

BOLSOVER DISTRICT COUNCIL

MEETING OF THE EXECUTIVE ON 13th APRIL 2026

APPOINTMENT OF A2 MARITIME

REPORT OF THE PORTFOLIO HOLDER FOR GROWTH

Classification	This report is public
Contact	Natalie Etches, Head of Business Growth

PURPOSE/SUMMARY OF REPORT

To approve the appointment of A2 Maritime for the survey, design, technical documentation, technical supervision and Principal Designer services for the high and medium priority recommended works to the culverts and associated infrastructure at Pleasley Vale.

REPORT DETAILS

1. Background

- 1.1 The works across the mill ponds and within the culverts are essential to maintain structural integrity of mill pond dam walls, the mill buildings, and the culvert structures which pass under the mill buildings. Riparian landowners are legally responsible for the upkeep of watercourses, including culverts and pipes situated on or under their property.
- 1.2 At the December 2024 meeting of the Executive, it was resolved that P&D Environmental Ltd be appointed to undertake bank stabilisation works to the upper part of mill pond 1 as part of phase 1 of the works to a contract sum of £427,810. This work was completed along with a Biodiversity Net Gain (BNG) baseline to capture any net gain as a result of the works.
- 1.3 At its meeting in June 2025, the Executive considered a report for the desilting of the culverts, which was in part due to a broken drain, damaged within the culvert and needing repair. At the time, the desilting of the culvert would have been a lesser expensive option than installing a new drain which serviced the WC's in Mill One. The Executive resolved that:
- 1) ... the works for the desilting of the culvert be approved,
 - 2) direct award of the works contract to the company currently working on site ...,
 - 3) delegated authority is given to the Chief Executive and the Section 151 Officer to approve an additional sum of £180k if the silt is found to be contaminated, [and]

4) delegated authority is given to the Section 151 Officer to authorise the necessary additional funding to undertake repairs to the culvert if identified as needing to be done urgently whilst the contractor is on site.

- 1.4 Following this meeting, the team explored the scope of works and were able to undertake the repair to the drain at a cost of £5,000.
- 1.5 At its meeting in December 2025, the Executive approved the appointment of a contractor to undertake de-vegetation and de-watering of mill ponds 1 and 2 including mechanical dredging and removal of trees undermining structural stability of dam walls utilising £603,537 of the £608,537 funding approved by Executive at its meeting held on 23rd June 2025, and a further allocation of £257,900 from the building repair and renewal reserve, which was within the general reserve.
- 1.6 Further to phase 2 and following on from the drain repair in the culvert under mill one, structural surveys have been carried out as well as a full inspection walk through across all the culverts. The culverts run through the site passing underneath the three mill buildings and are both online and offline to the river Meden. They pass underneath the mill buildings and in the event of further severe weather events experienced in periods of flooding, the water passes through at a significant force, which causes damage within the culvert structures. Work needs to be completed with urgency to ensure the maintenance is carried out before height of the winter months.
- 1.7 The inspections, undertaken by A2 Maritime, shows that: there are scour holes within the floor of the culverts; the underside of the steel structure is significantly degraded within the culvert over which the vehicles access mills one and two loading area and car parks; and the steels above the spillway between mill pond 1 and the river Meden are corroded, along with a number of additional issues. The Surveyors have also focussed on a culvert to the courtyard of Mill 3, which has not previously been under any inspection regime. It is accessed from a manhole outside Mill 3 and drops to 7.5-8m below ground level. This culvert is fed from a sluice gate off Mill 2 Pond which feeds under Mill 3 and is not currently taking water through the sluice. It could be causing structural issues to Mill 3 (on the elevation abutting the mill pond) as well as buildings in Mill 3 Courtyard. The survey was successful, and after jetting and dye testing the surveyors have located an exit point of the culvert in a nearby field.

