

**REPORT FROM: HOUSING HEALTH AND ENGINEERING SERVICES  
MANAGER**

**TO: POLICY AND RESOURCES COMMITTEE**

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**EARBY FLOOD ALLEVIATION WORKS – NEW CUT WALL AND  
WATERPROOFING OF VICTORIA MILL WALL**

**PURPOSE OF REPORT**

To consider whether Housing, Health and Engineering should undertake the delivery of the construction of the New Cut flood wall and the waterproofing of Victoria Mill Wall

**RECOMMENDATIONS**

The Committee is asked to:

- (1) Note the risks as set out in the report.
- (2) Agree whether they wish to authorise Housing, Health and Engineering Services to design, tender and implement the construction of the New Cut flood wall and the waterproofing of Victoria Mill Wall.

**REASON FOR RECOMMENDATIONS**

To make the Committee aware of the risks and to ensure that the funding is not lost and the scheme is undertaken.

**ISSUE**

**Background**

1. Approval was received in March 2018 for a bid to the European Structural and Investment Fund (ESIF).
2. This was for a series of flood prevention measures to minimise flood risk to Earby's commercial and residential communities. This was under the ESIF Programme Priority 5 which relates to promoting climate change adaptation, risk prevention and management.

3. The bid was for £635,260 ESIF to be matched with £425,000 public sector funding from the Environment Agency (EA) Yorkshire; Grant in Aid funding (GiA).
4. However, at the time of gaining approval of the funding, match funding from the EA was not in place as they had to complete their flood modelling before they could guarantee their contribution.
5. After much deliberation, and following meetings with EA, we agreed to sign the Funding Agreement 'at risk' as we knew that as long as we did not start any capital works we would not lose any money should the EA money not be forthcoming.
6. The Funding Agreement is from the Ministry of Housing Communities and Local Government (MHCLG) for £635,260 and was signed on the 28<sup>th</sup> June 2018.
7. The EA completed their detailed flood modelling work in Earby and shortlisted their preferred schemes which are:
  - a) A new flood defence wall on New Cut adjacent to Albert Street and waterproofing of Victoria Mill wall.
  - b) A flood water storage area at Victoria Clough
  - c) A flood water storage area at Birley Playing Fields
8. The flood modelling also includes EA's Natural Flood Management (NFM) schemes with upland moorland management to delay the speed at which surface water runoff progresses down the catchment. (Wentcliff Brook and other tributaries to Earby Beck)
9. The provisional cost for the EA's preferred options a), b) & c) above) is currently £4.8 million which is unachievable in the short term
10. In light of the significant funding gap the EA have prioritised a) the flood defence wall and b) the storage area on Victoria Clough
11. The current projected costs of these two schemes is £1.9M to be funded by £635k ESIF and £1245k FCERM Grant in Aid Funding. Pendle Council will have to provide a contingency if required.
12. Funding for scheme c) the Birley playing fields storage area will be sought following on from the delivery of schemes a) & b) .All interested parties are working hard to identify funding opportunities for this scheme.
13. Scheme b) commenced at the end of March 2021 & scheme a) is programmed to start August 2021.
14. Regular meetings are taking place between PBC, EA and MHCLG to address the schemes, the funding and the timescales.

### **Current position**

15. Scheme b) is being undertaken by the Environment Agency and it commenced at the end of March 2021 and will be completed by June 2021.
16. However the Environment Agency have now decided that they are not in a position to deliver Scheme a) due to insufficient funding.
17. This is due to the Environment Agency's consultant flagging up a potential problem with the

material that the mill wall fronting on to New Cut is built on. The site investigation undertaken by the Environment Agency is not comprehensive but the information shown indicates that the mill wall is built on weak material.

18. The Environment Agency's consultant have therefore recommended that the waterproofing works required to the mill wall cannot be undertaken without underpinning the existing foundations of the mill wall.
19. These underpinning works are likely to cost in the region of £400k which renders the scheme unaffordable in terms of the Environment Agency delivering the scheme.
20. The funding currently available for scheme a) is in the region of £1.4M (approx. £600k ESIF £800k Grant in Aid funding)
21. The Environment Agency's costs for scheme a) were £1.4M without the extra £400k for the underpinning works
22. There is no further match funding available for the scheme.
23. The construction of the flood wall on New Cut could not be carried out in isolation as the scheme would not attract the required match funding without providing protection to the businesses in the mill.

### **Proposals**

24. As the Environment Agency are not in a position to deliver scheme a), it there is an option that Housing, Health and Engineering Services undertake the construction of the flood wall on New Cut and the waterproofing of the mill wall.
25. Housing, Health and Engineering Services have sought expert structural advice on the condition of the mill wall and the design of the required works.
26. The expert structural advice concluded that there is not a problem with the structural integrity of the mill wall as it has been in situ for well over 100 years without any notable movement. The conclusion is that the limited site investigation undertaken by the Environment Agency does not fully represent the ground conditions (this was pointed out to the Environment Agency however they said that they were not in a position to undertake further site Investigation)
27. The Environment Agency have agreed to fully support Pendle Council with the delivery of scheme a).
28. MHCLG expect scheme a) to commence by August 2021.
29. This timescale for the delivery of scheme a) is achievable if Housing, Health & Engineering Services are given the authority to proceed.

### **Risks**

#### **Financial**

30. In financial terms it is anticipated that scheme a) can be delivered within the available budget of £1.4M.
31. Once the scheme is designed and tendered the scheme costs will be better understood and

and a final decision can be made as to whether to proceed with the works.

### **Third Party**

32. The waterproofing work to the mill wall involves works to and within a building owned by a third party, therefore permission and full cooperation will be needed from the mill owner.
33. The mill owner has been fully cooperative with the Environment Agency and the Council up to this point and is fully supportive of the works.
34. The works will create disturbance for the businesses within the mill. The Council must understand the implications of this and any potential payments to be made as a result of this disturbance. If the Committee give approval to progress this will be looked into in more detail.
35. Undertaking the works on a third party owned building also needs to be fully understood in terms of insurance liability. The contractor undertaking the works will be insured and the structural expert undertaking the design will have professional indemnity insurance but there could be future implications for the Council as well. The Environment Agency will not adopt the wall so any future maintenance will be the responsibility of the Council.

### **Funding Time Constraints**

36. Scheme a) must commence by August 2021 in accordance with the agreement with MHCLG.

### **IMPLICATIONS**

**Policy:** None directly arising from this report

**Financial:** Funding is from ESIF and EA Grant in Aid funding but Pendle Council may have to provide a contingency fund for the scheme.

**Legal:** None directly arising from this report

**Risk Management:** There is a risk of the Council having partial future liability for waterproofing works undertaken on Victoria Mill and maintenance of the New Cut wall

**Health and Safety:** None directly arising from this report

**Sustainability:** None directly arising from this report.

**Community Safety:** None directly arising from this report

**Equality and Diversity:** None directly arising from this report

### **APPENDICES**

Plans

### **LIST OF BACKGROUND PAPERS**

None