

EXECUTIVE BOARD

19TH APRIL 2006

PRESENT Councillor A Carter in the Chair
Councillors D Blackburn, J L Carter, Harker,
Harrand, Harris, J Procter, Smith and Wakefield

Councillor Blake – Non-Voting Advisory Member

249 Exclusion of the Public

RESOLVED – That the public be excluded from the meeting during consideration of Appendix C to the report referred to in minute 265 and during consideration of the item referred to in minute 266 on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt or confidential information, defined in Access to Procedure Rules as indicated in the minutes.

250 Late Items

The Chair reported that he had admitted a late report to the agenda with regard to a request by a member to be provided with a document in connection with the Leeds UDP Review (minute 266 refers).

251 Declaration of Interests

Councillor Blake declared a personal interest in the item relating to the Neighbourhood Renewal fund 2006/07 (minute 255 refers) as a Board member of South Leeds Health for All.

Councillor J L Carter declared personal interests in the items relating to the Neighbourhood Renewal Fund 2006/07 (minute 255 refers) as a member of a body that has involvement with an organisation that has made a bid to the Fund, and the Eastgate and Harewood Quarter minute (265 refers) as a member of the West Yorkshire Police Authority.

Councillor Smith declared a personal and prejudicial interest in the item relating to the Neighbourhood Renewal Fund 2006/07 (minute 255 refers) as his clients have made a bid to the fund.

Councillor D Blackburn indicated his intention to leave the room during the discussion on the item relating to the Eastgate and Harewood Quarter (minute 265 refers) in order to avoid any perception of predetermination at such time as the matter may be considered by the Plans Panel (City Centre) of which he was a member.

Councillors D Blackburn, J L Carter, Smith and Wakefield indicated their intention to leave the meeting during the discussion on the item relating to the request by a member to be provided with documentation (minute 266 refers) to avoid any perception of predetermination at such time as the matter may be considered by an Access to Information Appeals Panel on which they may be a member

252 Minutes

RESOLVED – That the minutes of the meeting held on 22nd March 2006 be approved subject to a correction to minute 231 to show that Councillor Wakefield voted against the decision.

CHILDREN'S SERVICES

253 Young People's Scrutiny Forum

Further to Minute 128 of the meeting held on 16th November 2005 the Chief Democratic Services Officer submitted a report presenting the report produced by the Young People's Scrutiny forum into Fairtrade in Schools.

The Chair of the Scrutiny Board (Children and Young People) presented the report to the Board.

RESOLVED – That the report of the Young People's Scrutiny Forum be received and that Education Leeds be requested to give careful consideration to the Forum's recommendations

SOCIAL CARE AND HEALTH

254 Eastmoor Secure Children's Centre

The Director of Children's Services submitted a report on the outcomes from the Licensing Inspection of Eastmoor Secure Children's Centre completed by the Commission of Social Care Inspection (CSCI) and the Office for Standards in Education between 6th and 9th September 2005.

Two Inspectors from the CSCI gave a brief overview of the inspection and improvements made since that time.

RESOLVED -

- (a) That the content and views of the inspectors contained within this report be approved and agreed in principle subject to the publication of the final report.
- (b) That, subject to agreement from OFSTED approval in principle be given in relation to the "Education Action Plan" completed as a response to an inspection recommendation.
- (c) That a progress report be submitted in July 2006 by the Director of Children's Services in relation to the recommendations made by the CSCI contained within the draft inspection report of East Moor Secure Children's Centre.
- (d) That formal discussions commence regarding the recommended increase in basic grade staffing.

NARROWING THE GAP

255 Neighbourhood Renewal Fund 2006/07

The Director of Neighbourhoods and Housing submitted a report on the Neighbourhood Renewal Fund grant allocations for Leeds for 2006/07 and 2007/08, on the process undertaken with partners to develop a forward programme to meet funding criteria focused on the achievement of PSA floor targets and on the 2006/07 programme recommended by the Narrowing the Gap Executive of Leeds Initiative.

RESOLVED –

- (a) That the recommended NRF 2006/07 programme be approved.
- (b) That the proposed review of the 2006/07 NRF programme to align funding available in 2007/08 to priority activities that will contribute to the achievement of outcomes in the Leeds Local Area Agreement be noted.

(Councillors Blake and J L Carter declared personal interests in this item)

(Councillor Smith having declared a personal and prejudicial interest in this item left the meeting during consideration of this item)

CENTRAL AND CORPORATE

256 Seventh Implementing Electronic Government Statement (IEG6)

The Chief Customer Services Officer submitted a report on the latest IEG statement to demonstrate the Council's progress on electronic service delivery.

RESOLVED – That the IEG6 Statement be noted and its contents endorsed.

257 Progress Report on the PPP/PFI Programme in Leeds

Further to Minute 107 of the meeting held on the 13th October 2005 the Deputy Chief Executive submitted a report on progress of PPP/PFI projects and programmes and giving an update on PPP/PFI governance.

RESOLVED – That the current status of PPP/PFI projects and programmes and the implementation of the governance framework be noted.

258 Dissolution of Yorkshire and Humber Association of Local Authorities and Formation of Local Government Yorkshire and Humber

The Chief Executive submitted a report on a proposal to dissolve the Yorkshire and Humber Association of Local Authorities and to establish Local Government Yorkshire and Humber.

RESOLVED -

- (a) That the resolution to dissolve the Association of Local Authorities, and form Local Government Yorkshire and Humber be formally endorsed.
- (b) That the Leader of the Council be authorised to endorse the new constitution.

NEIGHBOURHOODS AND HOUSING

259 Progress on Regeneration and Development Issues within Beeston Hill and Holbeck

The Director of Neighbourhoods and Housing submitted a report on a number of key issues relating to the regeneration of South Leeds and especially the Beeston Hill and Holbeck priority regeneration area.

RESOLVED –

- (a) That the principle of developing a comprehensive South Leeds regeneration scheme and for a subsequent report to be submitted to the Board that identifies further detailed proposals for the scheme and the implications for the Council be agreed.
- (b) That the Vision for the regeneration of Beeston Hill and Holbeck be endorsed.
- (c) That the submission of the Expression of Interest proposal outlined in this report for Beeston Hill and Holbeck, relating to the ODPM's Housing PFI Fifth Bidding Round be approved.
- (d) That the inclusion of the following short-term development opportunities identified on the plan appended to the report as part of a portfolio of opportunities within a Development Agreement as part of the Round 5 Housing PFI scheme be approved:-
 - Site 1 Matthew Murray High School++
 - Site 2 Holbeck Towers
 - Site 4 Cambrian Terrace
 - Site 6B Folly Lane
 - Site 8A Moor Road
 - Site 9 Rear of Dewsbury Road One Stop Centre
 - Site 10 The Beverley's Housing Clearance area
 - Site 12 Fairfax Road

++ Subject to the identification of £1.7 million of funding to be injected into the 2009/10 Capital Programme to support the Combined Secondary Schools

- (e) That the sites identified in Appendix 1 of this report with long-term potential for improvement/development be included within the PFI scheme at the Outline Business Case stage be agreed subject to further consultation and assessment of their development/regeneration potential.

LEARNING

260 Annual Consultation on Admission Arrangements

The Chief Executive of Education Leeds submitted a report on the consultation on proposed admission arrangements including the proposed admission numbers and admission policy.

RESOLVED –

- (a) That the primary school coordinated admission scheme be approved as detailed in appendix 1 to the report.
- (b) That the secondary school coordinated admission scheme be approved as detailed in appendix 1 to the report.

- (c) That the admission policy be amended to allow distance to community and voluntary controlled mixed schools in other LEAs to be taken into account. That the wording in paragraph 2.17 be approved.
- (d) That priority 1 of the admission policy be simplified as stated in paragraph 2.27.
- (e) That priority 1b be deleted from the policy and replaced with a note as stated in paragraph 2.30.
- (f) That the proposed amendments for the admission numbers of five secondary schools as detailed in 2.34 of the report be accepted for 2007.
- (g) That the admission number of Bruntcliffe High School remain the same at 270.
- (h) That the proposed amendments for admission numbers of three primary schools as detailed in 2.38 of the report be approved.
- (i) That the temporary increase from 40 to 45 at Robin Hood Primary school remain for 2007/08.

261 Secondary Review – Outcome of Statutory Representations – Inner West Leeds

Further to Minute 196 of the meeting held on the 18th January 2006 the Chief Executive of Education Leeds submitted a report on representations received following the statutory notice period for proposals to rationalise secondary school provision in Inner West Leeds as part of the Building Schools for the Future programme.

RESOLVED –

- (a) That having considered the representations received, approval be given to proceed with the proposal to close West Leeds and Wortley High Schools and to establish a new secondary school on the West Leeds site in September 2009 and to expand Farnley Park High School from an admission number of 150 to 210.
- (b) That it be noted that the representations result in the determination of the notice falling to the School Organisation Committee.
- (c) That the comments prepared by Education Leeds and contained in this report be approved as the Local Education Authority's response to the representations on the proposal.

LEISURE

262 Replacement of Machinery: Parks and Countryside

The Director of Learning and Leisure submitted a report on the proposed purchase of replacement machinery in the Parks and Countryside Service to replace old machinery associated with Hand Arm Vibration Syndrome.

RESOLVED – That the spending of £584,600 from the 2006/07 Capital Programme for Replacement of Machinery be authorised.

263 Yorkshire Forward Leeds Cultural Infrastructure Programme – Phase 2

The Director of Learning and Leisure submitted a report on proposed expenditure under the Yorkshire Forward grant of £2.2m.

RESOLVED –

- (a) That the Project Brief and Scheme Design as detailed in the report be approved.
- (b) That a fully funded injection of £1.7m to the 2006/07 Capital Programme be approved and that expenditure be authorised in the sum of £2.5 m as detailed in the report.
- (c) That the funding plan as presented be approved.

DEVELOPMENT

264 Leeds Inner Ring Road, Stage 7

The Director of Development submitted a report on a proposal to proceed to phase 2 of the contract, the construction stage, to allow that construction commence in late April/May 2006 and be completed by late 2008.

RESOLVED –

- (a) That the contents of this report and the current position of the Leeds Inner Ring Road Stage 7 project be noted.
- (b) That the invoking of Phase 2 of the current Early Contractor Involvement Contract with Alfred McAlpine Capital Projects Ltd to complete the construction of Leeds Inner Ring Road Stage 7 and the incurring of further expenditure of £46.136m be approved
- (c) That the risks associated on works outside of the main contract be noted and the financial arrangements outlined in section 4 of this report be approved.

265 Eastgate/Harewood Quarters

The Director of Development submitted a report on proposed agreements to ensure that the development proceeds and on a proposed compulsory purchase order to facilitate the assembly of the site at Eastgate/Harewood Quarter.

Following consideration of Appendix C to the report designated as exempt under Access to information Procedure Rule 10.4(3) which was considered in private at the conclusion of the meeting, it was

RESOLVED –

- (a) That the Heads of Terms for the Development Agreement, the Indemnity Agreement and West Yorkshire Police Authority Co-operation Agreement be approved and the Director of Legal and Democratic Services be authorised to complete these documents.
- (b) That the extension of the existing Co-operation Agreement with Hammersons and extended Development Agreement with Town Centre Securities Plc for a period of up to 6 months from the date of this Executive Board be approved.
- (c) That subject to the prior completion of appropriate indemnity and development agreements, the Council makes a Compulsory Purchase Order under the provisions of Section 226 (1)(a) of the Town and

Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. This will provide for the acquisition of land and new rights within the areas shown in appendix A on Plan No 1 attached to the report for the purpose of securing mixed use development including retail, residential, leisure and office accommodation.

- (d) That officers be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including:
- (i) the publication and service of all notices and the presentations of the Council's case at any Public Inquiry;
 - (ii) approving the acquisition of interest in land within the compulsory purchase order either by agreement or by way of compulsory powers.
 - (iii) approving agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land from the Order and/or making arrangements for relocation of occupiers;
 - (iv) that regular updates are provided to Executive Board on progress of this scheme.

(Further to minute 251 above Councillor J L Carter declared a personal interest in this item)

(Further to minute 251 above Councillor D Blackburn left the meeting during consideration of this item)

266 Leeds UDP Review – Response to the Inspector's Report on Chapter 15 (East Leeds) – Counsel's Advice (10.4(5))

The Director of Legal and Democratic Services reported the circumstances of a request by a member to be provided with the above document.

RESOLVED –That the document be not so provided.

(Prior to consideration of this item Councillors D Blackburn, J L Carter, Smith and Wakefield left the meeting to avoid any perception of predetermination at such time as the matter may be considered by an Access to Information Appeals Panel on which they may be a member)

DATE OF PUBLICATION: 21ST APRIL 2006
LAST DATE FOR CALL-IN: 28TH APRIL 2006 (5.00 PM)

(Scrutiny Support will notify relevant Directors of any items called in by 12.00 noon on 2nd May 2006).



Report of the Director of Development

Executive Board

Date:

Subject: PROPOSED BURLEY ROAD INTEGRATED TRANSPORT CORRIDOR 01093

Electoral wards affected:

KIRKSTALL
HYDE PARK AND WOODHOUSE
CITY AND HUNSLET

Specific implications for:

Ethnic Minorities
Women
Disabled People
Narrowing the gap

Eligible for call in

Not eligible for call in
(details contained in the report)

EXECUTIVE SUMMARY

This report seeks approval to the implementation of a scheme to provide a new outbound bus and cycle lane on Burley Road (between Westfield Road and Cardigan Road) and improve the junction of Burley Road with Cardigan Road a cost of £3,925,000 as part of the Local Transport Plan programme for improving the quality of bus services in the city.

The scheme will:

- Significantly reduce peak period delays which average 6 minutes or more for upto 20 buses per hour, thereby significantly improve the reliability and punctuality of bus services on this bus corridor.
- Improve road safety, especially for pedestrians by the provision of new pedestrian crossings, at the Burley Road/Cardigan Road junction which is currently ranked number 34 in the Council's road injury "Sites for Concern" review.
- Provide additional crossing facilities for pedestrians along the route.
- Improve conditions for cyclists using Burley Road through the provision of shared space as part of the bus lane and priority facilities at the junction with Cardigan Road.

The scheme provides an integrated approach to transport issues at this location by addressing a number of longstanding problems in a way which seeks to minimise any further traffic congestion along this corridor. However, whilst the priority measures have been incorporated into the scheme without impacts on other users, it is recognised that the introduction of new pedestrian facilities at the Cardigan Road junction will impact on traffic flows through this junction. Nevertheless, after very careful examination of the options the proposals have been identified as the only effective means of meeting this long held community need.

