

## UPPER WITHAM INTERNAL DRAINAGE BOARD

**Minutes of a Meeting of Upper Witham Internal Drainage Board held on Monday, 22<sup>nd</sup> May 2023 in Witham House Boardroom, North Hykeham, Lincoln at 2pm.**

**Present:**

Cllr. D. Armiger	
Mr A Buckley	
Cllr B Bushell	
Cllr P Ellis	
Mr J Hollis	
Mr E Jackson	(via video conference)
Cllr R Longbottom	
Cllr R Metcalfe	
Mr F H Myers	(Chairman)
Cllr D Nannestad	
Cllr L Pennell	
Mr R Phillips	
Mr G Rawlings	
Mr J Scarborough	(Vice Chairman)
Mr W Timmins	
Mr N Tobin	
Cllr P J Vaughan	(Vice Chairman)
Mrs J Wilkinson	

**In Attendance:**

- Mr Ian Coupland, Director of Operations.
- Miss Jayne Flower, Executive Assistant.
- Mrs Jane Froggatt, Chief Executive.
- Mr Chris Harris, Internal Auditor, TIAA
- Mr Guy Hird, Head of Engineering & Technical Services.
- Mr Steve Larter, Director of Finance & Governance.
- Mr Martin Shilling, Director of Engineering & Technical Services.

### **01.23 Apologies.**

Apologies for absence were received from Mr T Arnold, Cllr L Bushell, Cllr L Dales, Cllr M Green, Cllr G Hewson, Ms E Jenkinson, Mr P Knight, Cllr P Morris, Cllr R Oates, Cllr S Roe, Cllr I Stokes and Cllr C Watt.

### **02.23 Declarations of Members' Interests.**

Members appointed by each of the relevant five Councils declared interests relating to those Councils (City of Lincoln, North Kesteven District, West Lindsey District, South Kesteven District and Newark & Sherwood District Councils). Representatives across all councils were awaiting confirmation of representation on outside bodies like IDBs; Council AGMs being scheduled next week. Some changes were anticipated, explaining the apologies submitted from some Councillors.

### **03.23 Chairman's Announcements.**

Mr Fred Myers welcomed Members to the May meeting of the Board, usually one of the busier meetings of the year.

A particular welcome was extended to Internal Auditor, Chris Harris from TIAA. Chris would present his independent report on the last financial year 2022/23 and his audit certificate, which formed part of the Board's Annual Governance & Accountability Return [the AGAR]. Chris will remain in the meeting.

Following the local elections on Thursday, 04<sup>th</sup> May 2023, the Chairman confirmed some known changes in nominated members from amongst the 5 Councils. City of Lincoln Council, South Kesteven District Council and Newark and Sherwood District Council had advised:

- Cllr John Cottier of South Kesteven District Council is no longer a councillor. We await notification of his SKDC replacement.
- Cllr Linda Dales sent apologies for this meeting due to being on holiday and advised that Newark & Sherwood District Council have not yet finalised who will be the representative. It may be Cllr Dales again, but we await confirmation.
- Cllr Chris Burke, who joined Upper Witham in May 2022, will be replaced by Cllr Liz Bushell from City of Lincoln Council.
- Cllr Robert Reid, nominated by South Kesteven District Council, has advised he has not been re-elected to SKDC. We await confirmation from SKDC of his replacement. Robert attended his first meeting in January 2023, replacing long-standing former member Cllr Rosemary Kaberry-Brown due to her ill-health.
- We have no notifications from NKDC or WLDC at present.

The Chairman recorded thanks to all members nominated by Councils for their service and contributions and welcomed new members, noting there may well be some further changes in the next few weeks.

He highlighted once again the following 4 vacancies amongst directly elected members:

- River Brant, 2 vacant seats
- Long Bennington, Barkston & Normanton
- Borough of Grantham

The agenda today was necessarily heavily finance-led, it being that time of year to receive several reports relating to the closure of the preceding financial year to 31st March 2023. The Chairman was pleased to note that the Board ended 2022/23 with a modest surplus position of £54k, having absorbed the increased electricity prices in the second half of the year and a range of escalating in-year cost pressures.

#### **4.23 Minutes of the previous Board Meeting, 23.01.23.**

The Minutes of the Board's meeting held on Monday, 23<sup>rd</sup> January 2023 had been circulated with the agenda and were proposed by Cllr Pat Vaughan, seconded by Mr Noel Tobin and APPROVED as an accurate record.

## *MATTERS ARISING:*

### 4.23.1 Corporate Risk Register (Minute 74.22 refers).

The Corporate Risk Register was on the agenda today, having last been reviewed in January. At that meeting Members had approved the new layout of the Risk Register and the removal of the low and medium risks. Members were reminded of this change of emphasis.

### 4.23.2 Pyewipe Pumping Station (Minute 83.22 refers).

The Chief Executive confirmed that this item would be updated in the Engineering Report, to be presented later. Members were reminded that works to refurbish the Board's pumping station commenced on 11<sup>th</sup> October 2022, with excavations for the foundation of the new control house.

Several issues at this site were being worked through, including use of the Board's access track and apparent disruption to the Canal & River Trust's licensed residents of moorings [who use the track on a regular basis, but whose designated parking is at the entry to the track]. Contact with the Canal and River Trust was proving to be somewhat problematic. City of Lincoln Councillor and Board Member Cllr Gary Hewson, who was not present at the meeting, had been in communication with residents and Officers and was being briefed on the position.

### 4.23.3 Railway footpath level crossings to Pyewipe Pumping Station (Minute 83.22 refers).

This item would be covered in detail later in the meeting. The Chief Executive highlighted to members that works on Network Rail's land, by Network Rail's contractors, to effect necessary tree and bushing works to improve access along the Board's access track to the pumping station had been halted at the request of the Canal & Rivers Trust. The Board had requested that these works be completed as a prerequisite to surrendering the historical footpath access route the Board holds across the live railway line.

Members were reminded that at the November 2021 meeting the Board agreed to accept Network Rail's offer to pay the Board £5,000 compensation and professional fees of £2,000 to relinquish the historical access route of 2 footpath crossings. The agreement was therefore currently on hold with the Board's solicitor, awaiting confirmation that the necessary tree and bushing works are completed to the Board's satisfaction.

In the meantime, repeated requests to meet representatives of the Canal & Rivers Trust had been unsuccessful.

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

## **5.23 Minutes of the Finance & General Purposes Committee meeting, 10.05.23.**

The minutes of the Finance and General Purposes Committee held on Wednesday, 10<sup>th</sup> May 2023 had been circulated with the agenda and were proposed by Cllr Pat Vaughan, seconded by Cllr Lance Pennell and APPROVED as an accurate record.

## MATTERS ARISING:

### 5.23.1 Financial Year end position for 2022/23, as of 31.03.23 (minute 7 refers)

The Chief Executive highlighted a correction to the minutes, on Drainage Rates income for the year, **of £268,951.11 income** should read **£278,151.43 income**. The minutes would be corrected accordingly.

Members received and noted the minutes of the Finance & General Purposes meeting.

### **6.23 Minutes of the Joint Services Committee Meeting, 04.05.23.**

The minutes of the Joint Services Committee held on Thursday, 04<sup>th</sup> May 2023 had been circulated with the agenda for noting.

The usual Monday day of the meeting had been changed, due to the late announcement of the extra Public Holiday on Monday 08<sup>th</sup> May for the King's Coronation on 06.05.23, in addition to the early Spring Bank Holiday on Monday 01<sup>st</sup> May.

