

## **NORTH EAST LINDSEY DRAINAGE BOARD**

### **Minutes of a meeting of North East Lindsey Drainage Board held on Tuesday, 09<sup>th</sup> November 2021 at Stallingborough Grange Hotel at 2pm.**

Present: Cllr. P. Clark  
Mr. L. Grooby **Vice Chairman**  
Cllr. S. Harness  
Mr. P. J. Hoyes **Chairman**  
Mr. R. Kirk  
Cllr B. Parkinson  
Mr. S. Shepherd

In Attendance: Mr. M. Adams, FCRM Senior Advisor, Environment Agency  
Mr. I. R. Coupland, Acting Director of Operations  
Miss J. Flower, Executive Assistant  
Mrs. J. E. Froggatt, Chief Executive  
Mr. G. Hird, Acting Head of Engineering & Technical Services  
Mr. S. Larter, Director of Finance & Governance  
Mr M. J. Shilling, Director of Engineering & Technical Services  
Mr. M. Wray, Area Flood & Coastal Risk Manager Environment Agency.

#### **1. Apologies.**

Apologies for absence were received from Cllr. P. Batson, Mr I. Colquhoun, Mr. J Finch, Mr. J. Fussey, Cllr. R. Hannigan, Mr. J. Hargreaves, Mr P Mills, Cllr. M. Patrick, Cllr N. Pettigrew, and Cllr D. Wells.

#### **2. Declaration of Members' interests.**

Members nominated by North Lincolnshire and North East Lincolnshire Councils declared interests relating to their respective Councils. The Chairman declared an interest in any matters raised pertaining to North East Lincolnshire Council.

#### **3. Election of Chairman.**

Cllr Peter Clark proposed Mr. Philip Hoyes as Chairman for the ensuing year, seconded by Mr. Robert Kirk. There being no further nominations, and this being unanimously AGREED by members, Mr. Philip Hoyes was duly elected as Chairman.

#### **4. Chairman's Announcements.**

The Chairman welcomed members, officers and guests to the November meeting, thanking members for electing him as Chairman.

He welcomed particularly EA colleagues. Mr. Morgan Wray, the Environment Agency's Flood & Coastal Risk Manager for Lincolnshire. Morgan would update

members on the EA's review of assets along the Humber from Barton to New Holland later. He was accompanied by Mr. Mark Adams, FCRM Senior Advisor.

The Chairman reported that the 2021 Election process for those 10 directly elected members had concluded. The new term of office started on 01st November and runs for 3 years to 31st October 2024.

Thanks were given to those members who stood for membership of the Board once more, appreciating that commitment and input.

Two members did not seek election this time, and the Chairman put on record his thanks to them for their service. They are Mr Martin Archer and Mr Paul Wilkins. This means the Board has 2 vacant seats, for the electoral districts of Brocklesby, Habrough, Keelby, Kirmington, North Killingholme & South Killingholme and Barnoldby, Bradley, Cleethorpes, Humberston, Irby, Laceby, Riby, Waltham & Weelsby.

Mr Sam Bedford elected representative for the district of Brocklesby, Habrough, Keelby, Kirmington, North Killingholme & South Killingholme had regrettably resigned from the Board on Friday, 05th November, due to pressures on his time. The Chairman again therefore placed on record his thanks to Sam for his service. The Board therefore now has a third vacant seat, for the electoral district of Brocklesby, Habrough, Keelby, Kirmington, North Killingholme & South Killingholme.

It was confirmed that the 11 members nominated to the Board by the Councils are unaffected by the Election process.

#### **5. Election of Vice Chairman.**

Cllr Peter Clark proposed and Cllr Bill Parkinson seconded Mr Lionel Grooby as Vice Chairman for the ensuing year. There being no further nominations, and this being unanimously agreed by members, Mr Lionel Grooby was duly elected as Vice Chairman.

Lionel thanked members for electing him as Vice Chairman.

#### **6. Election of Members to the Joint Services Committee.**

Three members were proposed, seconded and there being no further proposals, were elected to membership of the Joint Services Committee for the forthcoming year. These were the Chairman, Vice Chairmen and Mr. Julian Hargreaves.

#### **7. Calendar of Proposed Board Meetings 2022.**

Members APPROVED the following meeting dates for 2022:

- Tuesday 25th January. *\*Post meeting note – subsequently changed to **01<sup>st</sup> February 2022**, following a request to change meeting dates for Witham Third and Witham First DIDBs*
- Tuesday, 24<sup>th</sup> May.

- Tuesday, 27<sup>th</sup> September.
- Tuesday, 29<sup>th</sup> November (+APM).

It was also NOTED that the four IDBs' joint Annual Inspection was planned for Thursday, 29<sup>th</sup> September 2022.

