

LINDSEY MARSH DRAINAGE BOARD

Minutes of a Meeting of the Board held at the Board's Offices, Manby, on Wednesday, 25th September 2013, at 9.00 a.m.

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| * Messrs G. Billings (Vice-Chairman) | * Cllrs H. Marfleet (Chairman) |
| W. Cooper | * T. Aldrich |
| * G. Crust | * Mrs J.P. Bradley |
| * J.L. Dodsworth | S. Dennis |
| * T.H. Heys | * A.J. Howard |
| * J.M. Mowbray | T.J. Knowles |
| * R.H. Needham | * E.P. Mossop |
| * P.W. Pridgeon | * R.J. Palmer |
| * D.R. Tagg | W. Parkinson |
| R.A.D. Unsworth | * M.A. Preen |
| | * 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 W. Cooper, R.A.D. Unsworth, Cllrs S. Dennis, T. Knowles and W. Parkinson.

2. DECLARATIONS OF INTEREST

Mr T.H. Heys declared an interest in agenda item 2 (LMDB/LDC/2013/008).

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3. NOTIFICATION OF ITEMS OF ANY OTHER BUSINESS

None.

4. BOARD MINUTES (Pages 997 to 1019)

RESOLVED

That the minutes of the Meeting of the Board held on 26th June 2013 be confirmed as a correct record.

5. MATTERS ARISING

5:1 Minute 6:2, Page 998 - Possible Environment Agency (EA) Move to Strubby

The Chief Executive confirmed that planning permission would need to be re-submitted. East Lindsey District Council's planning officer had stated that he could not see any reason why the application should not be approved.

The EA had approached the Board with their requirements for space at the depot and these were being reviewed by Officers to see whether they were feasible. Cllr Mrs J.P. Bradley enquired who would pay the fees for re-submission of the planning application. The Chief Executive reported that the Board may pay the planning fees but this would be reimbursed through the rent or by other agreement. Mrs Bradley stated that the EA must make a firm commitment to renting space at the depot before the Board paid out any money.

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5:2 Minute 7:4, Page 999 - Mobile Phone Use

The Chief Executive reported that a meeting had been held with the Road Safety Partnership to discuss driver training. A bespoke training course was being arranged to reflect Board's policies and procedures and training would include a presentation and practical instruction.

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5:3 Land at Marshchapel

The Engineer reported that he had undertaken a full review of the environmental benefits. He stated that there were no legal or policy considerations on this land. The land itself had little or no biological value at the moment but would benefit from being maintained more regularly. Officers were developing the options and would report back to a future Board meeting.

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6. CONSORTIUM COMMITTEE MEETING

The attached minutes of the Consortium Committee meeting held on 17th September 2013 were presented for approval. If agreed, the new Consortium Agreement would be signed by the Chairman after the meeting.

The Chief Executive stated that the consortium arrangement benefited all the Boards by lowering overheads. Mr P.W. Pridgeon stated that the additional workload did put extra pressure on the staff. Mr J.L. Dodsworth agreed that the Consortium arrangement did offer very good value for money but the Boards must consider that the staffing levels were sufficient to ensure that the level of service provided remained high. The Chief Executive reported that consideration was being given to employing a contractor to assist with scheme delivery should the need arise.

RESOLVED

- (a) That the minutes of the meeting held on 17th September 2013 and the recommendations made be adopted.

- (b) That the Consortium Agreement be approved and signed by the Chairman after the meeting.

7. DRAINAGE RATES AND SPECIAL LEVIES

The Director of Finance reported that collections to date, amounted to £490,440.22 from drainage rates and £1,248,435.50 from special levies; a total of 52.40%.

Reminders for outstanding drainage rates had been issued in July and August. Sixteen summonses for non-payment of drainage rates had been issued in September of which 11 remained outstanding. The court hearing would be held at Skegness Magistrates' Court on 3rd October 2013.

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8. FINANCE

8:1 Accounts for the Period Ended 31st August 2013

The Director of Finance reported a net surplus to date of £243,250 which was £98,487 favourable to the revised budget. This was largely due to delayed phasing of capital projects and extra income to date. The favourable variance was mitigated by overspends on plant due to unexpected repairs on the Land Rover, Ford Ranger and excavator.

The forecast for the whole year was for a deficit of £80,000 which was £78,000 adverse to budget. The Director of Finance reported that this was largely due to overspends on the completion of the reforming works carried forward from 2012/13 and an offset from additional rate income from new poultry units. The Director of Operations explained that additional piling works had been undertaken because of slips and running sand.

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8:2 Cash Reserves and Investments

The Director of Finance reported on balances deposited totalling £1,673,400.42. It was noted that interest rates continued to fall.