By changing JSC from a Monday to a Thursday there had unfortunately been a clash with local elections, which was noted are always held on the first Thursday in May.

Board members received and noted the discussion and recommendations from the JSC meeting on 04.05.23.

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

The Chief Executive's report had been circulated with the agenda. Issues highlighted included:

#### 7.23.1 The 4 Boards 2022/23 positions on 31.03.23 and the start of 2023/23.

Despite the escalating financial pressures during the latter half of 2022/23, particularly those relating to electricity unit rates and standing charges, the 4 Witham & Humber Boards were able to absorb those rising cost pressures, and each Board ended the year with a 31st March 2023 surplus position to allocate to its General Reserve, as follows:

- Upper Witham IDB: [ £54,034.20] surplus – which contains the £60k in-year reimbursement to the EA for the Board's share of costs on the refurbishment of Aubourn and Sand Syke Pumping Stations.
- NELDB: [£48,038.11] surplus.
- Witham First DIDB: [£47,537.75] surplus.
- Witham Third DIDB: [£104,322.69] surplus.

Given the risks each Board faces in 2023/24, e.g., electricity budgets being exceeded should we have rainfall in excess of an average year, the uncertainties of insurance renewal costs in July 2023 and continued fuel, repairs and maintenance and plant price increases, it is reassuring to be able to allocate modest 31st March 2023 surpluses into the General Reserves. The 4 Boards' current policy of holding 10-15% of annual

turnover in General Reserves [rather than in earmarked reserves] is something we may wish to review in-year, to reflect current economic uncertainty and financial risk.

#### 7.23.2 Public Sector Cooperation Agreement [PSCA] Income 2022/23 and work commissioned from the IDBs for 2023/24.

The Chief Executive highlighted to members that the Boards had supported undertaking additional PSCA works on EA main rivers for a variety of reasons, including a desire to see regular and improved standards of maintenance on main rivers. The downside of this is the reliance the 4 Boards now have on this work and PSCA income, which amounted to £754,223.58 in 2022/23. This is not a programme of works commissioned over several years, but works spot purchased by colleagues in the EA on an annual basis. The short-term nature of the work does transfer the risk to the Boards, and it means the sensible planning of work programmes, plant and vehicle purchases/disposals and Operative staffing levels alongside the Boards' own workload in the 4 drainage districts is complex. Workload, the Boards' own and that of the EA, needs effective programming.

#### 7.23.3 Electricity.

Members were reminded that the electricity cost pressure IDBs face had been raised with Defra officials. The Chief Executive attended the Defra/ADA/EA/IDB representatives' meeting on 30.11.22, MPs were briefed, furthermore the Chief Executive had presented the position at the Anglian [Northern] RFCC meeting on 27.01.23 immediately after the 4 Boards' January meetings. The position was outlined by Andrew McGill and the Chief Executive to the Lincolnshire Scrutiny Committee meeting on 20.02.23. Letters were sent to MPs, Councils had been briefed and escalated the issue, and the impact on the Special Levies they pay, with DLUC. But IDBs had to set budgets based on predicted electricity costs and usage for an average rainfall year in 2023/24, and the risk sits entirely with the IDBs.

The Chief Executive was pleased to report that there was some good news for Special Levy paying councils. The Government had announced on 16.05.23 that the 15 Councils most affected by increases in Special Levy increases for 2023/24 would be allocated a one-off sum of £3 million to offset the impact on them of rises in IDB Special Levies.

Members were relieved that some additional national funding had been forthcoming to councils [ all 5 relevant to Upper Witham benefit], albeit for 2023/24 only.

The Chief Executive's report and update was received and NOTED.

#### **8.23 Corporate Risk Register.**

A report had been prepared by Leila Quirk, Risk Manager, circulated with the agenda and was presented by the Director of Finance and Governance.

The purpose of the Corporate Risk Register (CRR) report is to provide the Board and the Public with an update of the Corporate Risks for Witham and Humber Drainage

Boards, to demonstrate the control measures in place for mitigation and ongoing management, and to acknowledge where risk is controlled to a low/ medium level and therefore no-longer is deemed as a 'corporate risk' but 'business as usual'.

The CRR is reviewed at periodic intervals, however, it is a live document, which is reviewed as required.

The CRR is taken to JSC and Board meetings to ensure that Board Members are aware of the strategic risks which affect the four statutory Boards.

It details those risks that are significant enough to warrant management and or oversight by a member of Management Team, providing detail of the risk control measures in place to reduce the likelihood and/or impact of a risk occurrence where this is felt to be practicable /appropriate.

Witham and Humber Drainage Boards continue to have a robust risk management process, which enables consideration of external and internal risks.

From the April 2023 review, low/medium level risks are no-longer recorded on the CRR as these are managed by the Management Team as 'business as usual'.

By establishing a systematic approach to identification, assessment, and management of risk, W&HDBs intend to continually improve the 4 Boards' governance, increase accountability and enhance overall performance.

The summary matrix to the report continues to show the original risk reference. However, the low and medium risk references have been removed as the Management Team (SMT) continue to manage the low and medium risks.

The Risks which in January 2023 were noted (R) - 3, 5, 6, 7, 9, 10 & 12 had been removed from the Strategic/ public risk register, due to being low and medium risk.

Other aspects for the layout of the report and the Corporate Risk Register remain as previously. Specific low and medium risks were highlighted in detail in the report which had been removed from the CRR, so that only High and Very High corporate risks are included on the Register.

Other minor amendments reflected changes in the financial year and notable increase in Public Service Industrial Action, including that of the EA.

Following discussion Members were content to:

- Approve the lay out of the CRR with the low and medium risks removed.
- Approve the minor amendments from January 2023.
- Approve the CRR as set out.

### **9.23 Internal Auditor's Report for 2022/23.**

An independent report had been circulated with the agenda and was presented by Mr Chris Harris, the 4 Boards' Internal Auditor, of TIAA.

The Internal Auditor, Chris Harris, undertook the 2022/23 internal audit remotely during March 2023. The key outcomes from the audit were as follows:

- The overall assurance opinion for 2022/23 is 'Substantial Assurance' and one priority three Recommendation has been made this year, along with one Operational Effectiveness Matter (OEM).
- The Recommendation referred to the need to keep Policies and Procedures up to date, with latest additions posted on the Board's website.
- The OEM referred to the fact that the Risk Management Policy and Procedure was not present on the Board's website.
- Overall good corporate governance is practiced by the Board with appropriate Board involvement.
- The accounting records are all in order, up to date and in balance.
- The Board can be satisfied that the governance, risk and control framework is working well, and the finances are all in order.

Members received the presentation, noted the report key outcomes and overall Internal Auditor's rating of 'Substantial Assurance' for 2022/23.

### **10.23 Schedule of Expenditure, 01.01.23 to 31.03.23.**

The Schedule of Expenditure incurred for the three months period 01<sup>st</sup> January to 31<sup>st</sup> March 2023 had been circulated with the agenda. This refers to invoices paid in the period.

Expenditure totalled £690,769.05 gross or, excluding £81,018.51 reclaimable VAT, the net amount of £609,750.54. Of this, £134,266.03 was rechargeable expenditure to other bodies.