## **8. Register of Members' Interests**

A copy of the Register of Members' Interests form had been circulated with the agenda. Members were requested to complete this and return it to Officers present at the meeting or to Witham House, so that an up-to-date Register for November 2021 to October 2022 was maintained. Members were advised of the importance of this being an accurate record. The information in the Register may be subject, for example, to an FOI request and public disclosure and the Register serves as both protection for the Board and for individual members

## **9. Minutes of the Board Meeting, held on 14.09.21.**

The minutes of the Board's previous meeting held on Tuesday, 14<sup>th</sup> September 2021 were proposed, seconded and APPROVED as an accurate record.

### *MATTERS ARISING:*

There were no matters arising, all items being covered by the agenda.

## **10. Chief Executive's Report.**

The Chief Executive's report had been circulated with the agenda and issues highlighted included:

### **10.1 Covid-19.**

The Boards continue to make PPE available for the use of all staff at Witham House and the 4 Depots This includes gloves, wipes, face coverings and hand sanitiser through to vehicle fogging canisters for use between drivers and in depot vehicles.

The 4 Boards' Management Team continues to review weekly the latest guidance in order to determine any necessary changes to our systems and ways of working. The 3 priorities remain to keep our staff well by maintaining safe systems of work and compliance with national guidance, to maintain business continuity both in terms of office-based functions and operationally, and to maintain sufficient resilience in our teams to be able to respond to an emergency flood event should that happen.

The Boards currently have 2 staff with Confirmed Covid-19 and who are self-isolating.

### **10.2 Byelaws.**

It was confirmed that each of the 4 Boards had approved in September 2021 the proposed revised, standardised Byelaws based on the new Defra model.

Each Board had subsequently run a month-long extensive consultation and no objections had been received by the closing date of 01.11.21. It was highlighted that this was particularly pertinent for North East Lindsey [and Upper Witham IDB too], where the current Byelaw distance is 7 metres and the proposal is to extend this distance to 9 metres, the maximum permitted by Defra without special permission. The Byelaws would now be subject to Defra Ministerial approval.

### 10.3 Staffing.

The following staffing issues were highlighted to members:

- Sandra Neill, Enforcement Officer, started with the 4 Boards on 26.10.21. She will work 3 days per week, usually Tuesdays, Wednesdays and Thursdays.
- Wayne Bourne took up post as Operations Supervisor for 3 of the IDBs, not NELDB, on Monday 08.11.21. Although Wayne will not cover NELDB, as his post is a mirror role to that of Darren Scott, he and Darren will work together and provide reciprocal cover in times of absence and leave.
- Fiona Scott, Environment and GIS Officer, leaves the Boards on Friday 12.11.21 after over 4 years. Fiona will join Lincolnshire Rivers Trust as Senior Environmental Officer. The role has been reviewed and is out to advertisement.

The Chief Executive's report was received and noted.

## 11. **External Auditors' Notice of Closure on the IDB Annual Governance and Accountability Return (AGAR) 2020/21.**

The Director of Finance and Governance introduced the item. The Annual Return 2020/21 was agreed at the Board meeting on 26th May 2021, subsequently published on the Board's website for public inspection and despatched to the External Auditor on 11th June 2021. The public inspection period was from 14th June 2021 until 23rd July 2021.

The Board had until 30th June 2021 to submit its Annual Return 2020/21 and the External Auditor had until 30th September 2021 to complete their work and publish their report.

The External Auditor issued the Notice of Closure and it had been received by the Board on 20<sup>th</sup> September 2021. It was completed as follows:

“On the basis of our review of Sections 1 and 2 of the AGAR, in our opinion the information in Sections 1 and 2 is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met”.

This therefore completes the External Audit for 2020/21, with no issues to report to the Board.

Members NOTED the External Auditor Notice of Closure of the IDB Annual Return 2020/21.

## **12. Risk Register.**

A report had been circulated with the agenda and was presented by the Director of Finance and Governance.

The Corporate Risk Register aims to capture the high-level risks the four Boards face. These are generic to all four Boards with any specific risks to a particular Board highlighted. The final column then shows the current 'direction of travel'.

Following the series of heavy rainfall events during Autumn 2019 and the impact this had on the 31<sup>st</sup> March 2020 year end outturn positions and with the significant impact of COVID- 19 upon the 4 Boards' operations, several risks were revised when the Risk Register was last approved in January 2021. Due to the ongoing Covid-19 pandemic, there have been no changes made to these risks at this time. It is hoped that some risks can be reduced once the pandemic is in a more manageable format.

