

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a Meeting of the Board

held remotely on
8th February 2022 at 2pm

Members

Chairperson - * Mr K C Casswell

* Mr W Ash	Cllr T Ashton
* Mr J Atkinson	* Cllr R Austin
* Mr V Barker	* Cllr P Bedford
* Mr J Fowler	* Cllr M Cooper
* Mr P Holmes	Cllr F Pickett
* Mr M Leggott	* Cllr P Skinner
Mr P Robinson	* Cllr M Head
Mr M Rollinson	Cllr P Moseley
* Mr R Needham	* Cllr S Walsh
* Mr C Wray	* Mr M Brookes

* Member Present

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

Officers of the Board, the Chairperson, Mr J Fowler and Cllr P Bedford were in attendance at the offices of the Board, whilst all other Board Members attended virtually.

1918 Recording the Meeting - Agenda Item 1

Board Members were informed that the meeting would be recorded.

1919 Apologies for Absence - Agenda Item 2

Apologies were received from Mr M Rollinson and Mr P Robinson.

1920 Declarations of Interest - Agenda Item 3

There were no declarations of interest received.

1921 Minutes of the last Board Meeting - Agenda Item 4

The Minutes of the last meeting of the Board held on the 23rd November 2021, copies of which had been circulated, were considered and it was AGREED that they should be signed as a true record with the following amendment:

- Minute 1891 - Spelling mistake of 'Operation' in title

(a) The Black Sluice Outfall and Lock Operational Overview and Black Sluice Operational Contingency Plan (OCP) from the Environment Agency (EA) - Minute 1891

The Operations Manager explained that he has been chasing the Environment Agency (EA) for a response and was hoping to have a draft copy of the documentation (Black Sluice Outfall and Lock Operational Overview and Black Sluice Operational Contingency Plan) to include within the Board agenda. However, a response was only received the day before the meeting, as follows:

From: Abigail Jackson (Asset Management Engagement Advisor Effectiveness Initiative Lead at the Environment Agency)

'Whilst the current procedures for operating the lock and sluice in an incident are suitable for a FIDO/FODO use, we do recognise that this is not the best format for sharing with the IDB – for example, triggers levels are on SWANTEL which is the EA Lincolnshire telemetry system. As such, the proposal is to provide a bespoke document on operational summary, similar in format to the IDBs current Emergency Response document (Paul, if you have a word template for this please do send it through to me).

As summarised in the Q&A briefing provided in November, this will detail the considerations for when and how to operate both structures, but the caveat will continue to be that procedures are dependent on the specific event. We can set out the key principles for 'how, why and when' which guide the Duty Officer(s) in their decision-making at the time, and as already noted in the Operational Contingency Plan (with the Catchment Engineer for comment). This will address the bullet points noted below in one document.

In terms of timescale, the aim is to have this with the IDB by March, but given this is a very busy time for FCRM staff (being the end of the financial year for projects) the Boards continued patience and flexibility is appreciated. Please be assured the procedures are there, albeit in a different format.'

The Chief Executive noted that the next Audit & Risk Committee meeting is being held on 12th April and so therefore the documentation should have been received in time to present it to the committee.

Mr M Brookes, Audit & Risk Chairperson, agreed it would be a good idea to include this matter on the Audit & Risk agenda.

Cllr P Skinner also noted that it could be raised with the Flood and Water Partnership.

(b) Breach of Board Consent - Coles Lane, Swineshead - Minute 1897(a)(i)

Cllr M Head questioned if this had been resolved?

The Chief Executive responded that the solicitors are dealing with it currently and confirmed that the occupiers will be paying the costs involved.

(c) Dates of meetings for the calendar year 2022

The Chief Executive noted that the next meeting is of the Environment Committee being held on 1st March 2021. He welcomed opinions on whether this meeting should be held remotely or in person.