1.0 PURPOSE OF REPORT

- 1.1 To seek approval to complete the design and the implementation of a scheme to introduce controlled pedestrian crossing facilities at the junction of Burley Road/Willow Road/Cardigan Road and to provide a new bus and cycle lane on Burley Road (Outbound) between Westfield Road and Cardigan Road.

2.0 BACKGROUND INFORMATION

- 2.1 The Burley Road Integrated Transport Corridor scheme has been developed to provide an integrated approach to addressing the Local Transport Plan's objectives for improving quality of bus services and road safety. The package of measures identified will harmonise road usage for all road users and will specifically incorporate two previously identified proposed schemes, as well as new works identified as required under the terms of a S278 Agreement. The opportunity will also be taken to include planned highway maintenance works.

- 2.2 Approval for detailed design of the Burley Road Integrated Transport Corridor was granted by the Director of Development on 23 March 2005.

- 2.3 The four elements to be incorporated into the Burley Road Integrated Transport Corridor are:

2.4 BURLEY ROAD QUALITY BUS INITIATIVE

- 2.4.1 The provision of a Quality Bus Corridor scheme along Burley Road was identified in the 2001 - 2006 Local Transport Plan and has subsequently been adopted as part of the wider Yorkshire Bus Initiative for the busier core bus routes. Yorkshire Bus is a joint project supported by all five West Yorkshire District Councils, Metro and the transport operators as a key means of improving the overall quality of local bus services in order to attract motorists and reduce congestion.

- 2.4.2 A Feasibility Study and Report into the Burley Road Quality Bus Corridor from the Inner Ring Road to the Outer Ring Road was undertaken in 2003. The study concluded that the Westfield Road to Cardigan Road section of Burley Road had the greatest potential for implementing a bus lane.

- 2.4.3 An extensive Public Consultation exercise involving local Ward Members and local residents in a week long public consultation exhibition was undertaken for the Westfield Road to Cardigan Road Quality Bus Initiative in 2003.

- 2.4.4 During the public consultation the public was asked to comment on two alternative scheme options. The consultation revealed significant local support for an extensive scheme involving right turn pockets, bus lay-bys and an inbound cycle lane.

- 2.4.5 A value engineering exercise was then undertaken and this led to the current scheme, resulting in the same benefits as the original proposals but with likely cost savings over the original options.

- 2.4.6 A report to the Director of Development was approved on 13 November 2003 permitting the carrying out of the engineering assessment of options for the introduction of the bus lane.

2.5 BURLEY ROAD / WILLOW ROAD / CARDIGAN ROAD JUNCTION IMPROVEMENTS

- 2.5.1 This junction has been an accident problem for many years and has presented many engineering difficulties in improving. The junction is currently identified in the Department's Personal Injury Accidents, 'Sites for Concern' 2000 - 2004 document.
- 2.5.2 The site is a signalised crossroads, formed by the intersection of Burley Road with Willow Road & Cardigan Road. The Willow Road approach is two lanes with the offside marked for right turns. Localised widening of the eastern side of Burley Road has introduced a left slip into Willow Road. Pedestrians are catered for by uncontrolled studded crossing places across the various legs of the junction.
- 2.5.3 A report to the Director of Development was approved on 26 February 2004 authorising the carrying out of a feasibility study and engineering assessment of options to improve safety for vehicular and pedestrian traffic at this junction.
- 2.5.4 A report to the Director of Development was approved on 3 September 2004 authorising further assessment work for both the quality bus initiative and the junction.

2.6 BURLEY STREET S278

- 2.6.1 Two additional pedestrian crossing facilities and associated highway works are to be included in the scheme as a requirement of the S278 Agreement relating to the provision of new student accommodation on Burley Street. This element of the works is to be fully funded by the Developer. Separate approvals are being sought to enter into a S278 Agreement for this element of the works. This element of the scheme is dependent upon entering into the S278 Agreement.

2.7 ADDITIONAL CARRIAGEWAY AND FOOTWAY WORKS

- 2.7.1 Additional maintenance work comprising the resurfacing of the existing carriageway and re-kerbing and resurfacing of the north footway will be included in the scheme. This element of the work is to be funded from the 2007/08 Highway Maintenance Budget.

3.0 MAIN ISSUES

3.1 SUMMARY OF BENEFITS

- 3.1.1 Improved journey reliability for public transport users with peak period delays for outbound buses reduced by an average of six minutes for upto 20 buses per hour..
- 3.1.2 Improved safety and movement for pedestrians at the Burley Road/Willow Road/Cardigan Road junction.
- 3.1.3 Improved pedestrian safety along Burley Road and Burley Street by the introduction of controlled crossing.
- 3.1.4 Improved accessibility by providing Disability Discrimination Act (DDA) compliant bus stops, and upgrading the pedestrian link between St Andrew's Street and Burley Road.
- 3.1.5 Safer parking for residents and commercial premises in marked parking bays.
- 3.1.6 Improved carriageway and footway surfacing, and landscape treatment enhancing the appearance of the Burley Road Corridor and the personal safety of pedestrians.

3.2 DESIGN CONSIDERATIONS

- 3.2.1 The proposed works comprising the Burley Road Integrated Transport Corridor is as shown on the attached plan number HDC/701093/C01
- 3.2.2 The extent of improvements to the Burley Road/Willow Road/Cardigan Road junction is restricted by available space. Willow Road will be widened locally to introduce a standard pedestrian island. New traffic signals will provide signal controlled pedestrian crossing facilities across each leg of the junction.
- 3.2.3 The introduction of signal controlled pedestrian crossing phases at the junction will inevitably reduce the vehicular capacity of the junction. This reduction in capacity is considered acceptable with the benefits of improved junction safety and reduction in likely accident severity. Provision of these facilities to improve access across the junction and to the nearby bus stops has been a very longstanding aspiration of Ward Members and the local community.
- 3.2.4 Additional signals on Burley Road to the east of the junction will provide a controlled location for buses to re-enter the main highway from the proposed bus lane.
- 3.2.5 The proposed bus lane will operate at all times. Waiting and loading will also be prohibited at all times to ensure that the bus and cycle lane facility will always be available. It should be noted that there is currently no frontage access on this length of road.
- 3.2.6 Currently, in evening peak, buses suffer significant delays in standing traffic. The 24hr bus lane will be of particular importance given the loss of vehicular capacity at the junction and given this corridor has a key role in the Yorkshire Bus Initiative.
- 3.2.7 The new bus lane would be provided on new highway and will be constructed entirely within the existing City Council land ownership of existing footway and grassed area adjacent to the carriageway. This will require extensive works involving carriageway construction, footway construction, replacing the signal controlled crossing on Burley Road near Woodsley Road, drainage and statutory undertakers' diversions, cellar filling and bus shelter relocation in accordance with current bus stop infrastructure standards.
- 3.2.8 The construction works will involve the removal of semi-mature trees from the grassed area. The trees are affected because of the extent of the excavation works required to make good the former cellar areas that the bus lane is to run over. A landscaping and tree planting scheme is to be developed to replace the landscaped areas affected.
- 3.2.9 Pedestrian facilities will be improved with the controlled crossing facilities at the junction and long lengths of footway being separated from the main highway traffic flows with the bus lane to the south and the parking spaces to the North. Also, additional signal controlled crossings are to be provided, one on Burley Road outside Rosebank Primary School and one on Burley Street near Park Lane funded by the Developer. The existing Zebra crossing on Burley Street near Rutland Mount is also being replaced by a signal controlled crossing and is also to be funded by the Developer.
- 3.2.10 Local occupiers will benefit from on-street parking bays adjacent to the inbound traffic lane fronting the residential and commercial properties along Burley Road.

- 3.2.11 The existing footway at Burley Road/St Andrew's Street does not meet the current standards required under the 1995 Disability Discrimination Act (DDA). To enable the Authority to meet its legal obligations it will be necessary to close St Andrew's Street at its junction with Burley Road and the traffic will be accommodated by providing a new highway link road meeting design standards to the west of St Andrew's Street.
- 3.2.12 An assessment will be taken in accordance with the Noise Insulation Regulations 1975 following the installation of the proposed bus lane. A provisional sum for meeting the requirements of these regulations has been included in the scheme estimate.
- 3.2.13 Approval will also be sought under the officer delegation scheme to advertise draft Traffic Regulation Orders for the bus and cycle lane, waiting restrictions, road closures, and, if no objections are received, to make, seal and implement the Orders as advertised.

4.0 COMMUNITY SAFETY

- 4.1 The proposals contained within this report have no implications under Section 17 of the Crime and Disorder Act 1998.

5.0 PROGRAMME

- 5.1 It is intended to advertise the Traffic Regulation Orders in Spring/Summer 2006 with the works starting on site Autumn/Winter 2006/07, subject to no objections being received to the advertised Orders. Where possible preliminary works will be started before this date and orders for signal equipment will be placed.
- 5.2 The current completion target is Summer/Autumn 2007.

6.0 SCHEME DESIGN ESTIMATE

- 6.1 The estimated cost of the scheme is £3,275,000 works costs and £650,000 staff costs, comprising the following elements:

	TOTALS	Previous Approvals	S278	HM	NET
Construction Costs	£2,500,000				
Traffic Signal Costs	£80,000				
Statutory Undertakers Costs	£630,000				
Ancillary Costs	<u>£65,000</u>				
Total Works Costs	<u>£3,275,000</u>	0	150,000	190,000	2,935,000
Staff Costs	£650,000	340,000	30,000	0	280,000

- 6.2 This estimate includes a figure of £150,000 works costs and £30,000 staff costs for highway works associated with Burley Street S278 that will be met in full by the Developer.
- 6.3 This estimate also includes a figure of £190,000 works to be paid for out of the 2007/08 Highway Maintenance Budget.
- 6.4 This estimate also includes staff costs of £335,000 previously approved in reports to the Director of Development in, November 2003, September 2004 and April 2005.
- 6.5 This estimate also includes staff costs of £5,000 for the preparation of Traffic Regulation Orders which are the subject of a separate report to Joint Highways Board.

6.6 The net costs for approval in this report are therefore £2,935,000 works costs and £280,000 staff costs.

7.0 RISK ASSESSMENTS

7.1 Should the scheme not proceed then the site of concern will not be relieved and pedestrians will remain at a high risk of personal injury whilst crossing the road at the Burley Road/Willow Road/Cardigan Road junction without the aid of signalised pedestrian crossing points.

7.2 Buses would continue to incur the delays they are currently experiencing along this corridor and may not provide service upgrades planned as part of the Local Transport Plan.. Furthermore, any future increases in the general traffic flow would exacerbate delays to public transport undermining service quality and passenger confidence. Without the proposed investments in the infrastructure, operator investment in new "state of the art" vehicles on this corridor would be unlikely to take place. In fact as the general traffic flow increases the delays to public transport are likely to increase.

7.3 During the design process, geotechnical survey work has identified that there are cellars below the verge on which the bus lane is to be constructed. Therefore, the proposals include work to stabilise the cellars with new fill material. There is a risk that additional measures may have to be included, but this will not become evident until site work is underway.

7.4 Should any objections be received to the advertised draft Traffic Regulation Orders then the proposed start on site date maybe delayed dependent upon how quickly the objections can be resolved.

8.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

8.1 Vision for Leeds 2004 – 2020: During consultations for the preparation of the "Vision", improving public transport was identified as the most important priority. One of the eight main themes of the "Vision" is to provide safe, sustainable and effective transport - meeting people's need to get about while affecting the environment as little as possible.

8.2 Corporate Plan 2005 – 2008: Two strategic outcomes identified in the Plan are:
all neighbourhoods are safe, clean, green and well maintained; and

all communities are thriving and harmonious places where people are happy to live.

8.3 Financial Plan 2005 – 2008: Within the Financial Plan, one of the objectives stated is to encourage greater use of public and sustainable modes of transport.

8.4 People Strategy: The proposed measures will provide a benefit for disabled, elderly and less agile members of the community wishing to use the available public transport services. Careful landscape treatment will enhance pedestrian safety.

- 8.5 Local Transport Plan: These proposals are fully in accordance with the objectives of the Plan. In conjunction with the planned introduction of a Quality Bus Corridor the proposals will ultimately make bus services a more attractive travel choice, thereby encouraging modal transfer from the private car as well as providing existing passengers with a greatly improved service. They will provide the catalyst for complementary operator investment in new vehicles and will contribute to the wider Yorkshire Bus Initiative.
- 8.6 Environmental Policy: The measures are in line with Aim 6 of the Policy, by introducing measures to encourage alternatives to the private car and improving overall road safety.

9.0 CONSULTATIONS

- 9.1 Ward Members: Ward Members were consulted during the feasibility and engineering assessment stages, and again at the detailed design stage. No adverse comments have been received at the time of drafting this report.
- 9.2 Public: A public exhibition was held at the Burley Library and the Burley Lodge Centre in February 2003.
- 9.3 Emergency Services: The Emergency Services were also consulted during the public Consultation and no adverse comments were received
- 9.4 Metro (WYPTE): Metro have been involved in the scheme and fully support the proposals. The proposals support the Yorkshire Bus Initiative the prospectus for which has recently been sent to all Members of the Council.
- 9.5 Further consultations will be carried out as part of the Traffic Regulation Order process. This will include consultation with local residents.

10.0 LEGAL AND RESOURCE IMPLICATIONS

- 10.1 Funding: The total estimated cost of the Burley Road Integrated Transport Corridor Scheme is £3,925,000 (£3,275,000 works costs and £650,000 staff costs), of which £3,555,000 can be met from the Integrated Transport Parent Scheme 99609 within the approved Capital Programme and is eligible for 100% Government Supported Borrowing (£340,000 staff costs have already been approved). The remaining £370,000 is to be funded by the S278 Developer (£180,000), and the Highway Maintenance Budget 2007/08 (£190,000).

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 ON £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	340.0	47.3	73.7	219.0			
OTHER COSTS (7)	0.0						
TOTALS	340.0	47.3	73.7	219.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 ON £000's
LAND (1)	0.0						
CONSTRUCTION (3)	2935.0			1000.0	1800.0	135.0	
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	280.0			85.0	180.0	15.0	
OTHER COSTS (7)	0.0						
TOTALS	3215.0	0.0	0.0	1085.0	1980.0	150.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 ON £000's
SUPPORTED CAPITAL EXPENDITURE (R)	3555.0	47.3	73.7	1304.0	1980.0	150.0	
	0.0						
	0.0						
Total Funding	3555.0	47.3	73.7	1304.0	1980.0	150.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

10.2 Staffing: The works involved can be carried out with existing staff resources.

11.0 CONCLUSIONS

11.1 The Burley Road Integrated Transport Corridor scheme is completely in line with the objectives of the Vision for Leeds and the Corporate Plan.

