

## LINDSEY MARSH DRAINAGE BOARD

Minutes of a Meeting of the Board held at Wellington House, Manby Park, on Thursday, 28th June 2012, at 9.00 a.m.

- |                                      |                                |
|--------------------------------------|--------------------------------|
| * Messrs G. Billings (Vice-Chairman) | * Cllrs H. Marfleet (Chairman) |
| * W. Cooper                          | * Mrs J.P. Bradley             |
| * G. Crust                           | A. Bridges                     |
| * J.L. Dodsworth                     | * A.J. Howard                  |
| T.H. Heys                            | T.J. Knowles                   |
| J.M. Mowbray                         | * E.P. Mossop                  |
| * R.H. Needham                       | * R.J. Palmer                  |
| * P.W. Pridgeon                      | * W. Parkinson                 |
| * D.R. Tagg                          | * M.A. Preen                   |
| R.A.D. Unsworth                      | * J. Upsall                    |
|                                      | * Mrs P.F. Watson              |
- \* Present
- \* Messrs A. McGill (Chief Executive)  
D.J. Sisson (Engineer)  
\* M. Mitchell (Director of Technical Services)  
\* R.P. Mitchell (Director of Operations)  
\* S. Thackray (Director of Finance)

\* In attendance

### 1. APOLOGIES

Apologies for absence were received from Messrs T.H. Heys and T.J. Knowles. It was noted that Cllr R.J. Palmer would have to leave the meeting early.

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### 2. DECLARATIONS OF INTEREST

Mr J.L. Dodsworth - agenda item 12 (planning applications).

### 3. NOTIFICATION OF ITEMS OF ANY OTHER BUSINESS

None.

### 4. BOARD MINUTES (Pages 914 to 924)

RESOLVED

That the minutes of the Meeting of the Board held on 28th March 2012 be confirmed as a correct record.

### 5. MATTERS ARISING

#### 5:1 Minute 5:1, Page 914 - Operations Report

Officers had approached Witham Fourth District Internal Drainage Board with regard to the investigations into the syphon under the river and it was hoped that this would be addressed in the near future.

The Director of Operations reported that the Environment Agency would undertake the CCTV inspection.

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5:2 Minute 5:3, Page 915 - Leaning Fence at Silver Street, Theddlethorpe

Culverting of the watercourse had been completed by the Board and the cost would be recharged to the applicant as agreed by the Board in January.

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5:3 Minute 5:4, Page 915 - Chapel Culvert Works

A full report and costs would be presented to the September Board meeting for consideration.

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5:4 Minute 15:2, Page 921- CCTV Asset Surveys 2012/13

The Chairman asked whether it would be possible to arrange a site visit for members to see this work being undertaken. The Director of Technical Services reported that the work was due to start in September.

RESOLVED

That a site visit be arranged for members to view the CCTV asset surveys in September 2012.

5:5 Minute 16:1, Page 922 - Strategy for Compliance with The Eels (England and Wales) Regulations 2009

The Chairman enquired what progress had been made with the DRAFT Strategy and whether the Association of Drainage Authorities (ADA) was pursuing this. The Chief Executive reported that a further briefing had been received from the Environment Agency and the matter had been brought up at ADA Branch meetings. He stressed that a joint approach must be made by ADA and the Consortium.

The Chief Executive stated that the Board required evidence to see if, how and which of its structures were affecting the passage of eels. Mr D.R. Tagg enquired whether the Board monitored the presence of eels in its watercourses and, if so, whether the records indicated a decline. The Director of Operations reported that the workforce did record them and that there was no evidence of eels in some of the catchments. The Chief Executive stated that the Board's records would be checked to see if there was a trend.

Mr P.W. Pridgeon agreed to raise this matter at the next ADA Lincolnshire Branch meeting.

The Director of Technical Services stated that application had been made for grant funding to install eel passes and screens. The Chief Executive emphasised that it was not just the initial cost of installation that would have a significant cost to the ratepayer; the running costs would also have a financial impact. The Board did not object in principle to the installation but stated that costs must be reasonable and expenditure planned.

