

**Open Report on behalf of Andy Gutherson,  
Interim Executive Director of Place**

Report to:	<b>Councillor C J Davie, Executive Councillor for Economy and Place</b>
Date:	<b>Councillor M J Hill OBE, Leader of the Council 5 – 12 June 2019</b>
Subject:	<b>Digby Flood Alleviation Scheme</b>
Decision Reference:	<b>I018046</b>
Key decision?	<b>Yes</b>

**Summary:**

This report provides a summary of the Digby Surface Water Flood Alleviation Scheme (Digby SWFA scheme). It discusses the background to the scheme, why the scheme is required and the key benefits it provides.

The paper seeks approval of the capital scheme appraisal by the Leader of the Council and approval to the carrying out of the construction works for the scheme from the Executive Councillor for Economy and Place.

**Recommendation(s):**

That:

- (1) The Leader of the Council approves the capital scheme appraisal for the Digby Surface Water Flood Alleviation scheme.
- (2) The Executive Councillor for Economy and Place approves, in principle, the carrying out of the Digby Surface Water Flood Alleviation scheme and delegates to the Executive Director of Place, in consultation with the Executive Councillor for Economy and Place, the approval of the final award of a contract and the final terms of the contract for the works.

**Alternatives Considered:**

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| 1. | Not to proceed with the scheme will result in the flood alleviation works not being completed and the inevitable consequence that properties will continue to be at risk from future flooding. |
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**Reasons for Recommendation:**

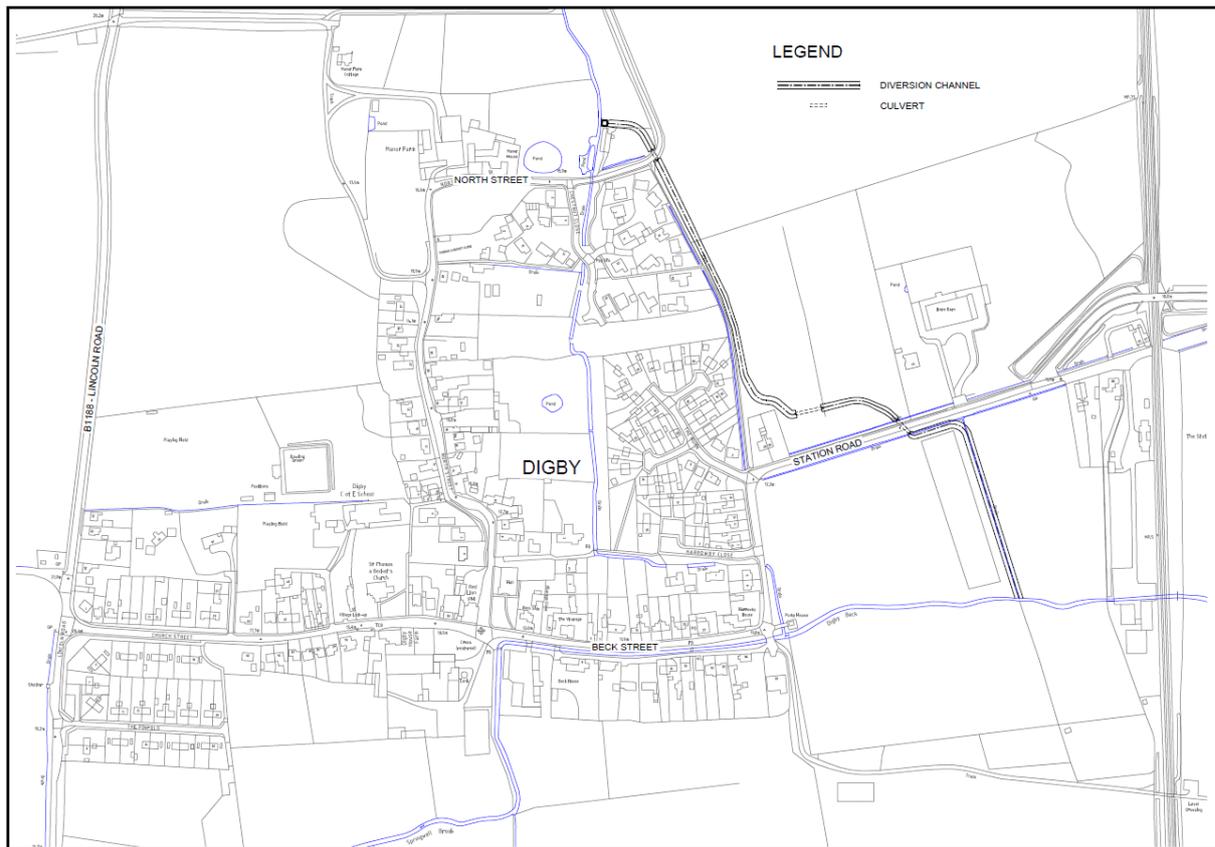
Approving the scheme will address the issue of surface water flood risk to local properties to help protect them from future flooding.