Items raised by or highlighted to members included:

- Item 10: £13,536.20 (net) to Axflow Limited for Sand Syke PS: Remove, service & repair Pump no.2.
- Items 78 & 79: £30,000.00 and £30,000.00 (net) to Environment Agency for Aubourn PS and Sand Syke PS. These are contributions towards the new control panels.
- Item 107 & 108: £33,494.21 and £15,982.99 (net) respectively to Ken Wood & Sons Construction Ltd, for Pyewipe FDGiA Scheme interim payments, numbers 4 and 5.
- Item 132: £23,450.00 (net) to Mastenbroek Environmental Ltd for Volvo FX68 DAU: supply and fit new telescopic dipper arm to the wheeled excavator.

Members received the expenditure schedule and NOTED the expenditure incurred in the period 01<sup>st</sup> January to 31<sup>st</sup> March 2023.

### **11.23 End of Year Financial Performance Report 2022/23, to 31<sup>st</sup> March 2023.**

The end of year financial position 2022/23 as of 31<sup>st</sup> March 2023 had been circulated with the agenda. The report was presented by the Director of Finance and Governance, Steve Larter, with a summary as follows:

	<b>2022/23 Budget</b>	<b>Actual</b>	<b>Variance (2-1)</b>	<b>FRS102 Adjusted</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Income	(1,561,876)	(2,104,380)	(542,504)	(2,104,380)
Board & General Admin	25,394	21,434	(3,960)	21,994
One Off Schemes	10,000	408,557	398,557	408,557
Conservation	2,000	273	(1,727)	273
Depot	79,290	82,795	3,505	82,795
Drains	698,557	709,178	10,621	709,178
Pumping Stations	191,080	199,749	8,669	199,749
Joint Admin/Witham House	164,112	183,767	19,655	188,007
Consents & Enforcement	15,054	20,184	5,130	20,184
Director of Operations/Engineers	116,226	90,765	(25,461)	98,136
Contribution to/(from) Reserves	(23,500)	46,635	70,135	46,635
PWLB	0	0	0	0
Rechargeable Works	113,500	120,184	6,684	120,184
EA Precept	170,163	166,826	(3,337)	166,826
FRS17 Pension Adjustment (net)	0	0	0	(42,000)
Wages & Plant Holding Account	0	0	0	29,829
<b>(Surplus)/ Deficit</b>	<b>0</b>	<b>(54,034)</b>	<b>(54,034)</b>	<b>(54,034)</b>

The Board was showing a surplus position at the end of the financial year which will be transferred to Reserves. This is after contributing £60k to the EA for the replacement of control panels at Aubourn and Sand Syke pumping stations. Whilst this is a healthy outturn position, Members were reminded that the Board now has more financial risk, especially with electricity costs should wet weather events occur and with the reliance on PSCA income. Therefore, it is important that reserves are increased over the coming years to mitigate some of this additional financial risk.

The main income streams were in terms of Drainage Rates raised (not necessarily paid) at (£269k) and Special Levies received (£955k) for the full year from the 5 relevant councils.

Rechargeable Works income mainly covers the PSCA works which have been invoiced to the Environment Agency. Works of (£194k) had been recharged for works undertaken in 2022/23 along with other recharges of (£18k) and to other Boards (£12k).

Highland Water income is significant for Upper Witham. The claims have been submitted to the Environment Agency for the 2022/23 actual costs incurred with a further balance of (£31,207) due in addition to the first tranche received. This balance will be payable in September 2023. On the estimated claim for 2022/23, 80% (£177,600) was paid in August 2022 along with the balance for the 2021/22 actual claim of (£47,906). This gives total Highland Water income due for 2022/23 of (£208,807).

FDGIA income of (£265,499) had been received in 2022/23 for the following schemes:

Scheme	Received £
Pyewipe PS Refurbishment	(167,146)
Telemetry	(98,353)
Total	(265,499)

This income (£265,499) has been transferred to reserves with expenditure incurred for FDGIA works undertaken during the year £218,864 drawn from the reserve. The balance will remain in the reserve for works to be completed in future financial years.



A debtor provision (£129,693) had also been created under Developer Contributions for the costs incurred to date for the additional Automatic Weedscreen Cleaner (AWC) as part of the Pyewipe PS refurbishment, which is to be funded/paid for by the Western Growth Corridor developers.

One off Schemes totalled £399k expenditure.

The main scheme was the refurbishment works at Pyewipe Pumping Station. As reported previously, due to escalating costs, a revised scheme had now been agreed with the EA totalling £713,171 with FDGIA grant awarded to Upper Witham of £557,517. The remaining funding is made up of (£141k) of developer funding to meet the cost of the replacement Automatic Weedscreen Cleaner (AWC) and (£15k) as the Board's approved contribution which has already been transferred to the One-Off Projects reserve in 2021/22. FDGIA grant of (£489,246) has been claimed and received so far in this and previous financial years to undertake these works. Expenditure of £218,864 was incurred on the scheme in 2022/23 and drawn from the Reserve.

FDGIA income of (£98,353) had been received for the Telemetry scheme. This income has been transferred to reserves for works to be completed in future financial years as the scheme progresses.

A payment of £60k has been made to the EA as a contribution towards new control panels at Aubourn and Sandsyke Pumping Stations. This has been funded in-year from the overall revenue position.

For Drainage Rates collected for 2022/23 including previous years' arrears as at 31st March 2022, the collection rate stands at 98.6% which is a slight improvement on the 96.5% at the same time last year. A court date had been booked for 16th January 2023 at Boston Magistrates' Court (no longer heard at Lincoln Magistrates' Court) but, as most summonsed payments were received ahead of the hearing, this was cancelled. Any outstanding amounts were included in the Rates invoices sent out for 2023/24.

For the Plant & Machinery Replacement Programme, members were shown a table for budgeted purchases and sales for 2022/23 as of 31st March 2023. The sliding dipper arm had been received and fitted to the Volvo wheeled machine at a cost of £23,450. The replacement Ifor Williams trailer, the replacement for the one stolen in July 2021, was delivered in December 2022, 14 months after being ordered. An additional second-hand van had been purchased to replace a previously leased vehicle, due to the current increased cost of leasing and limited availability of new vehicles.

Bank balances and investments as at 31.03.23 were detailed as follows:

## Bank Balances & Investments

As at 31st March 2023

Lloyds Current	£	322,190.55
Lloyds Deposit	£	5,000.00
Nationwide Instant Access	£	703,634.10
Nationwide 90 Day Notice	£	14,509.98
<b>Total</b>		<b>£ 1,045,334.63</b>

## PWLB Loan - Balance Outstanding

2.68%

**£ 1,089,709.01**

*Original loan £1,200,000. Loan period 30 years from 18/01/2019. Maturity date 15th November 2048. Repayments made 15th May and 15th November each year.*

Electricity has been a significant cost pressure in this financial year. This Board had a budget of £48k for the Pumping Station electricity in 2022/23 and £75k was spent. However, this only had 6 months of the significant price increase from 01<sup>st</sup> October 2022. The electricity budget for 2023/24 had been increased to £192k for Pumping Stations.

Members were aware of the inflationary pressures that the country is currently experiencing, affecting many costs. RPI was 13.5% in March 2023 [CPI was 10.1%]. Electricity, fuel, plant, spares and vehicle maintenance, insurance costs etc. are all escalating. Where possible, these are locked into contracts so not all the impact is immediate, but it has fed through into costs which has put pressure on the latter half of 2022/23 financial year's budgets. This will continue in 2023/24, with costs still increasing. Additionally, the availability of materials, spare parts and suitable companies to carry out work is causing additional downtime and delays.