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6. PLANT AND COMPENSATION COMMITTEE MINUTES

- 6:1 The Chief Executive presented the attached minutes of the meeting held on 6th June 2012.

RESOLVED

That the minutes of the meeting held on 6th June 2012 be confirmed as a correct record and the resolutions made by approved be the Board.

- 6:2 Minute 5:1, Page 1 - Environment Agency (EA) Work

EA Restructuring

It was noted that the Chief Executive had met the Environment Agency's Partnerships and Investment Manager (Anglian Region, Northern Area) and the new Regional Flood and Coastal Risk Manager (Mr J. Hutchison) and discussed the Board's concerns. Although restructuring was still underway, the Chief Executive had made it clear that the Board wished to work closely with the new Team. The Chief Executive stated that he had invited Mr Hutchison to brief the Board but would follow this up with an official invitation.

EA Steeping River - Partnership Working

Cllr J. Upsall stated that the Board must continue to push for work to be undertaken on the Steeping River. He stated that the river was in a diabolical state with so much silt that the Environment Agency's weedboat could not get through last year. He reported that a new cut had been excavated some 40 years ago to alleviate the problem but nothing further had been done since then. Cllr Upsall expressed concern that approximately £170,000 had been spent on a study of the river by the Environment Agency and still no work had been undertaken.

The Chief Executive reported that he had raised the question of maintenance of main rivers and the effect that this had on the rest of the system. Mr P.W. Pridgeon stated that there had been so many changes and restructuring, as well as environmental and financial constraints within the Environment Agency that nothing seemed to get done.

EA Maintenance Contract

Nothing further had been heard from the EA regarding the National Contract. In response to Mr P.W. Pridgeon the Director of Operations confirmed that this would not affect local agreements already in place at this time and the Board would continue to undertake the work on the Woldgrift for the EA this year. The Chief Executive emphasised that the EA was still considering the pre-qualification questionnaires and if the Board was successful at this stage there would still be the tendering process to go through which may take until April 2013. He did, however, state that under the Flood and Water Management Act one authority could ask another to undertake works. Unfortunately, it was understood that at that time the EA's lawyers did not think this would hold up, however, after further consideration and investigation it seemed that they may now apply this.

Mr W. Cooper enquired whether the delay in awarding the National Contract would affect any work that the Environment Agency had planned for this year. He felt that it was important for the Board to take on as much work as possible for the Environment Agency subject to funding being available.

RESOLVED

That an official invitation be sent to Mr J. Hutchison inviting him to address the Board.

6:3 Minute 9, Page 8 - Purchase of Vans

Cllr Mrs P.F. Watson enquired whether any suggestions had been received for the artwork on the new vans. Nothing had been received and members were encouraged to forward any ideas to the Chief Executive for consideration by the Staffing and Resources Committee in September 2012.

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7. STAFFING AND RESOURCES COMMITTEE MINUTES

7:1 The Chief Executive presented the minutes of the meeting held on 6th June 2012.

RESOLVED

That the minutes of the meeting of the Staffing and Resources Committee held on 6th June 2012 be confirmed as a correct record and the resolutions made be approved.

7:2 Risk Policy, Strategy and Register

The Chief Executive reported that the Risk Policy, Strategy and Register had been considered in detail by both Committees at their meetings on 6th June and appropriate additions and amendments had been made as detailed in the minutes. The attached amended documents were submitted for consideration and approval.

RESOLVED

That the attached Risk Policy, Strategy and Register be approved.

8. DRAINAGE RATES AND SPECIAL LEVIES

Drainage rates and special levies for 2011/12 had been collected in full. Rate demands totalling £777,783.49 had been issued on 26th April 2012 and collections up to 8th June amounted to £374,104.48 (48%, slightly higher than previous years). Special levies totalling £2,494,941.00 had been issued to the district councils and £625,544.00 had been collected.

