

PROPOSED REMEDIAL WORKS TO REDUCE FLOOD RISK AT PARTON

EXECUTIVE MEMBER: Deputy Leader Councillor G Clements
Councillor G Blackwell
LEAD OFFICER: K Parker – Head of Leisure and Environmental
Services
REPORT AUTHOR: D Fyfe – Flood and Coastal Defence Engineer

Summary and Recommendation:

The purpose of this report is to advise members of a drainage problem at The Square/School Terrace area of Parton and to request members to approve the allocation of funding for investigation and initial works.

It is recommended that:

- (a) Members approve funding of up to £6,000 from the Council's contingency provision for 2007/08 (balance £120,085) to carry out investigation and water jetting works to determine and possibly resolve the problem; and
- (b) That a further report be made to the Executive, if necessary, detailing any further works identified as a result of the investigation works and a proposed course of action for dealing with those works.

1. INTRODUCTION

- 1.1 Residents of Parton have experienced severe flooding for some years now. The flooding events of October 2004, January 2005 and December 2006 were especially severe with Foundry Road and The Square particularly affected. In December 2006 at least 25 properties were affected by flood waters that reached 60cm deep.
- 1.2 Parton has a steep catchment area that is low lying and is prone to flash flooding from a variety of sources. Lowca Beck lies to the north of the village but does not contribute to the flooding in Parton. High tides combined with south westerly winds and high volumes of rainfall create the conditions under which Parton is liable to flood.
- 1.3 Investigations by this Council and County Highways have identified a number of additional factors that exacerbate this problem. These

include blockages in the surface water culvert that flows under the Parish Hall and The Square, further blockages at the outfall where this same culvert discharges into the sea as a result of beach movement and restrictions in the surface water drainage below a property in Foundry Road.

- 1.4 Following the flooding events of 2004 onwards the Council has used its discretionary powers under the Land Drainage Act 1991 to carry out modifications to the outfall of the culvert into the sea to reduce blockages and to increase discharge flows, to contribute towards clearing a major blockage under The Square and worked closely with Cumbria County Council (highways) to investigate the flooding problems in Parton.

2. CURRENT POSITION

- 2.1 Recent investigations have revealed significant restrictions in the Foundry Road culvert which drains into the Square. Water is unable to drain away from Foundry Road during times of high rainfall and this is what contributed towards the floods of December 2006.
- 2.2 Blockages have also been found in the culvert under a property in Foundry Road.
- 2.3 Both of the above issues now require further investigatory work to determine the extent of the restrictions and what remedial works are required. As part of those investigatory works it is possible for part of the culvert to be jetted to try and clear what obstructions exist. This in itself should reduce the restriction and therefore the risk of future flooding, at least in the short term pending more permanent remedial works being carried out.

3 LEGAL POSITION

- 3.1 Section 14 of the Land Drainage Act 1991 ('the Act') provides powers to district councils to maintain and improve existing works and construct new works for the purpose of preventing flooding or mitigating any damage caused by flooding.
- 3.2 Section 25 of the Act also provides power to a district council to serve notice on a person requiring that person to remedy the condition of a culvert where the proper flow of water is being impeded. The persons who can be required to carry out such remedial works are the person who has control of the watercourse where the impediment occurs, any person owning or occupying land adjoining that part or any person whose act or default the condition is due to. If the works are not carried out then an offence is committed and the district council can carry out the works in

default. A person can appeal to a magistrates' court against the service of a notice.

4. OPTIONS TO BE CONSIDERED

- 4.1 Taking into account the existing problems and the legal position it is proposed that (a) the Council uses its powers under section 14 to jet that part of the culvert which is blocked beneath the School Terrace area; and (b) carry out a camera survey of the condition of the entire drainage system affected; and (c) consider what further action should be action in respect of any defects identified by (b).
- 4.2 In respect (a) and whilst the Council has power to serve notice and recover the costs of jetting it is recommended that no recovery is made. The costs of jetting are relatively low (approximately £2,000) and it is not clear who the land above the blocked culvert belongs to as it lies between School Terrace and the Parish Hall.
- 4.3 In respect of (b) and (c) this is likely to cost around £4,000. If further works are required then consideration will need to be given as to whether notice should be served under section 25. The difficulty with such notices is that they attach liability to the landowner where the blockage falls - it has little to do with whose land is drained by the culvert and who obtains the benefit of it. If further action is required a further report will be made to the Executive.
- 4.4 The Council has no legal obligation to carry out any work. However, not doing anything will result in further regular flooding (more than once a year) with associated property damage.

5. CONCLUSIONS

- 5.1 If no action is taken Parton will continue to flood as a result of restrictions to the Foundry Road culvert. It is hoped that the proposed work of simple jetting will reduce flood risk to over 25 properties in the vicinity of the Foundry Road.
- 5.2 It is therefore recommended:-
 - (a) that members approve funding for the jetting and investigatory work; and
 - (b) a further report be made, if necessary, on additional defects identified.

5. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 5.1 The initial investigatory and jetting works will cost a total of £6,000. There is no other budget available for this work and the recommendation therefore is that this budget needs to be taken from the Council's contingency provision for 2007/08 which currently stands at £120,085 .
- 5.2 It is envisaged that staff costs will be subsumed within normal staff working hours.

6. PROJECT AND RISK MANAGEMENT

- 6.1 Members to note that the work envisaged by this report will not solve all the flooding issues in Parton.
- 6.2 Copeland will be under no obligation to fix any further problems that are found as a result of the investigation work.
- 6.3 The risk of causing further damage to property whilst cleansing the culverts is minimal.

7. IMPACT ON CORPORATE PLAN

- 7.1 None.

List of Appendices:

Plan showing line of drainage.

List of Background Documents:

None.

List of Consultees:

Corporate Team
Legal Services Manager
Environmental Health Manager
Cllr G Blackwell (Portfolio Holder)

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed . This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	Yes
Impact on Sustainability	Yes
Impact on Rural Proofing	Yes
Health and Safety Implications	Yes
Project and Risk Management	See Paragraph 6 above
Impact on Equality and Diversity Issues	Yes
Children and Young Persons Implications	Yes
Human Rights Act Implications	Yes

Please say if this report will require the making of a Key Decision NO

Appendix Diagram 1: Parton Culverts (blue dashed lines)



Notes: blue lines mark the route of the culverts.

Proposal is to CCTV and jet/clean the Foundry Road culvert from location D adjacent to 81 Foundry Road to just below location A at the Square. Also to jet/clean a short section of culvert above location E.