

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

16 April 2013

Report of the Strategic Director – Environmental Services

**FLOOD PREVENTION WORK AT MANNERS BALANCING  
PONDS, ILKESTON (HIGHWAYS AND TRANSPORT)**

(1) **Purpose of the Report** To seek Cabinet approval to add the flood prevention works at Manners Balancing Pond, Ilkeston to the Capital Programme 2013/14.

(2) **Information and Analysis** 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 the 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, Manners Pond was inspected by a Government appointed inspector in 2009. The inspection called for a Flood Study to be undertaken to determine whether the site could safely pass the size of flood required for its urban setting.

The Flood Study was completed in 2010 and its conclusion was that the site would not be able to pass a 1 in 10,000 year flood event without the risk of structural damage. It has since been learned that the site was designed in the 1980's to withstand only a 1 in 100 year flood event. The recommended solution in the Flood Study was to elevate the ground level at either extremes of the existing embankment, where flood water would preferentially flow and cause damage. Manners Pond was added to the Departmental risk register in 2011.

When land ownership enquiries were undertaken, it showed that the two areas of land, where these works were required, are owned by Erewash Borough Council and Network Rail respectively.

Discussions with Erewash Borough Council and Network Rail have proved successful and permission to undertake survey works on their land has been granted. The County Council's engineers have visited the site and have proposed a solution. This solution comprises earthworks to extend the length of the dam and re-profiling of the surrounding ground to provide additional

height at either end of the embankment. Abandoned rails and timber sleepers will also require removal. The estimated cost of these works will be £70,000.

Approval is sought to add the works at Manners Balancing Pond to the Capital Programme 2013/14.

(3) **Financial Considerations** The cost of these works can be met from countryside commuted sums and the Countryside Service revenue budget 2013/14.

(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 and Health 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 is 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, and potentially loss of life.

The reputational losses to the Authority would be severe.

(6) **Property Considerations** There are no property considerations associated with this report.

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

(7) **Key Decision** No.

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

(9) **Background Papers** None. Officer contact details - Janet Brand, extension 39820.

(10) **OFFICER'S RECOMMENDATION** That Cabinet approves that the flood prevention works at Manners Balancing Pond, Ilkeston be added to the Capital Programme 2013/14.

**Ian Stephenson**  
**Strategic Director – Environmental Services**