

BLACK SLUICE INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of a meeting of the Structures Committee

held at the offices of the Board on
22nd March 2022 at 2pm

Members

Chairperson - * Mr J G Fowler

* Mr W Ash	* Mr V A Barker
* Mr P Holmes (virtual)	* 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 M Gildersleeves (Assistant Director – Planning & Strategic Infrastructure for Boston Borough Council, East Lindsey District Council and South Holland District Council)

1945 Recording the Meeting - Agenda Item 1

Members were informed that the meeting would be recorded.

1946 Welcome guests and receive apologies for absence - Agenda Item 2

There were no apologies received.

Invited guest, Mr M Gildersleeves, was welcomed, in addition to Mr C Wray in attendance at his first Structures Committee meeting.

1947 Declarations of Interest - Agenda Item 3

Declarations of interest were received from Mr V Barker in relation to Minute 1954 – to discuss the cost and viability of additional access culverts for the Board's machinery.

1948 Minutes of the last Structures Committee Meeting - Agenda Item 4

Minutes of the last meeting held on the 24th March 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 1759(d) – paragraph 15 – spelling error 'Mr V Barker felt that two seasons is very *admiral...*' should be '*admirable*'

1949 Matters Arising - Agenda Item 5

(a) Small Drove – No. 718 – FX1760 – Minute 1759(c)(vii)

Mr V Barker requested an update on this culvert.

The Operations Manager reminded the committee that this culvert is under a highway and therefore the responsibility of Lincolnshire County Council (LCC). LCC have completed a temporary repair and will replace it when they have the budget to do so.

(b) Quadring Fen – No. 50 FX1761 – Minute 1759(c)(viii)

Mr V Barker requested an update on this culvert.

The Operations Manager reminded the committee that this culvert is under a highway and therefore the responsibility of Lincolnshire County Council (LCC). LCC have completed a temporary repair and will replace it when they have the budget to do so.

The Chief Executive felt it may be worthwhile contacting the LCC to remind them of these culverts.

1950 Byelaw Infringements and how can we engage more with our local planning officers - Agenda Item 6

The Chief Executive introduced this item, highlighting the high amount of land that has been transferred from agricultural to special levy this year (118 acres) and therefore the increased amount of land being developed (although a large proportion of the 118 acres is the Bicker Electricity Sub-Station Complex).

The Chief Executive next referred to the Board's 9 metre byelaw policy, which protects a strip adjacent to the watercourse, for the Board's continuous maintenance of the watercourse. However, there are becoming an increasing number of issues whereby building developers are not complying with the 9 metre byelaw. Internal constant discussion takes place about how the Board can 'convince' the planning applicant of the need for the 9 metre byelaw for future maintenance or improvement works. The Chief Executive gave the example of the use of heavy excavators tracking on surfaces that are not designed for it, e.g., block paving, and causing damage. Further using the scenario of when the watercourse is desilted and the spoil is left on the top of the bank, it is not only unpleasant for the residents, but if there is nowhere to spread it as it usually would be in the field, it will just keep building up over time.

It was explained that the Board's Planning and Byelaw Officer, Operations Manager and Mr M Gildersleeves have met prior to this meeting to have initial discussions around this.

Mr M Gildersleeves introduced himself and his role, giving a brief background to the planning regulations, explaining as follows.

Certain works fall within permitted development rights, in which case the individual does not require planning permission to complete the works, for example, building a conservatory (which could be within the 9 metre byelaw distance) could fall under this and therefore there is nothing the planning authority can do about this. In terms of planning applications, they are assessed against the local plan which has a number of policies within it, and it is weighed up whether or not the application is in line with the plan. The key driver of the current plan is around growth, delivery of houses and jobs.

Mr M Gildersleeves continued that the key obstacle with this problem is that the planning authority can only operate within the legislation available to them and that, from government direction, they are guided to let the other statutory bodies deal with their own legislation. Continuing, Mr M Gildersleeves noted that he can completely see the need for the work of the IDB and the benefits and need to maintain the strip, however, the developer would want to make efficient use of that land, adding that they must already meet particular requirements including car parking, gardens, affordable housing, education etc. and that it could be about making a trade off and using that 9 metre byelaw strip for multiple purposes.

