

**REDDITCH BOROUGH COUNCIL**

**EXECUTIVE  
COMMITTEE**

15th March 2011

**RIVER REVETMENT WORKS – OLD FORGE DRIVE and PARK WAY**

Relevant Portfolio Holders	Councillor Brandon Clayton, Portfolio Holder for Housing, Local Environment & Health Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Guy Revans, Head of Environmental Services
Key Decision	

**1. SUMMARY OF PROPOSALS**

The report seeks Member approval to revised scope and funding for the River Revetment Works, Old Forge Drive and Park Way, Capital Scheme.

**2. RECOMMENDATIONS**

The Committee is asked to **RESOLVE** that

- 1) **the scope of the Capital Scheme be revised to exclude Site 3 (at Park Way) from the scheme; and**

**subject to the Council's approval of 3) below,**

- 2) **expenditure up to the sum approved by the Council be approved in accordance with Standing Order 41, for the purpose indicated in the report; and**
- 3) **additional funding of £30,000 be vired from existing approved budgets (see 5.5) in respect of Sites 1 and 2 (at Old Forge Drive) only.**

**3. BACKGROUND**

- 3.1 The Council had previously proposed works at 3 locations where significant erosion of the river banks had occurred. Sites 1 and 2 being at Old Forge Drive, and Site 3 Park Way, near the rear of Dolphin Road allotments.

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- 3.2 Works were originally proposed for 2008/9 on an urgent basis during December 2008. Works were subsequently delayed owing to problems associated with adjacent sites, Old Forge Drive, where major pollution factors also needed to be taken into account. Subsequently changes in legislation have also impacted upon works of this nature.
- 3.3 Consequently, it was not possible to commence within that financial year, 2008/9 and works were carried forward to 2009/10.
- 3.4 Following further negotiations with the Environment Agency (EA), the River Arrow being a statutory 'Main River', as designated by Defra, resulted in a full environmental study being undertaken, by approved consultants (Summer 2010). This revealed a range of significant hydrological and geomorphologic factors which needed to be fully taken into account. Concurrent to this process, the EA carried out its own full Biodiversity study of the sections of river concerned – see Appendix A.
- 3.5 None of the works proposed are for flood defence / flood risk management purposes. Any such benefits derived from these proposals are purely coincidental. All of the sites are also within designated, Main River Floodplain areas.
- 3.6 By way of illustration, Appendix B indicates the extent of the 1960 Flood prepared by Redditch Development Corporation (RDC - dated 05/06/68) which relates to Site 3. The River Arrow was significantly altered by the RDC, commencing a short distance downstream and therefore the previous conditions no longer apply in relation to Sites 1 and 2. The EAs Flood Zone 2 has been superimposed which in part demonstrates the effect of these alterations including the intervention by Park Way.
- 3.7 The flooding in July 2007 was broadly similar in extent to that in the 1960 flood with regard to Site 3.

**4. KEY ISSUES**

- 4.1 Works at the 3 sites considered, each contain a number of risks and benefits. These differ at each location and they are referred to numerically as: -

Site 1 - Old Forge Drive (opp. Nash Road) - Highway and Footpath.

Site 2 - Old Forge Drive (opp. Meir Road) - Public Foul Sewer (STW).

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Site 3 - Park Way (r/o Dolphin Road) - RBC Land (Abbeydale Allotments).

- 4.2 The Council as riparian landowner has a responsibility to protect adjacent assets from the effects of serious erosion – see Appendix C. In the case of Sites 1 and 2, there is no scope due to lack of space to provide alternative routes and in any event, the cost of such alterations considerably outweighs the costs of remedial works (even as revised). Re-alignment of designated Main Rivers is not normally acceptable to the EA. The land between Old Forge Drive and Cycle Route 5 is designated floodplain and works in this zone are strictly controlled and limited.
- 4.3 If do nothing scenarios are considered, the likely implications are as follows, ranging in potential financial severity Site 2 (worst), Site 1 and Site 3 (least).

Site 1 - Temporary or permanent closure of Public Right of Way RD637, Traffic Management Act (TMA) measures – establishment and continuance currently £1,000 per site, plus costs of any associated temporary or permanent remedial works.  
Temporary or permanent closure of District Distributor (Old Forge Drive), TMA measures – establishment and continuance currently £1,000 per site, plus costs of any associated remedial works.  
Mobilisation of leachate from contaminated land (heavy metals) into Main River which may result in EA fines (typically a 5 or 6 figure sum for such an occurrence as there could be resultant major environmental pollution and damage, locally and downstream).

Site 2 - Repairs to damaged STW assets exceeding £50,000 and substantial fines imposed by EA, typically a 5 or 6 figure sum for such an occurrence as there would be resultant major environmental pollution and damage, locally and downstream.

Site 3 - There would be a land usage impact upon the Abbeydale Allotments which may result in re-allocation and minor associated costs in respect of any plots affected.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There is currently funding available within the Capital Programme to fund works associated with the projects detailed above.