Three loans totalling £305,739.17 with the Public Works Loan Board and one Hire Purchase agreement of £11,950.00 remained outstanding. The Director of Finance reported that the loan taken out in 1994 would be paid off in 2014 and the final payment on the hire purchase agreement would be made in December this year.

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9. REPLACEMENT PHONE SYSTEM AND SERVER

The Director of Finance reported that the telephone system purchased in the 1990's was now considered obsolete and parts were unavailable. Quotations had, therefore, been obtained for a replacement system from three suppliers and the cheapest quotation from BT accepted.

He further reported that the Board's main server purchased 2½ years ago was now critically

low on available disk space which limited storage of electronic files and gave problems with e-mail distribution and overall server performance. Officers stated that the server was crucial to the efficient running of the Board.

Quotations had been sought from four suppliers for a new 2.4TB server and the Director of Finance stated that the lowest quotation submitted by Envisage-IT had been accepted. Officers assured members that the new server would provide a long term, highly secure file storage solution.

Although no budget provision had been made for the purchase of the above new equipment, the Officers expected that proceeds from the sale of the old equipment, together with savings made elsewhere in the office equipment budget would be sufficient to cover the capital cost of £14,250 for the new server and the telephone system.

RESOLVED

That the above purchases in the sum of £14,250 be approved, to be funded from the sale of old equipment and savings made elsewhere in the budget.

10. LOCAL GOVERNMENT PENSION SCHEME

The Chief Executive and Director of Finance presented a report on the Local Government Pension Scheme (filed on pink paper).

The Internal Auditor had initially raised a query about whether the Board should be paying pension contributions on the bonus scheme. Officers had met with the pension administrators to discuss this as, when the scheme had been first set up, it was agreed that it would not be pensionable as bonus was not contractual and could be withdrawn at any time.

From next March under the new pension scheme, all overtime and bonus payments would become pensionable and this would have quite a significant additional cost to the Board. The Director of Finance estimated the additional cost to the Board to be in the region of £50,000 per annum although confirmation of the new contribution rate had not yet been received.

The Internal Auditor had also highlighted that in his opinion salaried staff should not have paid pension contributions on standby and travelling allowances.

The Chief Executive confirmed that the staff were aware of the situation and the implications for them.

Following the recent meeting the Pension Manager had recommended the following:

- (a) That a comprehensive review of the current bonus scheme be undertaken ahead of the new 2014 scheme arrangements but that no retrospective adjustments be made to employee's pensionable pay or contribution history.
- (b) As a consequence of the above review the Board consider making amendments so that the bonus scheme would, in the future, become pensionable and specified as such in an employee's contract of employment to comply with the changing nature of the LGPS to a CARE scheme on 1st April 2014.
- (c) Standby payments should remain pensionable as draft regulations already

issued by DCLG retain a similar definition of pensionable pay in the new 2014 CARE scheme.

- (d) Pension contributions deducted from 'Travel Allowances' should be refunded with retrospective effect.

RESOLVED

That the above recommendations be adopted by the Board.

11. COMPENSATION CLAIMS

The Chief Executive presented a schedule detailing 22 compensation claims totalling £23,360.56 which had been paid in accordance with the Board's approved rates.

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12. OPERATIONS REPORT

12:1 Winter Maintenance Works

Water Tower Drain - estimated cost £30,000. Work completed at a cost of £21,912.

Croft Drain Phase 2 - estimated cost £81,563. Work 80% complete with an expenditure to date of £50,601.

Knopsey Drain - estimated cost £43,340. Work completed at a cost of £43,093.

Hagnaby North Drain - estimated cost £80,000. Work 20% complete with an expenditure to date of £16,384. It was anticipated that this would be completed within budget.

New Gayton Engine Drain - estimated cost £148,830. Work completed at a cost of £184,439 (approximately 24% over budget). The overspend was due to a number of issues including additional bushing works to gain access to the watercourse and culverting under overhead power cables. The Director of Finance reported that the cost of digging the berm had been estimated as the same as normal widening, however, due to the undulating nature of a berm, the actual cost was half as much again. The Chief Executive confirmed that this had been reviewed to ensure that adequate provision was made in the future for similar works. The additional cost would be funded from savings made elsewhere within the maintenance budget.

Catchwater Drain Emergency Overflow - estimated cost £12,000. Work completed at a cost of £12,373.

Regarding the cost of environmental works, the Director of Operations reported that these were not shown separately. It was noted that when creating a berm there would also be a cost in respect of compensation for land loss. Mr J.L. Dodsworth reported that it would be difficult to measure the benefits of constructing a berm, e.g. additional storage and fulfilment of BAP obligations etc.

