

Report to the Cabinet

Report reference: C/023/2005-06.

Date of meeting: 11 July 2005.



**Epping Forest
District Council**

Portfolio: Finance and Performance Management.

Subject: Virement for Drainage Works at Alfred Road, Buckhurst Hill.

Officer contact for further information: Colleen O'Boyle (01992 – 56 4475).

Democratic Services Officer: Gary Woodhall (01992 - 56 4470).

Recommendations:

(1) That, in order to finance a scheme to alleviate flooding to the garden of 11 Alfred Road, Buckhurst Hill, a virement of £15,000 from the general capital contingency budget be authorised; and

(2) That the Head of Legal, Administration and Estates be authorised to enter into the necessary easement with the owners of 11 Alfred Road, Buckhurst Hill.

Background:

1. More than 10 years ago the area including Lower Queens Road, Alfred Road and Albert Terrace was designated a General Improvement Area. The purpose of this was to provide off road parking and rear access for the residents of these roads. As part of this General Improvement Scheme the Council created rear access to properties in Lower Queens Road and Alfred Road, Buckhurst Hill and installed an underground pump, to pump the water back up hill to the main drainage system. However, this system is proving increasingly unreliable.
2. For many years now the owners of 11 Alfred Road, have suffered severe flooding to their rear garden and garage every time there is a heavy rainfall. The problem is caused by rainwater running down the access road at the rear of their property into their garage and passed it, to then pool in the bottom of the road eventually overflowing into their back garden. It is directly attributable to the works undertaken on behalf of the Authority and the failure of the pumping system to alleviate the problem.
3. The Council has tried one or two relatively small-scale solutions to the problem over the years but none have solved the issue. For example a solid gully system was installed across the entrance to the garage but water tended to flow straight over the top.
4. Throughout the owners have been co-operative and patient whilst the Council has sought to solve this issue but in August 2004 the owners submitted a formal complaint. They had begun work in their back garden in preparation for installing a patio. This required the installation of a retaining wall as the garden slopes quite steeply upwards away from the back of the house. However, drainage engineers from the Council advised the owners not to proceed as if flooding occurs again it

could undermine the works and result in the collapse of the wall in that part of the garden. Thus the back garden is partially excavated and there is a current risk that the earth bank may collapse if flooding reoccurs.

5. Since then various attempts to propose solutions have been made culminating in external Consultants, John Pryke and Partners being appointed to investigate options for remedial works.
6. Their report has been received and a copy has been placed in the Members' Room. In summary their solution in relation to the garage flooding has been implemented. However they conclude that the pumping stations are not working and are in any event not the right solution for this location. Their recommendation involves a gravity solution, which channels the rainwater under the rear garden of No 11 and into the main drainage. There has been some delay in gaining Thames Water consent but this has now been achieved. The costs of these works are likely to be £15,000 and can be financed from the general capital contingency budget.
7. However, this sum of money exceeds that which can be vired without member authority and as such members are asked to authorise the virement of £15,000 in order to allow this essential work to be undertaken.

Statement in support of recommended action:

8. The damage and inconvenience caused to the owner of 11 Alfred Road is likely to form the basis of a claim to both the Ombudsman and the civil courts. The remedy suggested will provide a solution and avoid costly litigation, and a potentially adverse Ombudsman report.

Options for action:

9. The following options arise:
 - (a) to take no action – this will almost certainly result in a formal complaint to the Ombudsman which the Complaints Officer believes will be successful and could cost up to £4,000 without providing a solution. There is also the likelihood of civil litigation.
 - (b) to repair and rely upon the pumping stations currently on site. This is thought to be an inappropriate solution, which cannot be guaranteed to work. It may involve the Council in expenditure without any likelihood of a solution to the flooding problem.

Consultation Undertaken:

10. The Consultants John Pryke and Partners, internal officers and the owners of 11 Alfred Road, Buckhurst Hill.

Resource Implications:

Budget: £15,000 virement from the general capital contingency budget.

Personnel: Existing resources.

Land: N/A.

Community Plan/BVPP Ref: N/A.

Relevant Statutory Powers: N/A.

Background papers: N/A.

Environmental/Human Rights Act/Crime and Disorder Act: None.
Key Decision Reference (if required): None.