

WITHAM FOURTH DISTRICT INTERNAL DRAINAGE BOARD

MINUTES

of the proceedings of the **Board** at a Meeting held at the Board's Offices, 47 Norfolk Street, Boston on **Wednesday, 13th September 2017**

Present: - J.E. Grant (Chairman)

Messrs: T. Ashton A. Harrison
R. Austin P. Richardson (Vice-Chairman)
P. Bedford A. Saul
B. Bowles P. Skinner
C. Crunkhorn J. Ward
C. Hardy J. Woods

1 **CHAIRMAN'S ANNOUNCEMENTS**

1.2 **Welcome to New Member**

The Chairman welcomed Paul Skinner to the Board as a Boston Borough Council appointed member.

1.3 **Reglone Application**

The Chairman advised that unfortunately we had not yet been able to convince DEFRA to approve the continued use of aquatic herbicide Reglone. However, the Chairman was determined to continue with efforts and, with the Board's permission; he wanted to collate a number of photographs showing the positive effects of using Reglone to send to DEFRA in support of the application.

J. Ward - asked why they would not approve the application?

The Chairman confirmed that it was because it was not in the EU Aquatic Use spectrum and therefore not within their powers to approve the continued use. The Chairman said that he would be very interested to see how the issues were dealt with when attending the Nord Holland Study Tour later this year.

1.4 **Lade Bank Pumping Station Open Day 9th September 2017**

Around 125 visitors had attended the open day and were able to see the diesel pumps in operation together with a display of the works on the Wrangle Sea Banks. The increase in numbers was very encouraging and good PR for the Board. The Chairman thanked Ed Johnson for his efforts on the day.

1.5 **George Harness**

The Chairman confirmed that an ex-employee of the Board had recently celebrated his 100th birthday. A card had been sent together with a document from the 1940's recommending he be retained by the Board after the war. This had been gratefully received.

1.6 **Other**

The Chairman sent best wishes to Richard Leggott who was undergoing an operation today and wished him a full and speedy recovery.

2 **APOLOGIES**

Apologies for non-attendance were received from:-

Messrs: C. Brotherton
M. Cooper
M. Dennis
H. Drake
N. Jones
R. Hall-Jones
R. Leggott
C. Rylott
R. Williams

Also in attendance was Mr King a ratepayer who had made a request to address the Board regarding a development issue in Mareham-Le-Fen which would be dealt with later in the meeting.

3 **DECLARATION OF INTEREST ON ANY GENERAL ITEM**

Declared an interest in discussions about Sea Banks and Bridges – A. Saul and B. Bowles.
Declared an interest in discussions about Triton Knoll/Viking – J. Grant, P. Richardson

4 **MINUTES**

4.1 **Board Meeting – Thursday 15 June 2017**

The Minutes of the Meeting of the Board held on 15 June 2017 were submitted and signed by the Chairman.

Matters arising:

4.1.2 **Ed Johnson**

The Chairman confirmed that Ed Johnson had now completed three months in his role as the Assistant Engineer and had settled into the team very well.

4.1.3 **Nord Holland Study Tour – Amsterdam 31 October – 2 November 2017 – Page 49**

The Chairman confirmed that the Flood-Ex exhibition was now only scheduled for one day and other trips would now be organised for the free day.

4.1.4 **Matters Arising**

J. Ward - asked if we knew the cost of the second hand engines yet?

The Engineering Manager confirmed that no definite price had been received but that it would be scrap value.

P. Richardson - added that Triton Knoll had been given permission to proceed on Monday 11 September.

5. **MEETINGS WITH OUTSIDE ORGANISATIONS**

The Chief Executive read through the Outside Meetings Report and confirmed there were a few interesting points in the EA Managing Programme which covered works for the current period of 6 years. It appeared that only 40% of the IDB works target had been achieved but projects totalling £1.5m had been delivered. He was able to confirm that our Board are delivering on all our projects.

At a local utilities meeting there had been discussions with utility companies about the electricity provision for Lincolnshire. There are maps available whereby you can see the provision for each area. This was a cause for concern in respect of Hobhole Pumping Station which could result in an increase in the capital cost in a substation was needed. The Chief Executive hoped for a change in government policy whereby energy could be stored for use at a later date rather than have to return it to the grid.

With regard to the Reglone application there had been a meeting with DEFRA (Chris Rusbridge) to see if we could extend the current emergency use. This had been in place for 5 years hence the reason why it had now been withdrawn. There may also be additional opportunities when EU legislation is changed to UK Legislation.