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12:2 Health and Safety at Weedscreens

Work was now complete on six of the 20 sites. The Director of Operations reported that two gangs would be assigned to this task at the end of October, once the summer maintenance programme was complete.

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12:3 Construction Works

Six access culverts had been installed in Gravel Pits Drain, Withern Lowland Drain and Meers Bank Drain together with 24m of culverting in North End Lane Drain.

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12:4 Private Works

Weedcutting of private ponds and watercourses had been undertaken as well as grass cutting and this had been recharged.

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12:5 Summer Maintenance

To date, 33% of works are complete and the Director of Operations expected to finish on target for 1st November 2013. Expenditure to date on completed works was £236,305 against a budget to date of £278,863.

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12:6 Rainfall

Rainfall recorded at Manby and Strubby averaged 38.30 in June, 40.60 in July and 35.55 in August.

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13. ASSET RENEWAL AND REFURBISHMENT PROJECTS

13:1 Porters Sluice Pumping Station - Environment Agency Works at Donna Nook

The Engineer reported that the rebuilding of Porters Sluice Pumping Station was entering the final stages. Most of the structural work has been completed and commissioning and testing was underway to ensure the pumping station met the Board's requirements prior to handover.

Following agreement at the last Board meeting, quotations have been sought for the repair/replacement of the walls of the old discharge bay. The Engineer stated that the prices submitted varied considerably from £15,930, £45,000 and £104,675.

The lowest tenderer, J. E. Spence and Son Ltd had submitted an alternative solution involving the extension of the existing gravity culvert and construction of a blockwork manhole giving access to the penstock doors, at a cost of £9,670 (excluding costs for damming and pumping out). The Engineer expected the total cost would be in the region of £12,000 when these activities were added.

As the alternative solution represented best value and additional significant advantages in terms of health and safety and future maintenance, officers had instructed J. E. Spence and Son Ltd to submit plans for this option for final approval.

The Engineer confirmed that J.E. Spence and Son Ltd would commence during the first week of October.

Mr T.H. Heys enquired when the visit to Porters Sluice Pumping Station would be arranged for members. Officers stated that a visit would be arranged for members to meet at the site with a representative of the Environment Agency. Members were reminded not to make any unauthorised visits to sites but to contact the office first so that appropriate arrangements could be made to ensure compliance with health and safety and to satisfy the requirements of the insurance.

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13:2 Grainthorpe Flood Alleviation Scheme

The Engineer reported that tenders had been invited from four contractors for the above scheme. Three tenders had been returned in the sums of £36,780, £47,625 and £96,850. The tenders had been adjudicated by the Board's officers and the contract awarded to the lowest tenderer, J E Spence and Son Ltd. Work had commenced on the 16th September 2013.

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13:3 North Fitties Doors

Tenders had been invited from three contractors for the new gates. Only two tenders were returned in the sums of £25,000 and 46,030 and these had been adjudicated by the Board's officers.

The contract had been awarded to the lowest tenderer, M. Gould (Scunthorpe) Ltd and the installation would be undertaken during October 2013.

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13:4 Yarburgh Fen (Jacklin)

Although work was due to commence in September 2013, the Engineer stated that it had not been possible to agree the scheme with all affected landowners. Negotiations were ongoing to find a solution.

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13:5 CCTV Asset Surveys 2013

Tenders had been sought from five contractors to undertake the above work on a schedule of rates basis but only two tenders were returned. To assess which contractor offered best value for money, the rates were set against the quantity of work carried out last year.

The Engineer stated that the contract had been awarded to ADC (East Anglia) Ltd who offered the best value.

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13:6 Mablethorpe Town Lane Drain

Tenders had been sought from five contractors for lining of the brick arch culvert under the High Street in Mablethorpe. Three tenders were returned in the sums of £432,894, £682,188 and £798,167 and had been adjudicated by the Board's officers.

The Engineer confirmed that Andidrain was the preferred contractor for the scheme being the lowest tenderer, however, the contract could not be awarded until grant approval was received; the application was due to be considered on 27th September 2013.

Although the scheme had a high partnership funding score and was eligible for 100% grant, Officers reported that the Board had been required to seek contributions towards the work. As the scheme provided no improvement in service, it was felt inappropriate to directly seek contributions from Mablethorpe businesses and residents and Officers had, therefore, written to East Lindsey District Council, Lincolnshire County Council and Anglian Water asking for a contribution of up to £25,000 each towards the scheme. To date, no response had been received.