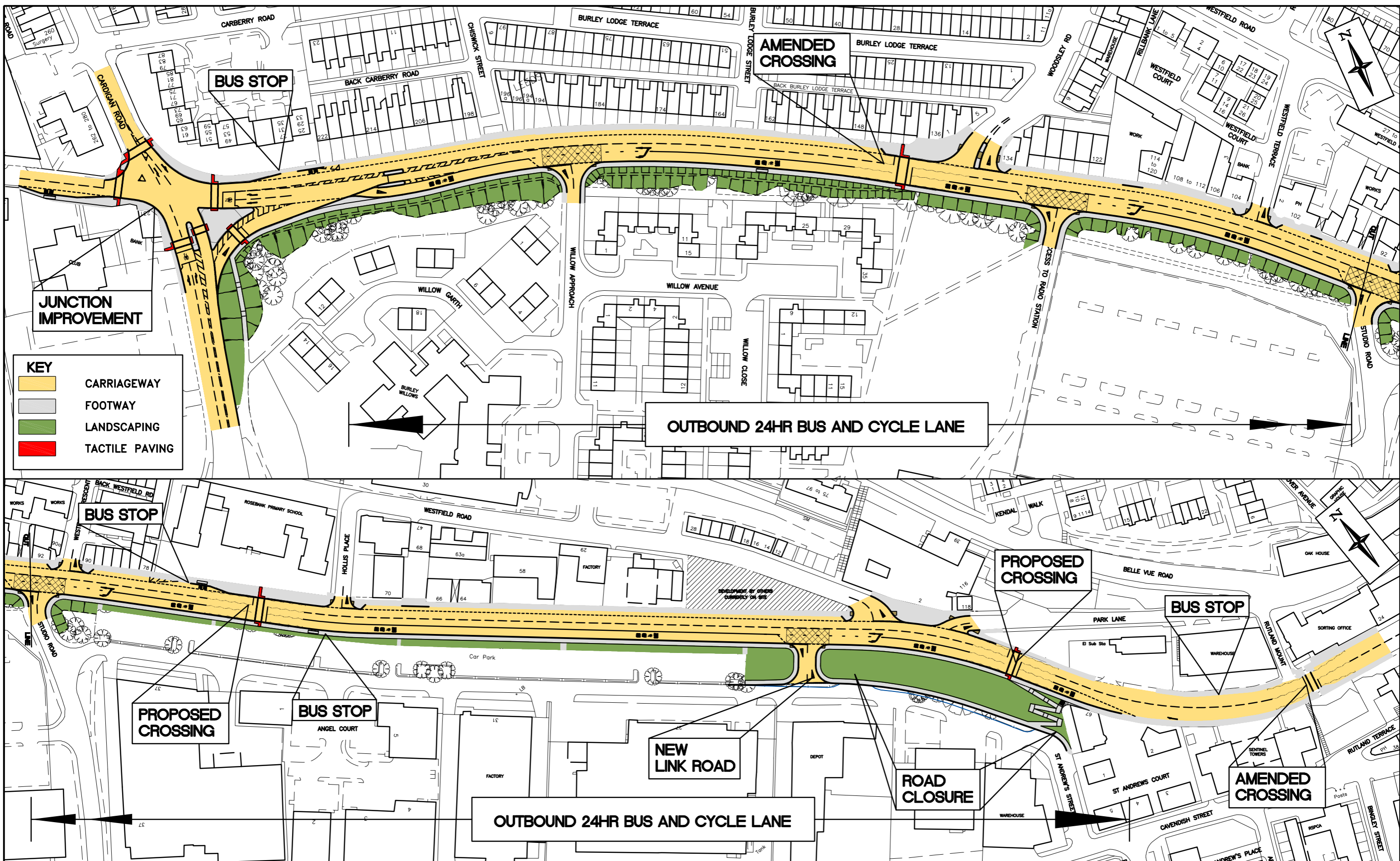
11.2 The Bus Lane element of the scheme has previously been identified as a Quality Bus Corridor in the Local Transport Plan.

11.3 The Burley Road/Willow Road/Cardigan Road Junction element of the scheme has been previously identified as a "Site for Concern", and improvements will increase pedestrian and vehicular safety.

12.0 RECOMMENDATIONS

12.1 The Executive Board is requested to:

- i) approve the Burley Road Integrated Transport Corridor proposal as shown on drawing number HDC/701093/C01 at an estimated total cost of £3,925,000;
- ii) approve expenditure of £3,215,000 comprising £2,935,000 works costs and a further £280,000 staff costs to complete the scheme design. These costs can be met from the Integrated Transport Scheme 99609 within the approved Capital Programme and is eligible for 100% Government Funding; and
- iii) note the previous approval of staff costs of £335,000 to be met from the Integrated Transport Scheme 99609 within the approved Capital programme;
- iv) note the contribution from a developer of £150,000 works cost and £30,000 staff costs for highway works associated with a S278 Agreement;
- v) note the contribution from the 2007/08 Highway Maintenance budget of £190,000; and
- vi) note that a separate report to Joint Highways Board has been approved giving authority to prepare draft Traffic Regulation Orders incurring staff costs of £5,000 which is to be met from the Integrated Transport scheme 99606 within the approved Capital Programme.



O.S. SHEET REF.: VARIOUS

BURLEY ROAD INTEGRATED TRANSPORT CORRIDOR

COMMITTEE PLAN

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AMENDMENTS	DRAWN	CHECK	DATE	INITIALS	DATE	SCALE
FIRST APPROVED	DJC			DJC	3/06	N.T.S.
				AutoCAD BY		
				CHECKED BY		ORIGINAL SHEET SIZE A3

Leeds
CITY COUNCIL

DEVELOPMENT DEPARTMENT
DESIGN SERVICES DIVISION

DRAWING NUMBER:
HDC/701093/C01

DATE: **March 2006**

Report of the Director of Development

Executive Board

Date: 17 May 2006

Subject: Report on Progress of Water Asset Management Working Group

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

Executive Summary

1. Following a series of flooding incidents affecting houses in Leeds in August 2004, it was agreed by Executive Board on 9 March 2005 that the Council should set-up a cross-departmental working group to: (i) review its approach to maintaining its water assets and responding to flooding incidents; and (ii) draw-up and implement proposals to respond to the issues identified.
2. The initial proposals were reported to Corporate Management Team in June 2005. This led to the release of funding to resource the initial recommendations in 2005/6 and this work has progressed well. The budget for 2006/7 includes an additional and recurring resource of £1.1m which will enable the full implementation of the remainder of the recommendations.

1.0 Purpose Of This Report

- 1.1 This report provides an update on the development and implementation of detailed proposals by the Water Asset Management Working Group (WAMWG) in response to major flooding incidents in Leeds in 2004 and 2005.

2.0 Background Information

- 2.1 In August 2004 and May 2005 several areas of Leeds experienced significant flooding due to an unusually intense rainfall and the inability of the drainage infrastructure to cope with the increased volumes of water. The incidents highlighted several areas for potential improvement in terms of: (i) the resources available to maintain our assets and respond to floods; (ii) key players' understanding of their responsibilities relating to water; and (iii) the level of co-operation between agencies with responsibilities for water maintenance and enforcement.
- 2.2 On 9 March 2005 Executive Board approved the set-up of a cross-departmental working group to develop costed recommendations for implementation. The Water Asset Management Working Group (WAMWG) was quickly set-up, constituted of senior representatives from Land Drainage, Highways Services, Streetscene Services, Enforcement, Asset Management, Bridges Section, and Audit & Risk.
- 2.3 The initial proposals of the WAMWG were reported to and amended by Corporate Management Team in June 2005 and, following this, £503,380 was provided from contingency and asset management resources to begin the implementation of the recommendations in 2005/6. Additional full-year funding of £1.1 million per annum has been approved as part of the 2006/7 budget and will be provided for in future years.
- 2.4 In addition to earlier inquiries, a dedicated Flooding Scrutiny Commission was initiated in August 2005 to investigate flooding and drainage issues in Leeds. The WAMWG has provided both written evidence and verbal updates on its work to the Commission.

3.0 Main Issues

- 3.1 As a result of its detailed deliberations, the WAMWG developed 33 recommendations which aimed to address issues relating to the maintenance of the Council's water assets and the way in which it responds to flooding incidents. The following paragraphs provide an overview of the recommendations and a status report on the progress made towards their full implementation. A detailed action plan is attached as Appendix 2 for information.

Management Oversight

- 3.2 Reco. 2: The Director of Development agreed to act as senior management 'Drainage Champion' with Development Department identified as the 'lead department' for the co-ordination of drainage and watercourse-related issues within the Council. As a result of this, the Director has met regularly with WAMWG members to monitor progress and provided oversight to its activities. The Director of Development has also led senior management discussions with partners in the Environment Agency and Yorkshire Water.

Maintenance of Council-owned Watercourses, Lakes and Dams

- 3.4 Reco. 3: Land Drainage has procured the services of a specialist major contractor to undertake preventative and reactive maintenance of watercourses in fulfillment of the Council's riparian ownership responsibilities. This contract is in place and work is commissioned and directed by Land Drainage on the basis of identified priorities.
- 3.5 Reco. 4: Land Drainage is increasing its capacity to undertake work and provide advice relating to the assessment of and response to flood risk arising from the existing drainage

infrastructure as well as new developments identified through the planning process by providing four additional posts. The recruitment process is in progress.

- 3.6 Reco. 5: It is vital that all new significant developments fully consider flood risks and encompass sustainable drainage funded by developers where possible, so that the Council is able to reduce or mitigate the risk of flooding. This will be aided by greater capacity in Land Drainage, but Development is also engaged in an on-going dialogue with Yorkshire Water and developers on the need for sustainable drainage solutions in new developments. A comprehensive Flood Risk Management Strategy for the whole Leeds district will shortly be procured by Development Department.
- 3.7 Recos. 6/14/23/24: Actions are in train for the identification and recording of the location, ownership and vulnerabilities/risks relating to watercourses, highway drainage, culverts, lakes and reservoirs. Data collected is being recorded in GIS for use in more effectively responding to flooding, ensuring more effective maintenance prioritisation, and informing the development of capital investment programmes (e.g. Highways Asset Management Plan) and emergency plans, and assessing how assets such as reservoirs and lakes can be better used for recreational purposes.
- 3.8 Reco. 25: Land Drainage undertook a tendering exercise for the development of a dam breach impact assessment for Waterloo Lake at Roundhay Park and this work has been procured. Officers held an initial meeting with the successful consultant and work is underway. The Head of Risk and Emergency Planning is also developing a national template document on behalf of DEFRA for the off-site planning requirements of a dam breach as part of its guidance on implementing the Water Act (2004).

Emergency Response

- 3.9 Reco. 10: The contract procured by Land Drainage for maintaining watercourses also includes provision for call-out by the Peace and Emergency Planning Unit (PEPU) to respond to emergencies on a 24-hour basis (see 3.4 above).
- 3.10 Recos. 7/12/13: PEPU is working with partner agencies in the West Yorkshire Flooding sub-group of the West Yorkshire Resilience Forum (WYRF) to progress several initiatives to benefit communities, including: targeted flood fairs and public information campaigns; proposals for the rapid deployment of resources to mitigate or recover from the effects of flooding; enhanced call-handling of flood-related calls by clearer identification of the sources of flooding and who should be responding; and the sharing of GIS data on the location of each organisation's assets.
- 3.11 Reco. 9: PEPU developed a detailed protocol for the co-ordination and response to flooding incidents with its external partners which clearly sets out roles and responsibilities for all forms of flooding and trigger points at which agencies would be expected to respond. This was ratified by senior officers of the relevant organisations in December 2005. PEPU is currently revising the Council's Flooding Plan to incorporate these changes and it is planned to exercise the new arrangements in 2006-7.
- 3.12 Reco. 11: Officers have revised the approach to the provision of sandbags in flooding. The council will continue to maintain limited stocks of filled sandbags, but Highways Services has also purchased sandbag hoppers for each Highways depot to enable the rapid filling of further sandbags at the time of need.

Highways and Street Cleansing

- 3.13 Reco. 15: Highway Services has identified – together with information provided by Streetscene Services, PEPU and Land Drainage - a range of 'hot spots' for enhanced maintenance work and these locations are now receiving more frequent attention.

- 3.14 Reco. 16: Streetscene Services has leased two extra vehicles and recruited additional staff to enhance their gully-cleaning arrangements on an on-going basis. Formal out-of-hours call-out arrangements for flooding responses are being developed, but interim arrangements have been introduced using existing service provision.
- 3.15 Recos. 17/18: Highway Services has almost completed a programme of data gathering, mapping the location of the drainage infrastructure, and risk-assessing highway culverts less than 900mm diameter in order to ensure that cleaning occurs in the most vulnerable areas. Around 630 highway culverts have now been surveyed and recorded in GIS and the risks associated with these have been assessed for the potential impact (e.g. on properties). A report is being prepared to highlight locations most at risk and requiring maintenance or further work.
- 3.16 Recos. 19/20: Bridges Section has engaged in a programme of data gathering and risk assessment for large highway culverts and bridges susceptible to blockage for remedial action, reactive clearing, and to inform a capital programme looking to upgrade these on a priority basis. Officers have identified large culverts requiring enhanced cleaning and implemented a revised maintenance regime for these. The data-gathering exercise for culverts and bridges susceptible to flooding due to insufficient capacity is in progress and appropriate links are being made with work on the Highways Asset Management Plan.

Partnership Working

- 3.17 Recos. 26/27: the Director of Development, together with representatives of Land Drainage and Emergency Planning, is meeting regularly with senior representatives of Yorkshire Water (YWS) and the Environment Agency (EA) to discuss issues of mutual concern. A technical forum of practitioners from the Council, EA and YWS has been established to discuss detailed issues of mutual concern and is meeting regularly.

