

Structures Replacement Policy



A group of four independent statutory Land Drainage, water levels and Flood Risk Management Authorities working collectively under a partnership agreement in accordance with section 11(5) of the Land Drainage Act (1991).

Four Independent Boards:

- *Witham First District Internal Drainage Board*
- *Witham Third District Internal Drainage Board*
- *Upper Witham Internal Drainage Board*
- *North East Lindsey Internal Drainage Board*

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1.0 - Introduction

This document sets out the policy of the four Boards concerning the repair or replacement of existing structures where the integrity of the structure deteriorates to such an extent that it is unable to convey the necessary flow in the drainage channel, or if it becomes unsafe for either vehicle or pedestrian traffic to cross the scheduled watercourse.

In the first instance, if a structure has deteriorated to such an extent that it is holding up the flow of water, then the obstruction will be removed by the Boards.

1.1 – Purpose of Structures Replacement Policy

This document sets out the policy for the 4 Boards concerning the repair or replacement of structures where the integrity of the structure deteriorates to such an extent that it is unable to convey the necessary flow in the drainage channel, or if it becomes unsafe for either vehicle or pedestrian traffic to cross the watercourse.

In the first instance, if a structure has deteriorated to such an extent that it is holding up the flow of water, then the obstruction shall be removed by the Board in accordance with powers within the Land Drainage Act 1991.

1.2 – Equality, Diversity and Inclusion

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

This policy is written in line with legislation and guidance at the time of publication.

2.0 – Structures Replacement Policy

2.1 – Structures Included within the Policy

The structures that will be included in this policy include:

- Clear span bridges constructed to take all types of vehicles.
- Clear span bridges for pedestrian use only.
- Culverts constructed to provide access across the watercourse.
- Culverts constructed for the purpose of maintaining the flow in watercourses where there is instability to watercourse banks.

This Policy is concerned with the replacement of existing structures only.

The 4 Boards have a separate Policy which addresses applications to place new structures in/ over watercourses.

2.2 – Rationale for Structures Replacement Policy

The policy formalises the baseline conditions and gives written guidelines for more specific instances. The benefits of the policy are:

- Fairness and uniformity in the Owner/Occupier contributing to the cost of reconstructing sub-standard structures.
- The provision of clear guidelines to the Owners/Occupier.
- Powers are delegated giving a more efficient and timely service.

However, this policy is not intended to cover every eventuality, and a Board (in formal meeting) may waive the policy and make a determination on the basis of reasonable fairness to all parties.

2.3 – Delegated Powers

Delegated powers are given to the Chief Executive and the relevant Structures or Works Committee Chairman to reconstruct structures as long as budgets are not exceeded, and the Owner/Occupier pays a contribution towards the cost in line with the guidelines in this policy.

In all other cases, the power to determine applications is delegated to the Structures Committee, the appropriate Works Committee or the Standing/Executive Committee, unless a Board meeting is more timely.

2.4 – Guidelines

Guidelines are given below on the following types of structures:

- Structures carrying Highways maintained by LCC.
- Structures used by the Owner/Occupier.
- Structures used by both the Board and the Owner/Occupier.
- Structures constructed by the Board to allow free drainage of the land.

2.4.1 – Structures – carrying highways

It is generally the case that all clear span bridges and culverts carrying LCC highways are owned and maintained by LCC. If replacement is required because the structure is substandard then LCC will be responsible for the total cost of the reconstruction.

2.4.2 – Clear span foot bridge

It is generally the case that all clear span footbridges which carry footpaths over a Board maintained watercourses are owned and maintained by LCC. If replacement is required because the structure is substandard, then LCC will be responsible for the total cost of the reconstruction.

2.4.3 – Clear span access bridge

These in general provide access for farm machinery to fields or to individual properties. They are mostly constructed in large watercourses.

If refurbishment or replacement is required because the structure is substandard, then the Owner/Occupier will be responsible for the total cost of the reconstruction.

These in general will not be used by the Board's machinery to gain access to the opposite side of the watercourse.

2.4.4 – Structures owned by the Board and used for access by the Owner/ Occupier

These structures are required by the Board as well as the landowner to gain access for maintenance of watercourses.

The cost of any reconstruction of substandard structures in this category will be paid for by the Board and the structure will remain as a structure to be maintained by the Board.

2.4.5 – Structures used by all parties

These structures are required by the Owner/Occupier to gain access to their land and could be used by the Board for their maintenance activities.

If a structure has been inspected and reported as substandard and in need of reconstruction the landowner will be notified in writing in accordance with the powers of within the Land Drainage Act 1991.