Officers stated that the Board would also need to decide whether or not to make a contribution towards the scheme; this could be taken from the Partnership Funding budget. Officers were very concerned about the Environment Agency's (EA) response regarding the grant and suggested that this should be clarified. The Engineer stated that the EA had questioned whether the Board should be undertaking the work as it was unclear as to whether the Board owned the culvert. He further stated that it was very rare for the Board to own an asset and that the Board undertook work for public benefit. The Chief Executive did not think it was reasonable for the riparian owners to take responsibility for this. The Engineer agreed stating that the EA did not seem to understand how the Board was funded, e.g. by local ratepayers/special levy. The Chief Executive and Engineer would meet with the EA clarify this if necessary.

There were around 1,000 properties relying on the Mablethorpe Town Lane for protection and members agreed that it was essential that the scheme went ahead this year. The Engineer confirmed that the contractor was on standby and could start work as soon as the issue of funding had been resolved.

RESOLVED

If 100% grant aid was not received, a special meeting of the Board be called to discuss the funding of the work.

13:7 Telemetry Improvements

The Engineer reported that improvements were required to the Board's existing telemetry system supplied by Oriel Systems Ltd. A budget of £20,000 had been provided in the 2013/2014 estimates for this work and any required improvements would be prioritised to remain within budget.

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13:8 Pumping Plant and Ancillary Equipment Strategy 2025 / Asset Management Strategy and Forward Capital Programme / Long Term Investment Plan

The Engineer reported that those items highlighted in the mechanical and electrical inspection reports presented at the last Board meeting were being addressed on a priority basis. Urgent works to address safety issues or to reduce the risk of imminent breakdowns would be undertaken during the current financial year and those of a less serious nature would be included in the budget for 2014/15. Mr P.W. Pridgeon stated that the Board's Officers should keep a close eye on the cost of the works to ensure that they were competitive.

It was noted that the operations department had identified the following works which were being investigated further for severity, impact, feasibility and cost:

Ingoldmells Pumping Station - Repair of roof
Anderby Pumping Station - Repair of roof and replacement of diesel tank
Thorpe Culvert Pumping Station - Replacement of fence and gate.

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14. ADOPTION OF WATERCOURSE

A request had been made for the Board to adopt a section of private watercourse between national grid references TF 49225 - 64599 and TF 49641 - 64706 at Wildshed Lane in the parish of Burgh Le Marsh (shown on the attached plan). The Board had been requested to adopt the watercourse to ensure adequate flood protection was provided to this area of Burgh le Marsh.

The Engineer reported that the local importance of the watercourse had not been established until recently when the results of flood investigations carried out by Lincolnshire County Council Highways Department had been made available. The Board's officers had liaised with the landowner to ensure that the watercourse was cleaned out. Whilst this work was being undertaken a number of outfalls were located, including three which served the residential area of Linden Drive and one which acted as an overflow from Anglian Water Services Limited's foul pumping station. The Engineer further reported that the Board already had plans to undertake work on the Chestnut Farm and Jockhedge Drains culverts which were situated nearby and a review of the whole system would be undertaken before any work commenced.

The Engineer confirmed that the watercourse met all the criteria for adoption by the Board, e.g. it served the wider area and was reliant on several landowners for maintenance.

Mr J.L. Dodsworth referred to the proposed development on the field adjacent to the watercourse and enquired whether there would be any contribution from the landowner/developer of the site. The Engineer confirmed that the developer would have to make provision for the storage of surface water runoff from the site as the current system did not have capacity to take the additional run-off.

RESOLVED

That a recommendation be made to the Local Flood Forum that the watercourse should be under public control, and that the Board offer to adopt the watercourse once work had been undertaken to bring it up to the required standard.

15. BYELAW APPLICATIONS

15:1 Cowcroft Soke Dyke - Construction of a Solar Park

Application had been made to extend the Solar Park adjacent to the Board maintained Cowcroft Soke Dyke in the parish of Croft. The proposed extension would include:

- (a) Erection of security fencing 0.75 metres from the bank top for a length of 240 metres.
- (b) Construction of elements of the Solar Park a minimum of 6.0 metres from the bank top.

The Board's Operations Department had been consulted regarding the proposals and advised that as the watercourse was in need of reforming, the works should not be permitted until this had been undertaken. Officers confirmed, however, that once the reforming work had been undertaken they would have no objection to the proposals as annual weedcutting was undertaken from the opposite bank.

The Engineer stated that the applicant had guaranteed the Board free unrestricted access along the opposite bank and had agreed to remove the security fence upon reasonable notice at his own expense.

Mr D.R. Tagg was concerned that there would not be sufficient room for the Board to undertake annual maintenance and to deposit spoil. He expressed concern about granting consent for the fence when the application did not comply with the Board's Planning and Byelaw policy which required a clear six metres.

The Chairman enquired whether there was a reason the fence had to be so close to the bank top.

RESOLVED

That a decision be deferred until the next Board meeting, meanwhile the Engineer liaise again with the applicant and the Board's operations department regarding future maintenance access.