6. **CHIEF EXECUTIVE AND FINANCE MANAGERS REPORT**

- 6.1 The Chief Executive went through his report and highlighted the recent expenditure figures contained in item 3 and confirmed that no payments had been made in relation to compensation.
- 6.2 The Chief Executive confirmed that rating arrears bought forward had been reduced to £6,015 which is the lowest that they have been in recent years. Rate Demands for the current year have been sent out and payments are being received. Since preparing his report, the outstanding balance has been further reduced to £120,362.78. The Chairman thanked the Ratings Officer for her efforts.
- 6.3 **Flood Defence Grant in Aid Applications**
The largest project this year is the Wrangle Sea Banks. The preferred tender was that of D. Morgan who had the best tender and the best price (£900k). A pre-contract meeting had been arranged for Friday morning to clarify all the details and to ensure that the individual land-owner requirements would be met. A few land-owner agreements still required finalising and these would be required before we can sign them. The Chief Executive asked the Board to give authority for the Chairman and the Chief Executive to sign then on behalf of the Board, once they have been received. The Chief Executive added that a further £200k had been requested from the EA funding as a "buffer" which would cover any variations to the original Contract. The work would be carried out in 100m intervals and in the event of extreme conditions it would be possible to replace the 100m section of crest to ensure no impairment to the current flood protection.

The Chairman congratulated the Chief Executive for the time and effort he had put into this Project.

C. Hardy - asked if D. Morgan was a national firm?

The Chief Executive confirmed they were and that they had carried out other large projects for which they had references. A trip to the completed bank will be included in next year's Triennial Inspection.

The Chief Executive added that at Lade Bank Pumping Station, repairs were needed to piers and walkways, new fuel tanks were required as was security fencing around the yard. The total cost of this was roughly £300k and a business case had been submitted to the EA. With regard to sewer lining at Fishtoft, Ed Johnson has experience of dealing with Grant in Aid Applications and he would be dealing with this project.

Once these schemes have been delivered there are no further projects planned, if any Board Member had any ideas for smaller schemes which they would like to flag up, the Chief Executive would welcome them.

RESOLVED that the Land-owner Agreements be approved and signed by the Chairman and the Chief Executive on behalf of the Board.

7. **ENGINEERING MANAGER'S REPORT NO. 2/17**

The Engineering Manager went through his report, highlighting those areas of importance for Board Members

7.1 **Maintenance Works**

7.1.1 **Weed Cutting**

The Engineering Manager confirmed that the new 5m weed baskets had been very effective and there had been an increase in hourly output from 150m to 200m. The Chairman suggested the photographs included in the Engineering Managers' Report were used to support his case to use Reglone and another issue to be considered was how to maintain the efficiency of the machines if we were not able to use Reglone. Do we ask Land-owners not to plant crops and pay compensation, or run through crops and pay compensation? Either way, non-use of Reglone will increase costs which will have to be funded from rate increases.

C. Hardy - asked if before the next meeting we could find if Land-owners left 4m buffer strips whether this would comply with EFA Rules?

B. Bowles - asked how much compensation other Boards pay?

The Chairman said that a scenario where workmen had to return to areas to complete the work was not cost effective. The Assistant Engineer confirmed that at North Level IDB they did a summer cut where the fields were clear. With regard to root crops they could only run through Sugar Beet crop **not** potatoes and no compensation was ever paid. Other Boards cut early so they may have to pay compensation. The Chairman asked what would happen to the oxygen levels in the water when the weed started to die back and the effect on the wildlife/fish.

T. Ashton - believed increased emphasis on the environmental impact non-use of Reglone would have would be more likely to get approval from EA.

The Chief Executive said that there had been a report carried out and other Boards had confirmed they would support the application but this Board was the only one actually geared up to use aquatic Reglone. The Chairman said he could foresee major problems in the water when a mild winter would increase weed growth and higher rainfall in the summer months would mean a need to keep the waterways clear. Any work done in the summer months would likely have to be repeated before Christmas to ensure this, thereby resulting in a duplication of work and costs.

7.2 Slip Repairs

The Engineering Manager confirmed a piling machine had been hired from Welland and Deeping IDB and it was a very good alternative to our old 22RB. The Engineering Manager confirmed that the 22RB was not used very often, cost money to insure and maintain and his preferred option would be to get rid of it.

