

Record of officer decision

Decision title:	Basic Asset Protection Agreement relating to the construction of an apron for flood prevention in Colwall
Date of decision:	10 June 2020
Decision maker:	Acting Assistant Director Highways & Transport / Head of Infrastructure Delivery
Authority delegated decision:	<p>Directorate scheme of delegation: updated 30/03/20 Directorate: Economy and Place, section 77. This is an exercise of the delivery of a duty under the Flood and Water Management Act 2010.</p> <p>The authorisation limit is within the financial procedure rules and is sufficient for the decision</p>
Ward:	Hope End
Consultation:	Herefordshire Council Contracts Solicitor Herefordshire Council Commercial Services Manager
Decision made:	To enter into a Basic Asset Protection Agreement with Network Rail.
Reasons for decision:	Entering into a Basic Asset Protection Agreement (BAPA) with Network Rail will enable us to achieve our objective of constructing a new flood exceedance channel and amended field access to divert surface water originating to the east of the railway/agricultural field away from properties in Brookmill Close
Highlight any associated risks/finance/legal/equality considerations:	<p>Financial The total cost of the flood alleviation scheme at Colwall is £71,300. This is being funded from a combination of Local Levy from the Environment Agency and Section 106 monies.</p> <p>The value of the BAPA is summarily assessed at £3,800 which the council is required to pay before consent to carry out the works is granted, the total amount payable could be more depending on any further expenses and disbursements incurred by network rail in accordance with schedule 3 of the BAPA. Whilst difficult to determine the exact amount of further fees that may become payable, an allowance of circa £1,500 has been made for any additional visits. This total cost (£5,300) will be funded from scheme budget which will be funded from a combination of Local Levy from the Environment Agency and Section 106 monies.</p> <p>Legal: Herefordshire Council is a 'Lead Local Flood Authority' and this scheme is consistent with its series of responsibilities to coordinate the management of local flood risk.</p> <p>The BAPA imposes strict controls in respect of the work to be carried out and the council will be liable for Network Rail's reasonable costs in connection with the works.</p> <p>The BAPA confirms that the works to be carried out is the constructing an apron to prevent flooding. however a As set out in schedule 2, we are able to agree with Network Rail on the</p>

	<p>programme of works / timeframes and can provide them with the requisite documentation and reports.</p> <p>The BAPA provides the agreement to the works and will be carried out by BBLP under the annual plan and existing contractual arrangements with them.</p>
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signed

Mairead Lane
Acting Assistant Director Highways & Transport

Date: 10 June 2020