Mr M Gildersleeves further explained to the committee that if the authority doesn't get enough houses built per annum on a consistent basis, they would be put in 'special measures' which would then undermine their ability to make planning decisions.

However, Mr M Gildersleeves highlighted the emphasis on partnerships and trying to find a way forward, noting the planning authority has good policies regarding design and so can refuse applications that are not acceptable in design terms. Further referring to the national design guide, regarding using the same piece of land for multiple purposes, i.e. biodiversity, surface water, open space etc.

Mr M Gildersleeves next referred to some of the initial ideas discussed between himself, the Operations Manager and Planning and Byelaw Officer:

- Starting the conversation with local developers in the form of workshop that looks to identify what would work from all sides of the development – the argument being that whilst the important work of the IDB is recognised is it right and proper to leave a 9 metre strip when houses are in demand, and it could be used for other purposes?
- Planning and drainage meetings – East Lindsey currently hold the meetings to look at applications at an early stage. Can look to spread it across to Boston if it would be of interest.
- Potential to look at some standardised wording to attach to the permission.
- Commuted sum to offset long term costs, however, this is not something that could be facilitated through planning.

The Chief Executive thanked Mr M Gildersleeves for the information given, responding as follows:

- Planning and drainage meetings – unfortunately the meetings covering Boston and Spalding have never really had much uptake.
- Multi-agency meetings – used to invited to, but unfortunately stopped being invited to attend due to speaking up.

- Commuted sum – a commuted sum has almost reached agreement with Longhurst Housing Association for one of their developments

The Chief Executive further referenced the scenario of a conservatory being constructed, noting that although it is out of the control of the planning authority to give permission, is it not regulated by Building Regulations / Development Control?

Mr M Gildersleeves responded that with development management, the planning authority have very little control, adding that some works can take place without regulations, with just a notice being served. Mr M Gildersleeves suggested that it may be beneficial to see if the communication process could be enhanced between our organisations to be able to flag any potential issues to the IDB, noting that Boston Borough Council are behind in terms of facilitating sharing data.

Mr M Gildersleeves further noted that there may be a role for this within the wider planning officer group to come to some form of shared ambition and best practice approach.

The Chief Executive added that the Board's officers are currently looking at a planning application for a development that has an undeveloped strip of land running through the middle of it, which is for the overhead high voltage cables, it being his ambition that the same principle would apply for the IDB's 9 metre byelaw. Mr M Gildersleeves noted that this is something that has to be done under the National Grid requirements and can see why the IDB would aim for something similar.

Mr W Ash believed the process was being made more confusing than what was necessary. He felt that it could be kept simple, and it be made clear that the 9 metre strip is a necessity. The developer would then be able to bid to purchase the land knowing that he would not be able to develop on that strip of land. Mr W Ash raised his concern for the future and the risk of flooding if maintenance can't be carried out. Further adding, that more land could be identified for development to counteract for the 9 metre byelaw strips.

Mr M Gildersleeves acknowledged Mr W Ash, but highlighted the knock on impact of leaving 9 metres on each required development, how much that would add up to and the effect of trying to find further land for development on factors such as biodiversity, landscape etc.

Mr W Ash argued that it is just a small proportion of the development area and that there isn't a watercourse around every development, reiterating that there will be a time when there is flooding, and it will not be accessible for the machinery to help.

Mr M Gildersleeves responded by suggesting that machinery has developed so much already and so it is possible that it wouldn't require a large machine to carry out maintenance in the future. Also adding that it is not an efficient use of land and that if more land is then required, it then takes more land from agriculture. Mr M Gildersleeves confirmed that the planning authority does not have the power to enforce it, they can only encourage.

The Operations Manager highlighted that once the site has been developed, that is what the Board are left with for access, and it is often the case that the Board are left to pick up the pieces afterwards. The Board want to be recognised and involved in the early stages of proposed land development. Realistically, 9 metres is not that much room in relation to the size of machinery and depositing of spoil. The Board accept that they won't be able to stop these developments but would like to see them built in a way that the Board can still do their job, which ideally is an unrestricted 9m access. Ultimately, if not unrestricted access, it is going to cost the Board more to do their job. The Chief Executive added that all UK IDBs have a standard of 9 metres, but it could be reduced in different cases.

Mr M Gildersleeves acknowledged this, noting that the development needs to be designed in a way to allow this access and so it is about educating on the requirements needed so that it can be designed accordingly.