C. Hardy - stated there would come a time when parts were not available.

The Chairman added that he would be loathed to dispose of the machine. He said that this was the way the work was done in the old days and there was a historic value to it and he would prefer that the machine was displayed at the entrance to one of the pumping stations.

J. Ward - asked what its value was?

The Engineering Manager confirmed it had scrap value.

T. Ashton - added that it took little annual maintenance to keep a diesel engine live. He felt in light of this, the machine should be retained and bought out on open days for visitors to view.

The Engineering Manager stated that storage space was at a premium and there were more important items (such as the 3 second hand engines) which could fill the space that would be taken by the 22RB. The 22RB would also be subject to inspections. The Chief Executive suggested that this issue be referred to the Plant and Pumping Committee at their meeting in November. The Chairman asked the Members to raise their hands if the Board's Heritage was important to them and two-thirds agreed.

7.3 Mareham Le Fen

The Chairman advised the Board that Mr King was in attendance regarding this issue. The Chairman proposed that the Engineering Manager read through the item and then allow Mr King the opportunity to respond. The Engineering Manager referred the Board to the map which details the area in Mareham Le Fen. The Engineering Manager has had concerns regarding drainage issues in this area since 2013. A survey has been carried out by the developer which has shown defects. The Engineering Manager wanted to confirm that no planning application has been submitted for the whole site and no objection has been filed. The Engineering Manager has merely highlighted his concerns and has indeed tried to offer Mr King alternative solutions and assistance. The main areas of concern are:-

- BCD was not the original discharge route for the site (OS maps show no connection prior to roadside development)
- The pipe is not in good condition
- The reason for its installation is unknown but the flow now coming to it consists of land drainage north and south of Main Street plus highway drainage and an unknown quantity of existing development drainage north of Main Street via a 225mm pipe.

- Whilst development can be restricted to green field run-off rates, each time a development is approved the pipe takes on the drainage of more properties, possibly never the intended purpose of the pipe and perhaps something the owner(s) either never expected or indeed would desire.

Mr King then addressed the Board and confirmed he would be willing to answer any questions that Members may have. Mr King said that if there is a risk of flooding this would not be caused by the drainage from his proposed development. The field which he is proposing to develop has been under-drained, with the Board's consent and together with the use of swales; he believed that any drainage effect would be neutral. If the culvert failed then approximately 8-9 houses would be affected, none of which are on his field as the drainage actually runs downhill. Mr King believes that any concerns that the Engineering Manager may have about the condition of the culvert could be allayed by the Board entering the land and repairing the culvert, which the Board are entitled to do and Mr King would assume liability for the reasonable costs. He could not therefore understand why the Board were unwilling to do this. Mr King advised that if the Board do oppose this then "we" (Mr King and the Board) will enter into a legal dispute which the Board will lose and moreover will be liable for their own costs and those of Mr King. However, he is in fact offering to pay the reasonable costs without the necessity for legal action.

Mr King believes that if Agreement cannot be reached with the landowners that the Board under their own powers can simply enter the land, carry out the repairs and Mr King will pay the reasonable costs.

The Chairman interjected and confirmed that he had actually been on site that morning and had spoken to 2 of the 3 landowners whose land the pipe runs through and had had the opportunity to inspect the pipe, insofar as possible. At the present time the culvert is serviceable and copes with the agricultural drainage. As a result, there was no requirement upon the landowners to improve the state of the watercourse and the only time this would be necessary was if it failed. There was no necessity for the Board to enter land to carry out improvements that at this time are not required as the pipe is serviceable. The Engineering Manager confirmed that he was nervous about future water passing through the pipe that is not in our control and could possibly be from outside of our District.

A. Harrison - *commented that there was existing flooding and a problem with flushing toilets etc which needed to be addressed.*

The Engineering Manager confirmed that this was an Anglian Water surcharge issue.

B. Bowles - *asked if the land owners wanted the work carried out?*

The Chairman said that he had not asked that question and had simply asked if the pipe was working.

R. Austin - *added that if the water drainage was controlled by swales if they were not maintained this would cause an issue*

The Engineering Manager confirmed that it was a usual requirement for a management company to keep them maintained.

P. Skinner - *said that because of the value of the development it would need to comply with SUDS*

J. Ward - *asked how the value of £30k had been reached and had a survey been done?*

Mr King confirmed that this was an estimate from his Quantity Surveyor and that they would pay all *reasonable* costs.