Mr P Holmes, Chairperson of the Environment Committee, responded that he would feel comfortable to attend the meeting in person and would recommend to the Environment Committee that it is a face-to-face meeting.

Mr R Needham and Mr W Ash, members of the Environment Committee, both echoed that they would prefer the meeting to be held face-to-face at the offices of the Board.

1923 To receive the minutes of the Executive Committee - Agenda Item 6

The Chairperson presented the unconfirmed Minutes of the Executive Committee meeting held on the 18th January 2022, copies of which had been circulated.

The Board RESOLVED that the Minutes should be received.

Matters Arising:

(i) Future use of the Black Sluice Pumping Station (Boston) - Minute 1915

Cllr R Austin explained that they are currently trying to get movement on it, the Environment Agency (EA) are currently finding it difficult to find the money to decommission it.

The Chairperson noted that Cllr R Austin had questioned whether the Board would be willing to contribute, of which the Executive Committee were of the opinion they would be willing to make a small contribution if the Board were to have a stand. Cllr R Austin noted that they have moved away from that proposition.

(ii) Byelaws - Minute 1917(a)

The Finance Manager noted that the byelaws have been acknowledged as received by Defra.

(a) 2022/23 Budget & Ten Year Estimates Report

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

Mr V Barker referenced the highland water carriers that the Board are now managing, noting his assumption that the Board are not receiving any income for them, questioning if the proposed percentage increase is enough with this in mind?

The Operations Manager noted that there is no income for their maintenance, but an initial asset payment was received upon taking them on, which is still currently being used for their maintenance.

Mr V Barker expressed his concern for having more drains to maintain, therefore more expense and receiving no more income for them.

The Chairperson noted that it was a risk, but that it could be mitigated, if necessary, by passing responsibility for some of the smaller watercourses back to farmers.

(i) Budget with 10 Year Estimates

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(ii) 2022/23 Summary Budget by Month

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(iii) 2022/23 Detailed Budget by Month

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(iv) 10 Year Capital Schemes

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(v) 2022/23 Wages On-cost Reserve Budget

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(vi) 10 Year Plant Replacement Budget

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(vii) 2021/22 Cumulative Solar Panel Report

This report was included for information as it was presented to the Executive Committee on 18th January 2022.

(b) Guidance from ADA regarding Red Diesel

Mr P Holmes noted that he had spoken with a member of South Holland IDB who had heard that a lot of IDBs are not going to continue using red diesel because of the associated 'risk'. Mr P Holmes noted the need for solidarity in continuing to use red diesel, following the guidance from ADA, adding that if some IDBs are using white diesel only, then it may be questioned why all IDBs can't do so.

The Chairperson responded that at the ADA meeting, held this morning, it was reiterated that IDBs should react to the guidance that has been given. The Chairperson further noted the agricultural area of the Board being 93.08% and added that Robert Caudwell, ADA Chairman, outlined that there will be agricultural water running through the remaining 6.92%.

Therefore, the Chairperson noted that he was happy to continue with the original stance, to continue using red diesel on the grounds of agriculture, outlined in the ADA guidance. The Chairperson also added that they are possibly going to employ a QC to clarify the position, if it is not clarified in the coming few months.

Cllr M Cooper noted that at the Board meeting of the Welland & Deepings IDB a few weeks ago, the plan was to stop using red diesel and move completely over to white diesel from 1st April 2022, for both plant and pumps, the reasoning being that they were told as a mainly urban IDB, that they would have to use white diesel. This is resulting in an increase of 8 - 8.5%.

The Finance Manager responded that, although he doesn't have detailed knowledge of the Welland & Deepings IDB catchment, he believed that there would be a higher proportion of agricultural land than urban. Further emphasising that it should be based on land area and not in monetary terms.

The Chairperson added that he felt, with the guidance from ADA, that there is no need to go to white diesel and would be irresponsible to do so, when it would require such an increase in the rate.

