

Report to the Cabinet

Report reference: C-117-2008/09

Date of meeting: 20 April 2009



**Epping Forest
District Council**

Portfolio: Civil Engineering and Maintenance.

Subject: Flood Alleviation Maintenance Schemes – Final Account.

**Responsible Officer: Qasim Durrani (01992 564055).
Susan Stranders (01992 564197).**

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To note the Final Account in respect of the Contract for the repair, improvement and rehabilitation of those flood alleviation schemes for which the Council is responsible;

(2) To note that there are projected underspends of £149,000 on the District Development Fund (DDF) and £38,000 on the Capital Programme in relation to Flood Alleviation Schemes and to consider:

(a) Returning £100,000 from the DDF allocation to the general fund;

(b) Retaining £49,000 from the DDF allocation towards repair and upgrade of those main river flood defence assets which are in the Council's ownership and for which the Environment Agency is the enforcement authority; and

(c) Retaining the Capital allocation of £38,000 for any future improvement and enhancement works to the Council's flood defence assets, as identified at (b) above; and

(3) To develop a programme of inspection for these assets to ensure they are kept in a good state of repair.

Executive Summary:

This Council takes flood risk very seriously and has over the years constructed a number of small flood alleviation schemes for the benefit of its residents. The Council had historically diverted all its efforts to the management of those assets, which presented the highest risk of flooding to its residents (most of these are associated with the major rivers flowing in the District). In 2005 it was identified that some lower priority flood assets were suffering from lack of maintenance and their condition was deteriorating. These assets were built by the Council or are in its ownership and any flooding due to lack of maintenance could make it liable.

Cabinet has previously resolved to repair and enhance these assets through a combination of revenue funds for repair and maintenance and capital funds for improvement, enhancement and upgrading.

Investigatory work commenced in 2005 and, as far as was practicable, all such flood alleviation schemes that are the Council's responsibility were identified. To reduce costs and avoid the need for additional staff resources the project was phased over three years. In the first year CCTV inspection was carried out to ascertain asset condition and prepare details of repair and construction.

In many cases the condition of the assets has not proven to be as bad as had been anticipated and budgeted for and therefore an underspend has arisen. It is therefore proposed to return revenue and capital moneys back for use elsewhere, whilst retaining sufficient resources to allow for repair and maintenance of those main river flood alleviation schemes for which the Environment Agency is the enforcement authority but the Council is the land owner and hence could be liable for any flooding caused.

In order to avoid the assets upgraded and improved under this scheme getting into a state of disrepair it is essential that they are inspected and maintained. It is proposed that these assets be inspected by officers of the Environment and Street Scene Directorate from within existing staffing resources and a programme of maintenance put into place.

Reasons for Proposed Decision:

It is a requirement of Contract Standing Orders C29 to present Final Account in respect of projects of value over £50,000.

As a riparian owner or having constructed schemes on private land, the Council could be liable for any injury, damage or increased risk of flooding to members of the public, due to lack of repair and maintenance of the flood relief structures and associated assets.

A regime of routine inspection and maintenance is essential to avoid these assets getting into a state of disrepair. This can be carried out from within existing retained resources.

Other Options for Action:

It is possible to return the entire £149,000 DDF and £38,000 Capital and not allocate any money to the repair and improvement of the main river flood alleviation schemes and assets. However the Environment Agency is of the view that since Council has constructed and owns these schemes it would be responsible for any flooding arising from these sites.

It is possible to not inspect the recently enhanced and improved assets on a regular basis, however this is not recommended as these can easily fall into disrepair in future and present a potential flooding risk to residents.

Report:

1. The Cabinet at its meeting on 6 February 2006 allocated:
 - (i) £200,00 of Capital for improvement and upgrading works to flood defence assets; and
 - (ii) £290,000 DDF revenue funding to undertake survey works and then relevant construction works to the same assets.
2. In order to carry out the works within existing staffing resources a three year programme of survey, inspection, repair, improvement and enhancement of flood alleviation schemes was approved. These schemes and associated assets were either built by the Council or are on its land and could make the Council liable if flooding was caused as a

result of lack of maintenance.