As a reminder, the key measures that have been put in place to address the COVID-19 Pandemic were:

- Initially from March 2020 Operatives worked alternate days undertaking pump runs, checking for blockages, bridges and culverts, etc.
- Operatives have undertaken summer maintenance works whilst maintaining '1 person 1 vehicle/item of plant' wherever practicable. No more than 1 Operative per vehicle including vans & 4x4's in 2020 and 2021.
- Provision of PPE to all staff [face coverings, hand sanitiser, aerosols, gloves].
- Hand work outsourced to private contractor.
- Office staff working predominantly from home, where practicable. Office phones are accessible via Unity app. Staff set up with home working ICT facilities (laptops, screens, etc). All ICT systems available from home.
- Access to office on a booking basis – maximum 4 people at any one time, with procedures when entering/leaving the office.
- Virtual meetings held via Zoom. Key staff (e.g., Management Team) limit as far as practicable meeting 'face to face'.
- Hand sanitiser, masks, wipes, etc, provided to all staff (Operatives and office staff).

Further changes were proposed to the Risk Register regarding recruitment and retention of staff, this being problematic in the current employment market.

Budget pressures/funding issues for 2022/23 mainly relating to increased staffing costs (including increase in employers NI rate), conversion from red diesel to white diesel, insurance costs, plant maintenance costs and general inflation increases. These will be explained fully in the Budget report to the Boards in January 2022.

As previously reported, insurance renewals were difficult for the 2021/22 renewals, and it is likely that due to the hardening market in the insurance suppliers then this is going to be a significant issue and future risk.

Following review and discussion Members were content to approve:

- increasing the risk regarding staff recruitment and retention.
- Adding additional risk 4.3.4 to reflect the increasing cost risks being faced by the Boards.
- Adding additional risk 4.4.3 to reflect the increasing issues of sourcing sufficient insurance covers for the Boards.

Member APPROVED the revised Risk Register, as of November 2021, with the changes as outlined.

**13. Schedule of Expenditure, 01.09.21 to 31.10.21.**

The schedule of expenditure for the two months ended 31<sup>st</sup> October 2021 had been circulated with the agenda and was presented by the Director of Finance & Governance. The schedule was of invoices paid in the period, and therefore some expenditure incurred in the two months period was excluded. Items highlighted to or raised by members included:

- Items 23 to 41: £ various to Eric Carnaby & Son Ltd for works under the maintenance contract and rechargeable works under the PSCA. Members were advised that there would be many more invoices to come as Carnaby's had yet to invoice for all their works completed so far.
- Item 51 £1,600.00 (net) to PKF Littlejohn LLP for External Audit Fees on the AGAR for the year ended 31<sup>st</sup> March 2021.
- Item 54: £13,350.00 (net) to Stantec UK Ltd for works at Killingholme Marshes, Able Marine Park. This was fully recharged to ABLE UK.

Members NOTED the schedule of expenditure incurred for the two months 01<sup>st</sup> September to 31<sup>st</sup> October 2021, which totalled £156,865.72 gross or £132,496.61 net of £24,369.11 VAT. Recharges to other bodies during this period totalled £38,113.38.

**14. Financial Performance Report 2021/22, Month 7 to 31<sup>st</sup> October 2021.**

The Financial Performance Report for 2021/22 to 31<sup>st</sup> October 2021, had been circulated with the agenda. The Director of Finance and Governance presented the position, summarised as:

	<b>2021/22 Estimate</b>	<b>Profiled Budget</b>	<b>Actual</b>	<b>Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Income	(689,869)	(675,510)	(745,243)	(69,733)
Board & General Admin	20,050	8,548	9,546	998
One Off Schemes	17,000	0	14,540	14,540
Conservation	2,500	1,317	273	(1,044)
Depot	8,360	4,991	4,955	(36)
Drains	142,420	32,628	30,539	(2,089)
Pumping Stations	70,850	31,891	28,613	(3,278)
Staffing & Joint Admin	102,192	52,171	53,705	1,534
Consents & Enforcement	2,121	0	0	0
Engineers & Works Supervisor	161,746	88,020	90,251	2,231
Contribution to/(from) Reserves	0	0	0	0
PWLB				0
Rechargeable Works	0	0	54,495	54,495
EA Precept	162,630	81,315	80,510	(806)
FRS17 Pension Adjustment (net)				0
Wages & Plant Holding Account				0
<b>(Surplus)/Deficit</b>	<b>0</b>	<b>(374,629)</b>	<b>(377,815)</b>	<b>(3,186)</b>

The Board's budget profile as of 31<sup>st</sup> October 2021 was an anticipated positive variance of [£374,629] and the actual position was a positive [£377,815], so on profile with only a small positive variance of [£3,186]. Members were reminded however that some of the higher risk spend areas had not yet been incurred, such as electricity costs during winter months.

On income, Special Levies had been received for the full year from the 3 Councils (£588k). Drainage Rates invoices for 2021/22 had been posted out in April 2021 with first reminders being sent in August. The collection rate for drainage rates income as of 31<sup>st</sup> October 2021 was 94.7% (compared with 93.1% for the same point in 2020/21). Final reminders were sent out on 28<sup>th</sup> September, with a court date being set for December for any unpaid account holders.

