

Access to land for Flood Risk Mitigation works, Low Pittington

Report of Brian Weatherall, Drainage and Coastal Protection Manager

Electoral division(s) affected:

Sherburn

Purpose of the Report

- 1 To detail flood mitigation works in the form of installing a new culvert across a narrow private access track which are required to reduce flood risk to several properties.

Executive summary

- 2 Negotiation and discussions to enter the land have been via a land agent appointed by the landowner. Following 19 months of correspondence the agent has stopped responding and therefore an agreement cannot be reached.
- 3 Private properties remain at high flood risk until the works can be completed.
- 4 We will now enter the land under legal notice to carry out the works.

Recommendation(s)

- 5 A duly authorised officer will enter upon the land to the north of Front Street, Low Pittington, for the purpose of enabling the Council to carry out the land drainage works.
- 6 The duly authorised officer will take with them on that land such other persons including the duly appointed contractors of the Council and its workmen and such plant, machinery and other equipment as may be necessary to complete the works and reinstate the land to its former condition following the works.

Background

- 7 The culvert serves the surrounding catchment at Low Pittington and takes highway drainage from Station Road. The culvert then flows within private land and its true route and condition can not be verified due to the presence of tree roots and the condition of the masonry culvert not allowing for a camera survey. The highway has a history of flooding at this location due to the culvert in question not being able to convey the flows within the system. This poses safety concerns and disruption to road users, businesses and residents in the surrounding area. Previous trial holes and tracings/ surveying of the system have been undertaken to allow the design of the remedial scheme.

The proposal is to reroute the culvert to a nearby watercourse. This route is in private land. The consent has been given from the major landowner however the minor land owner has appointed a land agent to undertake dealings.

As the culvert has no serviceable outlet the gardens of the properties flood severely in times of heavy rain.

Main implications

- 8 Under the Powers in Section 64 and 14A of the Land Drainage Act 1991 the landowner upon the notice has been served and the works carried out has a right to compensation of any reasonable losses.
- 9 Upon receipt if a compensation claim should it be received, it will be assessed and processed as appropriate covering any reasonable and evidenced losses to the landowner.

Conclusion

- 10 And officer will be to enter the private land with such other persons including the duly appointed contractors of the Council and its workmen and such plant, machinery and other equipment as may be necessary to complete the works and reinstate the land to its former condition following the works.

Background papers

- Drawings plans and correspondence held within the drainage and Coastal protection officers' files.

Other useful documents

- None

Author(s)

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Appendix 1: Implications

Legal Implications

Potential claim for losses. However, they will be minimal as there will be little to no inconvenience and the land will be reinstated following the works.

Finance

A budget has been allocated from the Capital budget for flood mitigation works.

Consultation

Consultation has been undertaken with residents, landowner and his agent.

Equality and Diversity / Public Sector Equality Duty

N/A

Climate Change

N/A

Human Rights

N/A

Crime and Disorder

N/A

Staffing

N/A

Accommodation

N/A

Risk

Outlined in section 7&8

Procurement

Works will be secured via Framework contract for specialist drainage works