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9. FINANCE

The attached report was presented by the Director of Finance, together with the Internal Auditor's report and the Annual Return for 2011/12. Members considered the Annual Governance Statement which formed part of the Return and agreed that the Board had adequate systems of internal control in place. Members were also circulated with a copy of the Management Accounts which had been prepared in accordance with the FRSEE (Financial Reporting Standards for Smaller Entities). Although it was no longer necessary to produce these for audit purposes, Officers felt it good practice to continue with these for internal use only.

In response to Mr P.W. Pridgeon, the Director of Finance reported that the employers contribution to the pension scheme were reviewed every three years. The rate currently stood at 28% and this would increase to 30% in 2013. He further reported that, if the gilt rate remained low, the rate could increase further after that. This was a very long term liability for the Board.

Mr J. Upsall asked for an explanation of the auditor's findings regarding VAT for mileage payments. The Director of Finance reported that this had been raised with all Lincolnshire IDBs this year as a small element of VAT could be re-claimed if petrol vouchers were produced. This would be done in the future, however, it would be a very small amount, particularly as the workforce was now provided with vans.

Regarding the Auditor's comment about 'incorrect application of pension deductions/contributions', the Director of Finance explained that pension contributions were not currently paid on bonus or overtime as this was not contractual. The Chief Executive reported that he would clarify this with the Internal Auditor. He further reported that a review of the current bonus scheme currently in operation for the Board's Direct Labour Organisation (DLO) would be undertaken during this financial year as it was 12 years since this had been reviewed. The current bonus scheme averaged an additional 20% for the workforce. The review would take into account the changes in working practices and machinery as well as what effect a bonus scheme had on productivity. Once the review had been completed, a full report would be presented to the Staffing and Resources Committee before any recommendations were made to the Board.

*Mr R.J. Palmer left the meeting.*

#### RESOLVED

- (a) That the Accounting Statements and Annual Governance Statement be approved and signed by the Chairman and that the Annual Return for 2011/12 be submitted.
- (b) That the Internal Auditor's report be noted and the recommendations made be implemented with the exception of 03.01.01.
- (c) That an Instant Access Deposit Account be opened with the Nat West Bank.
- (d) That the Board's financial position be noted.
- (e) That the Chief Executive appoint an external consultant to carry out a review of the current bonus scheme in operation for the Board's DLO.

#### 10. COMPENSATION CLAIMS

The Chief Executive presented a schedule detailing three compensation claims totalling £4,799.06 which had been paid in accordance with the Board's approved rates.

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#### 11. OPERATIONS REPORT

The Director of Operations presented the attached report for information. He reported that works were progressing well considering the wet April.

At Strubby and Manby an average of 43.15mm had been recorded in March and 115.15mm in April. Pump run hours totalled 684 for March, 2,159 for April and 1,378 for May.

Mr W. Cooper noted the higher pump run hours at those stations that took highland water.

RESOLVED

That the attached report be noted.

## 12. PLANNING APPLICATIONS

The Engineer reported that officers had been consulted on 39 planning applications since the last Board meeting and appropriate observations had been made. Objections had been made to the following applications:

N003/02233/11 - Erection of dwellings on site of former cricket ground and redundant water pumping station, Station Road, Alford.

N112/00242/12 - Siting of static caravan at Oham Lakes, Main Road, Maltby le Marsh.

N118/00748/12 - Extension to dwelling at Westbridge House, Sea Dyke Way, Marshchapel.

N145/00686/12 - Erection of detached house on site of dwelling to be demolished at Fern Cottage, North End Lane, Saltfleetby.

Objection had been made to N003/02233/11 as officers were aware of flooding issues adjacent to the site, most notably in Coles Avenue in 2007, and understood that much of the run-off had come from the development site. N112/00242/12, N118/00748/12 and N145/00686/12 were all in contravention of the Board's byelaws. All applicants had been advised to liaise with the Board's Officers.