Also, on income, Highland Water claims had been submitted the EA for the 2020/21 actual claim, with a further balance of (£12,341) due, together with the 2021/22 Estimated claim of (£71,500). Of the total estimated 2021/22 claim, 80% (£57,200) was paid in August 2021 along with the balance due on the actual claim 2020/21 of (£12,341), so a total of [£69,541] Highland Water income had been received by the Board.

For Rechargeable Works, some works (£40k) had been recharged to date for EA PSCA works. The Killingholme Marshes PS costs of £15k had been recharged to ABLE UK.

The bank balances as of 31<sup>st</sup> October 2021 were set out as follows:

**Barclays Bank plc**

Payments Account	£ 12,776.25
Receipts Account	£ 312.33
General Deposit Account	£ 534,500.00
Developer Contributions Account	£ 132,122.41
Nationwide Instant Access (Dev Cont's)	£ 152,200.84
<b>Total</b>	<b><u>£ 831,911.83</u></b>

Members NOTED the 2021/22 financial performance report, for the 7 months from 01<sup>st</sup> April to 31<sup>st</sup> October 2021.

**15. Health and Safety Update.**

A report had been circulated with the agenda and was presented by the Acting Director of Operations.

Operatives had been extremely busy with the summer work programme, both in the 3 Boards with a direct workforce and in NELDB where Carnaby's Operatives had made good progress. All staff are still issued with the necessary PPE and equipment to undertake their daily duties.

Office Staff were still working predominantly from home, with measures in place to make the office accessible to a limited number of 4 staff at any one time. Face to face work meetings were now taking place managed by a booking system, with Jayne Flower managing the requests.

The office is open to visitors and members of the public, but by prior appointment.

All arrangements and risk assessments are reviewed weekly at the Management Team Meetings and any change in national guidance is kept under review.

Cope our external Health & Safety advisor have been approached to review and update our Fire Packs and each Depot. These are the grab packs located at the exit to hand to the Fire Brigade they give the building layout and stored location of any flammable or dangerous goods.

We have had one accident reported since the last report. This involved a member of staff from Witham Third cutting his finger badly while fitting new blades to a hedge trimmer. This did involve a trip to A&E at Lincoln County Hospital, although he was back at work the next day.

We have had no near miss incidents reported since the September Board meetings.

Following the H&S review of our timber piling methods in watercourses we have decided to have the vibrating whacker plates on Witham First and Witham Third altered to undertake this duty more safely. This modification will be undertaken by the manufacture of the whacker plate and is a tried and tested modification. The cost of this is £7,500 per modification but will meet the H&S needs. Upper Witham will look to purchase one next year, as the winter works programmes for this coming winter will allow sharing of equipment, this is not always the case as bank repairs are frequently completed at the same time of year.

The annual Overhead Cable Avoidance Training has been completed by Shoc, the only training provider offering this training at present. The Wheeled Excavator training is due to start on the 08<sup>th</sup> November by XRE training, this will be NPORS excavator training. All relevant training courses are also opened to Carnaby's Operatives too.

Members received and NOTED the Health and Safety update.



**16. Environment Update and Joint Nature Strategy for the Witham & Humber Drainage Boards, 2021-2026.**

A report and the draft Nature Strategy for the 4 Boards prepared by Fiona Scott, Environment & GIS Technician, had been circulated with the agenda and was presented by Guy Hird, Acting Head of Engineering & Technical Services.

This Nature Strategy had been prepared by Witham and Humber Drainage Boards in accordance with the commitment in the Implementation Plan of the Defra Internal Drainage Board Review of 2007 for Internal Drainage Boards (IDBs) to produce their own strategy documents. It demonstrates the 4 Boards' commitment to fulfilling their duty as public bodies to conserve and enhance biodiversity under various legislation and policy including, but not limited to, the Environment Bill (Act) 2020, the Natural Environment and Rural Communities Act 2006, the 25 Year Environment Plan and the Water Framework Directive.

It had been circulated to all members of all 4 Boards via email prior to the November Board meetings to allow sufficient time for review, due to the sheer size and comprehensiveness of the document.

Importantly, it reflects the 4 Boards' aspiration to maximise the support provided to biodiversity, particularly priority UK species and habitats, and the wider environment in general through day-to-day activities, by setting clear objectives, actions and targets.

The 4 Boards are being asked to adopt this Nature Strategy as one of their policies and to commit to its implementation. The Boards will review and update the plan periodically, with a review period no greater than 3 years.

This Nature Strategy is part of a much larger biodiversity framework that encompasses international, national and local levels of legislation and policy and which also include ecosystem services and climate change.

When carrying out its functions, an IDB must pay regard to the effect on the environment. Some environmental legislation relates specifically to maintaining or restoring the condition of protected sites or protecting certain species, but there are also statutory duties for IDBs to conserve and enhance biodiversity in and alongside the watercourses they manage and the wider landscape.