The Board has a General Reserve Policy of 10% to 15% of budgeted annual income/expenditure which currently has an allocation of (£184,524). The surplus of (£54,034) will increase the balance to (£238,558) which is 13.19% of 2023/24 estimated income and expenditure (£1,808,631). This is within the Board's current policy.

Other earmarked reserves exist for Plant & Machinery renewal (£258k), Pumping Station Renewal (£22k), One Off projects/FDZIA (£382k), Emergency Events (£25k) and Commuted Sums (£49.5k). Members were reminded that if funds are required then the Board can approve movements between the reserves at any time, so these allocations can be changed in future.

Members NOTED the 2022/23 financial performance for the end of year to 31<sup>st</sup> March 2023, the year-end surplus of [£54,034.20] and that this outturn report forms the basis of the following financial reports on today's agenda relating to 2022/23.

### **12.23 Annual Governance Statement 2022/23.**

A covering paper to the Annual Governance Statement [AGS] had been circulated with the agenda and was presented by the Chairman.

The AGS 2022/23 is for Members to complete and approve. It is incorporated into and forms part of the Annual Governance and Accountability Return (AGAR) for 2022/23. The Board has a statutory requirement to complete and approve the AGAR, which is considered later in the agenda. The AGS must be approved prior to the Accounting

Statements, either at separate meetings or in the same meeting but with the correct order of business on the agenda and this must be evidenced by the meeting minute references and/or dates. Hence the separation of items on the agenda.

The AGS comprises 9 assertions (number 9 is not applicable to IDBs) which the Board must consider and agree or provide a detailed explanation for the external auditor where it cannot agree and detail how it will address any weaknesses identified. Once agreed, the Accounting Statements and AGAR may be approved.

The Chairman took the Board through the relevant 8 statements, with the response to each agreed positively by members.

Members completed the Annual Governance Statement (AGS) 2022/23 and were content to incorporate it into the overall Annual Governance and Accountability Return [AGAR] for 2022/23.

### **13.22 Annual Report and Statement of Accounts 2022/23.**

An Annual Report and Statement of Accounts for 2022/23 had been circulated with the agenda and was presented by the Director of Finance and Governance, Steve Larter.

The Board does not have a statutory requirement to produce a full Statement of Accounts, but it is deemed good practice to do so. Furthermore, a lot of the detailed work undertaken to compile these is required to complete the Annual Governance and Accountability Return (AGAR), and the AGAR is a statutory requirement.

The accounts have been produced (where applicable) in accordance with the guidance contained within the Joint Panel on Accountability and Governance (JPAG) Governance and Accountability for Smaller Authorities in England; A Practitioners' Guide to Proper Practices to be applied in the preparation of statutory annual accounts and governance statements, issued in March 2022.

The Statement of Accounts comprises the following key sections:

- Annual Report 2022/23 – narrative on the work of the Board during 2022/23.
- Statement of Accounts 2022/23 – lists the key components of the statements.
- Board Members – schedule of Board Members who served during 2022/23.
- The Annual Governance Statement – replication of the text in the Annual Report.
- Statement of Responsibilities – lists the Board's and Chief Executive's responsibilities regarding the Statement of Accounts.
- Statement of Accounting Policies.
- Income & Expenditure Account 2022/23
- Balance Sheet 2022/23
- Notes to the Accounts.

Appendices:

- Map of Board's drainage district
- Organisational Structure Chart
- Interrelationship between Rainfall, Pumped Hours and Electricity Costs

Once approved, the document is loaded onto the Board's website to help meet its requirements under the Local Government Transparency Code of 2015. This document

is not subject to audit, as only the AGAR is subject to external audit, so its status remains 'unaudited'.

Members APPROVED the unaudited Annual Report and Statement of Accounts 2022/23.

#### **14.23 Annual Governance and Accountability Return (AGAR) 2022/23.**

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

The Board has a statutory requirement to complete and approve the AGAR. The AGAR has 4 separate sections and normally needs to be approved at a full Board meeting before 01st July 2023. It also must be submitted, along with additional requested information, to the nationally appointed External Auditor PKF Littlejohn LLP by Monday 03rd July 2023 for their review. Alongside this, the rights of public inspection will also commence on Monday 12th June 2023 until Friday 21st July 2023. This period must incorporate the first 10 working days of July, as required by statute.

The AGAR comprises the following key sections:

- Annual Internal Audit Report 2022/23- received earlier in the meeting.
- Section 1 – Annual Governance Statement 2022/23- previously agreed 8 statements.
- Section 2 – Accounting Statements 2022/23- this paper.
- Section 3 – External Auditor Report and Certificate 2022/23.

The Annual Internal Audit Report has been completed by the Internal Auditor, Chris Harris of TIAA. The Annual Governance Statement [AGS] is a separate item and was approved before the AGAR is approved in full. Accounting Statements section 2 utilise the information used in the preparation of the Statement of Accounts. Once approved, the document is published on the Board's website to meet its requirements under the Accounts and Audit Regulations 2015. This will be on Friday 09th June 2023.

The statutory deadline by which the AGAR, signed external auditor report and the Notice of Conclusion of Audit must be published is 30th September 2023.

Following discussion Members:

- approved the Annual Governance and Accountability Return (AGAR) 2022/23 section 2 Accounting Statements
- approved the publication of the full AGAR on the Board's website along with the notice to commence the period of public rights from Monday 12th June until Friday 21<sup>st</sup> July 2023.

#### **15.23 Risk and Health and Safety Report.**

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

There had been 6 reported Incidents, with no injuries reported:

- (UW) Operative was supporting the release of a Board's excavator from a low-loader. When they released the chain binder, it sprung back and hit the Operative in the shin. First aid completed to graze/cut. No time off. Outcomes – where practicable allow the transport company to release (as well as load) our equipment.
- (UW) Operatives were moving equipment over the road outside the Depot. Car approached at speed, and Operative had to move out of the way. Outcomes – consider time of day for such moves e.g., avoid rush times; ensure that the weather (hours of darkness) are appropriate for motorists to see Operatives and the hand-held signs, by planning equipment move and ensure that Operatives stand with sufficient view for the vehicles to slow and stop e.g., at the corners so that their presence is not a shock and vehicles have time to perform a safe stop before 'meeting' the equipment on the carriageway.
- (UW) Operative thought they had a thorn in finger after "banging on felled timber" and attempted to remove following Pharmacy advice. Following a period with some pain and swelling still noted, they went to A&E, and it was noted as a healing fracture.
- (W3) Slip on Bardney Manor Pump Station Steps, twisting knee when slipped down 3 steps. These steps are very narrow, the steps are in the FDGIA programme for replacement.
- (W3) Operative struck an over-head BT line. No outage as it turned out to be a disused line and no damage to equipment or persons. Statement taken from Operative. Outcomes- Reiterated Overhead Power Line information and checks in pre-season training session.
- (W1) Operative pulled over to let vehicle pass, when driving off, noticed flail head had moved, watched to re-adjust and when looked up went off the road, requiring recovery.

There were no near-miss reports.

Regarding Insurance, all 4 Boards' Legal Expenses and Personal Accident renewal policy has been accepted, we are now awaiting documentation /certification. Renewals that are due in July 2023. It is anticipated that the renewals documents will be sent for consideration shortly. JSC approved at its May meeting that although the full market test insurance exercise was due this year, the bulk of insurance renewals fall due in July 2023 and the market test exercise will be postponed on the advice of The Risk Factor [brokers], due to the instability of the insurance market at present and the lack of risk appetite from insurers.