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## 13. BYELAW APPLICATIONS

### 13:1 Byelaw Consents Granted Under Delegated Authority

The Engineer reported that consent had been granted under delegated authority for the following works:

B021-2012 - Extension to a property within eight metres but no closer than 5.8 metres of the Board maintained North Drain at Evenden in the parish of South Somercotes (national grid reference TF41951 94347).

B023-2012 - Installation of underground electricity cable alongside and over the Board maintained New Dyke at Church Lane in the parish of Saltfleetby St Peter (national grid reference TF44554 88666).

B024-2012 - Construction of outfall from biotechnical unit into the Board maintained Bristol Farm Drain at The Glen, Youngers Lane in the parish of Burgh le Marsh (national grid reference TF 53082 65955).

B025-2012 - Replacement of existing street lighting column within eight metres but no closer than six metres of the Board maintained South Drain at West Way in the

parish of Skegness (national grid reference TF 56613 65019).

B026-2012 - Temporary discharge of ground water within the Board's district at various locations into the Board maintained Bull Bank Drain in the parish of Covenham St Bartholomew (national grid reference TF 34932 69752).

B036/2012 - Erection of timber fence and planting of Hawthorne hedge along right bank of the Board maintained Ingoldmells North Branch Drain in the parish of Ingoldmells (national grid reference TF 56626 69588).

B037-2012 - Increased flow of surface water to Board maintained Ingoldmells North Branch Drain from development at The Chase, Anchor Lane in the parish of Ingoldmells (national grid reference 56620 69592).

B040/2012 - Replacement of timber fence and reconstruction of conservatory within eight metres but no closer than four metres of the Board maintained Church Lane Drain at 24 Winchester Avenue in the parish of Mablethorpe (national grid reference TF 50030 84264).

B049-2012 - Increased flow of surface water into the Board maintained Water Tower Drain from development at Phase 4, off Churchill Avenue in the parish of Skegness (national grid reference TF 55979 64970).

B042-2012 - Increased flow of water and treated foul effluent into the Board maintained Old Sutton Main Drain from Lorna Doone, White Row Lane in the parish of Trusthorpe (national grid reference TF 51354 82874).

B043-2012 - Infilling of watercourse along the left bank of the Board maintained Grove Road Drain in the parish of Theddlethorpe All Saints (national grid reference TF 45828 87416).

B044-2012 - Widening and re-surfacing of existing public footway/cycleway alongside the Board maintained culverted Harps Drain at Mablethorpe Link, adjacent 101 Waterloo Road in the parish of Mablethorpe (national grid reference TF 50150 85560).

B016-2012 - Increased flow of surface water from discharge from a biotech unit into the Board maintained Westfield Lane Drain at The Gables Care Home, Willoughby Road in the parish of Cumberworth (national grid reference TF 50134 73000).

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13:2 Construction of Solar Park - Cowcroft Soke Dyke, Croft

The Engineer reported that application had been made for the following works within eight metres of the Board maintained Cowcroft Soke Dyke in the parish of Croft to:

- (a) Erect 220 metres of security fencing 0.75 metres from the bank top
- (b) Erect 90 metres of security fencing six metres from the bank top
- (c) Erect solar panels six metres from the bank top

The works were in connection with the construction of a solar park.

It was noted that the watercourse was due for reforming and the Board's Operations Department had advised that works should not be permitted until this had been

undertaken. The Operations Department had no objection to consent being granted for the proposal following reforming works as maintenance was carried out from the opposite bank. The land on both sides of the watercourse was in the same ownership.

RESOLVED

That consent be granted for the works detailed in (a), (b) and (c) above subject to:

- (i) The reforming of 310 metres of the Cowcroft Soke Dyke being undertaken at the applicant's expense prior to works commencing.
- (ii) The applicant entering into a legal agreement guaranteeing the Board unrestricted access in perpetuity along the opposite bank.
- (iii) No part of the solar park encroaching closer than six metres of the reformed bank top.

14. SECTION 23 CONSENTS

14:1 The Engineer reported that the following consents had been granted under delegated authority since the last Board meeting for works within the Board's district:

LM0008-2012 - Culverting of 115 linear metres of private watercourse at Halfway House Caravan Park, Burgh Road West in the parish of Skegness (national grid reference TF 53436 64648).

