

TELFORD & WREKIN COUNCIL

CABINET - 25 JULY 2013

IRONBRIDGE GORGE WORLD HERITAGE SITE- JACKFIELD STABILISATION

REPORT OF THE ASSISTANT DIRECTOR OF NEIGHBOURHOOD & LEISURE SERVICES

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

To update Members on the issue of land instability within the World Heritage Site (WHS), in particular the Jackfield Stabilisation Project (“the Project”) (see map at Appendix 1) and to seek approval for a range of property actions to enable this project to progress further.

TWC do not own all of the land necessary to carry out the Project. It will therefore be necessary to acquire either land or rights over third party land to install stabilisation features and measures required to facilitate the Project. Unless the land or rights can be acquired by agreement, to avoid delays to the Project, the Council will need to resort to its compulsory purchase powers.

2. RECOMMENDATIONS

2.1 That Cabinet note the position reached with the Jackfield Stabilisation Project.

2.2 That the Assistant Director: Law Democracy and Public Protection (following consultation with the Assistant Director of Neighbourhood and Leisure Services and the lead Cabinet Member for Land Instability) be authorised to take any required procedural steps to enter into any necessary legal agreements (whether or not under seal), land transfers, vesting and other legal documentation and to take any required procedural steps to acquire land or rights in, on or over land by agreement or compulsorily, to facilitate land assembly and deliver the Project, including the exercise of relevant powers of compulsory acquisition as required.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<p>The Jackfield Stabilisation Scheme will contribute to the following Council Priorities:</p> <ul style="list-style-type: none"> • ensure that neighbourhoods are safe, clean and well maintained; • improve the health and wellbeing of our communities and address health inequalities; • regenerate those neighbourhoods in need and work to ensure that local people have access to suitable housing.
	Will the proposals impact on specific groups of people?	
	Yes	Short term (Approximately 24 months) disruption to local residents and business during the construction works and potential compulsory acquisition of privately owned land or rights over such land.
TARGET COMPLETION/DELIVERY DATE	<p>The stabilisation project must be completed by 1st April 2016.</p> <ul style="list-style-type: none"> • Design completed July 2013 • Planning Application submitted July 2013 • Contract to be awarded December 2013 • Enabling Works commence December 2013 • Main scheme commences on site February 2014 	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The funding available for Jackfield Stabilisation is coming from 2 funding sources, DCLG Grant and the Council (Prudential borrowing).The costs of any property or land acquisitions either by agreement or Compulsory Purchase will be met from the available funding.</p> <p>JAC 05/07/13</p>
LEGAL ISSUES	Yes	The Council's powers of compulsory

		<p>acquisition in this case relate to its function as Highway Authority with responsibility for the highways which run through this area of the World Heritage Site. Compulsory powers would only be exercised after efforts to acquire by agreement have failed. It is appropriate for the Assistant Director: Law Democracy and Public Protection to be authorised in this respect. Any Compulsory Purchase Order needs to be confirmed by the Secretary of State before it comes into operation and before any land or rights can be vested in the Council. Any creation, diversion or extinguishment of any highway can be dealt with under existing officer delegated powers.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes/No	<p>The project will have an environmental impact and an Environmental Impact Assessment is being produced in support of the planning application. There are many project risks, the key one being around the very tight delivery time scales due to funding constraints. Regular meetings are held with the design team to ensure that key programme dates are being met. The completed scheme will benefit the residents and businesses in the area in the long term in providing a stable environment, secure vehicular access and enhanced public open space.</p>
IMPACT ON SPECIFIC WARDS	Yes	<p>The broader issue of land instability has the potential to impact upon a number of wards including the Ironbridge Gorge, Madeley and Cuckoo Oak. However, this Project will only impact on the residents of the Ironbridge Gorge ward during the construction phase of the works. In the long term, the project will benefit the ward by improving access to the properties and businesses in Jackfield .</p>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

Background - Instability

The Ironbridge Gorge was designated as a World Heritage Site (WHS) in 1986 and is now ranked amongst the “Premier Division” of heritage sites across the world.

One of the key issues affecting the Ironbridge Gorge is that of land instability. Key factors affecting land stability are:

- The geological structure and ongoing formation of the Gorge;
- The extent of past mining;
- The loading of the surface with tipped waste, buildings and infrastructure;
- The frequency and extent of flooding and the impact of climate change.

Basically, in some areas, both sides of the Gorge are gradually slipping down towards the River Severn. This is not a new problem. The local community has lived with the impact of instability for many years and the problems it causes in terms of damaged roads and footpaths, collapsed retaining walls, severed services, and occasionally, major landslips. Until recently, our understanding of the nature and extent of instability in the Gorge was quite limited. However, over the past 12 years a number of significant studies and investigations have been undertaken which have given us a much clearer understanding of the causes and pattern of land instability.

The potential impact of these problems is significant. At the World Heritage level, the unique and irreplaceable historic environment within the WHS is at risk. At the local level, in some parts of the WHS, people’s homes, businesses and the infrastructure of roads and services are at risk of damage. The scale of risk varies throughout the WHS. Some areas show no signs of movement, but there are a small number of “hotspots” where the potential for movement is significant; these are being monitored closely and are the subject of ongoing discussions with DCLG regarding a funding need of in excess of £80 million to address them.

