

**REPORT FROM: HEAD OF ECONOMIC GROWTH**

**TO: EXECUTIVE**

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**EARBY FLOOD ALLEVIATION PHASE 3  
FLOOD STORAGE AREA AT WENTCLIFFE BROOK**

**PURPOSE OF REPORT**

To update the Executive on Phase 3 of the Earby Flood Alleviation scheme following the success of Phase 2 and to establish future maintenance responsibility.

**RECOMMENDATIONS**

- (1) That the Executive note the report.
- (2) That the Executive recommend to Full Council that the Environment Agency grant funding of £200,000 be used for flood modelling, scheme design and business case development and subject to the scheme being deliverable, the Council adopt the new asset and be responsible for all future revenue costs associated with inspections and maintenance.

**REASON FOR RECOMMENDATIONS**

To enable the Council to move forward with the scheme feasibility. Then a decision can be made on whether to deliver the scheme based on the feasibility study and estimated costs.

**BACKGROUND**

1. Earby Flood Alleviation Phases 1 and 2 are now completed.
2. Phase 1 was completed by the Environment Agency (EA) and was the refurbishment/replacement of the Victoria Clough Culvert.
3. Phase 2 was achieved with funding from the EA's Grant-in-Aid (GiA) and the European Structural Investment Fund (ESIF). The funding enabled the construction of an earth bund at Victoria Clough to collect flood water, a flood wall at New Cut and a sheet piled wall at Victoria Mill.

4. Phase 2 was mostly completed in April this year with a few snagging issues yet to finalise. It is anticipated that these will be completed by the end of the year.

## ISSUE

5. Pendle Council has now been given the opportunity to complete the flood alleviation measures for Earby as outlined in the EA's Flood Modelling report.
6. Building on the success of the previous projects, the EA would like us now to submit a business case/feasibility study for Phase 3. This is for a flood storage area or passive earth dam to control higher level flood waters on the upper reaches of Earby Beck (Wentcliffe Brook) above Birley Playing Fields.
7. Earby Phase 3 will be a Pendle project on a non-main river. The asset to be built will belong to PBC and PBC will be responsible to manage that asset in line with the Reservoirs Act.
8. The EA has spent £167k through AECOM doing modelling and producing a study to prove that the proposed works are something the EA would **not** progress due to the cost and more importantly the limited number of outcome measures.
9. As with Earby Phase 2, PBC can deliver a much cheaper scheme than the EA could and hence the idea of PBC to lead the project was discussed with the EA.
10. Extra FDGIA (Flood Defence Grant in Aid) funding was applied for and obtained subject to going through the appropriate approval process.
11. Costs for a new reservoir will include the appointment of an All Reservoir Panel Engineer to act as Construction Engineer to oversee the design and construction of the project. The exact cost will be based on the technical specifications of the proposed reservoir. This will be dependant upon on the the size, location, complexity of the design and construction programme.
12. Once the reservoir is constructed, we would need to
  - a. appoint a Supervising Engineer, under Section 12 of the Reservoirs Act, which could cost in the region £3,000 a year.
  - b. carry out a Section 10 inspection, on average, every 10 years, which could cost in the region of £10,000.

These costs will vary dependent on the size and nature of the reservoir.

Most reservoirs are also supervised/monitored to some extent by the Undertaker, in this case the Council, and so the Council would also need to consider these costs. It is likely that this role would be carried out by a member of the Engineering Team.

13. The EA will fund the scheme with a total GiA contribution of £2,500,000. However, before paying the full funding contribution they would release £200,000 to enable the Council to complete a business case and scheme drawings.
14. The EA have sent a list of some reputable consultants that could advise us as RMA (Risk Management Authority) for the business case.

15. Before we can proceed to tendering the Business Case the EA will need sign off from the Executive as well as firming up discussions with the relevant landowners.
16. The Business Case will need to include flood modelling (some of which has already been done) and show the feasibility of the proposed scheme.
17. The Council will be outsourcing the modelling/feasibility work and will tender the work to three potential suppliers. We will therefore need approval to follow a closed tender process so that we can appoint one of the EA recommended suppliers. The Council may choose to add additional suppliers.
18. PBC Engineers together with Property Services have already met with the landowners to discuss the possibility of the Council purchasing the land as well as access onto the land for the construction phase and future maintenance of the flood storage area.
19. The landowners are receptive to selling the land to Pendle Council as long as the purchase price is acceptable to them. It was also established that they own the majority of the access road required to construct the dam.

## CONCLUSION

20. Before the Business Case is put out to tender the Council will need to:
  - a. Receive approval from the Executive to go ahead with the scheme.
  - b. Agree a reasonable purchase price for the land with the landowners.
  - c. Approve funding for the ongoing maintenance and inspection costs once the reservoir is completed, which Pendle Council, the Undertaker, will need to take on, see items 11 and 12 above for estimated costs. The costs are dependent on the size and complexity of the construction. It may be possible to share cost of maintenance with the landowner and/or adjust existing maintenance regimes currently carried out by Parks to incorporate the new reservoir.
  - d. During construction phase the Council will need to apply for specific permits such as EA Storage and Impounding Licenses.

## IMPLICATIONS

**Policy:** Early Flood Alleviation Phase 3 will support policies within our Core Strategy such as: protecting and enhancing our natural and historic environments; water management and health and wellbeing. The scheme contributes to the delivery of Strategic Plan Priority 3 – Helping to create and sustain strong and resilient communities.

**Financial:** £2,500,000 has been ringfenced by the EA for scheme, including the business case and scheme drawings. However, the EA will not release the funding until they approve the Business Case/Feasibility Study and have sign off from the Council and landowner. The closed tender procedure may require a waiver of standing orders.

**Legal:** Discussions with the landowner to agree a purchase price need to start as soon as possible and prior to tendering the Business Case.

**Risk Management:** A full risk management and ongoing maintenance plan will be in place for the construction. This will be developed and will continue with the responsible parties, post construction.

**Health and Safety:** None directly arising from this report, though all relevant health and safety issues will be fully taken on board in the design and construction of the scheme.

**Sustainability:** The Grant-in-Aid funding will enhance the sustainability of the area by creating and supporting habitats and improving conservation.

**Community Safety:** The flood resilience scheme will directly protect properties from flooding in the future. It will also reduce the total effect of flooding within the Aire Valley.

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

## **APPENDICES**

None.

## **LIST OF BACKGROUND PAPERS**

None.