LM0009-2012 - Installation of a five linear metre culvert within a private watercourse along Green Lane in the parish of Mablethorpe (national grid reference TF 49736 85713).

LMDB/LDC/2012/001 - Installation of a culvert within the verge and beneath the carriageway at Ivy Cottage, Main Street in the parish of Fulstow (national grid reference TF 33242 97219).

LMDB/LDC/2012/002 - Installation of a temporary access culvert within a private watercourse along the southern side of Newbridge Lane in the parish of Covenham St Mary (national grid reference TF 35514 94765).

LMDB/LDC/2012/005 - Installation of a 45 linear metre culvert within a watercourse along the southern side of Anchor Lane in the parish of Ingoldmells (national grid reference TF 56629 69617).

LMDB/LDC/2012/006 - Eradication of approximately 100 linear metres of a private watercourse at White House Farm, in the parish of Skidbrooke cum Saltfleet (between national grid references TF 44362 92608 and TF 44349 92528).

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14:2 The Engineer further reported that the following consents had been granted on behalf of Lincolnshire County Council, the Local Lead Flood Authority, for the extended area:

LMDB/LDC/2012/003 - Installation of a temporary access culvert within a private

watercourse on the southern side of Manby Road in the parish of Grimoldby (national grid reference TF 37748 86742).

LMDB/LDC/2012/004 - Installation of a temporary access culvert within a private watercourse on the northern side of a bridleway in the parish of Brinkhill (national grid reference TF 36324 72941).

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## 15. CAPITAL WORKS

### 15:1 Medium Term Plan 2013/2014

The Board's officers were currently engaged on preparing the annual submissions of projects for inclusion on the Flood Defence Grant in Aid (FDGiA) Medium Term Plan for 2013/2014 onwards. The application had been made based on 45% grant which was the maximum amount that could be applied for without demonstrating that benefits had not been double counted. The attached summary was presented for information.

The Director of Technical Services reported that an application had been made for 100% grant aid funding for the provision of eel barriers at all pumping stations due for refurbishment. If grant aid was received, he proposed that two stations be done each year which would meet the 2027 target. The cost per station for fitting the barriers was estimated at £100,000; £2million to complete all the stations by 2027.

An indication of which projects would qualify for grant aid would be received prior to fixing the rate for 2013/2014.

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### 15:2 Anderby Pumping Station Refurbishment

A DRAFT Project Appraisal Report had been prepared for submission for FDGiA approval.

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### 15:3 Health and Safety Works

The Project Appraisal Report for 100% FDGiA funding had been prepared.

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### 15:4 South Fitties Doors

The replacement doors on the sluice had been fitted and a grid and an eel pass installed. All works were now complete.

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### 15:5 Boygriff - Acre Gap

An inspection of the site had been undertaken and the Engineer confirmed that all works were now complete. The project retention money would, therefore, be released to the Contractor on request.

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16. ENVIRONMENTAL REPORT

16:1 Winthorpe Flood Storage Area

A proposal to develop wet grassland for breeding waders in the bed of the Flood Storage Area was presented to the Board in March 2010. The objective was to create raised spits for nesting sites, with lower areas to hold water for feeding; the design would not affect the functioning or operation of the Flood Storage Area.

The Engineer reported that Natural England had invited the Board to submit an application for funding from the Higher Level Stewardship (HLS) Scheme which would pay the capital costs of the scheme. Thereafter annual income from HLS would be in the region of £3,500. This would be in addition to the Board's current grazing income of £2,613, although a small reduction in grazing income may occur if stocking density had to be changed under the HLS agreement.

The Engineer stated that HLS agreements lasted for ten years, but could be terminated by either party at year five. If the Board agreed, this would commence in November 2012.

It was noted that the development of the Winthorpe Flood Storage Area would help the Board achieve Biodiversity gains and the requirements of the Natural Environment and Rural Communities Act 2006 to have regard to the conservation of Biodiversity in all its functions; guidance accompanying the Act encouraged Public Bodies to improve sites under their control to enhance Biodiversity.