Two phases of stabilisation work have already been completed to address “hotspots” in the Ironbridge Gorge, Lloyds Phase 1 and 2 and at Lloyds Head where there was deemed to be significant potential for a landslip. The Lloyds Phase 1 stabilisation scheme was completed in 2006 and the Lloyds Phase 2 and Lloyds Head schemes were completed in 2008.

Background Information – Jackfield

Numerous landslips have historically occurred within the lower part of the Jackfield slope and have resulted in the loss of a number of properties, services and roads. In 1984, immediately following the last major landslip in the area, the failed section of Salthouse Road was reconstructed with a temporary pavement pending a more permanent solution. The temporary “wooden road” pavement comprised interlocking timbers ‘floating’ on a granular bed. This solution maintains the running surface whilst being flexible enough to tolerate the ongoing ground movements in the short

term. Given the need to maintain this sole access route to Maws Craft Centre and the properties at the eastern end of Salthouse Road, the “wooden road” was adopted by the Council. The Council have to carry out regular works involving lifting and re-bedding the timbers to maintain the running surface. Similarly, to protect against ground movements, the statutory services in the area have locally been lifted above ground. Despite this measure, works are also regularly required to maintain the integrity of the services.

The ‘Interpretation of Ground Investigations at Jackfield and the Lloyds’ report by High Point Rendel, completed in January 2005, gave a recommendation based on risk assessment for stabilisation works to be carried out at Jackfield within two years. These works are now more than six years overdue.

The potential for further major landslippage remains. This could result in complete or partial blockage of the River Severn, as was the case in 1952-53, and induce substantial upstream flooding. TWC Civil Resilience Team have developed an emergency plan for such an event: Operation Tangent. Whilst the probability of such an event is deemed to be low, it is important that we implement the proposed stabilisation works at Jackfield at the earliest opportunity.

The delivery of the Jackfield Stabilisation Scheme (“the Project”) is constrained by deadlines associated with the DCLG funding and the Government’s Comprehensive Spending Review timetable. The project needs to be completed by 1st April 2016. There are other significant constraints to the project as a consequence of planning protocols and timeframes, Environment Agency requirements, ecology, ground conditions, site access and multiple land ownership issues.

In order to deliver the Project it will be necessary to acquire land and/or rights in/on at least three parcels of unregistered land together with other land where the ownership is known. Where ownership is not known, a CPO will be certainly required. Where ownership is known, hopefully, because of the benefits to owners in this area, acquisition will be achievable by agreement. However, to be prepared for the possibility of agreement not being reached, the Compulsory Purchase Order is necessary to cover these properties too. Negotiations with known affected landowners is underway.

To help avoid delays in the Project timetable, it is considered appropriate for the Council’s powers of compulsory acquisition be delegated to the Assistant Director: Law, Governance and Public Protection in consultation with the Cabinet Member for Instability so that they can be applied and followed through if required.

Due to the cost of the project it will be necessary to procure the contractor through the OJEU process. This process has commenced and will be the subject of a future report to members. A contractor should be appointed in December 2013.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Community Impact

The construction phase of the project will inevitably have impacts on local residents

and businesses, early consultation has taken place with the stakeholders and continues to take place as the project develops. The impacts will be kept to a minimum and the scheme design aims to reduce disruption where possible. In the long term, the residents and businesses will gain better access and the communities will be enhanced via an improved public environment.

Equalities Impact

The scheme will have no impact on equalities, however where local residents have special requirements we will endeavour to meet these during the delivery of the scheme.

Environmental Impact

Land instability causes environmental damage. Therefore the proposals to stabilise the ground and reduce land instability will have an environmental benefit. However, the construction phase of the project will inevitably have environmental impacts. Consultation has taken place throughout the design period with the Environment Agency and Natural England to ensure that the impact will be minimised as much as possible. Appropriate environmental and ecological assessments have been carried out as part of an Environmental Impact Assessment. Environmental mitigation is being incorporated into the design of the scheme to minimise the long term impacts of the project.

Legal Comment

The Council's statutory powers of compulsory acquisition in this case relate to its function as Highway Authority with responsibility for the highways which run through this area of the World Heritage Site. Compulsory powers would only be exercised after efforts to acquire by agreement had failed. It is appropriate for the Assistant Director: Law Democracy and Public Protection to be authorised to exercise compulsory powers of acquisition. The decision will need to be made in a demonstrably careful, fair and proportionate way and in accordance with the statutory powers. Any Compulsory Purchase Order needs to be confirmed by the Secretary of State before it comes into operation and before any land or rights can be vested in the Council.

As the implementation of the Project is likely to require the alteration of certain rights of way and other highways, officers may need to use their existing relevant delegated powers.

6. PREVIOUS MINUTES

Cabinet 31st October 2001; Cabinet 2nd December 2002; Cabinet 17th November 2003; Cabinet 14th June 2004; Cabinet 5th August 2005 and Cabinet 16th April, 2007; Cabinet 26th November 2007; Council 7th March 2013.

7. BACKGROUND PAPERS

Interpretation of Ground Investigations at Jackfield and the Lloyds, High Point Rendel, 2005

Ironbridge and Coalbrookdale Ground Behaviour Study, High Point Rendel, 2005

Ironbridge Gorge Geomorphological Mapping, Jacobs, 2008

Ironbridge Gorge World Heritage Site Mining Desk Study, Telford and Wrekin Council 2008

World Heritage Site Management Plan

Residents Instability Pack Plan issued May 2013

Operation Tangent Version 1.0 March 2011

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