**1. Background****Overview of Digby flood alleviation scheme**

- 1.1 Lincolnshire County Council as the Lead Local Flood Authority is investigating solutions for key towns of Lincolnshire that have suffered flooding. One such scheme that we are progressing is in the village of Digby.
- 1.2 20 properties in Digby were internally flooded by surface, river and sewer water on 28th and 29th June 2012 following high levels of rainfall. Areas affected were Beck Street, The Hurn and North Street. Other properties have been identified as also being at risk from flooding from surface water and watercourses.
- 1.3 Lincolnshire County Council's Technical Services Partnership is leading the design and supervision of the scheme.
- 1.4 The scheme is being jointly funded by: LCC, Anglian Water and Defra, through a process administered by the Environment Agency.
- 1.5 The key aim of the scheme is to help reduce the risk of future flooding and thereby protect 53 homes from flooding.

**Summary of works (see enclosed plan)**

- 1.6 Below is a summary of the Digby surface water flood alleviation scheme:
  - New overflow diversion channel approximately 674 metres long, from North Branch (upstream of North Street bridge) to an improved watercourse at Station Road and on to discharge into Digby Beck downstream of the village.
  - New pre-cast concrete rectangular box culverts on the diversion channel under North Street and Station Road.



### Scheme Benefits

1.7 The primary aim of the scheme is to reduce the frequency and consequences of future flooding to 53 properties in the village.

In addition, Witham 1<sup>st</sup> IDB will be undertaking the future maintenance of just the grass channel and the box culverts under the highway will be adopted and maintained by LCC.

### Programme of works for whole scheme

1.8 The construction programme would be approximately four to six months. The programme for the scheme is as follows:

- Tender: early June 2019
- Scheme award: mid July 2019
- Site: early September to end January 2019

### Traffic Management

1.9 For the public highway elements of the scheme there will be suitable traffic management (TM) in place during the works. The following items will be put in place to manage the TM:

- Advanced Signage;
- Detailed communications during and ahead of the diversion;
- Large signs to advertise the name of the scheme and dates e.g. "Digby Surface Water Flood Alleviation Scheme" (similar to signs put up at Middle Rasen Surface Water Flood Alleviation Scheme).

### Tendering process

1.10 It is proposed to tender the scheme via Lincolnshire County Council's *Select List Framework for Highways*.

### Scheme costs

1.11 The total construction (and risk) and site supervision costs are estimated at £826,600. Below is a breakdown of these costs:

Summary	Costs
Works	£748,400
Supervision	£78,200
<b>Total</b>	<b>£826,600</b>

### Funding Summary

1.12 Funding towards the cost of the improvement project is made up of a combination of funding sources as identified in the table:

#### Works

Funding Source	Funding Value
LCC Capital flooding budget	£379,730
Anglian Water Services	£63,750
Flood Defence Grant in Aid (FDGIA)	£383,120
<b>Total scheme budget</b>	<b>£826,600</b>

### Approvals required

1.13 As part of this paper we are seeking approval from the Executive Councillor for Economy and Place approval in principle to the carrying out of this scheme and approval from the Leader of the Council of the scheme appraisal for the scheme.

1.14 The scheme is based on a cost estimate and includes risk and optimism bias for factoring of unknowns during the tender process. The total scheme cost is estimated as £826,600. The final decision whether to award a contract for the scheme would be delegated to the Interim Executive Director in consultation with the Executive Councillor under recommendation 2. That final decision would only be taken after tenders are returned and the position on funding is known.

## 2. Legal Issues:

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

\* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

\* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

\* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

\* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

\* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

\* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

An Equality Impact Analysis has not been undertaken. This work is considered neutral in its impact on protected characteristics groups.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Consideration has been given to the JSNA and the JHWS and as can be seen from the scheme description of the works, the scheme will have positive benefits for both the health and wellbeing of local residents.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The works are considered to have a neutral impact on the Crime and Disorder Act 1998.

### **3. Conclusion**

It is recommended that the Executive Councillor for Economy and Place approves proceeding with the Digby flood alleviation scheme and the Leader of the Council approves the Scheme Appraisal set out in this Report.

#### **4. Legal Comments:**

The Council has the power to carry out the works proposed. The decisions are consistent with the Police Framework and within the remit of the Leader of the Council and Executive Councillor.

#### **5. Resource Comments:**

Accepting the recommendation to carry out this flood alleviation scheme, will commit the council to costs as set out in the body of this report. The budget for this scheme is within the capital programme approved by the Council.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

Yes

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

The decision will be considered by the Environment and Economy Scrutiny Committee at its meeting on 21 May 2019 and the comments of the Committee will be reported to the Leader of the Council and the Executive Councillor before they reach their decisions

#### **d) Have Risks and Impact Analysis been carried out?**

Yes

#### **e) Risks and Impact Analysis**

See the body of the Report.

### **7. Background Papers**

No Background Papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this Report.

This report was written by Charlotte Hughes, who can be contacted on 01522 555586 or [charlotte.hughes@lincolnshire.gov.uk](mailto:charlotte.hughes@lincolnshire.gov.uk) .