

**Open Report on behalf of Richard Wills, Executive Director for Environment and Economy**

Report to:	<b>Councillor M S Jones, Executive Councillor for Finance and Property and Councillor C J Davie, Executive Councillor for Economic Development, Environment, Planning and Tourism</b>
Date:	<b>01 July 2015</b>
Subject:	<b>Horncastle and Louth Flood Alleviation Schemes</b>
Decision Reference:	<b>I009197</b>
Key decision?	<b>Yes</b>

**Summary:**

This report seeks two separate decisions as follows:

- approval from the Executive Councillor for Economic Development, Planning and Tourism for Lincolnshire County Council ("the Authority") to contribute £6m towards the total combined cost of the Horncastle and the Louth Flood Alleviation Schemes ("the Schemes")
- approval from the Executive Councillor for Finance and Property of the scheme appraisal for the capital expenditure in accordance with paragraph B9 of the Financial Regulations forming part of the Council's Constitution.

The Environment Agency is promoting and managing both Schemes, and the Authority would be contributing, along with other bodies, to enable the Schemes to be viable for the Environment Agency to deliver. This contribution will enable properties to be better protected against the risk of flooding from main rivers. The Authority's contribution is intended to be formally documented between the Environment Agency and the Authority, to ensure binding contractual arrangements are in existence and regulating actual payment of funds by the Authority at specified instalments as the Schemes are physically delivered by the Environment Agency.

The total capital cost of both schemes is £14.7m and they are programmed to start on site this summer and be completed in Spring 2016.

**Recommendation(s):**

1. That the Executive Councillor for Economic Development, Environment, Planning and Tourism:
  - a) approves the Authority making a total contribution of £6m across the

two Schemes

- b) delegates to the Executive Director for the Environment and Economy in consultation with the Executive Councillor for Economic Development, Environment, Planning and Tourism to take all further decisions (including entering into of the formally documented contractual arrangements) necessary to give effect to this decision.
2. That the Executive Councillor for Finance and Property approves the scheme appraisal for the capital expenditure required to implement paragraph 1 above.

#### **Alternatives Considered:**

1. Do not support the Flood Alleviation Schemes.

Not supporting these schemes would result in the works not going ahead as partnership funding is the only vehicle for delivery. This would affect the Authority's reputation as it has publicly committed itself to the works. It would also leave the residents of Horncastle and Louth more exposed to further flooding events.

#### **Reasons for Recommendation:**

The recommendation is that approval is given to contribute £6m towards the total cost of the Horncastle and Louth Flood Alleviation Schemes.

The Authority has allowed for this contribution through the budget setting process which has been approved at Full Council.

The Authority has publicly confirmed its commitment to support these Schemes.

### **1. Background**

Louth and Horncastle have suffered historic flooding from main rivers, most recently in 2007.

Louth is a "rapid response" catchment situated on the River Lud with a low standard of protection from flooding. The preferred flood risk management option is to build two flood storage reservoirs to reduce flood risk to homes and businesses in Louth.

Horncastle is situated on the confluence of the rivers Bain and Waring. Flooding occurs due to high flows in both watercourses. The town has a significant number of properties with a low standard of protection. Flood events have been recorded in 1920, 1960, 1981, 1993 and 2007.

In March 2009 it was concluded that external contributions would be necessary to make any scheme viable. A partnership approach to funding was therefore

adopted by; The Environment Agency, Lincolnshire County Council, East Lindsey District Council, Lindsey Marsh Drainage Board and the Witham Third Drainage Board to deliver flood storage schemes at both locations. Both Town Councils have agreed in principle to fund future maintenance of the completed schemes. Negotiations are also continuing with potential additional contributors to maximise funding opportunities that could benefit both schemes.

	<b>Louth</b>	<b>Horncastle</b>
Current probability of Main River flooding in any year	5% (1in 20)	10% (1in10) Bain 20% (1in5) Waring
Probability following construction works	0.67% (1in150)	1% (1in100)
Number of properties benefitting from the scheme	355	288
Estimated construction completion	2015/16	2015/16
Capital Cost including contingency (today's prices)	£6.5million	£8.2million

## **Proposals**

The proposal to contribute £6m towards the cost of these schemes meets the commissioning strategy of 'Protecting and Sustaining the Environment', specifically under the Flood Risk Management activity. As both Lead local Flood Authority and a partner within the successful Lincolnshire Flood Risk and Water Management Partnership we have developed a way of working that allows partnership funding to promote schemes that otherwise would not get fully funded from Government.