15:2 Trusthorpe Pumping Drain - Construction of a wall, steps and pathway

Application had been made for retrospective consent to construct a wall, steps and pathway on the left bank of Trusthorpe Pumping Drain within the parish of Mablethorpe. The application did not comply with the Board's Planning and Byelaw Policy.

The Board's Operations Department had been consulted regarding the proposals and advised that all works were currently undertaken from the opposite bank as access to a considerable length of this watercourse was impossible due to existing development on the left bank. The Engineer reported that this watercourse had been concrete lined to improve flow conveyance and reduce maintenance and it was essential to protect the concrete lining from damage.

The Engineer reported that problems had been experienced with soil washing down into the channel and the construction of a wall would rectify this. He further reported that the applicant had located the back edge of the concrete lining and all works were behind the concrete lining; the works undertaken to date were of sound construction.

RESOLVED

- (a) That consent be granted to construct a wall, steps and pathway on the bank top of Trusthorpe Pumping Drain in the parish of Mablethorpe subject to all works being carried out behind the back edge of the concrete lining to the specification and satisfaction of the Board's Engineer.
- (b) That a copy of the Board's Planning and Byelaw Policy be delivered to all houses along this section of watercourse to remind them of the Board's Byelaws.

15:3 Poor House Drain - Alterations and Extensions to Bungalow

The Board's Officers had objected to planning application N/110/00200/13 for extensions and alterations to an existing bungalow at 1 Rossall Close, Sandilands, because the extension would be located over the Board maintained Poor House Drain culvert and, therefore, did not comply with the Board's policy. Irrespective of the Board's objection, planning permission had been granted; the Council was unable to refuse planning applications because of non-compliance with the Board's byelaws.

The Engineer reported that the applicants had now applied for consent from the Board to divert a 25 metre section of the culverted Poor House Drain to enable the works to proceed. The application also detailed personal reasons for this request and stated that the applicants were not made aware of the location of the culvert when they purchased the property.

The Engineer reported that the proposal to divert the culvert was not feasible because of the location of properties on the opposite side. He further reported that the culvert could be upgraded to cater for increased flows in the future as should the development go ahead it would mean that the culvert would be totally inaccessible. This was disregarded as members agreed that it was essential for the Board to retain access to the culvert.

Although sympathetic to personal circumstances, the Board agreed that any decision must be based on land drainage reasons only, particularly as ownership could change at any time.

After a vote it was unanimously RESOLVED

That consent for the extension to the property at 1 Rossall Close, Sandilands (as detailed in planning application N/110/00200/13) be refused.

16. PARTNERSHIP WORKING

16:1 Louth Flood Alleviation Scheme (Minute 16:1, Page 856)

Funding for the above scheme was provided through a partnership approach with approximately £3M coming from Lincolnshire County Council, approximately £1.8M from Environment Agency (EA) Grant in Aid, annual running costs in the region of £17k being met by the Town Council, East Lindsey District Council contributing £500K and the Board's Precept monies being used to meet the remainder of the costs.

In June 2011 the Board agreed that, as it would benefit within the area from the

attenuation of water entering the Louth Canal, the precept monies (£450K annually) could be used to secure the Louth Flood Alleviation Scheme.

The Chief Executive reported that the EA had now approached the Board with the actual amounts required as follows: 2013/14 £300K, 2014/15 £325K, 2015/16 £350K. The Board had been asked to confirm its continued commitment to the project.

Although members agreed that the Louth Scheme was essential, they were concerned that the EA may further delay work on the main rivers within the Board's area. The Chief Executive agreed that this was a large sum to commit when work was required within the Board's area. He suggested that the Board could explain its concern and offer to carry out some of this work on a rechargeable basis under a Public Sector Co-operation Agreement. The Board's Officers had already identified which main rivers had the most impact on the Board's systems.

Cllr Mrs P.F. Watson stated that progress of the Louth Scheme was reliant on the Board's support and also the proposed scheme for Horncastle could not go ahead until the Louth Scheme was progressed.

RESOLVED

That the Board agree in principle to the use of the precept money for the Louth Flood Alleviation Scheme but that assurance be sought from the EA that this would not have a detrimental effect on the maintenance of other main rivers within the Board's area.

That a meeting be held with the EA to discuss maintenance of the main rivers within the Board's area, with the Board offering to undertake some of the work on a rechargeable basis.

16:2 Steeping River

A further meeting had been held with representatives from the five authorities involved in the scheme but little progress had been made on the ground. Officers would continue to press for the work to be undertaken.

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Messrs R.H. Needham and P.W. Pridgeon left the meeting.

