

**REPORT TO:** Executive Committee and Council  
**Date of Meeting:** 13 February and 20 February 2018  
**Report of:** Service Manager Community Safety & Enforcement  
**Title:** Topsham Lock Emergency Investigations and Works

**Is this a Key Decision? \***

No

*\*One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.*

**Is this an Executive or Council Function?**

Council.

**1. What is the report about?**

To update Members on emergency investigation work at Topsham Lock. To seek authority for additional funding to stabilise the lock structure.

**2. Recommendations:**

- 2.1 To provide enhanced sheet-piling solution to preserve the stability of the lock for a further 40 years.
- 2.2 For Executive to recommend to Council the funding of £180,000 to undertake the above works.

**3. Reasons for the recommendations:**

- 3.1 The sheet-piling solution secures the lock against the current leaks but at the same time provides future potential for the lock to be reinstated as an operational working lock.

**4. What are the resource implications including non financial resources.**

- 4.1 Failure to secure the lock against the leaks could result in a collapse of the lock structure and the canal draining between Double Locks and Turf.

**5. Section 151 Officer comments:**

The funding request is noted and will be added to the capital programme to be funded by borrowing given the long term nature of the enhancement.

**6. What are the legal aspects?**

The Exeter Canal Act 1829 contains provisions which impose a statutory duty on the Council to keep the canal and its locks, sluices etc open and maintained, however this relates only to its use by commercial traffic and not by pleasure craft.

Advice confirming this specific obligation was obtained from leading counsel, Belinda Bucknall QC, in 1990

Since all commercial use of the canal ended in 1998 (when the South West Water sludge vessel ceased operating) there is no longer any **statutory** duty for the Council to maintain the canal, although from an economic and historic view Members will be keen to ensure that the canal remains watertight.

## **7. Monitoring Officer's comments:**

The request to allocate resources raises no issues of legality for the Monitoring officer however, Members are asked to note the legal aspects set out above.

## **8. Report Details:**

- 8.1 In September 2017 a routine inspection of Topsham Lock by Devon County Council engineers identified an urgent need for the lock to be made safe as previous temporary repairs undertaken during the 1970's were showing signs of failure.
- 8.2 The underlying reasons for the potential failure were unclear and DCC recommended further investigations be carried out to clarify the source and potential solutions.
- 8.3 Members authorised an initial £100,000 for further investigative work which was carried out during December 2017.
- 8.4 In summary, it was discovered that the canal is leaking under the lock structure, creating considerable underground voids and adversely affecting the both the lock pit and walls. Sketch attached (Appendix 1).
- 8.5 Additional sheet-piling in front of the existing piling but to a deeper and wider area is considered by both DCC engineers and our own in-house engineering specialist to be the most cost effective solution.
- 8.6 It is believed that such a solution would secure the lock for a further 40 years at a cost of £180,000.
- 8.7 The Exeter Canal Act 1829 stipulates the requirement to maintain locks in an operational condition for commercial vessels. Whilst the lock has not been operational since the 1970's, the nature of the previous repair allowed for a refurbishment and reinstatement at a future date.
- 8.8 The repairs being recommended in this report maintain that position, although boat use of the canal is now solely recreational rather than commercial.
- 8.9 It is estimated that a full reinstatement of the lock would cost in the regional of £2M.
- 8.10 A working Topsham lock would provide little operational benefit but could be viewed as historically worthwhile as an externally funded heritage project.
- 8.11 The stability of the lock would need to be addressed prior to any refurbishment scheme so the recommended sheet-piling enhancement is necessary in either instance (temporary repair or reinstatement).

**What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

The canal is a popular leisure resource for many walkers, cyclists, anglers and canoeists, contributing to physical and mental wellbeing.

Equally the canal supports a wide range of wildlife. The potential collapse of Topsham lock and subsequent draining of the canal would be catastrophic to the local ecosystem.

**9. Are there any other options?**

Option to reinstate the lock covered above.

Steve Carnell  
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**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

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