Specific Locations

- 3.18 Reco. 28: In terms of developing a holistic approach to flood-alleviation on the Wyke Beck, it should be noted that the EA has responsibility for enforcement from April 2006 and has commissioned consultants to build a full hydraulic and hydrological model of the catchment using aerial surveys to map the topography. The modelling is now complete and the EA has received a draft final report. The EA will now determine whether remedial works are required. There have been several other developments of note. Firstly, water level monitoring telemetry (i.e. remote measuring) has been installed at South Parkway Approach at Seacroft. Secondly, YWS is mothballing their 'new' storage tank at Wykebeck Valley Road which was subject to controversy and is building a new high volume storage tank at the junction of Foundry Lane and Oakwood Lane. Construction is expected to begin at the end of March. Thirdly, the East & South-East Leeds (EASEL) programme will include substantial changes to drainage systems and the Wyke Beck and the WAMWG intends to ensure that appropriate links are in place with the EA and others.
- 3.19 Recos. 29/30/31: Land Drainage has implemented an enhanced inspection regime along the Wyke Beck and arranged for a trash screen to be installed upstream of York Road. Learning and Leisure has also installed cut-off drains to intercept surface run-off at King George V playing fields at Gipton and in the Chantrys area of Colton. Land Drainage has also commissioned a scale model of the Farnley Wood Beck channel and culvert in the vicinity of Old Road at Churwell in order to assess the flood risk to Old Close.

Flytipping and Enforcement

- 3.20 Reco. 32: In December 2005 Executive Board approved a report from Enforcement to adopt legal powers to place more responsibility for abandoned trolleys upon their owners and these are now in force. Enforcement has also identified a company which will 'sweep' the city and watercourses to identify and retrieve shopping trolleys at no cost to

the Council. It will respond to trolley finds on a 24 hour basis through a contact number. Finally, ASDA at Killingbeck has installed a secure trolley system (with electronic wheel locking) to prevent these being removed from the site.

4.0 Implications For Council Policy And Governance

4.1 Reco. 1: The WAMWG has developed - with advice from Legal Services - a draft policy statement on 'Maintaining Water Resources and Responding to Flood Incidents' (see Appendix 1). The purpose of this policy is to clarify and define the scope of the Council's roles and responsibilities in terms of statutory duties and permissive powers in relation to maintaining water resources, assessing and mitigating the risks arising, responding to related flooding incidents and supporting the communities affected by these. The adoption of this policy will help senior officers and members to understand better what the council should or should not undertake, provide an appropriate profile for water asset management within the Council's portfolio of responsibilities and provide a firmer underpinning for the resourcing of this area. The policy statement has the support of senior management and is now presented for the approval of Executive Board.

5.0 Legal And Resource Implications

5.1 There are a range of legal implications arising from the Council's ownership of water assets, but most of these were already in existence prior to this initiative. The policy statement seeks to make these more explicit. Further responsibilities are likely to arise for the Council in relation to arrangements for large bodies of water as a result of impending guidance for the implementation of the Water Act (2004). The WAMWG will ensure that these issues are considered and addressed as part of its on-going work.

5.2 As noted in paragraph 2.3, resources to the tune of £503,380 were provided from contingency and asset management resources to begin implementing the recommendations in 2005/6. Furthermore, full-year funding of £1.1 million per annum has been approved as part of the 2006/7 budget and will be provided for in future years. The on-going work of the group is likely to give rise to the need for further investment as the implications of its data collection and risk assessment become clearer (e.g. in relation to the Highways Asset Management Plan). This will be reported as this information becomes available.

6.0 Conclusions

6.1 Overall, the information provided demonstrates that the WAMWG has made excellent progress in both developing appropriate solutions addressing lessons learned, obtaining funding to deliver these and in implementing the recommendations. This work will not be completed overnight and necessitates an on-going, long-term funding commitment and focus from the Council to ensure that it delivers on its statutory, common law and other responsibilities.

7.0 Recommendations

7.1 Executive Board is requested to note the work and progress of the WAMWG to-date and to support its on-going work programme from which further recommendations with budgetary implications may arise.

7.2 Executive Board is also requested to approve the attached Policy Statement 'Maintaining Water Resources and Responding to Flood Incidents' as confirmation of its commitment to this important area of work.

POLICY ON MAINTAINING WATER RESOURCES AND RESPONDING TO FLOOD INCIDENTS: A GUIDE FOR COUNCIL DEPARTMENTS

Aim of the Policy

1. The purpose of this policy is to clarify and define the scope of the Council's roles and responsibilities in relation to maintaining water resources, assessing and mitigating the risks arising, responding to related flooding incidents and supporting the communities affected by these.

Background

2. Every year Leeds experiences a number of flooding incidents affecting houses, roads and other infrastructure all of which may significantly impact residents' lives. Such events may arise from unavoidable severe weather or from problems relating to the built environment in the shape of design deficiencies or poor maintenance. Whatever the origins it is apparent that the frequency and intensity of flooding in Leeds is increasing and is likely to lead to additional urban flooding and drainage problems.¹
3. Although flooding problems are popularly associated with rivers, the majority of flooding incidents and the damage caused in Leeds derive from *non-main river* sources. For the purposes of this policy this is taken to mean becks, sewers, culverts, highway gullies and drains, surface water run-off, as well as Council-owned dams, lakes and reservoirs.

Roles and Responsibilities

4. The effective treatment and mitigation of *non-main river* flooding risks is hindered by the number of organisations with a role in maintaining 'water resources' and in planning and responding to flooding resulting from these. These include the Council (enforcement on ordinary watercourses), Environment Agency (enforcement on reservoirs covered by the Reservoirs Act), Yorkshire Water (public sewers, reservoirs) and private landowners.
5. The Council not only has ownership responsibilities relating to highway drains gullies, culverts, Council-owned becks and lakes), but also relating to enforcement of legal duties on third parties. Annex 1 sets out these legal responsibilities in detail.

Legal Responsibilities for Enforcement

6. Under the Land Drainage Act 1991, the Council as Land Drainage Authority has powers to require remedial works to becks, or to undertake these and charge costs to defaulting owners. These powers are exercised by Development Department's Land Drainage Section which undertakes a becks inspection programme in line with our Flood Defence Policy Statement.
7. It is the Council's policy that private landowners and householders with riparian ownership responsibilities should undertake maintenance in line with the requirements of common law. To this end, the Council will promote the need for compliance by third parties through the provision of public information and advice. In addition, the Council may use its permissive powers to undertake necessary work and recharge any costs incurred as appropriate to the circumstances where it is established that:
 - the individuals concerned are unable to perform this duty due to unique circumstances; or
 - no owner is registered or can be found for land with riparian responsibilities

¹ See 'Increasing Flood Risks' in "Warming Up the Region: Yorkshire and Humber Climate Change Impact Scoping Study", Yorkshire and Humber Assembly, 2002, pp.10-11.

Legal Responsibilities for Maintenance and Mitigation

8. As a major landowner with *riparian* (riverbank) ownership responsibilities, the Council has *common law* duties to maintain its watercourses in an acceptable condition. At present, such responsibilities are vested in a range of departments and Council-owned bodies.
9. The Council has a number of other duties derived from statute which relate to water resource maintenance including:
 - ❑ as the Highway Authority (Highways Act 1980), the Council has responsibility for maintaining the highway of which the highway drains, gullies, culverts and watercourses under bridges form part.
 - ❑ as the owner of highways bridges and culverts, the Council has a responsibility for ensuring that related watercourses are kept clear of obstructions under the Public Health Act 1936.
 - ❑ as the owner of a range of lakes and dams, the Council has responsibilities under the Reservoirs Act 1975.
10. It is the Council's policy that all Council-owned water resources should be subject to regular risk assessments and maintained in line with these assessments. To enable this to happen, the Council will: (i) ensure the provision of an adequately trained and resourced capability to maintain its water assets; (ii) develop and maintain full records of the drainage systems forming part of the highway, Council-owned watercourses and culverts as well as lakes and reservoirs. Particular emphasis is given to the need for mapping known flooding 'hotspots'.
11. The implementation of water asset maintenance capabilities does not absolve land-owning departments from their duties to undertake grounds maintenance on land adjacent to watercourses.

Responsibilities for Flood Prevention and Emergency Response

12. The Council's obligations as an operating authority for flood defence on ordinary watercourses is set out in its Flood Defence Policy Statement.
13. Under the Civil Contingencies Act (2004), the Council has several statutory duties impinging on potential flooding, including:
 - ❑ to assess the risk of an emergency either occurring or making it necessary for them to perform their functions;
 - ❑ to maintain plans to enable them to perform their functions in an emergency necessary to prevent, reduce, control, mitigate its effects;
 - ❑ maintain arrangements to warn the public and provide public advice;
 - ❑ co-operate and share information with other responding organisations.

In line with these duties, it is Council policy to maintain or have access to an adequately trained and resourced capability to be able to respond to water-related incidents at any time of the day whether related to watercourses, culverts or highway drains or gullies. The Council will also ensure that generic and specific contingency plans are in place to mitigate identified flood risks.

14. In addition to its statutory duties in relation to flood prevention and response, it is Council policy - on a *discretionary* basis - to perform a number of additional non-statutory roles to assist residents and communities affected by flooding in restoring their lives to normality. The cost of these efforts may be recharged where this is deemed appropriate.

Sandbags

15. The Council may provide sandbags to householders and other parties to reduce the risk of property damage during major flooding. To this end it maintains at Highways depots a limited number of filled sandbags together with sandbag-filling machines and a strategic stock of

sandbags and sand for swift deployment. To ensure they are deployed to maximum effect, sandbags are issued in the following order:

- Vulnerable individuals or establishments;
- Residential properties; and
- Business or other non-residential properties.

Environmental Health

16. Environmental Health has a key role in protecting the health, safety and environment of residents and communities affected by flooding. Following a flood, officers will ensure that appropriate advice and guidance is provided to residents on possible contamination and cleaning. In addition, the Council may also provide a sampling service to determine whether properties are contaminated.

Provision of Manual Labour and Other Resources

17. It is Council policy that - on a *discretionary* basis - staff from Council departments may be deployed following major flooding to support residents in cleaning their houses, removing damaged household items or debris from their homes and gardens or the banks of watercourses for which they have responsibility.
18. It is also Council policy that - on a *discretionary* basis - Council departments may provide cleaning materials for use by residents to aid them in the clean-up and organise skips for the disposal of contaminated goods.
19. The need to provide discretionary services relates to the specific circumstances of an incident, but the wider the impact on a community the more likely these are to be needed. However, even in these circumstances, the Council will prioritise their provision on the basis of vulnerability and need. This policy does not imply the need for the Council to offer the same discretionary services in smaller, one-off types of incidents which can be effectively handled by the individual householder(s) affected.

THE COUNCIL'S LEGAL RESPONSIBILITIES RELATING TO WATER MANAGEMENT

The Council's responsibilities/liabilities in relation to flooding and other water issues arises from many sources an outline of the most relevant being:

Part 1 - Common Law Responsibilities

1. As a riparian owner arising out of its own land holdings of land adjacent to watercourses. Rights arise by virtue of common law and include:
 - ❑ the right to receive and the right of flow of water
 - ❑ subject to certain restrictions, the right to use the water
 - ❑ a right to build a defence against flooding provided it is not built in the channel so as to cause obstruction.

2. Liabilities of Riparian Owners include:
 - ❑ liability for flooding/escape of water in circumstances which amount to nuisance or negligence on the part of the owner
 - ❑ liability for damage which is the natural consequence of the escape or overflow of water (brought or collected on land for the owners use) under the Rule in Rylands and Fletcher (but this does not apply to water naturally on the land)
 - ❑ not to use the watercourse in such a way as to interfere with the rights of someone further downstream or pollute the water
 - ❑ A riparian owner is under no common law duty to clear a watercourse which becomes silted or obstructed through natural causes, but under the Land Drainage Act 1991 a local authority may require the riparian owner to carry out such works

3. Flood defence rests primarily with the riparian owner, but a local authority has permissive powers (but not in connection with a main river) to carry out flood defence works under the Land Drainage Act 1991.

Part 2. Statutory responsibilities and role of Leeds City Council

Reservoirs Act 1975

4. The local authority has the duties of an undertaker where it is the owner of large raised reservoirs registered under the Act. The Council has a number of such reservoirs (e.g. Waterloo Lake, Yeadon Tarn, and Fenton Dam). It is also responsible for a significant number of sizeable lakes and ponds (e.g. Gledhow Lake, Paul's Pond, and Golden Acre Park Lake) that are not large enough to be registered. In respect of these the Council will have a duty of care in common law and would be liable (see Rylands v Fletcher) if a failure caused injury to third parties or their property.

Land Drainage Act 1991

7. This Act makes reference to Internal Drainage Boards which have certain operational and regulatory powers. Internal Drainage Boards are in operation only in a small area of Leeds, near Wetherby.
8. Section 14 confers on the local authority permissive powers to maintain and improve ordinary watercourses and construct new works for the purpose of preventing flooding or mitigating any damage caused by flooding in their area.
9. Section 20 confers powers on a local authority to undertake drainage work for any person, but at that persons expense.
10. A Local Authority has powers to secure a proper flow under Section 25 and to serve notice on persons requiring them to carry out necessary works to maintain the flow of "ordinary" watercourses.
11. The above may require consent/consultation with the Environment Agency.
12. Section 66 enables a local authority to make bylaws to secure the efficient working of the drainage system in its area - subject to the provisions within the Act (see below).

Public Health Act 1936

13. Section 259 confers statutory nuisance powers in relation to polluted watercourses which cause a nuisance or give rise to conditions prejudicial to health
14. Section 260 confers statutory powers to execute works, including maintenance or improvement works, in relation to drainage, where filth, stagnant waters or matter likely to be prejudicial to health or a nuisance .
15. Section 262 enables the local authority to require a developer to cover etc a culvert/watercourse in relation to land to be developed.
16. Section 263 makes it unlawful to cover over or culvert and watercourse without the agreement of the local authority to plans and sections.
17. Section 264 enables a local authority to require a landowner to repair cleans etc culverts in watercourses on his land.

Highways Act 1980

17. Under the Act Highway Authorities have power to drain water from highways. Section 41 places a duty on the highway authority to reasonably maintain and repair the highway so that it is free of danger to users.

Road Traffic Acts, Transport Act 2000, New Roads and Streetworks Act 1991

19. These Acts also have an effect on water management.

Local Government Act 1972

20. Section 138 enables local authorities to incur expenditure to avert alleviate or eradicate the effects or potential effects of any emergency or disaster - but these powers cannot be used as alternative powers to those available under Section 14 of the Land Drainage Act.

Environment Act 1995

21. This places a duty on the Environment Agency to exercise a supervision in relation to flood defence generally, and to provide a 24 hour flood warning service.

Planning Guidance

22. Planning Policy Guidance Note 25 (PPG25, *Development and Flood Risk*) states that flood risk should be taken into account by planning authorities in the preparation of development plans/determination of planning applications.
23. A planning authority should ensure the provisions of adequate drainage arrangements in a new development.