The Board's Environmental Officer had reported that Lapwing, Redshank, Avocets and possibly Snipe were expected to breed in the Flood Storage Area. Several larger sites developed as part of the HLS Scheme were already well established close to the Flood Storage Area using similar techniques.

The Engineer was aware of concerns that the Flood Storage Area may become a designated site and, although it was not possible to obtain any formal guarantees, he felt this was a low risk as there were already substantially larger sites located at Middlemarsh and Bratoff. To meet the criteria for a designated site 1% of the British breeding population of any one bird species must be using the site and this was inconceivable on a 16ha site.

The Chief Executive assured members that Officers would not proceed with the application unless they were satisfied that it would not change the status of the storage area.

RESOLVED

That the Board proceed with an application for funding from the HLS Scheme to develop an area for breeding waders on the flood storage area at Winthorpe.

16:2 Fens for the Future

The Fens for the Future Partnership recently failed in an application for Nature Improvement Area status that would have secured significant funding to deliver their aspirations.

In advance of future funding applications they had developed a Strategic Plan and revised their operating area, which now only incorporated a small part of the Board's district east of Wainfleet.

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17. HEALTH AND SAFETY

The Director of Operations (also the Board's Health and Safety Advisor) stated that there were no health and safety issues to report and no changes to legislation that would affect the Board.

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18. ASSOCIATION OF DRAINAGE AUTHORITIES (ADA) ANNUAL CONFERENCE

The Chief Executive reported that the ADA Annual Conference would be held on Wednesday, 31st October 2012 in London. The cost of attending the Conference was £100 per delegate plus rail fares.

RESOLVED

That the Chairman, Mr J.L. Dodsworth and Cllr W. Parkinson represent the Board at the ADA Conference in October together with the Chief Executive and Engineer.

19. Local Flood Risk Management Strategy

The Chief Executive reported that Lincolnshire County Council, as Lead Local Flood Authority, was required to implement and monitor a Local Flood Risk Management Strategy consistent with the National Flood and Coastal Erosion Risk Management (FCERM) Strategy produced by the Environment Agency but responding to local needs and circumstances. The purpose of the Strategy was to increase the safety of people across Lincolnshire by reducing the number of people at risk of flooding, increasing the resilience of local communities and reducing the impact of flooding.

The DRAFT Lincolnshire Joint Flood Risk and Drainage Management Strategy was available to view on-line and members were asked to forward any comments on the document to the Chief Executive.

The Chairman reported that LCC was engaging with all stakeholders and meetings were being set up to discuss the Strategy.

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20. MEMBERS' TRAINING

The Chairman had spoken to Lucy Pledge, Head of Corporate Audit and Risk Management at Lincolnshire County Council regarding training and she would be happy to attend a meeting to assist with training.

RESOLVED

That training for members be considered at the next Board meeting.

21. LINCOLNSHIRE SHOW

The Chief Executive reported on the Association of Drainage Authorities (ADA) Lincolnshire Branch exhibition at the Lincolnshire Show. The layout of the site and marquee had been good, however, the siting of the plot on the Showground was not ideal and the Committee was investigating a better site for next year. Attendance had been down on the Thursday due to the very bad weather. The Partnership approach had been very successful and it was hoped to take this even further next year. Members agreed that the stand would be more successful near the Conservation Area.

RESOLVED

That the Board participate in the 2013 Lincolnshire Show.

22. CAPITAL WORKS

Mr D.R. Tagg enquired whether the Board would be incorporating berms in all watercourses in the future stating that this would take up additional land. The Director of Operations confirmed that it was not the Board's policy to do so but the creation of a berm did give increased storage as well whilst allowing biodiversity. He did, however, agree that about half a metre of land was lost in widening and crop loss.

RESOLVED

That the Director of Operations report the costs of creating a berm including compensation for land and crop loss to the next Board meeting.

CHAIRMAN