

Cheltenham Borough Council

Cabinet - 11th November 2003

The River Chelt Flood Alleviation Scheme

Report of the Leader

1. Summary and recommendation

1.1 The Environment Agency is proposing to complete the flood alleviation scheme which has been designed to protect the centre of Cheltenham from flooding by the River Chelt during a 1 in 100 year storm.

1.2 The planning, conservation area and tree preservation issues will be considered by planning committee in the normal way. The Environment Agency anticipate submitting a planning application around 11th November. However much of the land which is required to allow construction of the scheme is owned by the Council and as landowner the Council needs to determine whether it will permit the EA to carry out the works on its land.

1.3 I therefore recommend the following;

1.3.1 That subject to the Environment Agency;

- (I) Obtaining the relevant planning, conservation area and tree preservation order consents,**
- (II) Agreeing to pay the Borough Council appropriate levels of compensation under the Water Resources Act 1991,**
- (III) Agreeing to enter into any necessary legal agreements to ensure that all liabilities especially maintenance are clear and appropriately set.**

1.3.2 That the Cabinet agree, in principle to the following:

- (I) The construction of a dam and associated works in Cox's Meadow together with the provision of a wetland area, board walks, meadow planting and other landscaping.**
- (II) The provision of works in Sandford Park which will include**
 - The demolition of the disused toilets**
 - The construction of flood walls and footpaths.**

- **The local realignment of the River Chelt.**
 - **The provision of a piece of public art to disguise necessary engineering works.**
 - **The construction of bund walls where necessary to guide flood flows**
 - **Subject to final design details the removal of some trees if necessary.**
- (III) Progressing the scheme on the basis that the Bath Parade car park will remain in car park use.**
- (IV) To the reconstruction of the culvert beneath Bath Parade car park.**
- (V) To the demolition of 'Advance Windscreens' on St George's Place and this area being opened up to allow views of the river.**
- (VI) To the demolition of the stonemasons' and attached building in Synagogue Lane.**
- (VII) Allowing the Environment Agency to use part of Cox's Meadow, Rodney Road and Chelt Walk car parks as construction compounds.**

1.3.3 To delegate authority to relevant officers to negotiate with the Environment Agency on levels of compensation and any necessary legal agreements.

1.3.4 To receive a further report on the progress of the scheme and an update on compensation etc. in six months time.

2. Background

2.1 The centre of Cheltenham is within the Environment Agency's identified flood plain of the River Chelt. The Environment Agency (EA) consider an extensive area including approximately 600 properties would flood if a 1 in 100 year flood event occurred. This risk may sound low but a flood such as this could occur at any time and more than one of these events could occur in Cheltenham in a year.

2.2 Flooding from the River Chelt would occur quickly after a storm unlike many catchments where flooding occurs long enough after a storm for warning systems to be put in place. The EA consider that the only effective form of flood defence for Cheltenham is a flood alleviation scheme. Climate change is also likely to increase the frequency of such storms and therefore the risk of their occurrence.

- 2.3 As part of the first phase of the flood alleviation scheme, the Environment Agency has already completed flood alleviation works on the River Chelt from Village Road to the railway line. Flood alleviation works were also carried out on the River Chelt where it passes through the St James' site as part of the redevelopment of that site.
- 2.4 As part of the next phase of the scheme the works now proposed by the Environment Agency extend from the rear of the council car park on Jessop Avenue (Chelt Walk) through to Cox's Meadow.
- 2.5 Planning consent was granted for a scheme to upgrade the River Chelt on 15th January 1998 which covered the scheme as a whole and the phases outlined above. Since then the proposals have changed significantly and a further planning application is therefore necessary. As the proposals include demolition of buildings in the conservation area conservation area consent will also be required. While officers have been working with officers from the EA to minimise the removal of trees unfortunately some will need to be removed and therefore Tree Preservation Order consents will also be required. The detailed design of the scheme is at an early stage and will evolve over the next few months and the Environment Agency anticipate submitting a planning application around 11th November.
- 2.6 The Planning Committee will in due course have to consider planning, conservation area and tree preservation applications with regard to the scheme. However as much of the land required to allow construction of the scheme is owned by the Council, officers of the Council have been considering the impact of the scheme on its land holdings and Table 1 lists the Council assets affected by the scheme.
- 2.7 In some cases income to the Council will be affected both during the works and permanently as a result of this scheme and this is also identified in table 1. Further negotiations are required to ensure the full impact is known. A decision is needed now to enable officers to progress these discussions with regard to land compensation, legal and design issues.
- 2.8 The Environment Agency has powers to require us to allow them to construct their proposed works on our land. However in this case they feel that the use of these powers would be inappropriate as we are a Local Authority. If we decided not to support the proposed scheme either now or at planning stage the EA have indicated they would be unlikely to pursue completion of the scheme.
- 2.9 Approval in principle is now sought to allow the Environment Agency to construct this part of the flood alleviation scheme for the River Chelt on the Councils land. However this is subject to the Environment Agency obtaining the relevant planning, conservation area, tree preservation order consents, agreeing to appropriate compensation under the Water Resources Act 1991 and agreeing to enter into an agreement to ensure that maintenance liabilities are clear.