Members discussed the potential of satellite phones at length; however, it was felt that this is a facility that would not be available to Drainage Boards as they are not category 1 or 2 responders in the Lincolnshire Local Resilience Forum.

### **16.23 Environment Update.**

A report had been circulated with the agenda and was presented by the Head of Engineering and Technical Services, Guy Hird.

This was an interim update with the full-year 2022/23 information to be reported to the November meeting. There was nothing to highlight to members on this occasion.

### **17.23 Capital Programme Report.**

A report prepared by Georgina Nichols, Capital Programme Manager, had been circulated with the agenda and was presented by the Director of Engineering and Technical Services, Martin Shilling.

The 4 Boards' programmes approved 1 January 2023 at this stage are indicative and are subject to change as the individual projects are developed and options investigated.

The Flood Defence Grant in Aid (FDGiA) programme is administered by the Environment Agency (EA) and applications to claim GiA are approved by the EA. The approval process of the EA is complex, and it generally takes approximately three months for submission of an Outline Business Case (OBC) or FCERM 7 (study application) to be approved.

The six-year capital programme administered by the EA is refreshed on an annual basis in April/May. This involves looking at each project and ensuring the details of costs, benefits and timescales are still correct or to update if necessary. These bids are then taken to the national team and prioritised against all other projects in the country. An indicative programme is then issued in September for Regional Flood and Coastal Committees (RFCC) to make local choices. The final programme is then issued in January, ready to implement the schemes in the new financial year from April.

The capital programmes for each Board have been updated based on the programmes that were approved by each Board in January 2023.

There are no projects currently in development for Upper Witham, the emphasis currently being on delivery of the existing Pyewipe pumping station scheme which started on 11.10.22.

Members noted the update.

### **18.23 Plant and Machinery Replacement Programme Update.**

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

The Plant & Machinery Replacement Programme (Plant Programme) was last reviewed and approved by the Board in May 2022 to approve purchases for 2023/24 and to indicatively approve the Plant Programme for 2024/25 onwards. The updated Plant Programme and the impact on the Plant Replacement Fund were coming to the Board following a review by Officers and then the Finance & General Purposes Committee (F&GP) at its meeting on 10th May 2023.

The programme purchase values had been updated, where recent Invitation to Tender exercises and market feedback have indicated increases in costs.

The main change recommended by the F&GP Committee to the Board is the purchase of a mobile Welfare Unit in 2023/24 at an estimated cost of £20,000. Improved welfare facilities when on site are required, a lot of work is undertaken in the city and the cost

of welfare facilities hire has increased significantly. This is a vehicle that would be used all year and an essential purchase.

The remainder of the programme for 2024/25 onwards remains unchanged except for updated values, etc.

The implication on the Plant Fund had been assessed and was discussed. Members noted a shortfall in funding in 2027/28 and again in 2029/30. This will be addressed by contributing any plant sale receipts achieved above the book values, making fund contributions at the year-end should resources allow, and by reviewing the programme annually based on usage of plant (hours/mileage), maintenance history, condition, etc.

Following discussion Members:

- approved the revised plant programme for 2023/24 and 2024/25 as recommended by the Board's Finance & General Purposes Committee meeting of 10.05.23.
- noted the impact on Plant and Machinery Reserve based on an indicative programme from 2025/26 onwards, and the necessary actions to bolster the reserve before 2027/28.

### **19.23 Operations Report.**

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

All four Boards are busy with annual maintenance programmes. Having completed bushing works between January and March 2023, Operatives are now de-silting, reforming banks, repairing slips and have started PSCA works for the EA with bank tops mowing. In May Operatives started preparing all machinery for the vegetation management annual programme, due to start in July.

Works have commenced for annual bushing, reforming, and slip repairs to large sections of the River Brant, River Till, Somersby drain, Cammeringham drain and East Till. Upper Witham have also undertaken PSCA bushing work on the River Witham at a cost to the EA of £19,943.30, the River Till at a cost to the EA of £34,358.58 and Boultham catchwater at a cost to the EA of £28,735.05.

Again, the issue of price increases was highlighted to members, particularly the price of timber. The use of stakes and backboard timber for repair slips in some watercourses has increased in price. It is now £3.50 per metre for backboards and £4.50 for each stake, compared to earlier pre-Brexit and Covid times of below £1.00 per metre for backboard and below £1.00 per stake. This now makes this option for bank slip repairs very expensive, given the considerable lengths we undertake.

Another large increase this year is on Herder wearing parts. A stock order pre-season is placed to enable Operatives to rebuild the weed basket cutters ready for the maintenance season ahead from July, and to have a stock of replacement wearing parts for running repairs during the maintenance season. Herder have increased their prices in the last year on consumable parts by 6% in April 2022, 8% in July 2022 and a further 12% in November 2022. This has increased the cost of parts from £14,052.00 in 2022 to £22,936.87 in 2023 for UW. In summary, Herder had a 26% price increase

on wearing parts in 2022. Other supplier options have been explored, but there is no apparent alternative supplier of genuine Herder parts in the UK leaving the Board tied into a single supplier arrangement.

At Burton Pumping Station the weed screen work is still ongoing, but a solution has now been found and the work is imminent.

At Saxilby Pumping Station the discharge pipe is still awaiting repair, a problem having been found with the pipe, but the pump is still serviceable and in use. Perry Pumps (Contractor) will assess.

A bank slip has appeared on a section of the previous repair on Tillbridge Lane, it is the facing material that has slipped from the repair fabric used to tie all layers together. The Engineering team is putting together a plan, and it is planned that the repair will be carried out in late May early June in-house by the Board's Operatives. The site is being monitored by Nick Downing (Environmental Officer) for any signs of water vole activity and the grass will be kept short to discourage them.

The Director of Operations met with Irelands and Spearhead to discuss the repair of the Board's Spearhead SPV flail machine. Members were advised that the rear chassis plate had cracked, and a temporary repair had been completed by Irelands. It was decided at the meeting that Irelands supported by Spearhead would facilitate the repair by means of grinding out all welds and re-welding the seams using a registered welder. They would then strengthen the rear member using formed plates, again welded in place by a registered welder, and a new arm would be fabricated at Spearhead to carry the flail when in transport. This was agreed, and the repairs are well under way, it was also agreed there would be no cost to the Board for these repairs.

Officers are now in possession of the official confirmed orders for the 2023/24 PSCA vegetation maintenance works for the EA. Including the additional work quoted for, this breaks down as quotes for work this year of £200,944.02 for UW. Members were advised on the lengths of watercourses now maintained on behalf of the Environment Agency, which for UW is equal to 190,505 metres or 118.37 miles. As highlighted, whilst the JSC and Boards are supportive of this work on main river, the work is confirmed short-term for only a year at a time which makes planning workforce and plant complex.

There are quotes out to undertake work for other third parties in addition to PSCA works for the EA. Upper Witham currently have quotations to the value of £59,268.33 on which we are awaiting confirmation.

Confirmation had been received from West Lindsey District Council on the quotations supplied to them by Upper Witham, and they have placed an order for a 4-year contract. This equates to £12,800.71 for Upper Witham annually. Now the volume of these additional works is known, delivery of the works can be planned in terms of Operatives and plant. The priority remains to complete the 4 Boards' own work on adopted & scheduled watercourses, as funded by drainage rate payers and Special Levy paying Councils.