These works will improve the flood risk and protect a number of properties and businesses hopefully leading to a greater investment in this area.

The contribution towards both schemes will be paid in three installments:

	<b>Louth</b>	<b>Horncastle</b>
Commencement of actual works on site	£1.8m	£2m
Issue of completion certificate	£0.8m	£1m
Issue of defects certificate under the building contract	£0.2m	£0.2m

Our contribution is capped at this amount and should there be any saving once the final costs are known then the Authority will be entitled to a proportion. There are no ongoing revenue implications with regards to these works

## **2 Legal Issues**

### ***Equality Act 2010***

The Council's duty under the Equality Act 2010 needs to be taken into account by the Executive when coming to a decision.

**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 Equality Act 2010;**
- **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: Equality Act 2010 section 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7).**

**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 this section may involve treating some persons more favourably than others.

A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) A breach of an equality clause or rule
- (b) A breach of a non-discrimination rule

It is important that the Executive is aware of the special duties the Council owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the Executive. The duty applies to all decisions taken by public bodies including policy decisions and decisions on individual cases and includes this decision.

To discharge the statutory duty the Executive 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.

These works will help protect all residents at risk from being flooded.

### ***Child Poverty Strategy***

The Council is under a duty in the exercise of its functions to have regard to its Child Poverty Strategy. Child poverty is one of the key risk factors that can negatively influence a child's life chances. Children that live in poverty are at greater risk of social exclusion which, in turn, can lead to poor outcomes for the individual and for society as a whole.

In Lincolnshire we consider that poverty is not only a matter of having limited financial resources but that it is also about the ability of families to access the means of lifting themselves out of poverty and of having the aspiration to do so. The following four key strategic themes form the basis of Lincolnshire's Child Poverty strategy: Economic Poverty, Poverty of Access, Poverty of Aspiration and Best Use of Resources.

The Strategy has been taken into account in this instance and the following comments are made:

There is no impact on Child Poverty as a result of these works.

### ***Joint Strategic Needs Assessment (JSNA)***

The proposal will support the themes of the JSNA in the following way.

These works will mitigate the risk of flooding to both commercial and residential properties.

### ***Health & Well Being Strategy***

The proposal supports the following themes of the Lincolnshire Health & Well Being Strategy

These works will improve the environment and therefore the health and well-being of residents by mitigating the risk of flooding.

### **3. Conclusion**

The recommendation is that the Council commit to the capital expenditure from its capital programme to contribute towards the Horncastle and Louth Flood Alleviation Schemes.

The construction of these works would help protect both residential and commercial properties from flooding. This one off capital contribution as part of the total partnership funding for the schemes demonstrates the Authority's commitment to Flood Risk Management.

#### **3. Legal Comments:**

Lincolnshire County Council has the power to adopt the recommendations by virtue of Section 1 of the Localism Act 2011 and the matter is within the remit of the Executive

#### **4. Resource Comments:**

Approval of this report will commit the Council to a £6m capital contribution towards flood alleviation schemes at Louth (£2.8m) and Horncastle (£3.2m).

The Environment Agency are the lead authority for the delivery of these schemes that will cost a combined total of £14.7m.

The Council's contribution will be funded from the existing Protecting and Sustaining the Environment capital programme.

### **5. Consultation**

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

Yes

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

Yes

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

This has not been considered by a scrutiny committee however regular update reports by the Environment Agency have been given to the Flood and Drainage Management Scrutiny Committee.

#### **d) Policy Proofing Actions Required**

N/A

## 6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Horncastle Site Plan
Appendix B	Louth Site Plan

## 7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Louth and Horncastle Flood Alleviation Schemes report - 29th May 2015	Flood and Drainage Management Scrutiny Committee papers - LCC website

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