The Natural Environment and Rural Communities Act 2006 places a duty on IDBs to conserve biodiversity. The Environment Bill (Act) 2020, when enacted, extends this duty on IDBs to also enhance biodiversity and report periodically on their actions. Therefore, as a public authority, every IDB must consider what action it can take, consistently with the proper exercise of its functions, to further the conservation and enhancement of biodiversity in England.

The key environmental legislation (by no means an exhaustive list) relevant to the work of IDBs includes:

- The Environment Bill (Act) 2020
- Conservation of Habitats and Species Regulations 2017
- Eels (England and Wales) Regulations 2009
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

- Natural Environment and Rural Communities Act 2006 (Section 40)
- Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999
- Land Drainage Act 1994
- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Protection of Badgers Act 1992
- Flood and Water Management Act 2010
- Salmon and Freshwater Fisheries Act 1975

The aims of this Nature Strategy are:

- To ensure that opportunities for conservation and enhancement of biodiversity are fully considered throughout the IDB's operations, as required by the Natural Environment and Rural Communities Act (2006);
- To enable more effective monitoring and reporting of progress and outcomes.
- To ensure that Priority species and habitats receive effective action within defined targets within the drainage district.
- To identify targets and appropriate actions for other habitats and species of local importance within the drainage district. This includes invasive non-native species.
- To contribute to local environmental partnerships such as the Local Nature Partnership to ensure that programmes and priorities for biodiversity conservation are aligned and maintained in the long term.
- To raise awareness within the IDB and locally of the need for biodiversity conservation, and to communicate with the local and wider community what actions the IDB are undertaking to support biodiversity.

Members received and NOTED the update and following discussion, APPROVED the joint Witham & Humber Nature Strategy 2021-2026.

#### **17. Maintenance & Mowing Contract for the Board, 2022 to 2025 [option to extend to 2027].**

A briefing note had been circulated with the agenda and was presented by the Director of Finance and Governance.

The current maintenance and mowing contract was due to finish at the end of summer works 2021. It was currently awarded to Eric Carnaby & Son Ltd. The current contract only covers the summer maintenance works, but other ad hoc works are requested from the Contractor plus some minor winter works. A separate agreement has been made with the Contractor for the Public Sector Co-Operation Agreement (PSCA) works where, in effect, the Board sub-contracts the EA commissioned PSCA works to its contractor.

The current contract was awarded from 15<sup>th</sup> July 2017 for an initial 3-year period until the end of the 2019 season. Due to successful delivery of the Contract over this period, and as allowed within the contract, a 2-year extension was agreed until the end of the 2021 season.

Initially, the contract had a 2-year cycle of maintenance, with some drains maintained each year and some drains maintained in alternate years. However, in 2019 the Board

agreed to maintain all the Drains each year, and this was incorporated into budget plans.

The current budgets 2021/22 for the maintenance works is £124k (contract value £123,254.64). Additionally, the Board has a winter works budget of £7.8k in 2021/22 for those additional items the Board requests. PSCA works for the EA are estimated at £126k in 2021/22, including £10k for emergency mutual aid support if required. This is handled as a separate set of works; the quantum is variable each year.

There are several revisions that need to be included in the new contract, which it is proposed is issued on the same basis of an initial 3 years, with a possible extension of up to 2 years by mutual agreement of the Board and the contractor. The main revisions are:

- The tender to run for full financial years (so 01<sup>st</sup> April to 31<sup>st</sup> March) rather than 'seasons', as emergency response and additional works may be required at any time of the year. The facility for 'Winter' works to be undertaken to be incorporated in the Tender.
- All drains are to be maintained every year, as per usual practice since 2019.
- The requirement to support the Board in delivering its PSCA requests from the EA, if requested to do so by the Board [so the contractor needs to be able to scale-up capacity to do this variable work].
- Variations to be formally issued between both parties.
- The tender to be based upon using 'white diesel' rather than 'red diesel' from April 2022.
- Strengthen the requirements to comply with the Health and Safety at Work Act 1974 (as amended) and the Construction (Design and Management) Regulations 2015.
- Insurance requirements and limits to be reviewed.
- Include the option for quotation for single rate per meter for all drains, or allow differential pricing per drain if required.

Other updates such as office address details, officer details and general formatting will also be included.

In order to agree the draft Invitation to Tender documents for sending to prospective contractors and the timescales for the procurement process, it was proposed that a small working group is established to undertake this task on behalf of the Board. An outline of tasks was provided, as follows:

<u>What</u>	<u>When</u>	<u>Who</u>
Update current Tender Specification	By 12/11/2021	CX, DoFG and ADoO
Member working group to sign off Tender documents	By 17/11/2021	CX & Members (with DoFG & ADoO)
Issue Invitation to tender documents to prospective service providers	19/11/2021	Executive Assistant
Tenders submitted	17/12/2021	Tenderers
Tenders Opened	20/12/2021	CX & DoFG
Evaluation of Tenders	14/01/2022	ADoO
Officer recommendation to Board	25/01/2022	CX
New Contract commences	01/04/2022	Appointed Contractor

It is likely that, due to factors like changing from Red to White diesel, additional staffing costs (e.g., NI rate increase from April 2022), increasing insurance costs and general inflation on running costs etc, the current budgets will not be sufficient for the new contract. Therefore, any additional costs identified during the evaluation will need to be incorporated into the 2022/23 Budget Estimates, which will also be on the January 2022 Agenda for approval by the Board.

