

**TEESDALE DISTRICT COUNCIL**

**Report To: EXECUTIVE COMMITTEE  
1 December 2008**

**From: Councillor Mr O Hedley**

**Ward Member: All**

**Subject: LAND DRAINAGE MOSTYN TERRACE COCKFIELD**

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**1.0 SUMMARY**

1.1 The Council should decide whether it would fund a land drainage scheme to remedy a rear garden flooding problem affecting certain residents in Mostyn Terrace, Cockfield.

1.2 The options and associated costs are as follows. As land drainage legislation is discretionary for the council it is not compelled to fund a scheme to remedy the matter. The council need take no action hence incur no cost. However, the council could choose to facilitate the work and fund the entire scheme at a cost of £17,677. A match funding arrangement would be agreed with the Coal Authority (CA), each party paying 50% of the total cost, approximately £9,000 each. The final option would be to request the CA to undertake a conclusive water test to determine whether the flooding resulted from rising mine water. A positive result would almost inevitably mean the CA would be required to fund the entire scheme; there would be no cost for the council.

**2.0 RECOMMENDATION(S)**

**2.1 It is recommended that the council chooses:**

**2.1.1** Option 3 – The council agrees the scheme and match funds with the CA at approximately £9,000 each. The council's amount would be paid from the Teesdale Listens project. This should remedy the flooding issue.

**3.0 LINK TO CORPORATE KEY PRIORITIES/AMBITIONS**

3.1 Priority: To make Teesdale a Cleaner, Greener, Place

3.2 Ambition: Achieve and maintain a clean and attractive environment for residents, businesses and visitors

3.3 Outcome: Customer satisfaction and use of amenity

## **4.0 BACKGROUND**

- 4.1 A complaint was first received by the environmental health section, from the resident of 10 Mostyn Terrace Cockfield, approximately ten years ago. It concerned flooding in the rear garden of No.10 and adjacent dwellings, particularly following heavy rain and melting snow. The gardens remained marshy even without precipitation.
- 4.2 An investigation undertaken by the environmental health section revealed that the source of the water was a rising spring in the field opposite the rear gardens of Mostyn Terrace. It was thought that it was rising mine water from an old colliery. The CA was summoned to further investigate, which proved inconclusive in that there was insufficient evidence to demonstrate that the water originated from a mine. The complainant was informed by the environmental health officer (EHO) and no further action was taken.
- 4.3 Over the years, more complaints were received from the occupant of No. 10 but as there was no new evidence to indicate mine water no further action was taken as the powers under the Land Drainage Act 1991 are discretionary for the council therefore it did not have to act; it did not have any funds to do so.

## **5.0 CURRENT POSITION**

- 5.1 The assistant director of environmental services (AD) became involved with a new complaint from the occupant of No. 10 Mostyn Terrace approximately 18 months ago. Following several site visits, one with the then deputy chief executive and executive director for services, it was decided that Teesdale District Council (TDC) would act a co-ordinator to attempt to resolve the flooding issue.
- 5.2 The AD liaised extensively with the CA, Durham County Council (DCC), affected residents, and the relevant district and county councillors. A provisional agreement was reached whereby TDC and the CA would match fund (50% each) an engineering solution, which would be devised and implemented by DCC, subject to a feasibility study.
- 5.3 At a cost of approximately £4,679 DCC completed a land drainage feasibility study, at TDC's request. This resulted in the production of a land drainage scheme to alleviate the flooding, which would cost £17,677 to complete. DCC added a caveat to their report stating that this cost does not include any land acquisition; it is my opinion that this will not be necessary. Currently, the AD is awaiting final confirmation of the CA's funding though this is anticipated to be approximately £9,000. TDC would be expected to provide £9,000 in match funding.
- 5.4 In my opinion, the successful completion of the land drainage scheme would eliminate or significantly reduce the flooding of the affected rear

gardens of Mostyn Terrace, allow the residents to use their garden amenity and reduce the risk of further damage to their property.

- 5.5 It was suggested that the scheme could be funded from the Teesdale Listens project as there would be a benefit for certain residents in Cockfield. The project currently has £32,110.81 available for use.

## **6.0 OPTIONS**

- 6.1 Although paragraph 5,2 above refers to a provisional agreement with the CA, the final decision on which option to take for this complaint lies with the council. For clarity, the options are presented below.

- 6.2 Option 1 – The council takes no action and incurs no costs. As the legislation is discretionary the council is not compelled to act. The flooding issue remains.

Option 2 – The council agrees and funds the total cost of scheme at £17,677, paid from the Teesdale Listens project. This should remedy the flooding issue.

Option 3 – The council agrees the scheme and match funds with the CA at approximately £9,000 each. The council’s amount would be paid from the Teesdale Listens project. This should remedy the flooding issue.

Option 4 – The council requests that the CA undertake a conclusive test to determine whether the rising water in the field opposite the rear gardens of Mostyn Terrace is mine water. If it is, the CA will be compelled to pay the full cost of £17,677 for the scheme to remedy the flooding. TDC might be able re-claim the feasibility study costs of approximately £4,500 from the CA. If it is not mine water, the CA will make no contribution to match fund the scheme and cease their involvement in the matter. The council would incur no costs and the flooding issue would remain.

## **6.0 STATUTORY CONSIDERATIONS**

- 6.1 Financial Implications: There is a potential cost of £17,677 if the council decides to fund the whole scheme whereas match funding with the CA would cost approximately £9,000

- 6.2 Risk:

<b>Risk</b>	<b>Category</b>	<b>Implications</b>
The council decides not to act to alleviate the flooding problem affecting residents in part of Cockfield	Reputation	Adverse publicity from complaints to the press by residents who might allege they have waited over 10 years for action.

- 6.3 Equality and Diversity: None.
- 6.4 Human Resources: None.
- 6.5 Community Safety: None.
- 6.6 Legal Issues: The environmental health section is currently in discussion with the land owner of the adjacent field seeking permission for access to, and egress from, the land to enable construction to be undertaken.

**Background papers:**

**1. Land Drainage Act 1991**

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