Local Acts/Bylaws

24. Leeds has enacted bylaws in relation to Land Drainage (under Section 66 of the Land Drainage Act 1991). These give the local authority the power to prevent certain activities that might interfere with the condition or free flow of watercourses.

OVERVIEW OF COUNCIL WATER RESPONSIBILITIES

ANNEX 2

TYPE OF WATER RESOURCE	SIZE OF COUNCIL RESPONSIBILITIES	EXAMPLES OF RESOURCE	COUNCIL RESPONSIBILITIES	DEPARTMENTS INVOLVED	RECORDS AVAILABLE
Becks and watercourses	127 km	Wyke Beck Wortley Beck Meanwood/Sheepscar Beck Farnley Wood Beck Bagley Beck	As a riparian owner, ensuring that there is no impediment to the free flow of water.	ALMOs Development Education Leeds Learning & Leisure	Partial GIS record held by Land Drainage section.
Highway drains and culverts	450 km		Ensuring highway drains and culverts are maintained to standards that minimise the risk of highway flooding.	Highway Services (City Services)	136 km of highway drain recorded in GIS format by Land Drainage.
Highway Culvert Crossings <900mm	703 culverts		As above.	Highway Services (City Services)	(included in the above)
Highway Culvert Crossings >900mm Highway Bridges	153 culverts 118 bridges	Wyke Beck (A64) Easterly Road Harewood Bridge Wyke Bridge (Wyke beck) Globe Road Bridge (Hol beck)	Ensuring that the culverts and bridges are kept clear of obstructions.	Bridges Section (Development)	Locations of bridges and culverts recorded in GIS. Additional information in Leeds Bridges Database
Lakes and reservoirs < 25,000m3	> 10, but precise number not known.	Golden Acre Lake & Paul's Pond (Bramhope) Chippy's Quarry (Scholes), Farnley Hall Lake Middleton Park Lake, Woodhall Lake, Pudsey	As a responsible body, ensuring that the lakes are maintained to a high standard to avoid unacceptable risks to the local community.	Learning & Leisure	Records are inconsistent and need to be brought up to a coherent standard.
Lakes and reservoirs > 25,000m3	3	Waterloo Lake Yeadon Tarn Fenton Dam	As reservoir undertaker under the Reservoirs Act 1975, ensuring that the integrity of the reservoir is maintained and that all recommendations made by the Inspecting Engineer in the interests of safety are carried out.	Learning & Leisure	Statutory Form of Record is held by the responsible department.

Water Asset Management Working Group

Action Plan for Improved Council Water Asset Management and Emergency Response (Updated March 2006)

RECO NO.	THEME	RECOMMENDATION	BENEFITS	RESOURCES REQUIRED ?	COST ESTIMATE (FULL-YEAR EFFECT) ?	CAPITAL/REVENUE ?	ON-GOING / ONE-OFF ?	DEADLINE	ACTION OWNER	COMMENTS
1	Council Policy	Draft Policy for approval by CMT and Exec Board on 'Maintaining Water Resources and Responding to Flood Incidents'. Policy to include appendix setting-out legal responsibilities and permissive powers in this area.	Provides clarity regarding Council's legal roles and responsibilities.	Set out under other recos below.	N/A	N/A	N/A	May 2006	R Davies	Document complete. To be submitted to Exec Board for approval with progress report on 17 May 2006.
2		Director of Development to act as 'Drainage Champion' on CMT and Development Department to act as Lead Department for the co-ordination of drainage and watercourse-related issues within the Council..	Ensures that water-related issues receive an appropriate management profile and regular reports made to Asset Management Group.	N/A	N/A	N/A	N/A	May 05	J Dent	In place. Members of the working group meet regularly with Director of Development.
3	Watercourse Maintenance and Land Drainage	Develop costed proposals for setting-up or procuring a one-stop 'Water Asset Management Service' to be responsible for watercourse inspection, preventative maintenance and clearance to fulfil the Council's responsibilities for riparian ownership and under Land Drainage Act as well as to respond to emergencies on a 24 hour basis. Proposals to include staffing levels, specialist skills and equipment, options for locating and managing this team, role of external specialist service might need to be retained on term contracts.	Ensures that Council can undertake its legal duties as a riparian owner and as enforcement authority.	Trained staff plus specialist equipment (eg pumps) and vehicles	£645,000	R	On-going	Feb 2006	D Sellers	A "Schedule of Rates" contract is now in place with Duffy's (as of 01/02/06) for the undertaking of work commissioned and directed by Land Drainage on the basis of priorities. The contract includes provision for call-out by PEPU for emergencies.
4		Fund and recruit 4 additional posts currently in Land Drainage structure for providing technical advice, drainage enforcement, reviewing planning applications, maintaining drainage infrastructure records.	Ensures that Section can adequately enforce on land drainage issues and advise on new developments posing flood risks.	4 new staff Furniture etc Out-of hours standby allowance for emergency response	£120,000 £7,000 £10,000	R R	On-going One-off	April 2006	J Dent	Recruitment process is in progress.
5		Ensure that all new significant developments fully consider flood risks and encompass sustainable drainage funded by developers where possible.	Ensures the risk of flooding in Leeds not increased by new developments and diminished in the long-term.	See 4 above	See 4 above	R	On-going	June 2006 Dec 2006	I Andrews	Additional Land Drainage staff will help to ensure this. Development Dept is commissioning a Flood Risk Management Strategy for Leeds to underpin this.
6		Develop proposals for systems for the improved recording and maintenance of records of water assets (watercourses, culverts, ponds, lakes), including those owned by the Council and cost the development of these for inclusion in the capital programme.	Ensures that relevant water assets can be inspected and maintained on the basis of risk.	IT to assist Land Drainage in migrating ArcGIS to corporate architecture. Dependent on extra staff identified at item 4.	To be determined.	C/R	On-going	TBC	D Sellers	This is in development.
7		Develop a package of measures to support private riparian owners and communities to fulfil their responsibilities, such as: <input type="checkbox"/> targeted 'flood fairs' and public information campaigns for at-risk households on responsibilities of riparian ownership and flood protection products available. <input type="checkbox"/> negotiated call-off contracts with specialist companies together with easy payment schemes <input type="checkbox"/> training and briefings.	Ensures that the riparian owners and general public receive appropriate information on their responsibilities, what to do if flooded and comply better with their responsibilities.	Officer time (LCC and EA)	Within existing resources.	R	On-going	June 2006	D Sellers/ R Davies	PEPU has been actively liaising with the EA and other partners via the West Yorks Flooding sub-group and National Flood Forum and a Flood Fair will be taking place on 7 May. Land Drainage is investigating the possibility of riparian owners using Duffy's to undertake work on their behalf.
8	Emergency Response	Agree interim 24 hour call-out system for responding to flooding incidents prior to new arrangements given that	Ensures that the Council is able to respond to flooding in	Staff to remove blockages from	To be determined.	R	For period prior to	July 05	D Sellers/ R Davies	Completed.

		there are no Council staff trained to undertake this work nor do departments have standby in place.	terms of both prevention and mitigation.	watercourses Vehicles			completion to item 3.			
9		Agree protocol on co-ordination and response to flooding incidents with all partner agencies.	Ensures that all organisations understand and commit to their specific roles in a flood emergency.	N/A	N/A	N/A	On-going	April 2006	R Davies	A West Yorks multi-agency flood response protocol with clear roles and responsibilities was ratified in Dec 2005 by partners and is being incorporated into agencies' Flood Plans.
10		Develop costed proposals for a 24 hour emergency response capability to potential and actual incidents on Council-owned and other watercourses (x ref to reco. 3).	Ensures that Council can undertake its legal duties under Civil Contingencies Act and as enforcement authority.	Trained staff plus specialist equipment (eg pumps) and vehicles	To be included in reco. 3. Above.	R	On-going	Feb 2006	D Sellers / R Davies	In place. See item 3.
11		Revise approach to provision and deployment of sandbags: <input type="checkbox"/> maintaining limited stocks of filled sandbags together with quantities of sand and unfilled bags <input type="checkbox"/> purchase dedicated sandbag-filling hoppers to fill sandbags rapidly either at depots or on the back of trucks near to the scene of flooding.	Ensures that Highways do not have to maintain large stocks of ready-filled sandbags which deteriorate.	Sandbag hoppers x 2 Sand Sandbags	£7,000 x 2 £3,000 for stocks of sand	C/R	One-off	Dec 2005	P Markham	In place. Additional supplies of sand, empty bags and sandbag hoppers located at all three depots.
12		Develop proposal for a roll-on/roll-off Flood Resource Pod with WYF&RS and EA which could be rapidly deployed by the Fire Service from a Leeds Fire Station to mitigate flooding as far as possible.	Ensure that properties at risk of flooding in an incident protected as far as possible limiting impact upon a community.	Pod including airbrick covers, doorblocks, large plastic bags for furniture etc	To be determined	C/R	On-going	Sept 2006	R Davies	WYFRS rejected proposals developed by LCC given that this is not a statutory service. PEPU is continuing to press for this idea to be developed. PEPU is now investigating how LCC might be able to deploy better post-flood resources to support communities and has purchased a stock of clean-up supplies for this purpose.
13		Explore options with EA/YWS/Chief Exec's for developing: <input type="checkbox"/> a One-Stop Flood Reporting Telephone Line able to handle all flooding reports whether on the highway, housing, gardens etc. <input type="checkbox"/> a checklist of questions and a flowchart for use in Environmental Call Centre which could be used to establish what form of flooding was involved and who this should be referred to.	Ensure that public's requests for a seamless response are addressed quickly and effectively.	To be determined Checklists	To be determined Existing resources	To be determined To be determined	To be determined One-off	On-going Apr 2006	R Davies D Sellers	The West Yorkshire Flooding sub-group (in conjunction with Land Drainage) has produced a draft 'decision tree' identifying sources of and responses to flooding for telephone operators to use. This is subject to consultation. Discussions are continuing with the Contact Centre on how flooding is reported.
14		Asset Management Unit to configure the Corporate Property Database so that Council beck ownership can be rapidly determined by officers investigating impediments to flow. In longer term, net LCC ownership data to be made available via 'Mapping Leeds' and to ArcGIS users.	Ensure that appropriate ownership data available for easy interrogation by Land Drainage and others to address problems when they arise.	Additional Land Terrier software licences for Land Drainage section.	£1,000 Existing resources.	R	On-going	On-going	J Ramsden	Land Drainage staff now have access to the Terrier System. The proposed GIS summary data is under development.
15	Highways and Street Cleansing	Identify known flooding hotspots on roads and highway gullies and prepare a report for City Services SMT outlining options.	Ensures that flood risk locations can be prioritised for remedial action.	N/A	Within existing resources.	R	One-off	July 2005	P Markham	Completed.

16		Review gully emptying service on a provisional basis (subject to a future full survey and assessment of servicing frequency) to ensure an effective gully cleansing regime during and out-of-hours.	Ensures that risk of gullies causing or contributing to flooding is diminished.	Increased no. of gully cleaners leased from 4 to 6 to enable 1 per area and 1 for reactive work. Standby allowance	£258,000 £25,000	R	On-going	Oct 2005	S Smith/ Markham	P	Streetscene Services has had enhanced arrangements in place since Oct 2005 with two extra vehicles leased and additional staff recruited. They are in the process of formalising call-out arrangements, but have interim arrangements in place. Streetscene has higher frequency cleaning in place for flood prone areas.
17		Highway Services to develop a short-term programme of data gathering and risk assessment for highway culverts less than 900mm diameter in order to ensure that culvert cleaning is carried out in most vulnerable areas.	Ensures that service provision can be planned on the basis of risk-based maintenance.	Technician plus van for 6 months for initial survey. Existing contract arrangements to carry-out culvert cleaning.	£20,000 Existing highway maintenance budget	R	One-off On-going	March 2006	P Markham/ S Smith	S	Around 630 highways culverts have now been surveyed and the data input logged into a database for export into GIS. Most of surveyed locations have been risk-assessed (e.g. potential impact on properties) and a report is in preparation to highlight locations most at risk and requiring maintenance or further work. A further 70+ sites should be assessed by the end of March.
18		Highway Services/Environmental Services to identify requirements for linking into the corporate ArcGIS system necessitating mapping locations of all gullies, drains and highway culverts; implement data collection; determine existing/needed capacities of highway drains and culverts and carry out risk assessment of all assets to determine an effective gully-emptying regime and a programme of capital improvements to the system where required based on risk/need.	Ensures that service provision can be provided within the framework of a Highway Asset Management Plan.	1 x technician Data-collection devices 2 x technicians plus van plus consultancy fees.	£20,000 for staff time to set-up GIS and management (nb gullies only) £5,000 Add'l survey work on extent & nature of highway drainage system and culverts will be extensive. Best estimate £100,000 p.a. for 5 years. Future capital costs dependent on outcome of survey work	C/R	Rolling programme over an initial 5 year period.	Mar 2006 March 2011	P Markham		Data collection devices have been procured and appropriate software developed. Mapping of locations will now begin and this work is informing work on the Highway Asset Management Plan.
19		Bridges Section to develop a programme of data gathering and risk assessment for large highway culverts and bridges susceptible to blockage for remedial action, and continue a reactive programme of culvert clearing.	Ensure that Council can undertake its legal duties under Land Drainage Act, Public Health Act and Highways Act, that service provision can be planned on the basis of risk-based maintenance and that capital bids can be made to fund replacement programmes.	Engineer Time Works Cost for cleaning	£5,000 £10,000 p.a.	R R	One-off On-going	July 2005 Aug 2005	R Kay		A programme of invert cleaning is continuing for large culverts and bridges susceptible to blockage. Data gathering work is being linked with on-going asset valuation work. The current stage of the asset valuation programme includes structures where details of cross sections and this is being gathered for capacity checking.
20		Bridges Section to develop a rolling programme of data gathering and risk assessment for culverts and bridges susceptible to flooding due to insufficient culvert capacity, and develop a Capital Programme for the upgrading of highway culverts and bridges on a priority	Ensure that Council can undertake its legal duties under Land Drainage Act, Public Health Act and Highways Act, that service	Engineer Time (Bridges Staff) Engineer Time Land Drainage	£12,000 p.a. £4,000 p.a.	R	On-going	Sep 2010	R Kay		See 19 above.