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- 5.2 There would be a need to combine the separate budgets currently approved to partially fund the costs relating to the delivery of Site 1 and 2. In addition a transfer of £30,000 would be required to meet the full funding required.
- 5.3 This would result in Site 3 being excluded from the scope of the works.
- 5.4 The funding required is detailed below:

<b>CURRENT CAPITAL APPROVAL</b>	<b>£'000</b>
OLD FORGE DRIVE	82
DOLPHIN ROAD	25
<b>TOTAL</b>	<b>107</b>
<i>LESS:</i>	
CURRENT SPEND	-12
<b>BALANCE AVAILABLE</b>	<b>95</b>
REVISED COSTS - SITE 1 & 2	125
<b>ADDITIONAL FUNDS REQUIRED</b>	<b>30</b>

- 5.5 The additional £30,000 could be funded from Capital Landscape Programme (8131 C2202 - £20,000) and from the Revenue Land Drainage budgets (0460 5158 - £6,000 and 0460 5900 - £4,000 – transfer to Capital).
- 5.6 Tendered prices in accordance with Conditions of Contract, unless the contractor advises us to the contrary, may also be subject to increases.

## **6. LEGAL IMPLICATIONS**

The Council has a duty to comply with: -

- a) Wildlife and Countryside Act 1981;
- b) Environment Act 1990;
- c) Prevention of Pollution Act 1990;
- d) Land Drainage Act 1991;
- e) Flood Risk Regulations 2009;
- f) European Water Framework Directive 2010; and;
- g) Flood and Water Management Act 2010.

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Also, in secondary capacities, where collateral damage may occur, to take into account implications associated with the additional legislation: -

- h) Highways Act 1980;
- i) The Countryside and Rights of Way Act 2000;
- j) Water Industry Act 1991; and;
- k) Water Resources Act 1991.

### **7. POLICY IMPLICATIONS**

The revised proposal complies where applicable with all relevant Council Policies with the exception of Site 3. However, the EA by virtue of Appendix A totally prohibits any works to be carried out at this site at the present time.

### **8. COUNCIL OBJECTIVES**

This item closely interfaces with all Council Objectives and in particular, Clean and Green.

### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 There are risks at Old Forge Drive of serious pollution either from the effects of mobilising heavy metals which are present as leachate in nearby contaminated land and from unrestrained failure of the public foul sewer, opposite Meir Road. Serious subsidence would almost certainly effect the continued safety of use of an adjacent public Right of Way (Site 1) and Old Forge Drive (Sites 1 and 2), the latter effectively rendered as two cul-de-sacs pending remediation.
- 9.2 At Site 3, there are minor land usage implications to ensure the continued safe enjoyment and use of the allotment areas.

### **10. CUSTOMER IMPLICATIONS**

The suggested actions maintain both Council and other associated essential infrastructure assets at Sites 1 and 2. If Site 3 is not proceeded with at this time, the safety of the portion of Abbeydale Allotments nearest the River Arrow requires regular monitoring and it may be necessary to take out of use, a number of vulnerable plots. This would have customer and modest Council cost implications.

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### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

There are no equalities or diversity implications.

### **12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

The costs of a 'do nothing scenario' do not represent value for money as the eventual costs of the works would rise considerably and in addition, there would be a variety of penalties and other costs, imposed by EA, STW and/or WCC as appropriate.

### **13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 Properly constructed and maintained land drainage assets minimise the impacts of climate change by virtue of reduced maintenance requirements and associated costs.

13.2 Water-based habitats will be maintained allowing appropriate species of flora and fauna to thrive and avoid possible significant risks over a considerable distance, both within the Borough and downstream.

### **14. HUMAN RESOURCES IMPLICATIONS**

There are no human resources implications.

### **15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

There are no governance or performance management implications.

### **16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

There are no community safety implications.

### **17. HEALTH INEQUALITIES IMPLICATIONS**

There are no health or inequalities implications.

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### 18. LESSONS LEARNT

The Council needs to be constantly aware of its obligations with regards to Biodiversity and other Environmental Factors in addition to the physical well being of its assets.

### 19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 A possible district based river warden scheme is being considered for urban areas in conjunction with length men for parishes in rural areas. This scheme, if pursued, will be developed in conjunction with relevant partners and referred to Members in advance for approval. It is envisaged that such functions would either be on a voluntary basis or where applicable, supported by the local Parishes and/or the Lead Local Floor Authority (LLFA).

19.2 This would allow in future, some early warnings to be given over and above, normal flood risk management issues.

### 20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

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### **21. WARDS AFFECTED**

Abbey, Church Hill, Greenlands, Lodge Park, Matchborough and Winyates.

### **22. APPENDICES**

Appendix A – EA Report regarding Site 3.

Appendix B – Extract of 1960 Flood Map  
(original produced by Redditch Development Corporation)

Appendix C – Summary of legal responsibilities with regard to Main Rivers.

### **23. BACKGROUND PAPERS**

Relevant correspondence on file, including the Appendix documents cited above.

### **24. KEY / Terms used**

Defra	Department for Environment and Rural Affairs
EA	Environment Agency
Geomorphological	Relating to land forms
Hydrological	Relating to water resources
LLFA	Lead Local Flood Authority
RDC	Redditch Development Corporation
RBC	Redditch Borough Council
Riparian	Relating to River Banks
R/o	Rear of
STW	Severn Trent Water Limited
TMA	Traffic Management Act 2004
WCC	Worcestershire County Council

### **AUTHOR OF REPORT**

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