3. The spend forecast at that time was as follows.

- £125,000 in 2006/2007;
- £200,000 in 2007/2008; and
- £165,000 in 2008/2009.

Due to the number of unknown factors involved it was not possible to allocate capital and revenue expenditure separately to the forecast.

4. The first phase of the scheme of carrying out CCTV surveys and inspections was completed by Environmental Drainage Services Limited in April 2007 at a cost of approximately £36,000. It was not possible to inspect all the pipes and culverts because of silt deposition and difficulties with access. A list of works was prepared based on their priority need for repair and where inspection was not possible a worst-case condition was estimated.

5. Competitive tenders were invited in November 2007 and the contract for the works to 26 sites across the District was awarded to SDI – Unistride Drainage Solutions for the tendered sum of £265,000. Subsequently some sites that were deemed to be outside the Council's responsibility were removed, reducing the value of the tender to £225,000.

6. Although this was below the allocated budget of £490,000, due to the unknown condition of many of the assets and the estimated costs that had been factored in, it was not considered prudent to return the surplus allocation at that time and then seek additional funding if problems were identified once works commenced.

7. Some works in the original contract could not be carried out, and some works were found to be on assets/land that was not the Council's responsibility, e.g. highways' land. This resulted in further savings to the project. Although approvals have been given for some additional work once construction commenced there has been significant over all savings in the project budget.

8. Expenditure on the whole contract to date, including outstanding commitments, is expected to be £303,000 by the end of this financial year. This generates potential savings of £149,000 in the DDF allocation and £38,000 in Capital. Although work has been undertaken on 26 flood alleviation schemes there is the need to carry out improvement and non-routine maintenance work on the Council's other major flood defence assets, telemetry systems and flood relief structures. It is proposed to use the £49,000 DDF and £38,000 Capital allocation to improve and upgrade these other assets.

9. Details of the exact scope of the work have yet to be identified as this will depend upon the outcome of the meeting between the Director of Environment and Street Scene with the Environment Agency to be held on 30 March 2009 with regard to the future responsibilities of these Flood Alleviation Schemes. An update will be provided on the outcome of that meeting.

10. It should be noted that one of the reasons for the decline in the condition of assets has been the lack of regular maintenance over the years. It is essential that the assets that have been repaired and/or improved under the contract are kept in a good state of repair and that at least a third of these assets are inspected every year on a rolling programme. This is in keeping with the availability of in house resources. Additional resources for carrying out any non-routine clearance and repair work will be sought separately as and when required.

Resource Implications:

The expenditure profile is presented below:

Budget allocation	£490,000
Pre construction survey and investigation	£36,000
Construction work	£225,000
Additional work identified once construction commenced	£21,000
Pending payments (retentions)	£11,500
Cost consultant, Planning Coordinator	£9,500
Sub total	£303,000
Balance (saving in project budget)	£187,000
Revenue savings	£149,000
Capital savings	£38,000
	£187,000
Retain revenue for programmed works in the future	£49,000
Retain capital for programmed works in the future	£38,000
Return revenue to general fund	£100,000
	£187,000

Legal and Governance Implications:

The ownership and maintenance responsibility of the network of principle ordinary watercourses, as defined in common law, rests with the landowner and/or the person responsible for carrying out construction.

The Land Drainage Acts 1991 and 1994 and associated Byelaws.

Safer, Cleaner and Greener Implications:

Reduction in flood risk within the District through on-going maintenance of flood defence assets.

Consultation Undertaken:

EA meeting on 30 March 2009.

Background Papers:

Previous Cabinet decision 6 February 2006.

Impact Assessments:

It is important that the Council properly manage and maintain flood defence assets for which it is responsible as riparian owner or constructor. The District has been severely affected by flooding events in the past and recent events have emphasised how important it is to be aware of the condition of such assets. Whilst residents who live in or own properties in flood risk areas are themselves responsible for protecting their properties, the Council could be

liable if flooding arose due to the inadequate maintenance of its flood defence assets.

There is no suggestion that any one element of the community is more at risk from flooding than others. There are therefore no known equality issues other than recognising that those residents with disabilities may be more adversely affected by a flooding event.