



Middleton St George Parish Council

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Water Park – Clearance of the South Facing Banks

**An Executive Summary Report by the Parish Council on the clearance of
vegetation from the south side bank of the Middleton St George Water Park.**

April 2021

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Introduction: This summary report outlines the chronological sequence of events that led to the clearance of vegetation earlier this year from the south bank of the three ponds, and the explanation why this was done.

Chronology:

In August 2016 outline planning permission for house building on land behind High Stell and immediately to the south of the Water Park was granted.

In February 2018 the Parish Council (PC) objected to the development, in part on the grounds of risk posed by the three ponds in the Water Park to the proposed development. These ponds are above the level of the adjoining fields. This means that if the south bank was to fail the flooding of the proposed houses adjoining the Water Park would be immediate and potentially catastrophic.

Despite an extensive search, no plans of the structure of the pond banks could be found. Concern over the future stability of the bank in the light of this housing development to the south, and potentially housing development to the north of the water park, led the PC to seek advice from the PC's insurers.

In November 2019 the PC's insurers commented upon the liability to the PC if such a flooding event were to occur - *"In situations like this, the insurers require the PC to take reasonable precautions to prevent loss, injury or damage arising, **and to seek out and act upon expert advice where there is a particular issue that justifies it, which is the case here**".* (emphasis added)

The PC undertook to seek professional opinion from professionally qualified reservoir engineers on the national register of approved reservoir engineers, which is maintained by the Environment Agency. Three quotations were obtained from reservoir engineers on the national register and in January 2019 Dr Andy Hughes was appointed to inspect the ponds in the Water Park. In

August 2019 Dr Hughes submitted his report to the PC - ***this can be read on the PC's website.***

In essence, Dr Hughes recommended that all coarse vegetation for the full length of the south face of the south bank be cleared and that trees should be removed or pollarded. A good grass cover could then be sown on the bank to allow for frequent visual inspections of the bank-side. This would enable early warning of any bulging, slipping or leaking of the bank to be detected. He also recommended that a two metre strip be cleared at the foot of the bank to allow for maintenance equipment to access the bank.

In an email in late August 2019 Dr Hughes qualified his recommendation that all trees should be removed and stated that individual trees could remain.

In September 2019 tenders were sought for the clearance work. Subsequently three quotations were obtained. In February 2020, E&M Leighton was chosen, although not the cheapest, but because the contractor was known to members of the PC for work he had satisfactorily carried out in the parish and in another parish in Darlington.

In early November 2019 the Vice Chair and Clerk met Darlington Borough Council's arborist on the south bank of the water park and explained to him the work which Dr Hughes had recommended be carried out. The arborist viewed the south bank side from the top and bottom of the bank and did not raise any objection to the proposed work.

In February 2020 the contractor and the Vice Chair of the PC had a site visit, and following this the Vice Chair recommended to the PC that a revised quotation from the contractor be accepted. The reason for this was that the original specification of work upon which the contractor had based his costing had not included the whole length of the bank. When this was pointed out he then submitted a revised quotation. This was agreed by the PC.

In late February 2020 it was reported to the PC that the contractor required access to the south bank via the field being developed by Homes by Carlton. Permission was refused by Carlton until the autumn of 2020.

In June 2020 the PC agreed to request the contractor to defer the clearance work to early 2021. The reason for this was that clearance in late 2020, after

the permission given by Carlton, would mean that any seeding work would take place over winter, which was not thought advisable.

In early December 2020 the contractor submitted an increase of 10% in his tender, the consequence of the long delay in undertaking the clearance. On the 14th December 2020 the PC agreed to this.

In December 2020 the contractor was authorised to commence the clearing of the south bank. The specification was that all scrub and diseased trees were to be cleared, but following the advice of Dr Hughes given in August 2019, healthy trees were to be retained. At the earlier site visit in February 2020 the contractor was asked by the Vice Chair not to pollard remaining trees in order to reduce the adverse visual impact of the clearance. This decision will need to be periodically revisited as the ponds are inspected in the future.

It was noted earlier in this report that Dr Hughes had recommended a two metre strip be cleared from the base of the bank into the field. This raises the issue of the hedge - was there a hedge at the foot of the bank? Undoubtedly in the past a hedge existed - it is shown on maps and when the ponds were functioning as reservoirs with grassed banks, such a field boundary would be necessary.

However, following the decommissioning of the reservoirs, the growth of scrub on the south-facing bank had spread into the field, completely engulfing any hedge. No distinct hedge could be discerned. Following the advice of Dr Hughes, the contractor cleared the encroaching scrub in the field adjoining the foot of the bank.

The future

The second phase of the work, reseeded of the bank, has yet to be undertaken and the PC is seeking advice as to how this can be done and what type of grass is required. It has been suggested that wild flowers also be seeded. The PC is pursuing issues around the registration of the ponds and the frequency of engineering surveys required of the pond structures.

Conclusion

The building of houses in the field immediately south of the Water Park meant that the PC had to obtain professional advice regarding how the stability of the south bank, holding back what is a considerable volume of water, could be ensured.

Once that advice had been received, it had to be acted upon, which meant clearing all scrub vegetation from the south facing bank to allow for visual inspection of the bank - the PC had no choice but to do this.

Notification of the clearance was posted on the PC website two weeks prior to the contractor undertaking the work, but the PC regrets that no other form of information provision was made, so the clearance came as a shock to many residents. The PC apologises and will learn from this.

You are invited to read the more detailed reports that will be provided on the PC website.

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