C. Hardy - *was aware that a lot of water hits the main road and diverts west into a dyke. Water bubbles out of the drains and causes flooding.*

The Engineering Manager said that he raises this issue time and again at the meetings he attends.

A. Saul - *asked if it were only pipes C-D which required improvement?*

The Engineering Manager confirmed that the whole length needs placing in good order. Lincolnshire County Council should be approached to improve 6" pipes under the road. The Chief Executive advised that the Engineering Manager was providing the Board's interpretation of Section 14 of The Land Drainage Act which refers to the wider powers of Board and was not routinely used for enforcement on short sections of pipe/localised issues.

The Chairman added that if the land was not being developed the present system is perfectly adequate. Other developments, not just Mr King's, are going to cause problems. The current agricultural use is being coped with. The Engineering Manager advised that we were only talking about putting the pipes into good order and not improvement. The Chairman said that if the system fails and the landowners do not carry out the repairs, then the Board can go in and carry out the repairs. The correct way forward would be for the Developer to speak to the Landowners, tell them what he wants to do and confirm that he would pay the associated costs.

C. Crunkhorn - asked who was responsible for maintenance of A-B, the open dyke?

The Engineering Manager confirmed that the Riparian owner was – in this instance Mr King.

Mr King said he does not want to pay a ransom to the landowners who do not want the properties to build on the land next to them.

P. Bedford - suggested that Mr King submit a 106 Notice. The Board could ultimately carry out the work but it should be a planning condition.

T. Ashton - advised that speaking in his capacity as a Board Member the Drainage Board and the Planning Department have separate requirements. The pipe is currently in use for agricultural use and is adequate. If ELDC have said that the pipe is inadequate for development, the Board cannot be held responsible. If the concerns of the Board are serious enough to oppose the application then a Section 106 Notice would mitigate reasons which would lead to rejection.

The Chief Executive added that he believes that a Section 106 Notice is the correct way to proceed and wider discussion required which could improve things for the whole village. The Engineering Manager confirmed that he has never been involved with a Section 106 Notice but if discussions support that the 6" pipe needs to be improved then there will also need to be discussions with other authorities to increase the pipe size.

T. Ashton - added he does not believe that the Board can be called to use their powers to improve something that works. The Developer has not yet been granted planning permission and without full support there will be no planning permission.

A. Harrison - asked if any other route had been considered?

The Chairman asked Mr King if any other route had been considered and he confirmed that he had spoken with one of the landowners who had told him that he wanted £500k payment to allow him to proceed with the work. Mr King was not prepared to be bullied into making an extortionate payment. The Chairman said that the agricultural land and the adjacent properties are served by the pipe and it is not incumbent on the Board to become embroiled at this stage. The correct process should be followed and Mr King needed to speak to the landowners. Mr King again re-iterated that he had tried but would not be held to ransom for the sum of £500k. The Chairman asked the Board if they were prepared to support what the Engineering Manager had written in his report. T. Ashton proposed that the Engineering Manager should be supported and this was seconded by P. Skinner.

T. Ashton - proposed that the Engineering Manager should be supported

P. Skinner - seconded the proposal

A. Harrison - suggested a counter-proposal that the Board should advise ELDC that they would welcome a Section 106 Notice

The Engineering Manager confirmed that he had already offered to write to the landowners on Mr King's behalf. The Chairman felt that Planning needed to be involved in this issue because more development was planned in that area, although out of our district, but how much more development could Mareham Le Fen cope with?

P. Bedford - confirmed that the application would be considered on its own merits and the Section 106 Agreement would be between the Developer and the Landowners.

T. Ashton - proposed that the Engineering Manager should be supported, planning application to be submitted supported by a Section 106 Notice

P. Skinner - seconded the proposal

UNANIMOUSLY RESOLVED that the Board will support the Engineering Manager and a planning application should be submitted supported by a Section 106 Notice.

The Chairman thanked Mr King for attending and Mr King confirmed that he would like to remain for the rest of the meeting but may slip out at some point.

7.4 **Pumping Stations**

7.4.1 **Gear Box – Pump No. 1**

The Engineering Manager advised the Board of the options discussed with the Chairman and Vice-Chairman for dealing with the gearbox issue. After consideration, the option to carry out The repairs at an estimated cost of £78,000 were the preferred route.

J. Ward - asked if Grant in Aid could be applied for to cover the cost of repairs?

The Engineering Manager confirmed that it could not.