Cllr M Head agreed with the Chairperson, noting that the guidance has been written in typical 'government language' which could be open ended, but that he is of the view that IDB's work is agricultural and so sees no problem in using red diesel. Also adding that he feels all IDBs should be taking this stance and that, perhaps, some are a little too frightened.

The Chairperson added that if farmers were maintaining the watercourses, it would be done using agricultural vehicles using red diesel.

Mr C Wray noted the concern raised by all sectors affected by the new fuel regulations, expressing his support to continue using red diesel, being of the opinion that the Board would be able to legally argue their interpretation of the guidance.

All AGREED to support the decision to continue using red diesel, in line with the guidance from ADA and the Board being 93.08% agricultural land.

1924 Final Budget with 10 Year Estimates (Amended Penny Rate) - Agenda Item 7

The Finance Manager explained that the Executive Committee were of the opinion that, as a result of the fuel duty (£35,000) being able to be removed from the Board's expenses, the increase in rates should therefore also be adjusted accordingly.

The Finance Manager noted that he has also completed site inspections (for as at 31 December 2021), for any developments that can be moved from agricultural rates to the council's Special Levies. 117.93 acres have been identified to be transferred to Special Levies, the biggest proportion of this being the Viking Link convertor station (86 acres, increasing the Special Levy income by £24,225).

Once the transferable to Special Levies sites had been taken into account, this meant that the penny rate could be further reduced, with a proposed increase of 4.18% for April 2022/23 and then taken 0.5% off the following two years increase.

This increase and budget meets the Board's objectives;

- Maintain the general reserve above 20% of expenditure
- Increase the general reserve to 30% over the ten year period, to allow for uninsured pumping station risks
- Achieve a balanced budget by the end of the ten year period

The Chairperson thanked the Finance Manager for all his work on the budget.

All AGREED the rate increase of 4.18% for April 2022/23.

1925 Period 09 Management Accounts & Quarter 3 Forecast - Agenda Item 8

The Finance Manager noted the following points from the Period 09 and 10 management accounts, that were produced at the end of last week:

- Pumping Station Maintenance expenditure - £47,000 overspend at period 09, compared to a reduced £28,000 overspend at period 10. One of the big influences on this being that year-to-date the electricity bill is currently at around £90,000, whereas at this time last year the electricity bill was £196,000.
- Drain Maintenance - £60,000 underspent at period 10. £40,000 is attributed to the summer cutting that finished early. The desilting that was delayed starting has brought it back to just over £1,000 within budget and has had the desired impact. The remaining £20,000 will be reallocated for bushing and jetting in periods 11 and 12.
- Balance sheet – the outstanding payments for the Bakkavor Foods discharge and Chestnut Homes development fee have now been paid.

The Finance Manager noted the following points from the Quarter 3 forecast:

- Income – 5 studies additional grant income, Sempringham Pumping Station and North Forty Foot Drain have works that are running into the next financial year, the Finance Manager will adjust the Schemes budget, once he is aware how much of that grant money is left, to ensure that accounts aren't distorted (can only show grant income in the year it is received and the related expenditure in year spent).
- It is estimated that £17,000 less will be taken from the reserve compared to what was estimated in version 1 of the budget.

1926 Review the Risk Register - Agenda Item 9

It was noted that following a response from the Environment Agency regarding the Black Sluice Outfall and Lock Operational Overview and Black Sluice Operational Contingency Plan (OCP), Risk 1.1(b) will, hopefully, be able to change.

The Board RESOLVED that the Risk Register be accepted.

1927 Reports on the following: - Agenda Item 10

- (a) Monthly Accounts (November 2021 - December 2021)
The Board's monthly accounts, inclusive of November 2021 – December 2021, were circulated. The Board RESOLVED that this report be noted.
- (b) Monthly Accounts (November 2021 - December 2021)
The Board's monthly Woldmarsh invoices, inclusive of November 2021 – December 2021, were circulated. The Board RESOLVED that this report be noted.
- (c) Schedule of Consents (November 2021 – January 2022)
The Chief Executive presented the Schedule of Consents, consisting of November 2021 - January 2022, copies of which had been circulated. The Board RESOLVED that this report be noted.