Following discussion members AGREED:

- A Working Group be established to oversee this procurement process. This to comprise Philip Hoyes, Lionel Grooby, Julian Hargreaves, Jane Froggatt, Steve Larter and Ian Coupland.
- The Invitation to Tender timetable, as set out.
- The outcome of the procurement process and recommendation be reported to the 01<sup>st</sup> February 2022 Board meeting for approval.
- Additional resources may be required in the budget 2022/23 to meet additional costs arising from the procurement exercise.

#### **18. Proposed Killingholme Marshes Pumping Station.**

A report prepared by the Director of Engineering & Technical Services had been circulated with the agenda and was presented.

The Board has been invited to attend the regular meetings of the Able Marine Energy Park Delivery Board. The Director of Engineering & Technical Services has attended 2 meetings to date. The purpose of the Delivery Board is to ensure the delivery of the Park and realise the potential economic benefits that the development could provide. The Delivery Board comprises several local and national professional partners and is chaired by North Lincolnshire Council.

There has been no progress on drawing up the legal agreement necessary between AUL, NELDB and Crown Estates, allowing access to the various parcels of land to be occupied by the new pumping station, discharge pipeline and outfall structure. The Board has received an order from AUL for the legal fees estimated as necessary to draw up and agree such a document.

The construction of the pumping station continues apace but has suffered from poor ground conditions that developed during the heavy rainfall period of early October. Ground water intrusion caused the collapse of open excavations, and the ground became unstable. This required the design and installation of a second cofferdam that will allow the construction of the pumping station itself. This will delay the completion of the station until March 2022.

Despite the poor weather and ground conditions, the work to install the discharge culverts continued and is now substantially complete. The cofferdam installed to allow the construction of the outfall is programmed to be removed by mid-November after which scour protection will be installed.

Details have also been provided by AUL of the dredging of the new outfall channel. This work will require specialist equipment and negotiations with Natural England with regard compliance with Habitat Regulations. This work is programmed to extend beyond May 2022, and until it is complete full commissioning of the pumping station will not be possible.

AUL have commissioned Stantec UK Ltd. to confirm amendments to the agreed Drainage Strategy. This work is necessary to accommodate the proposed development in Area K of the site and the creation of manufacturing facilities for the offshore power generation industry.

NEL Drainage Board were made aware of the proposed changes, provided comments and officers agreed the amendments to the Drainage Strategy document.

As part of the Material Changes 2 application submitted by AUL, the Board's officers will meet with AUL to agree a 'Statement of Common Ground'. This statement will be submitted to the planning inspector to demonstrate that the Board has no objections to the application.

Access to the construction site remains open and unfettered for both the Board's officers and their representatives from Stantec, who continue to attend site to monitor work and ensure compliance with the design specification and drawings.

The Director of Engineering & Technical Services has participated in several meetings and email correspondence regarding technical aspects of the station's design and performance. Discussions as to how the pumping capacity required of the station is to be met over the lifetime of the station continue.

Construction of the station is programmed to complete in March 2022, a slip in the original programme date of January 2022, with full commissioning of the site delayed until completion of the discharge channel beyond May 2022.

Members received and NOTED the update.

## **19. Operations Report.**

The Operations Report had been circulated with the agenda and was presented by the Acting Director of Operations.

Across the group of 4 Boards, Operatives are still very busy with summer maintenance, be that employed staff or Carnaby's Operatives. The weather in general has been good during October and this allowed gains to be made on the summer maintenance programmes in those Boards that were behind with delivery, mainly Upper Witham and Witham Third.

Operatives have started planning winter works across the Boards, with maps and notice of entry letters going out imminently.

Darren Scott, the Works Supervisor, has been overseeing the work undertaken by the Board's Contractor (Carnaby's). This work was almost complete with just some PSCA work for the EA to finish off.

The Red / White diesel issue is still being negotiated by ADA colleagues and other parties. As it stands at this time, we have kept our excavators on red and our tractors that are not used for haulage on red diesel. Keeping the tractors on red is a slight risk as Customs and Excise have confirmed that travelling from one site to another or flailing watercourse in a City, Town or Village would never be classed as an agricultural duty. But to put the infrastructure in place i.e., purchase fuel bowsers on each Board so we can fuel red, and white is not affordable or practical when it looks like we will have to put everything on white diesel from April 2022. We can then flush our current bowsers and tanks out and we are just delivering one fuel again. If we do not get the agricultural dispensation our machines and our contractor's machines left on site overnight risk being a soft target for crime.

