites and entering the drain.

Cllr M Brookes suggested that the owners of the buildings be asked to erect a catch fence around the car parking area which would prevent anything blowing across into the drain.

He also noted that it would be in their interest, if the board keep having to clean the drain and invoicing them for the work, it would be just as cost effective for them to put the fence up. It also isn't very good publically, it is a reputation issue to the companies involved.

Mr P Holmes noted that the only problem with erecting a fence is that the car park goes right up to the brink of the bank and so it may limit the access for the board. The Operations Manager further noted that if an agreement were to be made around erecting a fence then the board would have to make sure there was still access.

Cllr P Bedford questioned whether the board should contact the owners of the site rather than the tenants as they are responsible for the site. The owners can then enforce particular conditions to the tenants.

Mr J Fowler added that they also may not understand the scale of the pollution as they do not have the view that the committee have had today and so photographs should maybe be sent to reinforce the issue.

Mr K Casswell questioned whether a site visit with the managers may be productive to show exactly the level of pollution that is being caused.

Mr R Leggott suggested that the board could offer to be the provider of the fence at the expense of the retailers.

The Finance Manager further noted that there is a new tenant about to join the retail park and suggested it would be good if this was resolved before they move in.

(g) PROPOSED UV LINING - DRAIN 12/2, LANGRICK ROAD, BOSTON

The Operations Manager explained that this is still an ongoing project. This is secondary to the Sempringham Fen site that is currently being worked on. The Operations Manager explained that he cannot give any more positive progress on this, until the business case is approved, which hopefully, will be within the coming months.

The Operations Manager explained that the proposed plan for this site is to clean out the channel, with him believing that the best option is to cutter suction dredge the section highlighted in green on map four of the North Forty-Foot Drain presented in the agenda. There is also potential to line some of the sections within the existing piped watercourse, as shown on map three of Langrick Road presented in the agenda. He further added that the estimate from Royal Smals of £96,100 was obtained in January 2018 with the intention to complete the work in 2018, however, the business case has not progressed significantly since this time last year, requiring a review of the estimate.

Cllr P Skinner noted that there is a lot of pipeline work being completed in Fishtoft and also questioned the condition of the pipeline? The Operations Manager explained that a survey has been completed and it is in a condition that can be lined. It is not at the point of collapse, but is in a bad enough condition that it requires some work doing to it. He further noted that the consultants are aware of the other work going on in the area and that there is potential for partnership funding.

The Chief Executive summarised that the condition of the existing assets is known, therefore the board is able to identify what work to undertake. Budgets have also been identified for this work. He therefore suggested that the Grant in Aid Manager be introduced to this case to produce a business case to try and progress this further.

Mr K Casswell noted his disappointment around this as it has been talked about for over a year. He acknowledged that it is not at the fault of Black Sluice IDB, further adding that it was stated at ADA Lincolnshire that the area of Lincolnshire is underspent by around £3 million. The Operations Manager noted that it is an overly difficult process for the outcome that it is reached. It was also noted how expensive it is, with a large percentage going to consultants.

(h) TREE ISSUES - DRAIN 4/67, BICKER EAU

The Operations Manager explained that Black Sluice IDB entered into an agreement with the Bicker Buds who are a voluntary organisation that aims to enhance the beauty of the village by improving and maintaining its public spaces. In 2013, Black Sluice IDB were approached by the Bicker Buds with regard to what enhancement the board could provide to the watercourse through the village. Normal board practice is that every watercourse is cut once, with high profile watercourses getting cut twice or three times. This watercourse is classified as a standard watercourse, Bicker pumping station is a booster pump to create the flows required towards the South Forty Foot Drain outfall.

The Parish Council have recently approached Black Sluice IDB regarding the danger of trees that are growing on the drain bank that are at risk of falling. The Operations Manager clarified that the board do not own any of the land that the watercourses or banks are on, just maintain them. The only time the board will intervene with trees or bushes is if they are restricting access for the board's maintenance, whereby the restriction does not allow for mechanical maintenance.

With regard to the section of watercourse with the trees at risk of falling, there are too many trees on this section for a machine to operate and so it is currently maintained by hand.

Therefore, the cost benefit to the board of removing the trees has to be considered, bearing in mind questions such as how long is the section of watercourse, how much would it cost to have the trees removed and would it be more cost beneficial to the board to do this or carry on maintaining by hand? The Operations Manager explained that there are other sections of the watercourse that are maintained by hand and so unless all trees are removed from every section of watercourse that is currently hand-maintained, there won't be a cost benefit to the board to remove any trees.

The Operations Manager also noted that this isn't just specific to the site in Bicker. Others in Frampton and Wyberton have also approached the board about trees growing on the banks of watercourses. The Operations Manager has always responded to these that the board do not own any trees or banks and the only time they will be removed is if they are causing obstruction and preventing the board from maintaining the watercourse.

The committee agreed with the Operations Manager's response that the trees are not owned by and therefore not the responsibility of the board.

Mr M Rollinson suggested that the Bicker Buds could make an application for the funding available through Triton Knoll and that the board could support their application.

The Chief Executive summarised that the board will respond to the Bicker Buds that the trees are not owned by the board and are not interrupting with the conveyance of water and so will not be removed by the board but that we are willing to support an application for funding should they wish to pursue it.

Mr M Rollinson questioned if the board had sought any legal advice and whether if the tree did fall the board would be at all liable? The Chief Executive responded that the board have not took legal advice but he would be very surprised if the board was liable.

Cllr T Ashton noted that the trees in the middle of the village have been pollarded in the past and wondered whether somebody in the village would be able to remember who had done it.

The committee thanked the Operations Manager for the organisation of the inspection tour. They also felt that a letter of thanks should be sent to the Environment Agency at the Boston Barrier for the interesting visit and presentation.

1404 REPORT ON RAINFALL - Agenda Item 6

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

1405 ANY OTHER BUSINESS - Agenda Item 7

(a) Floodex 2019

The Chief Executive noted that it is the Floodex event on the 27th and 28th February at Peterborough Showground.

There being no further business the meeting closed at 16:56.