2 **Reasons for the report**

- 2.1 The Pleasley Vale Working Group resolved to continue with the programme of inspections and prepare a schedule of works based on the culvert survey results and findings from the structural engineers visit which was scheduled to take place and the report findings presented back to the Council. This report has been issued to the Council, and makes several recommendations, which have been RAG rated based on their urgency / priority.
- 2.2 A comprehensive programme of remedial works is required across the culverts and associated structures. Urgent priorities include repairing and filling scour holes, removing debris, stabilising loose soffits and keystones, restricting access to compromised areas to pedestrian loading, inspecting and potentially repairing dam walls, addressing leaks, and replacing failed beams. Medium priority actions

involve silt removal, inspection and repair of steel beams, rebuilding collapsed soffits, repairing missing keystones, strengthening slabs, addressing scour holes, vegetation removal, and monitoring structural cracks. Lower priority works encompass local brickwork repairs, repointing, removal of disused pipes and scrap steel, repainting steel beams, repairing voids and cracked reinforced concrete, and scheduling a general reinspection in five years following completion of these works. Collectively, these interventions are essential to maintain structural integrity and ensure safety throughout the site.

- 2.3 A2 Maritime have provided a **fee proposal of £153,900 for the survey, design, technical documentation, technical supervision and Principal Designer services** for the high and medium priority recommended works to the culverts and associated infrastructure at Pleasley Vale. It is also a requirement, due to confined spaces regulations, to cover an additional fee for the attendance of P&D Environmental Ltd to ensure A2 Maritime are accompanied on the visits inside the culverts.
- 2.4 The appointment of A2 Maritime is necessary due to the specialist nature of structures within the online water course of the river Meden, and the additional culverts and mill ponds which are offline. There is legislative compliance required by the riparian landowner responsible for the repairs which is enforceable by the Environment Agency. A2 Maritime would be appointed to deliver dam wall surveys and feasibility; Principal Designer under CDM 2015; LiDAR / Photogrammetry model; site investigations; detailed designs; technical documentation; and consent / licence applications. All of the works are as set out in the fee proposal.
- 2.5 The Environment Agency (EA) has approved the emergency works across the site, including the desilting and the repairs to the culverts, and are attending site on a regular basis to monitor the works undertaken. If the works do not progress voluntarily by the Council, there could be a requirement to undertake them through an enforcement action of the EA.
- 2.6 Significant structural and safety concerns have been identified at Mill 3 and the associated dam and culverts. Tree root intrusion has compromised the dam's integrity, creating flow paths and water ingress into the building, with the risk of further erosion and potential collapse. Immediate action is already underway to desilt the mill ponds, with this work addressing the necessary repairs to the dam wall, as accumulated silt is exacerbating structural strain. Additionally, blocked and deteriorating culverts present substantial flood and stability risks, requiring clearance and concurrent structural repairs. These works are time-sensitive, with the window for safe delivery dependent on seasonal river flows and must be undertaken with specialist oversight to mitigate safety, environmental, and legal risks.

3 Reasons for Recommendation

- 3.1 Riparian landowners are legally responsible for the upkeep of watercourses, including culverts and pipes situated on or under their property. Should a culvert collapse or become blocked, resulting in the obstruction of an "online" watercourse, the landowner faces substantial legal and financial repercussions. These may include enforcement actions initiated by authorities such as the Lead

Local Flood Authority (LLFA), the Environment Agency, or Internal Drainage Board (IDB), who can issue legal notices under the Land Drainage Act 1991 compelling the landowner to remove any obstruction. If the landowner fails to comply within a reasonable period, the responsible authority may enter the land, carry out the necessary remedial works, and recover all associated costs from the landowner.

- 3.2 Further liabilities arise if flooding occurs due to neglected maintenance, as the landowner may be sued for negligence or nuisance by affected neighbours, businesses, or the highway authority. Additionally, failing to act on a legal notice or leaving a watercourse blocked may constitute a criminal offence under Section 25 of the Land Drainage Act. Breaches of these obligations can be formally recorded and disclosed to third parties during property searches, potentially impacting future land sales.
- 3.3 It is important to note that the duty to maintain culverts remains with the current landowner, regardless of who originally installed the structure or whether the owner was aware of its existence. While maintenance is mandatory, common law generally does not require landowners to upgrade the capacity of culverts, only to ensure their proper upkeep. In cases of significant failure, a culvert may be classified as a "flood risk management asset" by the local council, highlighting the importance of regular maintenance to mitigate risks and comply with legal requirements.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could consider the procurement of a specialist marine structural engineer to undertake these works through an open procurement route. However, due to the extent, and knowledge, of the site that has been established through work and surveys undertaken to date there is an efficiency of continuing with the same structural engineer who has completed the surveys to date. There is also an urgency to carrying out these works before the winter to prevent further damage from a high volume of water flow through the culverts.