This red diesel to white switch will be a considerable cost pressure for budget setting 2022/23 for all 4 Boards [as NELDB's contractor costs will be affected too].

Again, as previously reported, prices and availability of stock and spares are a real problem at present. Discussions have commenced with the main dealers of our plant and machinery and some meetings are arranged to review current terms with an intended outcome of better hourly rates and bigger discounts on spares.

Ian Coupland had been in contact with a company that produces GRP cabinets, asking that they visit New Holland outfall Pumping Station to measure and price up a replacement cabinet to house the control panels. The steel cabinet currently there is in poor condition, probably due to the salty air. It would benefit from replacement before we get corrosion inside. Still awaiting the company to visit the site.

Members received and NOTED the report and update.

## **20. Engineering Report.**

A report by the Acting Head of Engineering & Technical Services had been circulated with the agenda.

Pleasingly, there had been no flood events on which to report.

### **Multi agency Rain Gauge Project (JA-5378-2020-ASS).**

Officers were exploring on behalf of all four Boards whether to be involved with this multi-agency scheme. Potential partners across Greater Lincolnshire are the 3 Lead

Local Flood Authorities [LLFAs] namely Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council. Other partners include Anglian Water and other Internal Drainage Boards (but not the EA). The scheme is proposed to be part funded by the Anglian (Northern) RFCC Local Levy and a draft bid was submitted by Lincolnshire County Council in November 2020. The proposal is to have 'live' web-based rainfall data available to partners during heavy rainfall events and historic data for post event investigations including the LLFA led Section 19 investigations. Approximately 50 sites would be located across the area hosted by partners in appropriate secure sites which potentially could be the Boards' Pumping Stations. However, we need to understand more about locations, potential ongoing maintenance costs for which the Boards may be liable etc before agreeing to participate in what is currently an expression of interest stage project. There had been no change and information is awaited from Anglian Water.

#### Middle Drain access culvert (ND-5514-2021-ASS, ND-5486-2021-ENF).

The EA had confirmed they would contribute half of the cost to the Board of the recent scheme completed to reconstruct the culvert. The company with part land ownership of the culvert had also agreed to contribute the second half, and payment had been received.

#### Immingham multi-agency study and model (ND-3987-2018-PRO).

A multi-agency approach has been taken to assess the Flood Risk and distribute potential scheme benefits between the parties involved, North East Lindsey Drainage Board, EA, Anglian Water and North East Lincolnshire Council - who are hosting the scheme because they have an in year GiA scheme which has received funding for the work. NELDB commissioned the survey of the watercourses which will be combined in the model, which Anglian Water has agreed to undertake.

The results of the work will potentially allow the Board to proceed with GiA funding schemes for Middle Drain Pump Station and Habrough Marsh Drain system.

All types of flood risk are included in the study including surface water, fluvial and coastal.

North East Lincolnshire Council has secured some alternative funding and this joint approach may not continue. This would mean the potential Middle Drain Pump Station and Habrough Marsh Drain schemes would have to be progressed separately by the Board.

However, the work continues, and Anglian Water Services have now provisionally completed the Hydraulic Model of the combined systems. Some addition detail and survey has been undertaken to complete it and the results should be available soon.

#### Ground Water Flooding November 2019, Barton upon Humber (ND-5379-2020-FLD).

An 'off site' plan for Wren Kitchens is being produced, this would include the setting of various trigger thresholds for alarms and warnings to be issued. The current expansion of the Wren Kitchens site will have no adverse effect upon the local drainage system, nor will it increase the likelihood of flooding of this nature in the area.

A second meeting was held on 17th September 2020, there have been no further meetings or updates since the May meeting.

Humber Wader Migration (ND-3458-2017-ENV).

This site to attract wading bird as part of mitigation for development in the area. It is located adjacent to Mawmbridge pumping station and will include a small pump to top up the wet areas on the site. The scheme has evolved, and the proposal is now to have the pump location remote from Mawmbridge pumping station. Several site meetings have taken place and a Consent application is awaited for the proposed works.

North Lincolnshire Council Operation Flood Group (ND-4485-2019-GEN).

It is a multi-agency meeting to discuss and resolve local drainage issues. In Barton and Barrow, the EA have extended the Ground Water warnings to include surrounding areas including Wren Kitchens.

Townscroft Drain/Mawmbridge Drain Branch 3 proposed bus bridge, Grimsby. (ND-4366-2018-CON, ND-4835-2019-CON)

North East Lincolnshire Council have a project to construct a bus only bridge over the Board maintained Townscroft Drain/Mawmbridge Drain Branch 3 to link the two parts of Europarc. The Board's officers are endeavouring to ensure there is continuity of access along the watercourse given the constraints of the highway requirements.

