

Agenda Item No. 4(g)

DERBYSHIRE COUNTY COUNCIL

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

29 September 2015

Report of the Strategic Director – Economy, Transport and Environment

**CAPITAL CONTINGENCY FUNDING FOR THE CONSTRUCTION OF A
SPILLWAY ON CROMFORD CANAL, WHATSTANDWELL**

(1) **Purpose of Report** To seek Capital Contingency Funding for construction of a spillway for flood prevention and leak management at Simms Paddle, Cromford Canal, Whatstandwell.

(2) **Information and Analysis** Derbyshire County Council owns and manages the Cromford Canal between Cromford and Ambergate. The Canal is an important asset for recreation, wildlife and heritage. It is within the Derwent Valley Mills World Heritage Site and is a Site of Special Scientific Interest (SSSI).

The canal poses a flood risk as it lacks overspill weirs. When it was in operation as a navigable waterway, the operation of its locks managed the water levels and prevented the risk of overtopping and flooding.

The Council commissioned a Water Level Management Study from Scott Wilson Ltd in July 2007. The report concluded that, given the structural condition of the banks, there is a possibility that high water levels may cause a catastrophic breach of the Canal prior to any overtopping of the banks. The report recommended, as one of a number of measures, the construction of a 4m wide overspill weir in the Whatstandwell area.

The majority of the other works have now been completed and Derbyshire County Council's structural engineers have designed an overspill weir at Simms Paddle. The weir will enable water level management to reduce the likelihood of recurring leaks impacting on Network Rail land and on the adjacent Derwent Foundry. The Foundry has threatened legal action if Canal leaks impact on its production.

These risks have been highlighted and entered on the Economy, Transport and Environment's Departmental Risk Register, the Canal Management Plan and Countryside Project programme for several years. There have been

delays in implementing the project because the outflow from the spillway needs to cross Network Rail land prior to joining a stream culvert. Network Rail has recently entered into a licence to enable the work to proceed.

The estimated cost of the scheme is £75,000, based on a quote from Allroads of £67,000 and a contingency due to the inaccessibility of the site.

There is £20,000 is available in the Conservation Enhancement Scheme (CES) and grant funding from Natural England if the scheme is completed in the 2015-16 financial year. It is unlikely that this CES grant will be available in future years. An additional £55,000 is required from the Capital Contingency Fund to allow the project to proceed.

In 2014, a sum of £30,849 Capital Contingency was allocated to the Manners Balancing Pond project at West Hallam, near Ilkeston. It proved possible to achieve the project from within existing Countryside Service resources in 2014-15 without the need to use the Contingency funding.

The Countryside Service is seeking permission to reallocate this £30,849 of funding to support the Simms Paddle Weir scheme and requests an additional £24,151 of Capital Contingency to make up the £55,000 required.

(3) **Financial Considerations** Scheme funding of £75,000 is required. The estimate for the scheme was £67,000 coupled with an £8,000 contingency for access difficulties at this site. A total of £20,000 from Natural England CES grant funding is available if the project is completed in the current financial year 2015-16.

A sum of £55,000 of Capital Contingency funding is sought, made up of the reallocation of £30,849 from the Manners Balancing Pond scheme and £24,151 of additional Contingency funding.

This project has been agreed in principle by the Capital Board.

(4) **Legal Considerations** The work is recommended in a Water Level Management Report to avoid catastrophic breach of the Canal. The Council is legally obliged, under the Flood and Water Management Act 2010 and the Occupiers Liability Act 1957, to undertake the work. There is also a responsibility for SSSI management under Countryside and Rights of Way Act 2001, Wildlife and Countryside Act 1981 (as amended), and Section 40 NERC Act 2006.

A failure to undertake the works could leave to prosecution by statutory agencies, as well as civil action by adjacent landowners.

(5) **Environmental Considerations** There is a need to protect the canal from catastrophic breach that could occur with a storm event, and to reduce the chance of the Canal overtopping, which would impact on the adjacent railway and property. The overspill weir will enable management of water levels to reduce the risk and liability associated with canal leaks. The scheme is within the Cromford Canal SSSI Management Plan and is supported by Natural England. 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 – Richard Bonner, extension 39657.

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

9.1 The Simms Paddle Weir project be added to the Capital Programme for 2015-16 at a total cost of £75,000.

9.2 The £55,000 shortfall in funding be met through the reallocation of £30,849 from the Manners Balancing Pond scheme and an additional £24,151 be allocated to the project from the Capital Contingency Fund.

Mike Ashworth
Strategic Director – Economy, Transport and Environment