RECOMMENDATION(S)

1. To allocate £153,900 + £15,000 (10% project contingency) of funding from the Transformation Reserve for the survey, design, technical documentation, technical supervision, and Principal Designer services for the high and medium priority recommended works to the culverts and associated infrastructure at Pleasley Vale.
2. To approve the appointment of A2 Maritime to undertake the works as set out in the report.
3. To allocate £10,000 of funding from the Transformation Reserve for P&D Environmental to accompany A2 Maritime, as a requirement when undertaking inspections within the culverts under the confined spaces regulations.
4. That a further report be brought back to the Executive detailing the scope of services for the repairs and works to be carried out.

IMPLICATIONS:

Finance and Risk Yes No

Details: The Council is currently self-funding its insurance on the Pleasley Vale Business Park, holding a reserve of circa £800,000. The impact of not doing these works could lead to the responsible authority entering the land, carrying out the necessary remedial works, and recovering all associated costs from the landowner if the landowner fails to comply within a reasonable period. This could extend to a higher value than the current proposal.

It is necessary to use the Transformation Reserve to cover the costs for the work highlighted in paragraph 2.3.

On behalf of the Section 151 Officer

Legal (including Data Protection) Yes No

Details: The report makes it clear that riparian landowners are legally obliged to maintain watercourses, including culverts and pipes located on or beneath their property. Should a culvert collapse or become blocked, thereby obstructing an "online" watercourse, the landowner may face significant legal and financial consequences. These can include enforcement actions by authorities such as the Lead Local Flood Authority, the Environment Agency, or Internal Drainage Board. Such authorities may issue legal notices under the Land Drainage Act 1991, requiring the landowner to remove the obstruction. If the landowner fails to comply, the authority can enter the land, carry out remedial works, and recover all associated costs from the landowner. Failing to act on a legal notice or leaving a watercourse blocked may constitute a criminal offence under Section 25 of the Land Drainage Act.

Legal responsibility for maintaining watercourses and culverts rests solely with the landowner, irrespective of who built them and neglected maintenance leading to flooding can expose the landowner to civil claims for negligence or nuisance and criminal prosecution. Whilst Landowners are required to maintain the culverts, they are not necessarily required to upgrade culverts' capacity.

The appointment of the contractor will be a direct award using the urgency exemption at paragraph 4.8.4 (d) of the Council's Procurement Rules due to the need to complete the design and surveys prior to the contractor's scope of works being compiled and appointed.

On behalf of the Solicitor to the Council

Staffing Yes No

Details: There are no direct staffing implications arising from this report.

On behalf of the Head of Paid Service

Environment Yes No

Details: Before commencing any culvert works, the council must carry out surveys to ensure that no habitats are disrupted or adversely affected. Ecologists appointed by the council have inspected the culverts and identified a Brown Long-eared bat and a Daubenton's bat roosting in culvert 2, confirming the presence of at least two bat species using the culverts as roosts. Following completion of the engineering surveys and the creation of a risk register, the council will seek further guidance regarding appropriate mitigation measures. The discovery of roosting bats does not alter the planned approach for culvert 2, as the project team was already aware of their presence.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

Pleasley

Is the decision subject to Call-In?

(Only Key Decisions are subject to Call-In)

Yes No

Consultation carried out:

(this is any consultation carried out prior to the report being presented for approval)

Yes No

Leader Deputy Leader Executive SLT

Relevant Service Manager Members Public

Other

Links to Council Ambition: Customers, Economy, Environment, Housing

Economy, Environment

DOCUMENT INFORMATION:

Appendix No	Title

Background Papers
None.