Stallingborough 3 Sea defence improvements - NE Lindsey IDB liaison (ND-5362-2020-ASS).

The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Middle Drain to New Cut Drain at Barton. The Outline Business Case was approved in July 2020. One aspect of this scheme is considering how best to sustain the conveyance of Oldfleet Drain. Furthermore, they are also particularly looking at options to improve the defences and outfall at Mawmbridge Drain.

This potentially has an impact on Middle Drain pumped catchment, Mawmbridge pumped catchment and Oldfleet Drain.

We have been invited to a meeting to discuss the current systems and operations of the Board/EA and how they interact.

An initial meeting was held on 24th November 2020 with the EA where options to divert flows from Oldfleet Drain into the Middle Drain or Mawmbridge Pumped Catchments were discussed, initially Middle Drain Branch 3 (6C) adjacent to the Humber bank is favourable. Further analysis and modelling will need to be done to establish how the connection is made and whether the Oldfleet gravity outfall is abandoned. The EA gravity outfall and Board pumped outfalls will be looked at to see whether it is feasible to combine them like at Middle Drain, to ensure the gravity is not obstructed by silt.



Potentially the schemes can use GiA funding either combined with the EA or separately for the Board.

Barton to New Holland Sea defence improvements - NE Lindsey IDB liaison (ND-5613-2021-GEN).

The EA is advancing the development of the scheme to improve the tidal defences and outfalls along the frontage from Barton to New Holland. The EA do have a provisional project plan and Morgan Wray and Mark Adams are presenting the scheme today.

North Killingholme Outfall and Habrough Marsh Drain Outfall (ND-5364-2020-DRA).

Contractors for the EA have been in contact to undertake survey and inspections of the two outfalls with a potential for them to be refurbished/replaced. Works to replace the penstock on North Killingholme Outfall that were programmed for September 2021 did not happen.

Members received and NOTED the report.

**21. Planning & Consultations Report.**

A report had been circulated with the agenda and was presented by the Acting Head of Engineering & Technical Services. The report provided information on the planning applications received by the Board and detail of the comments submitted to the relevant Local Planning Authority (LPA).

**Planning permission to erect 317 dwellings, including associated garages, access road, playground, ponds and public open space. Phase 5 & 6 Falkland Way, Land off Canberra View, Barton upon Humber, DN18 5GR**

Following an exchange of emails with the Planning Team and Drainage Team at North Lincolnshire Council a meeting was held to discuss the site and particularly the development within the Byelaw distance of Barton Drain Branch 2 (16E).

The developer has been asked to respond to a number of questions.

Members received and NOTED the report.

**22. Consents and Enforcements Report.**

A report had been prepared by the Consents and Enforcements Officers, circulated with the agenda and was presented by the Acting Head of Engineering & Technical Services:

Byelaw Consent Applications

Reference	Location	Applicant	Details	Date
ND-5800-2021-CON	Trondheim Way, Stallingborough	Brooksby Projects Ltd	Discharge from business roof extension	12-10-21

Section 23 Land Drainage Act Consent Applications – District

Reference	Location	Applicant	Details	Date
ND-5816-2021-CON	Killingholme Haven Outfall	Amalgamated Construction	Replacement of penstock	27-09-21

Section 23 Land Drainage Act Consent Applications – Extended Area

The Board acts as Agent for Lincolnshire County Council, the Lead Local Flood Authority. North Lincolnshire Council and North East Lincolnshire Council process their own Consent Applications.

None received.

Enforcement Issues – District

Reference	Location	Description / Comments	Actions
ND-5207-2020-ENF	Land adj Brocklesby Ave, Immingham	Encroachment of access strip adj to Habrough Marsh Drain Branch 1 with a fence	Property owner had agreed to move the fence back to the original line, but he has now completed the fence encroaching on the Board's land. Further action will be required either to move the fence or accept the fence on this line and reserve the right to take action in the future.

Enforcement Issues – Extended District

The Board acts as Agent for Lincolnshire County Council, the Lead Local Flood Authority in the West Lindsey District Council area. North Lincolnshire Council and North East Lincolnshire Council undertake their own enforcement.

No current cases.

Members received and NOTED the report on consents and enforcement cases.

**23. Barton to New Holland Sea Defence Review, presentation by Morgan Wray, Area Flood & Coastal Risk Manager and Mark Adams, FCRM Senior Advisor for the EA.**

An in-depth and informative presentation was given by EA representatives Morgan Wray and Mark Adams on the Barton to New Holland scheme and the various EA schemes covering the North East Lindsey Drainage Board district.

In due course, representation from the Board will be invited to join the project.

**24. Any Other Business.**

There were no further items of business and the meeting closed at 16:45.

**25. Date, Time and Place of Next Meeting.**

The next meeting of the Board was confirmed for Tuesday 01<sup>st</sup> February 2022, venue and format TBC.

..... Chairman..... Date