17. ENVIRONMENTAL REPORT

17:1 Plan for Implementing the Eel Regulations 2009

The Engineer reported that a Plan for Implementing the Eel Regulations 2009 had been prepared which recommended:

Installing eel passage whenever capital works are undertaken to gravity discharges.

Installing fish friendly pumps or behavioural screens together with providing passage as pumping stations are replaced or undergo major refurbishment.

As stated at the last meeting, an application for an exemption to allow the measures to be installed within the Board's planned refurbishment strategy would be made.

The Engineer reported on the following techniques for screening:

Installation of Fish Friendly Pumps if appropriate. In some cases retrofitting may be possible, in other situations larger discharge pipes and perhaps changes to sump design may be required.

Behavioural Screen using strobe light and sound. This had been specified by the Environment Agency for Porter's Sluice Pumping Station which was being refurbished as part of the realignment scheme. Evidence that the installation of screens does not adversely affect pump efficiency was awaited.

Physical screens. These consisted of very small mesh, perhaps as small as 6-8mm or smaller. The legislation states "mesh size" suggesting that physical screens are the only option. Screens of this size were considered "impractical" for IDB pumping stations and would not be used.

Officers stated that including these measures within the pumping stations refurbishment programme provided an efficient delivery mechanism and the longest potential life for the new or existing equipment. It would also make maximum use of any available grant funding. Grant aid for pumping stations refurbishment was available via Flood Defence Grant in Aid (FDGiA) although rates of grant were dependant on the outcome measures and grant was not provided specifically for works relating to installation of eel/fish screens etc. The rate of grant would vary according to the assets protected and in most cases the Board would have to fund the majority of the work. The Engineer stated that this was an unsatisfactory situation as these measures were required as a result of a new legislative burden where, under normal circumstances, government funding would be provided.

RESOLVED

That the above principles for implementing the Eel Regulations 2009 be approved and a formal Plan be prepared for adoption by the Board.

17:2 Environmental Stewardship

The paper on the Impacts on Environmental Stewardship Schemes of IDB Maintenance Activity tabled at the last meeting was based on the latest advice available from Natural England. The conclusion was that Environmental Stewardship options for grassy strips alongside Board maintained watercourses were incompatible with the Board's needs for regular access. This would place landowner's payments in jeopardy due to the Board's activities. The Engineer stated that Natural England had responded to the Board's concerns revising advice as follows:

Access for annual cutting of a ditch would not be regarded as "regular" per se.

The key issue for us is the impact of any such activity on land in an agri-environment option.

Buffer strips usually start where the cross-compliance 1m strip at the top of a watercourse bank ends.

In conclusion, providing cutting of bank tops was confined to the 1m cross-compliance strip, it would not jeopardise Environmental Stewardship scheme payments.

The Engineer had informed Natural England that maintenance work did not cause compaction or rutting unless it was very wet or the buffer strip was newly established. Natural England had replied stating that it was good if this meant that for the majority of the time there was little risk, and that it was important for the Board to avoid carrying out the work in either of these situations to ensure the buffer strip was properly protected from any potential damage.

Members understood that there remained a risk to Environmental Stewardship scheme payments if compaction occurred due to the Board's activities in a wet year and that, in these circumstances, landowners may need to apply for a derogation. Natural England had stated that "As a guide, we would not expect to see more than three derogations during the course of a five-year agreement".

As there remained a small risk that the Board's activities could jeopardise Environmental Stewardship scheme payments, Officers recommended that, wherever possible, work should be undertaken from the opposite bank in wet years and when newly seeded strips occur.

Officers further reported that this matter had been considered at a recent ADA Technical and Environmental Committee meeting and guidance was awaited but at present it was recommended that:

IDBs should be aware of the possible impact of damaging environmental strips during operational activity and liaise with landowners/occupiers to avoid problems, serving notices of entry as a matter of course or to provide warnings of possible issues.

Landowners/occupiers should be encouraged to identify where Environmental Strips are established adjacent to Board maintained watercourses.

ADA National was seeking to influence the new Environmental Stewardship Schemes that would emerge post CAP Reform to overcome these issues. Natural England's representative at ADA Technical and Environmental Committee, Mr R. Cathcart would also seek to provide greater clarity for inspectors under current inspection regimes.

RESOLVED

That the Board's maintenance operations be changed to ensure that, wherever possible, no work was undertaken on the 1m stewardship strip if there was a risk of damage to the land.

17:3 Winthorpe Flood Storage Area

The Engineer reported that the most of the earthworks and grading of the site had been completed. Work on the footpath, screen and fencing and the re-seeding of the site should be completed during September 2013.

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17:4 North Outmarsh Drain Diversion

The contract was being prepared by the Lincolnshire Wildlife Trust for work to commence in the autumn. Work would be monitored by the Board's officers.