Cllr P Skinner noted that there is a handbook containing guidance on SUDs which most developers use and abide by, suggesting that a similar handbook for this byelaw matter may be useful.

Mr P Holmes supported the view of Mr W Ash and was disappointed in the lack of support received from the planning authority. He noted that agricultural land and building land have similar value, and farmers are happy to give up some of their land for the IDB to do their work in order to 'keep our feet dry', being of the opinion that IDBs should be a first port of call, instead of finding out retrospectively.

Mr M Gildersleeves acknowledged Mr P Holmes opinion, but outlined that the planning authority can not enforce it because it is dealt with through separate legislation. Mr M Gildersleeves also noted that if it was a 'blanket no' to using the 9 metre byelaw for building on all developments, then the building targets wouldn't be met and would therefore undermine the planning authority's ability to make the decision in the first place. It is going to have to be through partnership and making developers aware through the early stages.

The Chairperson referred to it as being a matter of educating about the necessity of long term resilience critical to prevent flooding, noting that he is not sure the developers understand that or want to hear it.

Mr M Gildersleeves noted that it is regular developers in the area, referring to the potential of a handbook and being able to distribute it to them.

Mr W Ash re-enforced that the 9 metre byelaw should not be negotiable as it is vital to keep houses and land dry.

Mr C Wray questioned, once built, the powers of the byelaw and if the Board would be liable for any damage caused?

The Chief Executive responded that these are discussions being had now. In theory, in some cases, it could be maintained from the roadside, however, there are additional costs involved in that, such as traffic management. The liability is addressed through a commuted sum upfront payment from the housing association.

Mr C Wray suggested taking a charge on the land, as it could potentially devalue the houses and therefore would be an incentive not to do it.

Mr M Gildersleeves highlighted that from a developer point of view, they will argue that the Board will receive long term maintenance funding through the special levy payment paid by the council.

The Chairperson added that he felt that the information flow between the planning authority and IDB needs to be refined. Giving the example of a case, where he noticed two trees that had been planted in the middle of the 9 metre byelaw strip, and only knew about them because he had driven past and seen.

Mr M Gildersleeves acknowledged that he can pick up the communication element. However, did argue what would be wrong with planting trees in the access strips and that planning is not required for planting a tree, outlining that he doesn't want to set unreasonable expectations.

The Chief Executive noted that it would be good to agree to be involved in the early development with the planning authority and developer.

Mr V Barker questioned who would be responsible for damage after the 25 year commuted sum? Mr M Gildersleeves thought it might be the responsibility of the IDB, but that the commuted sum should ease these issues.

The Operations Manager referred to another development, Broadgate Homes, where it will have a more of a severe impact because of the size of the watercourse and where the silt arising from the watercourse will be spread, as they will just keep building up overtime.

Mr M Gildersleeves also referred to the local plan which outlines where the future planning is going to be. He also noted that when the plan is reviewed, it would be a good time for the IDB to get involved and try and build in their requirements to the plan. Mr M Gildersleeves also referred to the concept of developing a comprehensive guidebook.

The Chief Executive suggested that they will arrange a meeting to take this further.

The committee thanked Mr M Gildersleeves for his attendance and discussion. Mr M Gildersleeves left the meeting.

1951 Review of the Structures Committee Terms of Reference - Agenda Item 7

The Chairperson presented the Terms of Reference.

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

1952 Review of the Structures Replacement Policy - Agenda Item 8

The Chairperson presented the Structures Replacement Policy.

Cllr M Cooper noted the set fee of £250 + VAT for inspections during the construction phase (paragraph 6.8), questioning whether this needs increasing due to rising costs of everything else? All AGREED to increase by £50 to £300 + VAT.

All AGREED that the Structures Replacement policy (No. 9) be RECOMMENDED to the Board for approval with the above amendment of increasing the fee for inspections to £300.

1953 Receive the Structures Report 2022 - Agenda Item 9

The Operations Manager presented the Structures Report 2022, with accompanying photographs displayed on screen.

(i) Structures Replacement / Contribution Programme 2022/23

All AGREED the Structures Replacement Programme 2022/23 as below:

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
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)

The Operations Manager noted that he has been out to site, and it is still in a similar state of disrepair. If it worsens and blocks the conveyance of the watercourse, the Board will remove it.