		basis. Developer funding to be sought via s.106 contributions where appropriate.	provision can be planned on the basis of risk-based maintenance and that capital bids can be made to fund replacement programmes. Ensure that the Council can defend itself against actions of the 'Bybrook Barn v Kent CC' type.							
21		All new road schemes to include data mapping of highways water features on system compatible with corporate ArcGIS as part of the planning process.	Ensures that service provision can be planned on the basis of risk-based maintenance.	Staff time	Existing resources	C	On-going	Apr 2006 onwards	R Coello	This is subject to on-going discussions relating to the corporate GIS system.
22		Drainage systems data to be obtained from developers as part of all highway adoptions.	Ensures that service provision can be planned on the basis of risk-based maintenance.	Staff time to follow-up developers	Existing resources	R	On-going	Apr 2006 onwards	R Coello	In progress.
23	Lakes, Reservoirs and Dams	Identify and record all lakes, reservoirs and dams within LCC boundaries on Corporate GIS system (ArcSDE). See Action 8 above.	Ensures that there is a system in place to facilitate inspection and maintenance on a risk-basis.	Staff time	Dependent upon resources identified in reco.4.	R	One-off	June 2006	D Sellers	To be undertaken using additional staffing (see reco. 4)
24		Review data collected regarding all LCC lakes, reservoirs and dams to: <input type="checkbox"/> establish status (i.e. Reservoirs Act or not ?) <input type="checkbox"/> assess their condition and the risks associated with the asset <input type="checkbox"/> identify any remedial works needed <input type="checkbox"/> identify requirements for on-going inspection regimes <input type="checkbox"/> determine contingency planning needs in line with Water Act and risk ratings <input type="checkbox"/> consider how these assets could be used for better recreational use consistent with Council LCC objectives around 'neighbourhoods being safe, clean, green and well-maintained' and 'people living healthy, fulfilling lives'.	Ensures that identified potential hazards are subjected to risk assessment, that risks are appropriately treated and that assets are maintained and used to their full potential for the benefit of the community.	Staff time	Dependent upon resources identified in reco.4.	R	One-off	June 2006	D Sellers/J Davies	To be undertaken using additional staffing (see reco. 4). Discussions already occurring between L&L and Land Drainage regarding several bodies of water. LCC is also developing a template plan for the off-site consequences of dam breaches for DEFRA to use in guidance currently being finalised.
25		Commission dam breach assessment for Waterloo Lake at Roundhay Park.	Ensures that an impact assessment of an identified hazard is undertaken to determine the need for and scope of contingency planning.	Consultants' and Land Drainage time.	£5,000	C	One-off	June 2006	D Sellers	This work was subject to a tendering exercise. An initial meeting has taken place with the successful Consultant and work is underway.
26	Partnership Working	Initiate a multi-agency technical forum with partners from Environment Agency and Yorkshire Water to meet regularly.	Ensures that organisations with a stake in the water infrastructure consider issues of joint concern, follow-up incidents, share data, and agree risks and maintenance frequencies to create more effective arrangements for strategic planning, flood prevention and response.	Staff time	N/A	N/A	On-going	Sep 2005	D Sellers	In place.
27		Develop annual partnership water asset review meetings between senior officers of LCC, YWS and the EA to ensure that key issues are given appropriate attention within all organisations.	Ensures that issues of joint concern are given senior management support in key agencies.	Staff time	N/A	N/A	On-going	Sep 2005	J Dent	In place.
28	Specific Locations	Explore development of flood alleviation measures for the whole Wyke Beck catchment on a holistic basis (i.e. taking into account sewers, watercourses, and highway drains.	Ensures that an area with proven flood risk is provided with an appropriate flood alleviation scheme.	Staff time for EA and YWS consultants, and LCC staff in modelling the catchment.	To be determined	C	One-off	On-going	Env Agency / D Sellers	EA has responsibility for enforcement from Apr 2006 and has commissioned consultants to build a full

				Cost of any alleviation scheme. time						<p>hydraulic and hydrological model. An aerial LIDAR survey was commissioned to assist with this. The modelling has now been completed and the EA has received a draft final report. The EA will now have to determine whether remedial works are required. Level monitoring telemetry has been installed at South Parkway Approach.</p> <p>YWS is mothballing their 'new' storage tank at Wykebeck Valley Rd which was subject to controversy and building a new high volume storage tank at the junction of Foundry Lane and Oakwood Lane. Construction is expected to begin at the end of March. YWS is also commissioning consultants to model local sewerage system and tie this in with the EA beck model.</p> <p>The £1.2bio East & South-East Leeds (EASEL) Programme will include substantial changes to drainage systems and the Wyke Beck and require joint working with YWS and EA. Initial contacts made.</p> <p>Land Drainage has liaised directly with the Dunhills action group on work.</p>
29		Learning & Leisure to install a primary trash screen across Wyke Beck upstream of York Road to stop the migration of large scale detritus downstream.	Ensures that large debris cannot progress beyond York Road and create blockages in the Dunhills area.	Purchase of trash screen and installation On-going screen maintenance.	To be determined	C/R	One-off and on-going	Mar 2006	J Davies	EA has approved installation of a trash screen and Duffy's have installed this for LCC. Forestry has cleared growth on the side of beck under ecologists' supervision.
30		Initiate enhanced programme of inspection of Wyke Beck (including Halton Moor Road grid), including logging of inspections and photographic recording of the condition and rigorous enforcement .	Ensures that problems in flood-risk area identified promptly for remedial action.	Staff time	Within existing resources	R	On-going	May 2005	D Sellers	In place.
31		Install cut-off drains at King George V playing fields (behind Foundry Lane) and at the Chantry's in Colton to intercept surface run-off.	Ensures that known cause of flooding mitigated and likelihood of claims against Council limited.	Drain plus installation	Within existing resources	C/R	One-off	July 2005	J Davies	Complete.
32	Flytipping and Enforcement	Take action within legal powers to reduce the number of abandoned shopping trolleys.	Ensures that trolleys are less likely to cause blockages and flooding in local watercourses.	Staff time, collection costs and storage costs	£60,000	R	On-going	Feb 2006	G Wilson	Powers are now in place. Enforcement has also identified a company which will sweep the city and watercourses to

Design & Cost Report

REPORT OF DIRECTOR OF DEVELOPMENT DEPARTMENT

REPORT TO: EXECUTIVE BOARD – 17th May 2006

SUBJECT : FEARN ISLAND MILLS AFFORDABLE HOUSING SUBSIDY USING SECTION 106 COMMUTED SUMS

Electoral Wards Affected :

City & Hunslet

Specific Implications For :

Ethnic Minorities

Women

Disabled People

Executive Function Eligible for Call In X Not eligible for Call In
(details contained within the report)

EXECUTIVE SUMMARY

The purpose of this report is to obtain authority to spend £605,000 of Section 106 monies on an affordable housing subsidy at a housing scheme at Timblebeck, Fearn Island Mills, in the city centre. This will enable Yorkshire Housing Association to acquire 9 two bedroom flats from the developer of Fearn Island Mills for affordable home purchase by households in need.

1.0. BACKGROUND

1.1 The City Council has available over £2.6m of Section 106 commuted sum money to use towards the provision of affordable housing in Leeds. An opportunity has arisen for Yorkshire Housing to acquire nine properties from Eastgate Property Co. Ltd, the developer at Fearn Island, to be made available for affordable homes. Yorkshire Housing has negotiated an 8% discount off open market value for the homes. However, to make the homes genuinely affordable, in line with the City Council's affordability benchmarks (approximately £8.90sqm or £130sqft), a further subsidy of £600,000 will be required.

1.2 It is proposed that money generated through the granting of planning permissions for the following housing developments be used:

Application No.	Location	Amount
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ORIGINATORS NAME: Robin Coghlan	DATE: 14 th February 2006
TELEPHONE NUMBER: 247 8131	FAX NUMBER:

20/530/99/FU	Whitehall Quays	£295,808.00
20/384/98/FU	Concordia St	£118,750.00
20/41/99/FU	Clarence Dock	£181,905.58
20/25/00/FU	Denison Hall	£3,536.42
	TOTAL	£600,000.00

- 1.3 These commuted sums arise from S106 Agreements which state that money may be spent in the city centre on provision of affordable housing.

2.0 DESIGN PROPOSALS / SCHEME DESCRIPTION

- 2.1 The development at Fearn Island has been promoted by the Urban Edge Group who obtained planning permission last year (ref 20/254/03). The scheme comprises 23 dwellings in a new build element known as “Timblebeck”, which complements the refurbishment of the adjoining listed building.
- 2.2 The 9 dwellings agreed for acquisition by Yorkshire Housing Association are complete & fitted out to a high standard of design. Located on floors 1 – 5, they are all 2 bedroom ranging in size from 660sqft to 672sqft. Their current asking prices range from £157,500 to £180,000, but with the 8% discount negotiated by the housing association and £600,000 from the City Council, the discount sale prices would range from £85,000 to £88,000 at today’s prices.

3.0. CONSULTATIONS

- 3.1 The proposal has been considered by officers of both the Development Dept and Neighbourhoods & Housing Dept who deal with affordable housing schemes on a regular basis. The scheme is considered to make good value for money as it enables an 8% discount offered by the housebuilder to be utilised and will deliver a mix of 1 and 2 bedroom good quality apartments.

4.0 COMMUNITY SAFETY

- 4.1 There are no direct implications for community safety arising from the contents of this report.

5.0. PROGRAMME

- 5.1 Over the next month, Legal Services will prepare an appropriate agreement to ensure that the transaction takes place as agreed and that Yorkshire Housing offers the dwellings for sale at affordable prices and maintains its equity stake in them so that they remain affordable for subsequent purchasers. Such an agreement may allow for occupiers to “staircase” (raise their equity share in their property) on condition that the receipts are recycled into provision of affordable housing elsewhere in Leeds.

6.0. SCHEME DESIGN ESTIMATE

- 6.1 The following table illustrates the differences between market house prices and the affordable house prices that the £600,000 would make at today’s prices:

Apart. No.	Size in Sq Ft	Asking Price	Price Less 8% Disc.	S106 Cont.	Aff.Hse Price
1.1	660	£160,000	£147,440	£62,056	£85,380
1.4	672	£157,500	£145,136	£58,166	£86,970
2.1	660	£163,000	£150,205	£64,840	£85,370
2.4	672	£160,000	£147,440	£60,485	£86,950
3.1	660	£167,000	£153,891	£68,551	£85,340
3.4	672	£164,000	£151,126	£64,196	£86,930
4.1	660	£170,000	£156,655	£71,333	£85,320
5.1	660	£180,000	£165,870	£80,610	£85,260
5.4	672	£170,000	£156,655	£69,763	£86,890
Total	5988	£1,491,500	£1,374,418	£600,000	£774,410

6.2 A provision of £5,000 has been made for legal costs incurred at 5.1 above, to be charged to the scheme. This will be funded from the balance of S106 monies against planning application 20/25/00/FU.

7.0. CAPITAL FUNDING AND CASHFLOW

Previous total Authority to Spend on this scheme	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	605.0			605.0			
TOTALS	605.0	0.0	0.0	605.0	0.0	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LCC Funding	0.0						
Section 106 / 278	605.0			605.0			
Total Funding	605.0	0.0	0.0	605.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Parent scheme number: 12615
title: Fearn Island Mills

8.0. REVENUE EFFECTS

8.1. The proposals in this report are for capital works only. There are no revenue implications arising.

9.0. RISK ASSESSMENTS

- 9.1. There are limited risks associated with the payment of this subsidy. A grant/subsidy agreement will be signed to ensure the council can recover the sum or seek appropriate redress should there be problems in the transfer of the affordable housing or the Housing Association fails to manage the subsequent re-sales of the affordable housing to households in need. The safety nets shall comprise of a legal charge of the grant value on the title of the land.

10.0. COMPLIANCE WITH COUNCIL POLICIES

- 10.1. By introducing opportunity for a wider mix of people to live in Leeds city centre, the scheme would help fulfil the objective of the Corporate Plan 2005-08 to make all Leeds' communities thriving and harmonious where people are happy to live and help "narrow the gap" between different parts of Leeds.
- 10.2 The scheme would also comply with Policy H9 of the Unitary Development Plan which states that the City Council will seek to ensure a "balanced provision" of size & types of dwellings, including for households on low incomes.

11.0 COUNCIL CONSTITUTION

- 11.1 The scheme is eligible for call-in.

12.0. RECOMMENDATIONS

- 12.1 The Director of Development : -

- Authorised the release of £600,000 S106 monies, as a grant to Yorkshire Housing Assoc. to acquire 9 properties to make them available as affordable homes, and £5,000 to cover the legal costs, once the money was injected into the Capital Programme at scheme 12615.
- Agreed that a copy of this report was forwarded to Executive Board and the Director of Corporate Services to request the injection of £605,000 into the Capital Programme at scheme 12615 and grant authority to spend against it.

On Land	CPRH (1)
On Construction	CPRH (3)
On Furniture & equipment	CPRH (5)
On Internal Fees	CPRH (6)
£605,000 On Other Costs	CPRH (7)

£605,000 TOTAL

- 12.2 Executive Board : -

- Approved the injection of £605,000 S106 money into the Capital Programme at scheme 12615, to fund the grant for affordable housing and legal costs, as outlined above.
- Granted authority to spend £605,000 S106 money at scheme 12615.



Report of the Development Department

Executive Board

Date: May 06

Subject: Nottingham Declaration on Climate Change

Electoral wards affected:

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Eligible for call In

Not eligible for call in
(details contained in the report)

Executive Summary

1. The Council resolution of the 1st of November 2005 recommends the Executive Board to adopt the Nottingham Declaration which, to date, has been signed by 108 local authorities.
2. The Nottingham Declaration requires the authority to produce plans that address the causes and impacts of climate change within two years. Work has already started on a climate change strategy and action plan and the Leeds Environment City Partnership has agreed to establish a working group to develop, implement and monitor a city-wide strategy.
3. The Declaration requires the authority to publicly declare, within appropriate plans and strategies, the commitment to achieve significant reduction in greenhouse gas emissions. These plans, together with opportunities for action, have already been identified by an in-house group of officers

1.0 Purpose of this report

- 1.1 Following the Council resolution on the 1st November 2005 recommending the Executive Board adopt the Nottingham Declaration on Climate Change, this report summarises the main points of the Nottingham Declaration and recommends that the declaration be signed by the Leader of the Council and the Chief Executive.