Members received and NOTED the Operations report and update.

### **20.23 Engineering Report.**

The Engineering Report had been circulated with the agenda and was presented by the Head of Engineering and Technical Services, Guy Hird.



#### North Hykeham Relief Road, NHRR (Southern Bypass Link) (UD-3579-2017-PLN):

This is a proposed new highway to complete the Bypass around Lincoln, from the A46 to the A15. A meeting was held with Lincolnshire County Council Highways, who confirmed that the proposed scheme has been approved and a tender will be awarded as a Design and Build contract. It is expected some initial works to be carried out on site in 2025 with the main works commencing in 2026. The route affects six Upper Witham IDB watercourses as well as the River Witham. Periodic meetings are due to be held with LCC and consultants to ensure the proposals have minimal impact on the Board. The route extends beyond the Upper Witham drainage district into the extended area, and then into the extended area of Witham First DIB.

LCC had selected Balfour Beatty as preferred provider on a Design and Build contract. The cost is between £179m and £212m with the Department for Transport funding £110m, the rest from LCC and developer contributions.

A meeting with the Consultant Programme Team took place on 12th January 2023 looking at the detail of the drainage for the road. Other virtual meetings have taken place, and the drainage plan is close to being finalised.

A planning application is still expected to be submitted during 2023. But it is now expected that there will be a Public Inquiry during 2024, pushing the start date back from 2025 to early 2026, which may push back the opening from the previously reported date of 2028.

#### Telemetry upgrade for Upper Witham IDB, Witham 1st DIB and Witham 3rd DIB:

An opportunity arose following successful FDGiA grant funding schemes for other Boards within Lincolnshire to upgrade Telemetry systems. Georgina Nichols, Capital Programme Manager for our 4 IDBs and 3 other Lincolnshire Boards, has successfully gained Flood Defence Grant in Aid for the three Boards to the value of £98,353 for Upper Witham IDB, £125,625 for Witham 1st DIB and £93,750 for Witham 3rd DIB.

The system being implemented is from Xylem, a multinational company including the division that was formally known as Flygt. The system is the web based 'VTScada' installed successfully in NELDB pumping stations and several other stations across the Witham Boards.

The previous generation server based 'AquaView' system is currently used for existing Upper Witham stations with telemetry. Two Witham 3rd stations and one Witham 1st station will require upgrades for the equipment on site to enable communication to the web-based system. All other stations across the Boards will require new equipment, picking up existing telemetry ready provision where available and new connections as required.

For Upper Witham IDB this involves 12 of the 15 sites, mostly for upgrading of the existing equipment on 9 of the sites with new installations on 3 sites. Delivery, delayed from before 31.03.23, is currently programmed from 24th July 2023 with a current order value of £46,246.10. There will be further costs for Xylem equipment and installation for the potential 3 other sites and in addition works will be required to provide new water level signal inputs, which will incur further costs. A series of further site visits is due to

take place in May to look at the pumping station installations and additional water level monitoring equipment required.

Pyewipe Pumping Station (UD-220-2013-PRO):

Works to refurbish this pumping station site began on 11th October 2022, and are currently programmed to continue until October 2023. Progress to date has included completion of the new control house build, installation of the Old Electric pump automatic weedscreen cleaner and the laying of the high voltage electric cables throughout the site.

Work also included the construction of foundation blocks for a new high voltage transformer and connections to National Grid apparatus. This work is specialist in nature and officers commissioned this work from a single supplier, EME Systems Ltd. of Sleaford. This company provides a service of maintenance and repair for all the high voltage equipment owned and operated by the Board. The work commissioned was:

1. Design and provision of foundation for HV transformer
2. Design and provision of new high voltage transformer
3. Liaison & approval of work by National Grid, the network operator
4. Design and provision of foundation for National Grid equipment
5. Design and installation of cabling and connections

This work has an estimated cost of £118,372. The Board is asked to note and endorse the commissioning of this work by single tender action, due to the specialist nature of this work.

The new weedscreen cleaner was installed by ACE on 16th & 17th February. Divers were employed to remove the old weedscreen and assist with the installation of the new fabrication. This element is to be funded by the developers of Western Growth Corridor, with Lindum due to confirm their £154k S106 contribution at their Board meeting.

Following an application for additional sums of FDGiA, a total of £553,171 has now been received for this work from the EA, with further contributions from developers and the Board taking the total project scheme envelope to £713,171.

This work is scheduled for completion before 31st October 2023.

Western Growth Corridor, WGC (UD-128-2013-PLN) (UD-4618-2019-PLN):

At the Board meeting in June 2013 the Board confirmed its objection in principle to the WGC development within the flood plain. However, it was agreed that Officers would continue to co-operate and take part in multi-agency meetings to safeguard the Board's interests and minimise the impact on the pumped drainage system maintained by the Board.

Periodic multiagency progress meetings continue to take place with Lindum, as the project lead.

Because of the resilience on the Board pumped drainage system several measures to provide resilience and safeguard the drainage for the development were discussed throughout the process. It was agreed the resilience measure the developer would be required to provide included an Automatic Weedscreen Cleaner for the original 1979

electric pump at Pyewipe Pumping Station. Confirmation of this has been given by Lindum, the lead for the development, and with the works substantially completed as part of the Pyewipe Pumping Station FDGiA scheme a contribution of £154,202.53 is due to the Board and anticipated in July 2023.

A further contribution will follow later in the project to add resilience to Coulson Road Pumping Station, including financing of the provision of a third standby pump for the third bay which is currently empty.

There has been a change in how the project will be delivered with a consultant, Ramboll, taking over most of the infrastructure delivery part-funded from the Government Levelling Up Funding (LUF). However, Lindum will continue to be involved.

An 'Earthworks Program' is being undertaken. The results will map out how the excavation and fill will be carried out within the site, together with imported material to show how the ground profiles will change over time. It will include where and when the roads, housing, industrial and leisure areas will be phased and constructed over time. For the Board it will show when the various areas change from being Rated as agricultural land to other developed land and at that point the land is transferred to Special Levy. The first houses will be built south of the EA's Boultham Catchwater, which does not discharge into the drainage district.

Once development (Phase A2 and A3) starts within the district the drainage will be in place for the water to discharge direct to Skellingthorpe Main Drain (Pyewipe Pumping Station), rather than the current arrangement of discharge into the catchment of Decoy Pumping Station.

A document will be produced setting out the WGC drainage principals and requirements for the 23-year phased development of the site. Enabling works are due to start in June 2023, with the main site works programmed to start in July 2023. At the appropriate time, Lindum will be able to give a presentation to a Board meeting.

#### Lincoln Water Transfer Limited (UD-5445-2021-GEN):

The LWT Directors' meeting was held on 12th December 2022 and the AGM on 05th February 2023, both meetings attended by Officers. Following the third very dry year, there was a long discussion on the use of 'pool' water, and they agreed to revise the protocol on how the 'pool' is operated. Also discussed was the ability of water to be effectively abstracted during dry periods and high abstraction demand. UW's Officers raised the difficulty with being able to clear the channels of the Board maintained watercourses which provide the main flow paths, because of the nesting bird season and cropping preventing and delaying access. LWT were asked to consider through them, their land ownership and contacts making available continuous access to the Board's Operatives in order that the entire system could be weed cut as early as practicable.

The Directors agreed to recommend boat spraying is undertaken by the Board on a rechargeable basis for the coming 2023 season, which was subsequently confirmed in the AGM.