(b) Bicker Fen – No 1469 – FX21769 – 18M X 1200MM Armco (Farm track field entrance)

The Operations Manager noted that it was the extension of the existing culvert that has failed, which is now causing the headwalls of the existing culvert to start failing. The extension was placed by the Board for access with machinery.

Mr V Barker highlighted the importance of having enough cover over the top of the pipe – the larger the pipe the more cover required, questioning if there is enough cover going on the top?

The Operations Manager responded that the Board only provide specification for the invert levels of the pipe and for the fill material around the pipe, but other than that, it is the landowners discretion to what materials and quantity they wish, the Board only specify to 'suitably fill'.

The Operations Manager noted that these culverts were put in in the 1960's and specifications and size/weight of machinery have changed a lot since then.

Mr P Robinson added that it is in the landowner's own interest to do it properly.

The Chief Executive added that the Board won't offer a specification for it as it would then mean the Board were working under terms not covered by their professional indemnity.

(ii) Culvert Surveys Reports

The Operations Manager informed the committee of the new app that the Board's GIS & Environmental Technician has developed, which means all culvert surveys can be carried out using this GIS based app as opposed to pen and paper surveys.

The Operations Manager further explained that, despite best intentions, they have only managed to survey 53 culverts this year, noting that the results of the surveys are included on pages 20 and 21 of the agenda, as requested at a previous meeting. The Operations Manager referred to those classed as 'poor condition' noting that if they are landowner responsibility, they will inform the landowner, if it is blocking the watercourse then the Board will remove it.

Mr P H Holmes questioned whether it would be beneficial to add another column about the Board's use of the culvert and potential contribution? The Operations Manager noted that this can be added.

Mr J Fowler questioned if most of the surveys are carried out at this time of year before weed growth becomes an issue?

The Operations Manager responded that it is difficult to establish an optimal time of year to survey the culverts. This time of year, there is little growth, which is beneficial, however, water levels are higher. Later in the year, water levels are reduced but there is more growth. It also being noted that some culverts are within a water level that will never reduce enough to complete a survey so the water levels will need reducing in those areas in order to complete the surveys.

The Chairperson questioned whether focus should be given to those that are critical as opposed to area based? The Operations Manager responded that the outstanding 950 culverts do need to be surveyed soon, as it will then be a case to decide the remit time for repeating surveying. The Operations Manager noted that they are done in catchment areas currently so that when water levels are reduced all in that area can be completed.

Mr V Barker referenced the culvert survey maps included within the agenda, particularly noting the two culverts showing on the Dowsby Lode drain, thinking this is incorrect. The Operations Manager noted that the maps show all structures, not just culverts, but will investigate it.

(iii) Culverts reported in a poor condition

(a) Morton Fen – No 16 – FX1772 30m x 900mm Armco

The Operations Manager explained to the committee that this culvert has collapsed, which forms the driveway to a property. The Operations Manager met on site with the landowner in December 2021 to discuss a way forward, an estimate of £30,000+ was provided to replace the existing 30 m x 900 mm culvert.

The landowner has since asked if the Board would consider rerouting the drain around the properties (shown by a red line on Fig. 1 on page 25 of the agenda). The landowner was advised that they would require an application, which has not yet been received.

Mr W Ash noted that he believes the landowner is looking to sell the properties.

The Chairperson also referenced the suggestion from the landowner for a 6 metre grass strip, noting the 9 metre byelaw previously discussed.

(iv) Information on investigations at Ewerby, South Kyme and Damford Pumping Stations & Trinity College Pumping Station water seepage from Long Skerth

The Operations Manager noted the technical information from Stantec included within the report, acknowledging that it is a lot of information, but felt that it was worthy of inclusion.

The Operations Manager explained that the investigation works have now been completed, and a technical note from Stantec provided for each site which outlines a recommendation about how to cure the problem.

The Operations Manager explained that funding of £50,000 from the Environment Agency (EA) was secured. £14,250 has now been allocated for Stantec to carry out investigation works at Trinity College Pumping station, which will mean that almost all the £50,000 has been spent.