2.0 Background information

- 2.1 The Nottingham Declaration is a commitment by local authorities to:
- Work with central government to contribute, at a local level, to the delivery of the UK Climate Change Programme, the Kyoto Protocol and the target for carbon dioxide reduction by 2010
 - Participate in local and regional networks
 - Within the next two years develop plans with our partners and local communities to progressively address the cause and impacts of climate change, according to local priorities, securing maximum benefit for our communities.
 - Publicly declare, with in appropriate plans and strategies, the commitment to achieve a significant reduction of greenhouse gas emissions from our own authorities operations, especially energy sourcing and use, travel and transport, waste production and disposal and the purchasing of goods and services
 - Assess the risk associated with climate change and the implications to our services and our communities of climate change impacts and adapt accordingly.
 - Encourage all sectors of our local community to take the opportunity to adapt to the impacts of climate change, to reduce their greenhouse gas emissions and to make public their commitment to action
 - Monitor the progress of our plans against the actions needed and publish the results
- 2.2 To date 108 Local Authorities have signed the Nottingham Declaration on Climate Change. The declaration must be signed by the Leader of the Council and Chief Executive, other signatories are the Minister of State for Climate Change and the Environment and the Office of the Deputy Prime Minister.
- 2.3 The Nottingham Declaration acknowledges that climate change is occurring and welcomes the social, economic and environmental benefits that come from combating climate change. This message is reinforced by Yorkshire and Humber's Climate Change Action Plan which states that it has been established beyond reasonable doubt that climate change, accelerated by human activity, is happening now. The concern of the global scientific community is that, without concerted effort to constrain the growth of greenhouse gases, climate change may impact upon the global environment to such an extent that social and economic progress is reversed and that runaway climate change could be triggered.
- ## **3.0 Main issues**
- 3.1 The Nottingham Declaration welcomes the opportunity for local government to lead the response at a local level encouraging and helping local residents, local business and other organisations:- to reduce their energy costs, to reduce congestion, to adapt to the impacts of climate change, to improve the local environment and to deal with fuel poverty in our communities.

- 3.2 Our response to this agenda is already being addressed within the authority through a Climate Change Working Group which was established in February 2005. The group has been working on elements of a Climate Change Strategy and has identified existing achievements and a number of LCC and strategic opportunities to mitigate and adapt to climate change. Leeds Environment City Partnership have agreed to develop this group, which will include council representatives, to add to this information and to develop and implement a city-wide strategy and action plan. This will meet the Declaration's commitment to develop plans with our partners and local communities within two years of signing the declaration.
- 3.3 The aims of the strategy will be to contribute at a local level to the delivery of the UK Climate Change Programme, the Kyoto Protocol and the target for carbon dioxide reduction by 2010 (20% of 1990 CO₂ emissions). These aims are supported by the Yorkshire and Humber's Climate Change Action Plan which states that all key regional strategies are working towards a 20% reduction in greenhouse gas emissions between 1990 and 2010.
- 3.4 The climate change strategy and action plan will state that there is a need to monitor the progress of the plan against the actions and to publish results.

4.0 Implications for council policy and governance

- 4.1 The Vision for Leeds states that Leeds will measure its success by reducing the amount of carbon dioxide produced by 20% of 1990 levels and supporting regional targets for electricity from renewable sources. The Corporate Plan states that we will develop a climate change strategy to reduce pollution and the Council Plan 2005/06 states that we will focus our efforts on the most important environmental issues such as climate change.
- 4.2 The climate change working group has identified achievements and opportunities associated with adaptation and mitigation of climate change under eight key themes: planning and development, adaptation, built environment, transport, waste, natural environment, procurement, education and awareness. Each theme has representatives from different services of the authority who are able identify which policies and plans, both existing and planned, contribute to mitigating and adapting to climate change. This is a good example of Closer Working, Better Services in action.
- 4.3 Policies and plans that help to achieve a significant reduction of greenhouse gas emissions from our own authorities operations include:
- The Environment Policy
 - The Asset Management Plan (Energy and Water Plan 2003 -2008 and the draft Carbon Management Action Plan)
 - LCC's Travel Plan
 - Corporate Procurement Plan (Procurement Strategy 2005 – 2008)
- 4.4 Plans and policies that help to influence a significant reduction in greenhouse gas emissions across the city or assess the risk associated with climate change and the need to adapt accordingly include:
- Planning Policies within the UDP and future LDF
 - Risk Management Strategy (Emergency Plan)
 - Housing and Regeneration Plan (Home Energy Efficiency and Conservation Plan 1996 – 2011 and the Affordable Warmth Strategy)

- Local Transport Plan 2
- Integrated Waste Management Strategy (draft) 2005 – 2035
- The Biodiversity Action Plan for Leeds

4.5 The need to adopt a Climate Change Strategy has been reinforced by the release, on the 28 March 2006, of the new Climate Change Programme. This document identifies a package of measures to encourage local government to help achieve government targets and increase levels of microgeneration including:

- A new planning policy statement setting out how Government expects participants in the planning process to work towards the reduction of carbon emissions in the location, siting and design of new development.
- Consideration will also be given to ensure the local government performance framework (CPA) will include an appropriate focus on climate change.
- There will be a £20m revolving fund for the public sector to invest in energy efficiency.
- A local authority best practice support programme will be launched in 2006-7 which will aim to benchmark the performance of local authorities on climate change and sustainable energy and target those who need help to raise their performance.
- Continued action to upgrade energy efficiency of social and rented homes and those in fuel poverty through the Warm Front and Decent Homes Programmes (Narrowing the Gap agenda)

4.6 The Climate Change Strategy for Leeds will address the measures identified in existing programmes, the new Climate Change Programme and will be continuously updated to include all future government programmes designed to address the causes and impacts of climate change.

5.0 Legal and resource implications

5.1 There are no statutory requirements associated with climate change however the Authority has already recognised the need for a Climate Change Officer and £50,000 has been made available in the 2006/7 budget to resource the post within the Sustainable Development Unit of the Development Department.

5.2 Officers in the Environment City Team are currently in discussion with Leeds Initiative with a view to inviting all partners to attend a launch of the city-wide Climate Change Working Group on the 5th June (World Environment Day).

5.3 The Environment City Team are also working with regional partners on developing initiatives to access government funding from the Climate Change Communications Initiative launched in December 2005. It is intended that these initiatives will contribute toward encouraging all sectors of our local community to take the opportunity to adapt to the impacts of climate change, to reduce their greenhouse gas emissions and to make public their commitment to action.

6.0 Conclusions

6.1 Leeds City Council is already addressing the commitments in the Nottingham Declaration. The Climate Change Working Group has started to develop many of the elements of a Climate Change Strategy and Action Plan. Agreement from the Leeds Environment City Partnership that they will establish a Climate Change Working Group to develop, implement and monitor a Climate Change Strategy and

Action Plan for the city means that Leeds City Council can commit to implementing a plan within two years.

- 6.2 Signing the Nottingham Declaration would demonstrate commitment to the Strategy and Action Plan and reinforce the need to include mitigation and adaptation measures in all relevant plans and policies, as identified above.

7.0 Recommendations

- 7.1 The Executive Board propose that the Leader of the Council and the Chief Executive sign the Nottingham Declaration on Climate Change, as proposed by the Council resolution on 1st November 2005.



Report of the Development Department

Executive board

Date: 17 May 2006

Subject: Elmwood Road, Leeds LS2

**Appendix: To be circulated at the meeting
Exempt under Exemption 3 (Commercial Interests)**

Electoral wards affected: City and Hunslet
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Specific implications for:
Ethnic minorities <input type="checkbox"/>
Women <input type="checkbox"/>
Disabled people <input type="checkbox"/>
Narrowing the gap <input type="checkbox"/>

Eligible for call in

Not eligible for call in
(details contained in the report)

Executive Summary

The purpose of this report is to advise Members of the position regarding the sale of the above land following the marketing and subsequent receipt of best and final offers in respect of the same. Following discussions with a number of interested parties who submitted schemes in connection with the redevelopment of the site, four parties were short-listed and asked to submit their final offers and schemes for consideration. The Director of the Development Department is now reporting these details in the confidential appendix to be circulated at the meeting.

1.0 Purpose Of This Report

The purpose of this report is to advise Members of the discussions that have taken place between the Council and the four parties that have been short listed in respect of the redevelopment of the site at Elmwood Road, Leeds LS2

2.0 Background Information

2.1 The Council owns the subject site shown on the attached plan, which has an area of 1 ha (2.46 acres) including the ownership of Elmwood Road, which is currently used as a pay and display car park. Leeds Metropolitan University (Leeds Met) own the

adjoining site, which has an area of 1.13 ha (2.8 acres) and currently comprises the Brunswick Terrace Campus and is also shown on the attached plan

- 2.2** Leeds Met propose to vacate the Campus by September 2006 and are keen to dispose of the site for re-development. The Council's surface car park is also suitable for redevelopment and, rather than market the two sites independently, with Elmwood Road dividing the two sites, the Director of the Development Department agreed on 12 July 2005 that they be marketed jointly as one prestigious comprehensive development site.
- 2.3** A Planning and Development Brief for the Prestigious Development Area (PDA) was prepared for the site which identified the expected principal uses to be office with leisure, hotel and conference/exhibition. Other uses that are seen to serve the PDA by adding variety that contributes to the City Centre and support the principle use would also be encouraged. This could include retail serving the development, and A3 uses to compliment the office use. Residential use would be acceptable, provided it was not the dominant use and where it did not prejudice the presence of the principal uses. A comprehensive ground condition survey across the whole site was also included in the marketing information.
- 2.4** There were clear commercial advantages for considering the two sites as one comprehensive redevelopment area, as the marriage of the two sites would facilitate a larger and more prestigious scheme for this part of the City.
- 2.5** Leeds Met had already appointed DTZ Debenham Tie Leung to act on its behalf in respect of the marketing of the site and, in these circumstances, it was considered advantageous that they also be appointed to act on behalf of the Council in the preparation of the marketing brochure etc
- 2.6** The Director of the Development Department, therefore, also approved on 12 July 2005 the appointment of DTZ as joint marketing agents and further approved on 15 July 2005, the waiver of Contract Procedure Rules to enable this company to act on behalf of the Council.
- 2.7** The site was marketed by DTZ, in accordance with the terms agreed by the Director of the Development Department on 12 July 2005, seeking initial expressions of interest with financial offers together and indicative schemes by the closing date of 15th September 2005. 11 valid offers were received by this date.
- 2.8** Four of the offers initially received, however, were not supported by indicative schemes and despite requests to provide the same, these were not forthcoming
- 2.9** As a result only seven schemes could be referred to Planning and Highways officers within the Development Department for technical appraisal and consideration.
- 2.10** The Chief Asset Management Officer subsequently agreed that four offers with supporting schemes be shortlisted for further discussion with Planning and Highway Officers.
- 2.11** These discussions have now taken place and best and final offers were subsequently requested 13 January 2006. Further follow up interviews have taken place and the final comments made are summarised on the table which forms part of the confidential appendix, exempt under Exemption 3 (Commercial Interests), to be circulated at the Executive Board for consideration.

2.12 Detailed valuation assessments have also been provided to substantiate the offers made and financial checks will be carried out on the companies to confirm their status. Further details of these are given in the Confidential Appendix to be circulated at the meeting.

3.0 Main Issues

3.1 The principle issue to be aware of is the split of the sale proceeds between the Council and Leeds Met. This will be on a pro rata basis of the cleared site in accordance with the respective site areas which gives the following:

Leeds Met 53.23% and the Council 46.77%

3.2 The split has, however, been agreed on a cleared site basis and as demolition of the Brunswick Building on Leeds Met's site will have been accounted for in the offers, this element will be deducted from the Leeds Met proportion

3.3 Any remaining abnormal costs relating to each site will be deducted from the respective percentage shares of the receipt

3.4 If either party considers that the marketing has not achieved what is considered to be a realistic sale price, then it can withdraw from the sale

3.5 In addition to the above, Surveyor's and Legal fees, currently levied by the Council at 3.5% of the gross offer plus VAT will be paid by the purchaser

3.6 The fees will be shared by Leeds Met and the Council on a pro rata basis on the same basis as the receipt for the site

3.7 A fee of 0.9% of the net sale price has been agreed with DTZ in respect of the marketing of the Council's site. This is exclusive of advertising costs and disbursements.

3.8 Fifty percent of the fee will become payable upon exchange of contracts, with the remaining fifty percent paid upon completion of the sale of the site

3.9 In the event that a chosen preferred developer should withdraw following acceptance of an offer, all abortive professional costs will be met by that party

3.10 In the event that the Council chooses to withdraw from the sale, either because offers received are deemed to be unacceptable or that the proposed schemes are deemed to be unacceptable in planning terms, then DTZ will be entitled to claim a time charge up to a maximum of £10,000

4.0 Risk Assessment

4.1 Once a purchaser has been selected there are also issues and risks associated with taking the decision. In addition to those discussed in the Confidential Appendix to be circulated at the meeting, these risks have been identified as follows: -

- i) There is a risk that the selected purchaser fails to gain planning consent and complete the purchase. This risk is considered to be low as Planning and Highway officers have commented on all schemes and their comments have been fed back to the parties submitting indicative scheme proposals. All

short listed prospective purchasers have reconfirmed their respective offers in light of these comments.

- ii) There is a risk that the selected purchaser may withdraw their interest in the site before the disposal proceeds through to completion. This risk is considered to be low due to the high level of interest that the party is continuing to express in the site and the level of financial investment they have already made in the preparation of their latest submissions.

4.0 Implications for Council Policy and Governance

- 4.1 The disposal of the land at Elmwood Road/Brunswick Terrace, falls within the key aims and objectives of the Council's Corporate Plan and the Key Aims of the Development Department for 2005/06
- 4.2 The proposed sale of the Council owned land for redevelopment purposes falls within the objective of competing in a Global Economy of the Council's Corporate Plan 2005/06
- 4.3 The proposed sale of the site not only falls within the Key Aims of the Development Department 2005/06, but also Investment in the City, Helping Businesses Develop and Prosper, Regenerating the Physical Environment and Making the Best Use of Land and Property
- 4.4 When considering which of the short listed offers to recommend, Members are reminded of the Council's Statutory Obligation under S123 of the Local Government Act 1972 to obtain best consideration in respect of the disposal of its surplus land and property.
- 4.5 The public interest in maintaining the exemption in relation to the Confidential Appendix on this subject outweighs the public interest in disclosing the information by reason of the fact that the duty placed on Leeds City Council to achieve best consideration in the sale of this site could be adversely affected by disclosure of the information

5.0 Legal and Resource Implications

- 5.1 The Council is required under S123 of the Local Government Act 1972 to obtain best consideration in connection with the disposal of this property.
- 5.2 By disposing of the site for redevelopment purposes, the Council will forego a substantial rental income, which is generated from its current use as a pay and display car park. Details are given in the confidential appendix to be circulated at Executive Board
- 5.3 Disposal of the site for regeneration purposes, however, will generate a substantial capital receipt, which will be used to enhance the Council's Capital Receipt Programme, at a figure in excess of the capitalized car park income. In these circumstances, a disposal represents prudent economic asset management and, therefore, supports a key aim of the Development Department in raising capital receipts and supporting Best Value objectives of the Council.
- 5.4 The income foregone forms part of the Department of City Services annual income target. Due to the level of income receivable, the Department is unlikely to be able to absorb this loss. Members are, therefore, asked to direct that resource adjustment will be made to City Services resource allocation, to fully reflect this loss of net income.