Lincoln Water Transfer are in the process of organising a Tour for members and guests which will take place on 15th June 2023. It will include visits to the Board's pumping stations where the transfer pipes are located.

The licence period runs from 01st April to the 31st of October 2023.

#### Railway footpath level crossings to Pyewipe Pumping Station (UD-1363-2014-DRA):

The Board was approached by Network Rail to permanently close two footpath level crossings from Skellingthorpe Fen to Pyewipe Pumping Station over the railway. They are designated BHP3 and SPD3. This is following incidents of the current gates in the palisade fence being broken and trespassing occurring. The crossings are on a bend and are dangerous to use due to limited visibility.

At the November 2021 Board meeting it was agreed that the Board would accept the Network Rail offer to pay the Board £5,000 compensation and professional fees of £2,000, to relinquish this historical access route of 2 footpath crossings.

The Board's solicitor Sills and Betteridge and Network Rail's solicitor Addleshaw Goddard LLP have completed the agreement, it has been signed/sealed and is with solicitors, held on retention. It is due to be enacted when the trees which are obstructing the Board's access route to Pyewipe Pumping Station have been removed and trimmed back by Network Rail to the Board's satisfaction, and we have confirmed this.

Network Rail's contractors started on site on 13th February 2023 but were stopped from working by the Canal and Rivers Trust. A meeting is due to be held with the Canal and Rivers Trust to hopefully resolve the issue, although requests for this meeting from the Board have been unanswered.

Members received and NOTED the report and update.

#### **21.23 Planning and Consultations Report.**

A report had been prepared and was presented by the Head of Engineering & Technical Services, Guy Hird.

There were no recommendations to the Board on this occasion, the information within the report was for information.

The Board had received several consultations and commented on various planning applications to the different Local Planning Authorities [LPAs]. A full schedule was provided.

The following items where the Board had **OBJECTED** to submissions were highlighted to members:

#### **Erection of employment park comprising of 2 no. office buildings and 2no.industrial buildings (Use Class E) with associated access roads, parking, drainage infrastructure and wildlife pond, Land At Boundary Lane South Hykeham Lincoln LN6 9NQ**

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district. The Board maintained South Hykeham Catchwater (26100) is on the northern edge of the site.

The Upper Witham Internal Drainage Board **Objects** to the current application.

**Reason;** - The Proposed Site Plan shows infrastructure within the 9m Byelaw distance adjacent to the Board maintained South Hykeham Catchwater. This prevents the Board maintaining the watercourse to an appropriate standard to protect this and surrounding locations. The infrastructure needs to be set back to allow access as set out in the Flood Risk Assessment.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse. **Consent would not be given.**

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. It is noted there is a proposed attenuated drainage system with a discharge rate of 5.1l/s into South Hykeham Catchwater which is acceptable to the Board. However high-water levels within South Hykeham Catchwater may restrict discharge at times.

In the Flood Risk Assessment paragraphs 3.3.4, 3.3.5, 3.3.1, 3.3.2 and 3.3.3 are misleading. The site does not benefit from the Upper Witham IDB Hykeham Pumping station system, all discharge from the site is via the South Hykeham gravity system into the River Witham. The site does not benefit from the operation of the EA washland site, this is only operated to protect Lincoln. Flows in the river downstream of the washland site, which also affect South Hykeham Catchwater and the site are maintained at a high level even if the washlands are used. The level remains high for an extended period of time, during the event and after when the washland attenuation area is released back into the Witham.

A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance. The Flood Risk Assessment refers to the watercourse on the southern side of the site and there is also a short section near the road.

**Following the submission of revised plans, the objection was removed.**

### **Cottam Solar Project Development Consent Order (DCO)**

#### **EIA Notice of Acceptance**

Thank you for the opportunity to comment on the above application. Some of the proposed sites are within the Upper Witham Internal Drainage Board district and a number of Board maintained watercourses are within or adjacent to the sites. Some of the site is also within the Board's Extended Area where the Board acts as agent to Lincolnshire CC for Consents under the Flood and Water Management Act 2010, and the Land Drainage Act. 1991. A map has been provided to the applicant previously showing the areas and watercourses.

Upper Witham Internal Drainage Board **OBJECTS** to the proposals.

**Reason;** - Fencing, planting and solar panels are shown on the submitted documents within the maintenance access strip adjacent to a number of Board maintained watercourses preventing or obstructing access. All Fencing, planting and solar panels needs to be relocated 9m from the top of the bank as agreed following the initial consultation with the Board.

#### **Environmental Statement Chapter 10: Hydrology, Flood Risk and Drainage**

##### 10 Hydrology, Flood Risk and Drainage

###### Table 10.1: Consultation

- 'Witham 3 Internal Drainage Board' is incorrect and needs to be replaced with 'Upper Witham Internal Drainage Board'.
- New Byelaws have now been adopted with a 9m Byelaw distance from the top of the bank.
- All other comments are correct, and it is noted that there is on-going engagement.

This section should also include.

- Under the terms of the Land Drainage Act. 1991 the prior written consent of Upper Witham Internal Drainage Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion within the Boards district.
- Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. Within the 'extended area' Upper Witham Internal Drainage Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.

###### 10.7 Embedded Mitigation

- This states '8m easements have been established around all watercourses, including Main Rivers and Ordinary Watercourses and 9 m from IDB assets.' However, the submitted plans show encroachment of fencing/planting/solar panels within the 9m distance to IDB watercourses which is unacceptable. Note the 9m is 'from the top of the bank' it is required to allow access for large plant to undertake maintenance.

Flood zone 2 and 3. The document indicates that some of the area in within Flood zone 2 and 3. But the is not proposed mitigation it would be recommended that all the electrical equipment is above design flood levels in the main river system and any construction is resilient to flooding. It is noted 3.2.2 in Appendix 10.1 includes mitigation.

#### **Environmental Statement Appendix 10.1: Flood Risk Assessment and Drainage Strategy**

It is noted various measures are included to reduce the impact of increased impermeable areas.

##### 3.2.2

- states '8m easements have been established around all watercourses, including Main Rivers and Ordinary Watercourses and 9 m from IDB assets' However, the submitted plans show encroachment of fencing/planting/solar panels within the 9m distance to IDB watercourses which is unacceptable. Note the 9m is 'from the top of the bank' it is required to allow access for large plant to undertake maintenance.
- It is noted 'Fixed panels should be located within areas of the Site which are located in Flood Zone 1 whereas tracker panels can be located in areas that are within Flood Zones 2 and 3 on the basis of the additional flood protection offered by their potential to be stowed horizontally.'
- It is noted 'Electrical infrastructure associated with the panels can be adequately waterproofed to withstand the effect of flooding. Where possible the sensitive electrical equipment has been located in parts of the Site that are within Flood Zone 1. Where this hasn't been possible, equipment will be raised 0.6 m above the 0.1% Annual Exceedance Probability (AEP) flood level or where this is not possible as high as practicable.'

Solar Panels and fencing within 9m of the top of the bank of an Upper Witham IDB watercourse.

#### **EN010133-000462-C7.6 Design and Access Statement\_Part 3 of 4**

##### Figure 8.16.2

- IDB watercourses not clearly identified.
- 0502 - Fillingham South Drain
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.
- 0500 - East Till
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.

##### Figure 8.16.3

- IDB watercourses not clearly identified.
- 0600 - Cammeringham Drain
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.