- Provided there is an accepted need for a structure at this location, the Owner/Occupier and Operations Manager will meet to discuss.
- After the structure has been reconstructed, it will be deemed that the landowner will be responsible for its future maintenance.
- If a benefit contribution cannot be agreed the Operations Manager will send all the relevant information to the Structures Committee for further review and determination.

Before any consideration is given to the reconstruction of the structure, the Owner/Occupier should be approached to ascertain if there is a future need for the structure. Consideration should be given to removing two or more accesses into a field and the provision of one in the future.

A culvert shall be constructed with a top width of 6.0 metres. If the Owner/Occupier requests a culvert with a wider top width, then they shall pay for the total extra cost of this work.

After the culvert has been replaced, the Owner/Occupier will be responsible for any future maintenance, or reconstruction of the structure.

If a structure has been constructed in a Board maintained watercourse, and there is clear evidence that the Board has written to the Owner/Occupier confirming the future maintenance arrangements, then the Owner/Occupier shall be totally responsible for the reconstruction of the structure.

If a structure is removed by the Board because it is holding up the flow of water and has not been replaced by a new structure within a period of five years, then the offer of contribution will no longer be applicable, and the Owner/Occupier will be required to pay the full cost of the construction of a new structure at this location.

If the Board undertake a watercourse improvement scheme which includes the reconstruction of a structure, the Board will pay the total cost of the reconstruction, but the Owner/Occupier will be required to be responsible for the future maintenance of the structure.

2.4.6 – Culverts used for free drainage

Examples of these lengths of culverts are: -

- Lengths of watercourse culverted instead of undertaking revetment works.

- Lengths of watercourse culverted to allow disposal of excavated soil.

If these are the relevant Board’s responsibility, any reconstruction required will be paid for by the Board. Responsibility for the future maintenance of the asset will remain with the individual Board.

Alternatively, if the structure is the responsibility of the owner/occupier and any reconstruction required will be paid for by the Board. Responsibility for the future maintenance of the asset will remain by the individual Board.

2.4.7 – Redundant Structures

If the individual Board agrees with the Owner/Occupier that a structure is redundant, the Owner/Occupier will be responsible and required to remove.

2.5 – Further Guidance

If the Owner/Occupier is unhappy about the circumstances of a particular structure designation, then this should be referred to the Structures Committee for final determination.

Any culvert or free span bridge constructed or modified by a third party will require a Consent under the Land Drainage Act 1991 from the individual Board.

3.0 – Structures Replacement Policy Statement

The policy formalises the baseline conditions for structure replacement with all of the 4 Board’s Districts. Providing written guidelines for more specific instances.

The benefits of the policy to the Board are:

- Fairness and uniformity in the Owner/Occupier contributing to the cost of reconstructing sub-standard structures.
- The provision of clear guidelines to the Owners/Occupier.
- Powers are delegated giving a more efficient and timely service.
- Clarity with regards to work within the Powers and or legal requirements of the Land Drainage Act and associated Bye Laws for the Board(s).

4.0 - Glossary / Definitions

Word/ term	Definition
LCC	Lincolnshire County Council

5.0 - Legislation

- Land Drainage Act 1991
- Local Policy - in Line with Lincolnshire ADA White Book 2024

6.0 - Policy roles and responsibilities

6.1 Arrangements for roles and reporting lines

The following key roles and responsibilities are in place for our Boards.

6.1.1 – Board Members

- Review and approve policies.
- Support the Chief Executive Officer and SMT in the enactment of this Policy

6.1.2 – Chief Executive Officer (CEO) and Senior Management Team (SMT)

- Follow Policy to provide fair and consistent application.
- Investigate and work with land owners in a timely manner.
- Ensure employees who are providing guidance and information to land owners are trained commensurate with the policy.
- Provide guidance and support in the application of the policy.

6.1.3 – Operational / Supervisors / Foremen (line managers)

- Follow this policy in a fair and consistent way.
- Provide advice and or guidance as needed in line with policy.
- Where unsure escalate to other team members or SMT as appropriate.

6.1.4 – All Staff members

- Follow this policy.
- Only provide advice or guidance in line with the policy
- If unsure seek guidance.

7.0 - Document review:

Version	Date	Reviewed by	Changes	Approved by/ date
V2	September 2018	Associate Director of Human Resources	Review and update of Policy	JSC July 2020
3.0	November 2024	Risk Manager & SMT	Review and updated	JSC December 2024

This policy is due for review at 5 yearly intervals, unless a review is required before e.g. change to management, process or anything which may affect the contents of this policy.

8.0 - Supporting documents and forms

No annex for this policy