

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

20 January 2015

Report of the Strategic Director – Economy, Transport and Environment

**CAPITAL CONTINGENCY FUNDING FOR FLOOD PREVENTION WORK
AT MANNERS BALANCING POND, ILKESTON**

- (1) **Purpose of Report** To seek Capital Contingency Funding for flood prevention works at Manners Balancing Pond, Ilkeston.
- (2) **Information and Analysis** The flood prevention works at Manners Balancing Pond, were approved by Cabinet on 16 April 2013 and added to the 2013-14 capital programme (Minute No. 114/13 refers).

Manners Balancing Pond is a body of water situated to the west of Ilkeston in Derbyshire (see attached map – Appendix 1). It is owned by Derbyshire County Council, designed as a flood prevention structure and managed as a Local Nature Reserve by Derbyshire County Council's Countryside Service. Being capable of withholding significant volumes of water, it falls within the control of the Reservoirs Act 1975.

As part of the monitoring and inspection regime laid out by the Act 1975, Manners Pond was inspected by a Government appointed inspector in 2009. The inspection identified the need for a flood prevention study which was completed in 2010. The study concluded the site would not be able to pass a 1 in 10,000 year flood event without the risk of structural damage. The recommended solution was to elevate the ground level at either extremes of the existing embankment, where flood water would preferentially flow and cause damage. The Council was given three years to implement the recommended solution and Manners Pond was added to the Departmental Risk Register in 2011.

There have been significant delays in implementing the project because the areas of land, where the structure needed improvement, were not in Council ownership. Erewash Borough Council (EBC) and Network Rail (NR) are the respective landowners and have both agreed to the works. However, EBC insisted on a limited period of access for the works as the land is part of its municipal golf course.

Funding for the scheme was originally identified from countryside commuted sums and the Countryside Management Revenue budget 2012-13.

The scheme was delayed from starting in 2013-14 as contract documents and tenders could not be completed in time to meet the access window imposed by EBC. It was agreed to delay the scheme until 2014-15 which was still inside the deadline imposed by the Government Inspector for the completion of the works.

The scheme was tendered in summer 2014 and the price came back at £75,000, an increase of £10,000 on the original estimate. Unfortunately, emergency repairs to lock gates on the Chesterfield Canal and the repair of leaks on the Cromford Canal have arisen this year, meaning that there are insufficient funds available from the revenue budget to meet the cost of the project.

A sum of £30,849 from the Capital Contingency Fund is required to meet the cost of completing this project.

(3) **Financial Considerations** The original estimate for the scheme was £70,000, however, following the return of tenders and consideration of these, the cost of the project has risen to £85,413. Expenditure to date totals £14,751, leaving £70,662 for the implementation and construction of the scheme. Identified reserves and revenue available for the project total £39,813 leaving a shortfall of £30,849 to be found from the Capital Contingency Fund.

This project has been considered and endorsed by the Capital Strategy Group.

(4) **Legal Considerations** Under the Reservoirs Act (1975), the Authority is obliged to fulfil certain directions given by the Inspecting Engineer. Any work required in the 'interests of safety' must be complied with. The enforcement authority is notified of any failure to comply within the given timescale. Enforcement notices, then prosecution, may ensue if work has not been undertaken.

(5) **Environmental Considerations** Manners Balancing Pond was created to afford flood protection to downstream residents during storm events. Were the Authority to not comply with the instruction to elevate the low sections, its flood prevention capability would be compromised. Should the embankment fail as a result from overtopping in an extreme flood event, the residents of Kirk Hallam would suffer significant flood damage.

The reputational losses to the Authority would be severe.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Janet Brand, extension 39820.

(9) **OFFICER'S RECOMMENDATIONS** That:

9.1 The increase in cost of the flood prevention works to £85,413 at Manners Balancing Pond, Ilkeston be approved and the project budget increased accordingly.

9.2 Additional capital of £30,849 be allocated to the project from the Capital Contingency fund as endorsed by the Capital Board.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Manners Balancing Pond - Appendix 1