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17:5 Barn Owls

Seven Barn Owl chicks, eight Kestrel and four Stock Dove chicks were present when the nest boxes were inspected in July/August this year. All the chicks were fitted with identification rings. Although numbers were less than recorded last year, the Engineer stated that this was still a noteworthy result as Barn Owl breeding success had been generally poor across the whole Lincolnshire this year.

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18. DELEGATED MATTERS

18:1 Byelaw Applications

Consent had been granted for the following works under delegated authority since the last Board meeting:

B039-2013 Refurbishment of the existing overhead electricity supply within eight metres of the Board maintained Worths Main Drain at national grid reference TF 52132 58699 in the parish of Wainfleet St Mary.

B040-2013 Refurbishment of the existing overhead electricity supply within eight metres of the Board maintained White House Farm Drain at national grid reference TF 51795 59020 in the parish of Wainfleet St Mary.

B050-2013 Re-alignment of the existing overhead electricity supply within eight metres of the Board maintained Worths New Yard Drain at national grid reference TF 53008 59476 in the parish of Wainfleet St Mary.

B041-2013 Re-building of the existing overhead electricity supply within eight metres of the Board maintained Washdyke Sewer and Hagnaby North Drain at national grid reference TF 47786 79445 in the parishes of Markby and Hannah cum Hagnaby.

B043-2013 Erection of a 2.4 metre high timber fence within eight metres of the Board maintained Alford Road Drain East culvert at national grid reference TF 51742 81646 in the parish of Sutton-on-Sea.

B044-2013 Alterations to the Mirage, 9 to 19 High Street within eight metres of the Board maintained Town Lane Drain East culvert at national grid reference TF 50750 85196 in the parish of Mablethorpe.

B051-2013 Directional drilling of a 33Kv electricity cable beneath the Jack Garth Drain culvert at national grid reference TF 49741 82230 in the parish of Mablethorpe/Sutton-on-Sea.

B052-2013 Temporary increase of the flow of surface water to the Board maintained Middle Drain East from the electricity substation at national grid reference TF 50906 83368 in the parish of Mablethorpe/Sutton-on-Sea.

B058-2013 Construction of a 1.2 metre wide footbridge over the Board maintained Mablethorpe Urban Cut at Quebec Road, national grid reference TF 50415 85818 in the parish of Mablethorpe.

B059-2013 Increase in the flow of surface water from a biotechnical unit to the

Board maintained Grove Road Drain at national grid reference TF 45827 87352 in the parish of Theddlethorpe All Saints.

B060-2013 Culverting of approximately 18 metres of the Board maintained Duckthorpe Lane Drain Branch at national grid reference TF 35539 99476 off Hallgarth in the parish of Marshchapel.

B061-2013 Construction of a dwelling and fence within eight metres of the Board maintained Duckthorpe Lane Drain Branch culvert at national grid reference TF 35551 99476 off Hallgarth in the parish of Marshchapel.

B062-2013 Reforming of the right bank of the Board maintained Duckthorpe Lane Drain Branch between national grid references TF 35550 99481 and TF 35399 99422 in the parish of Marshchapel.

B063-2013 Installation of a surface water outfall into the Board maintained Duckthorpe Lane Drain Branch from new development at national grid reference TF 35532 99473 off Hallgarth in the parish of Marshchapel.

B066-2013 Installation of 16 x 80mm diameter land drainage outfalls from O.S. field number 0005 into the right bank of the Board maintained Common Drain between national grid references TF 50994 63829 and TF 50674 63906 in the parish of Burgh Le Marsh.

B067-2013 Installation of seven 80mm diameter land drainage outfalls from O.S. field number 7927 within the right bank of the Board maintained Common Drain between national grid references TF 50656 64234 and TF 50650 64383 in the parish of Burgh Le Marsh.

All applications were in accordance with the Board's Policy and work would be carried out to the specification and satisfaction of the Board's officers.

RECEIVED

18:2 Byelaw Contravention - Wedlands Drain (Minute 14, Page 988)

Following the resolution made at the March Board meeting, the Board's Officers had informed the site owner's solicitor of the alterations necessary to meet the Board's requirements. A response was awaited and once a solution was agreed an update would be presented to the Board.

RECEIVED

18:3 Section 23 Applications

Mr T.H. Heys declared an interest.

The following Section 23 Applications had been approved under delegated authority since the last meeting:

LMDB/LDC/2013/006 Installation of 70 linear metres of culvert within a private watercourse at national grid reference TF 55662 69188 off Chapel Road in the parish of Ingoldmells.

LMDB/LDC/2013/007 Installation of a 45 linear metre culvert within a private

watercourse between national grid references TF 47517 86696 and TF 47556 86668 along the north western boundary of White Cottage in the parish of Theddlethorpe.