##### Figure 8.16.4

- IDB watercourses not clearly identified.
- 0600 - Cammeringham Drain
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.

##### Figure 8.16.5

- IDB watercourses not clearly identified.
  - 0700 - Cricket Till
  - Fencing and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance

##### Figure 8.16.7.1 & 2

- IDB watercourses not clearly identified.
- 0500 - East Till
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.
- 0400 - Padmoor Drain
  - No comments
- 0106 - Throops Drain
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.

##### Figure 8.16.6

- IDB watercourses not clearly identified.
- 0106 - Throops Drain
  - Fencing, planting and potentially solar panels within the 9m Byelaw distance (from the top of the bank) preventing access for maintenance.

Only Cottam 1 is within the area relevant to Upper Witham IDB. For Cottam 2 and Cottam 3A/3B Scunthorpe & Gainsborough IDB should be consulted.

#### **Gate Burton Energy Park - Solar Park. EIA Scoping Notification and Consultation.**

#### **Notice of acceptance of an application for the Gate Burton Energy Park Development Consent Order by the Planning Inspectorate**

The comments below have been submitted to the Planning Inspectorate. Unfortunately, the submitted details do not reflect the discussions with Aecom with regard to maintenance access so Upper Witham IDB has had no choice other than to Object at this point in time.

Thank you for the opportunity to comment on the above application. Some of the proposed sites are within the Upper Witham Internal Drainage Board district and a number of Board maintained watercourses are within or adjacent to the sites. Some of the site is also within the Board's Extended Area where the Board acts as agent to Lincolnshire CC for Consents under the Flood and Water Management Act 2010, and the Land Drainage Act. 1991. A map has been provided to the applicant previously showing the areas and watercourses.

Upper Witham Internal Drainage Board **OBJECTS** to the proposals.

**Reason;** - Proposed hedge, tree and scrub planting is shown on the submitted documents within the maintenance access strip adjacent to a number of Board maintained watercourses preventing or obstructing access. All Fencing, planting and solar panels need to be relocated 9m from the top of the bank as agreed following the initial consultation with the Board and the draft Statement of Common Ground between the parties.

#### **EN010131-000418-EN010131 APP 7.10 Outline Landscape and Ecology Management Plan**

- Outline Landscape Masterplan Sheet 1 of 6
  - The Board maintained 0404 - Causeway Drain is on the eastern edge of the site, it is not clearly identified as an IDB maintained watercourse.
  - Proposed hedge, tree and scrub planting is shown adjacent to the watercourse, within the 9m Byelaw distance (from the top of the bank), preventing access for maintenance.
- Outline Landscape Masterplan Sheet 3 of 6
  - The Board maintained Padmoor Drain (20400) is on the eastern edge of the site, it is not clearly identified as an IDB maintained watercourse.
  - Proposed hedge planting is shown adjacent to the watercourse, within the 9m Byelaw distance (from the top of the bank), preventing access for maintenance.

**Proposed Southern Extension to Bantycok Quarry,  
Staple Lane, Balderton, Newark on Trent**

Thank you for the opportunity to comment on the above application. The proposed site is within the Upper Witham Internal Drainage Board district.

The Board maintained watercourses 28100–Shire Dyke, 28101–Hundred Acre Drain, 28102–Cowtham Drain and 28900–Fen Drain flow within and adjacent to the proposed site.

Upper Witham Internal Drainage Board **objects to the discharge** of Condition 31 and 32.

The submitted document is not acceptable.

**General Comments**

1. The site is on the catchment divide between the River Trent and River Witham and it is important that there are no net changes to this catchment divide and other watercourses impacted by the quarry excavation and reinstatement.
2. There are no catchment maps within the document, existing, phased and restored catchment maps should be available.
3. The 'Conveyance swale' referred to throughout the document. This discharges into Hundred Acre Drain on the south of the site from Cuts 5 to 10 and is retained for the restoration, the watercourse currently has a small catchment and low flows, these existing flows should not be exceeded. But the proposals indicate high flows which is not acceptable.

**2.3.2 Greenfield Runoff Rates**

4. The rates quoted are very high and are not consistent with national data, eg the 1% greenfield rate of 18 l/s/ha is compared to the HR Wallingford estimate of 9.58 l/s/ha. This has an effect of the calculations and proposals for the whole report.

**2.6 Peripheral Areas Stormwater Conveyance**

5. 'Unrestricted flows' direct into Shire Dyke via the Swale are NOT acceptable if there is an increased catchment to the swale, the stated 1182 l/s appears to be excessive. Any flows to any individual discharge points must be attenuated to the existing greenfield rate. It would be more appropriate for the swale to discharge into the lake as in the interim arrangements.

**2.8.2 Restored Scheme**

6. The stated weir width of 1.714m is not the same as the Micro Drainage calculations in Appendix 04.
7. The document states a weir level of 14.5m, but how does this relate to water levels within the receiving watercourse Shire Dyke, potentially water levels can be higher in Shire Dyke and water would flow into the lake. Further details are required.

The most important aspect is for the proposed restoration not to increase flows from the present discharges, individually and collectively. But also there must be not net impact during the working life of the quarry. The Board would be available to discuss the proposed project.

**Land Drainage and Byelaw Consents**

*Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse. On the side the Board undertakes maintenance the full 9m is required to be kept clear of all obstructions to allow access for the Board's heavy plant. On a side the Board does not undertake maintenance periodic access may be required to under maintenance, repairs and improvement. Consented items (including planting) will be limited to allow such access.*

*Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.*

**Following additional information and clarifications the objection was able to be removed.**

Thank you for the additional information and clarifications within your letter dated 10<sup>th</sup> March 2023 together with telephone discussion today with regard to the objection I submitted on behalf of Upper Witham Internal Drainage. I can confirm the Objection can now be removed.

As discussed, going forward you are reminded of the need for Land Drainage Consent from the Board as set out in the last two paragraphs in my comments as below

*Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse. On the side the Board undertakes maintenance the full 9m is required to be kept clear of all obstructions to allow access for the Board's heavy plant. On a side the Board does not undertake maintenance periodic access may be required to under maintenance, repairs and improvement. Consented items (including planting) will be limited to allow such access.*

*Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.*

Consent will need to be applied for in advance of each phase of the works and it would be useful to have an exchange of emails setting out a timetable of these required consents as a record because of length of time the project.

Please contact me using the email below for submission of consents and discuss the proposals in advance of the formal submission.

[consents@witham3idb.gov.uk](mailto:consents@witham3idb.gov.uk)

Members noted the report.

**22.23 Consents and Enforcements Report.**

The Head of Engineering & Technical Services introduced the Consents and Enforcements Report which had been circulated with the agenda and set out the position, both within the drainage district and in the extended rainfall catchment where the Board acts for and on behalf of LCC, as the LLFA.

Pleasingly, many cases had been closed since the last report and there was nothing to highlight on this occasion.

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

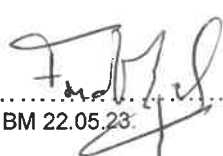
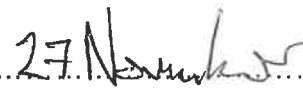
**23.23 Any Other Business.**

There were no further items of business and the meeting closed at 17.00.

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

The next meeting of the Board, incorporating the Annual Public Meeting, was confirmed for Monday, 27<sup>th</sup> November 2023 at 2pm in Witham House.

UW BM 22.05.23

 ..... Chairman  ..... Date <sup>23</sup> 27 November