Mr V Barker referred to consent 2022-B01 regarding the planting of a hedge and trees within 9 metres of a BSIDB watercourse, being of the opinion that the applicant should also be informed that they must maintain the tress and hedges within the area, foreseeing difficulty getting machinery past for maintenance.

The Operations Manager confirmed that it is a condition as part of the approval of the application with planting hedges and trees, that they are told to maintain within the approved area. Also adding that in this specific case, there is already restricted access and so this section of watercourse is always maintained from the opposite side anyway.

- (d) Rainfall
The rainfall figures at Swineshead and Black Hole Drove were presented, copies of which had been circulated. The Board RESOLVED that this report be noted.

1928 Receive the ADA Lincs Branch Minutes - Agenda Item 11

The Board RESOLVED that the draft Minutes be received.

1929 Authorise the Sealing of the Rate for 2022/23 - Agenda Item 12

It was RESOLVED that the Chairperson and Finance Manager be authorised to seal the Drainage Rate and Special Levies for the year 2022/23 as follows:

(a) DRAINAGE RATES

	<u>Rate in the £</u>	<u>Estimated Amount of Drainage Rates Payable</u>
Sub-District No 1 – Being so much of the said Internal Drainage District as comprises the area of the Borough of Boston as constituted and in existence immediately before 1 st April 1974.	6.86p	

Sub-District No 2 – Being the remainder of the Internal Drainage District.	13.71p	
		£1,139,520.36

(b) SPECIAL LEVIES

Boston Borough Council	£ 885,734.14
South Holland District Council	£ 166,133.38
North Kesteven District Council	£ 75,250.35
South Kesteven District Council	£ 63,232.70
	£1,190,350.57

1930 Any Other Business - Agenda Item 13

(a) Rates Brochure April 2022

The Chief Executive explained to the committee that the brochure to be circulated with the drainage rate demands sent out in April 2022 is currently being designed, inviting input from Board members on topics they feel should be included.

(b) Emergency Response Plan

Mr R Needham noted that at the previous Board meeting held in November 2021, there was a list within the Emergency Plan of Board Members and farmers who can be contacted to hire tractors, noting his concern that tractors are evolving, with different PTO splines, shaft sizes etc., feeling that it may be advisable for somebody to review this list with the farmers if it was made years ago. Mr P Holmes agreed.

It was noted that the list of farmers cannot be included within public papers due to confidentiality, which is why there was no information in that list in the November 2021 Board agenda. It was also noted that there is an accompanying list within the Emergency Plan that details what PTO splines etc. are required at each of the pumps.

(c) South Lincs Water Partnership (SLWP) and South Lincs Reservoir (SLR)

The Chief Executive noted that the Chairperson of Water Resources East (WRE) has left, for a role at Anglian Water. He was also the Chairperson of the SLWP and the partnership now believe an independent Chairperson is required.

With regard to the SLR, the process of fine screening the potential reservoir locations is ongoing but is still classed as confidential information at this time.

Mr V Barker noted the proposed intention to deepen and widen the South Forty Foot Drain (SFFD) and the amount of soil that will have to be removed. The Chief Executive gave an indication of the soil quantities being calculated, the area required for a 50 million cubic metre reservoir covers a 5km² area and the excavation would be 17 metres below existing ground level, with the material needed for the embankments of the reservoir.

(d) Monmouthshire Building Society

The Finance Manager noted that Monmouthshire Building Society have requested that the mandate be updated, as part of their regular process.

The Finance Manager noted that it is two signatures and can only come back into Board accounts, questioning if the Board are happy for himself (noting the current restricted duties of the Chief Executive) and the Chairperson to be the signatories? All AGREED.

There being no additional business the meeting closed at 14:58.