Stantec have noted that the next stage would be for them to provide a design proposal for each of the sites, which would cost c£50,000. The Operations Manager has discussed with the Chief Executive and Grant in Aid Manager and can't see what further information is required, and that if that amount of money was spent, it would mean that £100,000 had been spent without starting any of the works. The Operations Manager therefore suggested that there is enough information in the technical reports from Stantec to provide to a third party for a design, which either the Board could implement ourselves if possible or take it forward to tender. At this point, the funding would need to be considered, whether it be out of the Board's budget or trying to gain external funding, the Operations Manager being of the opinion that they would go through the Grant in Aid process to try and gain funding.

Mr V Barker referenced that they are all built on peat, sand and gravel and that the gravel causing the issue, therefore noting that any construction work needs to be below the gravel.

The Chief Executive further noted that the recommended works within the Stantec reports are works within the banks, which are owned by the EA and therefore believed the Board has the right to ask for further funding, adding that by providing funding for the investigation works, they have already admitted responsibility.

The Operations Manager also noted that there is a possibility that in the future, these sites may not be required, as a result of the South Lincs Reservoir (SLR) project, which may make it more difficult to achieve funding. The Chief Executive added that the preferred location for the SLR will be released towards the end of April. Dependant on the location, it could involve the reconfiguration of the catchment and pumping stations.

Mr C Wray questioned how long it would be before the reservoir and changes are made? The Chief Executive responded that the aim is to be transferring water from the reservoir in mid-2030's. Mr C Wray noted that the pumping stations still needs to be operating for another 5 -6 years at least.

Mr C Wray further noted the reference to using a bentonite slurry within Stantec's solution, noting that it could still wash out. Brief discussion took place around sheet piling and construction methods.

The committee were of the opinion for the Board to source the design from another company, cost the work up by the Board and externally if required, whilst trying to achieve funding from the EA for it.

The Chief Executive noted, as a further matter of interest, that a number of the Board's sub-catchments are currently being surveyed, in order to look at a 'bigger picture' and the possible future amalgamation of pumping stations.

The Chief Executive further referred to the Lower Witham Catchment Strategy, currently being undertaken on behalf of the Environment Agency (EA), in addition to the survey data being undertaken, the Board has requested that various ordinance data levels are taken at seven of the Board's pumping stations, which will be able to be compared to the construction levels on the original drawings to see if they have settled.

1954 To discuss the cost and viability of additional access culverts for the Board's machinery – Agenda Item 10

The Operations Manager introduced this item, explaining that the current route of the excavators has been reviewed and it has been identified that the addition of four new culverts, presented within the agenda, would enable the Board to complete their work more efficiently as it would provide a crossing point to allow access to both sides of the watercourse. There is currently no budget allocated for this, if approved, the Board would look to develop a budget over the coming years.

Cllr P Skinner noted that presumably there will be savings by constructing the culverts.

Mr V Barker noted that he has seen, on numerous occasions, the amount of time that the excavator spends time waiting for the Unimog or the Unimog is waiting for the excavator. Mr V Barker further noted that in 2-3 years' time there could be two more new culverts identified, therefore increasing the budget required, believing that another alternative should be considered - the possibility of a purchasing a different machine (wheeled) that is more transportable.

Mr P Holmes suggested asking whether the landowner would use it and asking for a contribution.

The Operations Manager noted that a 2022/23 budget of £20,000 has been identified for alternative access works, this is also used to do additional bushing works required for access.

Mr W Ash noted that the Board needs to keep improving the system and that it would be a big benefit to be able to access and maintain from both sides. Mr W Ash left the meeting.

Cllr M Cooper echoed how much time it would save.

1955 Any Other Business - Agenda Item 11

(a) Possible syphon at Dunsby Fen Pumping Station

Mr V Barker referenced the concept of pump amalgamation noted at a previous meeting and his initial concern about the concept, but having looked into it further, can now see the potential for it.

Mr V Barker next referred to Pinchbeck Pumping Station, visited at the last Southern Works Inspection, where Mr J Atkinson noted he had a problem with getting his water away, it being identified that the Dunsby Fen pump is one metre lower than Pinchbeck, with consideration being given to syphon. Mr V Barker felt it important this be documented on a plan to indicate the plan to put a syphon there because of the potential proposed deepening and widening of the South Forty Foot Drain (SFFD) plans.

The Operations Manager noted that the whole catchment survey is intended to commence in April, with a report of findings completed in November, aiding the Board to be as well informed as possible when discussions and decisions start taking place about these proposals.

There being no further business the meeting closed at 16:34.