LMDB/LDC/2013/008 Installation of a nine linear metre access culvert within a private watercourse at national grid reference TF 45295 88008 to the south of Low Farm in the parish of Great Carlton.

One Section 23 application had been dealt with on behalf of the Lead Local Flood Authority for the eradication of 11 metres of private watercourse at national grid reference TF 37086 90473 in the parish of North Cockerington (LMDB/LDC/2013/009).

RECEIVED

18:4 Planning Applications

The Board's Officers had commented on 49 planning applications since the last meeting. Objections had been raised to the following:

N031/01054/13 Erection of four wind turbines north east of Wigg Lane, Chapel St Leonards. These may impede radio signals to and from the Board's base station at Manby and the applicant had been advised to contact the Board to discuss the positioning of them outside the direct line between the base station and pumping stations/water level monitoring sites. To date no response had been received.

S153/01183/13 Change of use of land to provide car park at the Vine Hotel, Vine Road, Skegness. This development would be in close proximity to the Board maintained Donkey Bank Drain culvert and the applicant had been informed of this and advised to contact the Board to discuss the application. To date no response had been received.

RECEIVED

18:5 Tritton Knoll Onshore Cable Route

The Board's Officers together with officers from Witham Fourth District IDB, Black Sluice IDB and the Environment Agency had met with RWE to further discuss the proposed on shore cable route. Various points were raised at the meeting in relation to the landfall point, cable route and reactive power compensation compound (RCC) which was proposed at Skegness. The Engineer stated that RWE had confirmed that the Board's comments would be considered in future design changes and that further meetings would be scheduled to enable further discussion in advance of consent applications being made. A plan showing the latest proposed cable route in relation to the LMDB's infrastructure was presented for information.

RECEIVED

18:6 SMartWind Ltd - Onshore Cable Route

SMartWind Ltd had been advised of the Board's agreement to the principle of disapplying Section 23 of the Land Drainage Act and the Board's Byelaws subject to their agreement to pay any legal fees incurred by the Board.

The Engineer reported that SmartWind Ltd had responded stating that the payment of

fees would not be possible. Following discussion with the Board's Solicitors, a response had been sent confirming that the Board's initial position would be maintained and that if SMartWind Ltd did not pay the Board's reasonable legal fees they would be expected to comply with the application processes for Section 23 of the Land Drainage Act and the Board's Byelaws.

The Planning Inspectorate had subsequently received an application for the SMartWind Ltd project for which the Board's Officers were currently arranging a consultation response.

RESOLVED

That the Board's initial position be maintained and the Officers actions be approved.

18:7 Lindum Group - Development at Golf Road, Mablethorpe

The Engineer reported that liaison was ongoing with Lindum Group to ensure that the final drainage designs were in accordance with the Board's requirements. Should there be any issues regarding previously agreed access arrangements a further report would be presented to the Board. A plan showing the development was presented for information.

Mr G. Billings enquired whether raising the level of the site would impact on the Board's systems. The Engineer confirmed that it would not; the Board had made provision for development of this area several years ago and the proposals for the site also included additional storage areas for surface water runoff.

RECEIVED

19. PURCHASE OF NEW EXCAVATORS

The Board had made provision of £137,500 in this year's estimates to replace the Caterpillar 319DL tracked excavator at a net cost of £107,691; the purchase of a replacement was approved by the Board in September 2012. The Forward Plant Replacement, agreed in principle by the Board in September 2012, showed the Volvo EC140CL tracked excavator being replaced in 2014/15.

The Director of Operations reported that tenders had, therefore, been sought for a replacement for the Caterpillar for delivery before 1st April 2014 and for a replacement for the Volvo for delivery in July 2014. If ordered at the same time, the purchase of the two machines from the same manufacturer resulted in a discount of £3,950.

The opening certificate was circulated together with a schedule showing the whole-life cost justification for the machines. The Director of Finance explained that the machine with the cheapest purchase cost, in the Board's experience, had a higher fuel usage than equivalent machines. This resulted in the Volvo machines having the lowest whole-life cost as well as the longest warranties; three years.

RESOLVED

That the Board purchase two new Volvo excavators at a net cost of £110,225 in 2013/14 and £64,475 in 2014/15.

20. HEALTH AND SAFETY

No matters to report.

21. ASSOCIATION OF DRAINAGE AUTHORITIES (ADA)

The Chief Executive reported that one of the objectives of the ADA Management Plan was for ADA to become incorporated. The Board's Chief Executive had been appointed to chair a Committee to review how the new incorporated ADA would be set up and the Committee's recommendations would be presented to the Executive Committee on 16th October 2013 for consideration.

RECEIVED

CHAIRMAN