3. Proposals

- 3.1 If the scheme proceeds it will have a significant impact on Cheltenham. In summary the proposals include the following works. Further detail is shown on the attached plans 1 to 4 from the Environment Agency:-

- **Cox's Meadow:** construction of an earth dam, landscaping of earth dam, meadow and construction of paths. The proposals will prevent the meadow being used for public events but will still allow its use for general recreation by the public.
- **Between Cox's Meadow and Sandford Park:** new culvert under Sandford Mill Road, replacement of bridge on Old Bath Road, flood protection to building walls, construction of flood walls, replacement of bridge on Keynsham Road. The construction of the new culvert and bridge replacements will require road closures.
- **Upper Sandford Park:** Channel realignment, flood walls, flood embankment, public art to cover inlet structure, disused toilet block removed and footpath realigned.
- **Lower Sandford Park:** floodwalls, footpath embankment, culvert under park connecting upper and lower Sandford Park.
- **Bath Parade car park:** reconstruction and realignment of culvert. This will require temporary closure of the car park. The Environment Agency have offered as an alternative to open up the river channel through the car park and extend the park. Formal approval via the planning approval would of course be necessary if this option were subsequently chosen.
- **Bath Road car park to car park on Jessop Avenue (Chelt Walk):** Works required to parapet wall, new river wall and floodwall near Wellington Street, culvert lining and bed lowering required beneath GAP, other buildings and Regent Street, channel widened on north bank in Little Bayshill (which will require the demolition of stonemasons building in Synagogue Lane).

3.2 Temporary construction compounds will also be required by the Environment Agency in Cox's Meadow and on the Rodney Road and Chelt Walk car parks.

4. Consultation

4.1 The Environment Agency gave a presentation to Cabinet and the Council's Board of Directors on Tuesday 16th September. This was followed by a presentation open to all Borough and County Members on 14th October at which the proposals were described in detail. The Environment Agency also staged a public exhibition in Cox's Meadow on 16th, 17th and 18th October.

4.2 Ward members have also been consulted on the contents of this report at a meeting held on the 27th October and their comments have been incorporated.

4.3 The Asset Management Working Group considered these proposals on 29th October and raised no objections to the principle subject to further reports back, as details emerge, addressing how the proposals affect the Council's land holdings both during and after construction.

5. Coordination

- 5.1 The current information from the EA suggests that the works will start in 2004 and will take 2 to 3 years depending on cash flow and the practicalities surrounding construction of the works. In recognition of the complexity of the scheme and the impact across the Council a project team has been set up to ensure effective coordination of the Council's response to the scheme.
- 5.2 The proposed works will result in significant disruption within the town and where roads are closed, delays to traffic. There will be a need to ensure, in particular, that the EA's proposed road closures are effectively coordinated with any other works on the Highway planned in the next 2 to 3 years. In particular Severn Trent Water have indicated their intention to undertake work in Hales Road and London Road which will involve a closure of Hales Road at its junction with London Road together with the partial closure of London Road.

6. Implications

- 6.1 **Financial** Table 1 sets out site by site the impact on the Council's landholdings and broadly identifies the financial implications. The loss of Cox's Meadow as a location for events will result in a loss of income to the Council of approximately £12,300 per annum. Should the principle of the scheme be accepted officers will determine the full revenue implications of this scheme and seek clarification surrounding the level and period of compensation both for the loss of income and the additional responsibilities arising. Claims can be made under the Water Resources Act 1991 for delay and disruption where these are an unavoidable consequence of the works.
- 6.2 **Legal** Legal agreements between the Environment Agency and Cheltenham Borough Council will be needed to allow the EA to carry out works on CBC land and ensure that maintenance liabilities for the dam in Cox's Meadow and other similar areas are clear. The proposals also indicate potential issues around public open space, easements, contractual agreements, licences for works and long term insurance responsibility. The full extent of the legal implications will be clarified once the precise nature of the scheme has been resolved.
- 6.3 **Personnel** None stemming directly from this report
- 6.4 **Equal opportunities, social justice and anti-poverty** None stemming directly from this report
- 6.5 **Environmental** The works will have an environmental impact which is set out in the Environmental Statement and will be assessed as part of the planning process.

Background papers

Handout from the Environment Agency given to Members at presentations.

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