7.4.2 **Pump Discharge Pipe Corrosion Problems**

The Assistant Engineer confirmed that as previously advised a fist sized hole had been discovered in the cast iron discharge pipes which we have been unable to fix at the present time. The pipes have been in place since 1986 and have rotted. A camera survey has been carried out and most concern was at the damage to pipe no. 4. However, this will be left through the winter then the usual inspection will be carried out and remedial works completed. At present only pipes 3 and 4 have been inspected. It is anticipated that pipes 1 and 2 will be inspected next spring.

7.5 **NON GOVERNANCE POLICY DOCUMENTS**

Relevant Byelaws

7.5.1 **Land Drains**

The Engineering Manager referred the Board Members to paragraph 10.2 of his report and asked for approval to adopt the policy relating to land drainage schemes.

A. Harrison - believed the suggestions were sensible.

T. Ashton - felt that if no other party was affected then farmers should be trusted to comply

The Chairman said that his concern was that we may lose track of water coming into our system and the impact that might have.

C. Crunkhorn - agreed and said he did not see the need to change the current system.

T. Ashton - asked what impact this had on administration costs and time?

The Engineering Manager confirmed that it may well only be 30 minutes per land drain application but problems arose when the farmers wanted it done the next day. The Chief Executive added that the current system did ensure that farmers kept the Board advised of any changes.

The Chairman asked the Board for approval to keep the current system in place and proposed the same, seconded by P. Skinner and:

RESOLVED i) The Board to retain the current system for dealing with Consent Applications

7.5.2 **Fences, Hedges and Other Structures**

The Engineering Manager referred the Board to the supplemental notes to his report 02/17.

J. Ward - asked why 6m was referred to instead of the usual 9m?

The Engineering Manager confirmed that 9m was the measurement contained in the byelaw but 6m was common practice.

A. Saul - felt that 1A on the new sheet should be better defined.

R. Austin - believed the policy should be in line with neighbouring Boards

The Engineering Manager confirmed all Drainage Boards allow variations to the Byelaw. The Chairman felt that fences and solid structures could be set at 6m but vegetation should be no more than 9m to allow for growth and possible over-hang.

- P. Skinner* - felt this was perfectly adequate and that once a policy is in place it can always be amended at a later date if required.
- T. Ashton* - felt this was the best way forward and asked to be excused from the meeting.

The Chairman asked the Board for approval subject to the definition between fences and solid structures and vegetation and proposed the same, which was seconded by P. Skinner and:

RESOLVED i) The Board to accept the policy wording.

7.6 **Board's Policy**

The Board approved the policy position

7.7 **Viking Link**

The Engineering Manager confirmed that he had received the application documents but had not yet had the chance to deal with this issue but that it was one of his priorities.

P. Richardson - raised a query in relation to the depth of the trench and the clearance for the safe working area.

The Engineering Manager confirmed that there would be a collective response from the 3 affected Boards and an objection to the application would be filed if not agreed.

8. **ENVIRONMENT REPORT**

The Assistant Engineer read through the Environment Report and confirmed that

8.1 **Eel Regulations**

The forthcoming changes to be made at Hobhole and Lade Bank to comply with the Eel Regulations will come into effect on 1st October. There will be a reduction in the water levels which will coincide with the Dark Moon phase and the eels will start migration. The Board have agreed to early morning sluicing and daytime pumping using the electric pumps. This change will enable us to comply with the Eel Regulations at minimal cost although it has been agreed that in an extreme event pumping take precedence.

C. Hardy - asked if eel numbers could be monitored?

The Assistant Engineer confirmed that there were cameras placed on each side so hopefully there will be some interesting pictures. The Chairman said that the costs of diesel –v- electric would need to be considered but the Engineering Manager confirmed that it was the cost of daytime –v- night-time electric that would be considered and that was negligible.

8.2 **Japanese Knotweed**

The Assistant Engineer was pleased to confirm that there was none reported adjacent to our watercourses.

8.3 **Biodiversity Plan**

The BAP would be updated before the Committee Meeting in November.

The Engineering Manager confirmed that the recent case of the sheep carcasses being dumped on land at Leverton, whilst not our land we employed somebody to clear them. The Police attended and confirmed that they were not sheep from the local area.

9 **ANY OTHER BUSINESS**

There was no other business and the meeting concluded at 4.40pm

Chairman