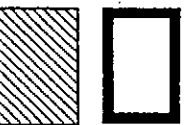
5.5 In addition to the above, fees equating to 3.5% of the gross purchase price plus VAT will be collected from the purchaser to allow the payment of the Council's Surveyor's and Legal costs.

6.0 Conclusions

6.1 In conclusion, there are a number of options available to the Council in connection with the disposal of this site. These have been considered and are set out in the Confidential Appendix which will be circulated at the meeting of the Executive Board.

7.0 Recommendations

7.1 A recommendation is made in the Confidential Appendix which will be circulated at the meeting.



SUBJECT SITE

LAND SOLD BY
LEEDS CITY COUNCIL

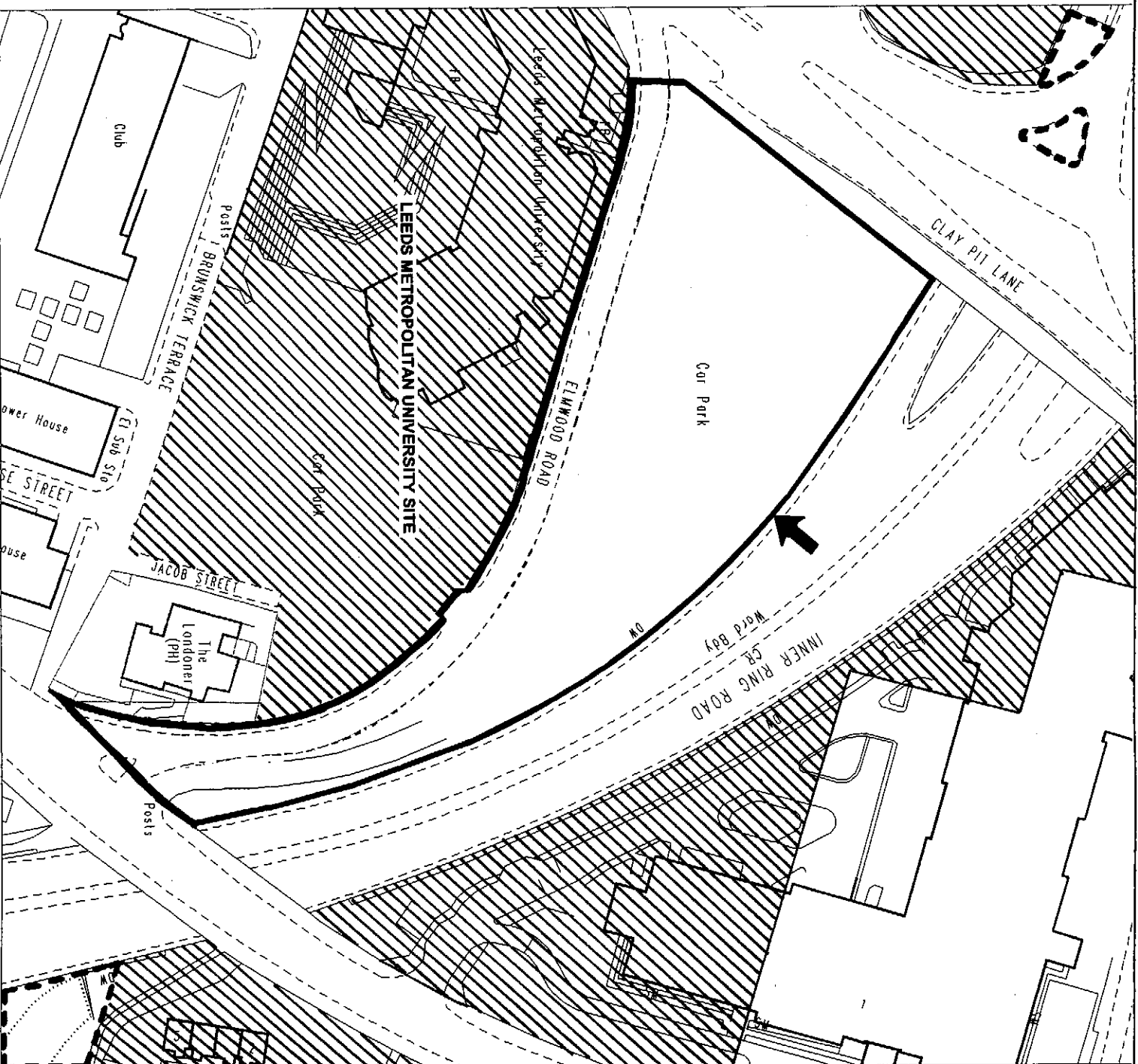


LAND OWNED BY
LEEDS CITY COUNCIL

LAND OWNED BY
APPLICANT



LAND LEASED BY
LEEDS CITY COUNCIL



LAND AT
ELMWOOD ROAD/CLAYPIT LANE
 LEEDS LS2



PREP BY lda006
 DATE 16/10/2002

OS No 3034SW
 Scale 1 : 1250

NEG No 8085/

Capital Scheme No:

Parent Scheme No:

DCR Clearance No.

Design & Cost Report

REPORT OF Director of City Services

REPORT TO Executive Board

SUBJECT : St George House Cooling System

Electoral Wards Affected :	Specific Implications For :
	Ethnic Minorities <input type="checkbox"/>
	Women <input type="checkbox"/>
	Disabled People <input type="checkbox"/>
Executive Function <input type="checkbox"/>	Eligible for Call In <input type="checkbox"/>
	Not eligible for Call In <input type="checkbox"/> <i>(details contained within the report)</i>

EXECUTIVE SUMMARY

St. George House is leased by Development Department as part of the investment property portfolio. Part of the building is occupied by Legal Services. There have been regular complaints about high temperatures in the summer months and it has been established that these temperatures are significantly worse than other office accommodation used by the Council and that they lead to unreasonable working conditions for staff based in the building during summer.

Currently Legal and Democratic Services spend around £40,000 each summer on temporary cooling equipment but this still fails to deliver reasonable working conditions. A feasibility study carried out by Architectural Design Services provides an estimated cost of £316,000 for the installation of a permanent cooling system.

This report proposes that a permanent cooling system is installed funded by prudential borrowing using the £40,000 revenue savings generated through not requiring temporary cooling equipment each summer.

The report seeks approval for an injection of £316,000 and authority to spend this amount on the project.

1.0. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to inject £316,000 into the Capital Programme and gain Authority to Spend of the same amount on proposals to fund the installation of a permanent cooling system in St. George House. The scheme will be funded by prudential borrowing using revenue savings generated through not requiring temporary cooling equipment each summer.

2.0 Background

- 2.1 St. George House is vested in Development Department as part of the investment portfolio and is held under a 99 year lease which expires end of February 2083. Part of the building is occupied by Legal Services with Facilities Management functions provided by Civic Buildings. Development Department also have other tenants in the building, in particular Robson Rhodes occupy a large area (with a cooling system already in place). DTZ act as landlord's agent on behalf of Development Department in respect of private sector tenants.
- 2.2 Since Legal Services moved in to the building there have been frequent problems with high temperatures reported during the Summer months. In response to these problems and complaints a number of investigations have been carried out by Energy Unit and Architectural Design Services resulting in reports provided in September 2002 and June 2003.
- 2.3 A wide range of actions and initiatives have been implemented to identify the cause of high temperatures and make the reductions necessary to provide a reasonable office environment. Unfortunately these have had no significant impact on the problems.
- 2.4 In recent years it has been necessary to install temporary cooling units in to the building at a cost of around £40,000 per annum. This has been funded from Legal Services revenue budget. This temporary solution has still not been successful in providing reasonable working conditions. Staff in the building have been subjected to high temperatures on a regular basis.

3.0 Feasibility Study

- 3.1 Architectural Design Services (ADS) were requested to undertake a feasibility study in to the installation of cooling equipment. This study was completed in December 2005 and concluded that it would be possible to install a Variable Refrigerant Multi Split Cooling System with heat pump units on a gantry at the east end of the inner courtyard.
- 3.2 The feasibility study provided a final cost estimates of £316,000 (including professional fees) for the installation of a mechanical cooling system.

4.0 Prudential Borrowing Business Case

- 4.1 In view of the proposal to fund the works using prudential borrowing the appropriate business case report has been approved by Finance Performance Group.

- 4.2 Legal Services have confirmed the cost of temporary cooling equipment at £40,000 per annum and this sum is budgeted for in the Legal and Democratic Services 2006/07 budget.
- 4.3 In financial terms the projections demonstrate that the installation costs of £316,000 plus interest would be covered within a period of just over 10 years. After this period savings would be made.
- 4.4 Mechanical and ventilation equipment of this type would typically have an operating life of 15 to 20 years. The installation of this equipment would mean that the whole building would be comfort cooled. This should improve the value and potential lease income generated in the building.
- 4.5 A number of other non-financial benefits would be realised if the project was successfully implemented. These include:
- reduction in time lost due to unacceptable conditions
 - improved working conditions, reduced complaints, and higher staff satisfaction ratings leading to higher productivity
 - Council meets its responsibility under Health and Safety Executive guidance publication, "Thermal Comfort in the Workplace".

5.0 PROJECT PROGRAMME

- 5.1 The feasibility study included the completion of design work and preparation of tender documentation. This work has been completed and the proposed project programme is as follows:
- Tenders Out 23.6. 2006
 - Tenders In 21.7.2006
 - Start on Site 4.9.2006
 - Practical Completion 8.12.2006

Subject to approval of this report and receipt of suitable tenders there are no foreseeable reasons why this programme cannot be achieved.

6.0 RESOURCE IMPLICATIONS

- 6.1 ADS have provided a pre-tender estimate for the project with a base date of 4th quarter 2005. The total cost of the scheme is estimated at £316,000 including fees estimated at £34000. Clearly, the final costs of the project will depend on tenders submitted.
- 6.2 The capital funding and cashflow statement is set out below:
- 6.3 As stated above, annual savings of £40,000 generated from not needing to provide temporary cooling equipment will be used to support prudential borrowing for this project.

Previous total Authority to Spend on this scheme	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	0.0						
OTHER COSTS (7)	0.0						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Authority to Spend required for this Approval	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	269.0			255.5	13.5		
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	47.0			47.0			
OTHER COSTS (7)	0.0						
TOTALS	316.0	0.0	0.0	302.5	13.5	0.0	0.0

Total overall Funding (As per latest Capital Programme)	TOTAL £000's	O MARCH 2005 £000's	FORECAST				
			2005/06 £000's	2006/07 £000's	2007/08 £000's	2008/09 £000's	2009 on £000's
Unsupported Borrowing	316.0			302.5	13.5		
Total Funding	316.0	0.0	0.0	302.5	13.5	0.0	0.0
Balance / Shortfall =	0.1	0.0	0.0	0.0	0.1	0.0	0.0

7.0 RISK ASSESSMENT

- 7.1 A major risk to this project is that tenders submitted exceed the budget available. There is some evidence that tender price inflation is rising due to the amount of construction work being carried out in the City. However, the project budget has been set using a detailed pre-tender estimate (base date 4th quarter 2005).
- 7.2 In any refurbishment project for a building of this age there is the potential for unforeseeable works to arise. The risks of such problems have been minimised through carrying out all the relevant tests and surveys as part of the feasibility study.
- 7.3 Difficulties may arise through the work being carried out whilst the rest of the building continues to operate normally. There is the potential for the work to disrupt other activities in the building or for delays in the project due to requests to stop work. The tender documents refer to the need to minimise disruption to the operation of the building and careful consideration will be given to the detailed work plan provided by the successful contractor.

8.0 COMPLIANCE WITH COUNCIL POLICIES

8.1 This project complies with Council Policies, Strategies and Initiatives, and the Council's Corporate Plan. In particular health and safety, environmental matters, equal opportunities and customer care issues have all been carefully considered in the development of the proposals.

9.0 RECOMMENDATIONS

Executive Board is requested to :

1. Approve an injection of £316,000 into the Capital Programme
2. Authorise expenditure of £316,000 on this project.

10.0 BACKGROUND PAPERS

- Feasibility Study, St George House Cooling System December 2005.



Report of the Director of City Services and the Director of Development

Executive Board

Date: 10th May 2006

Subject: Deputation to Council by the Leeds Road Residents' Action Group

Electoral wards affected:

Rothwell

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Eligible for call in

Not eligible for call in
(details contained in the report)

Executive Summary

1. Following a deputation to Council from the Leeds Road Residents' Action Group, the Council was requested to:-
 - Support the call for a HGV ban.
 - Support the call for a study to be undertaken on the probable impact on local roads and to the area in general from the construction of the East Leeds Link road, and the inner Ring Road Link to the M62.
 - Support the concerns that throughout the City, double standards prevail where the decision to locate speed cameras is made.
 - Supports the calls for more positive road safety measures to be introduced to ensure better road safety protection for children attending Royds School.
2. This report considers the detailed submission made to Council and responds to them.

1.0 Purpose of this report

- 1.1 The purpose of the report is to respond to the issues raised in the deputation to Council on 5th April 2006 by the Leeds Road Residents' Action Group.

2.0 Background information

- 2.1 Residents have previously expressed concern about the volume of Heavy Goods Vehicles (HGV's) and the speed of traffic on the A639, Leeds Road. Meetings have been held, chaired by Jean Dent, Director of Development, between the organizers of the Action Group and officers of the Development Department and City Services Department.

3.0 Main issues

- 3.1 The main issues raised are the use of the A639 and A642 by heavy goods vehicles (HGV) and the speed of traffic on the road. The deputation to Council highlighted several points within these two issues which will be addressed by providing the wording of the deputation followed by the officer response.
- 3.2 *"Council monitoring shows that most vehicles passing through the ward are traveling at speeds well in excess of the speed limits. Recent traffic monitoring showed that more than 80% of vehicles traveling along Leeds Road were traveling in excess of the 40mph speed limit, 5026 vehicles were traveling in excess of 60mph, with 677 of those traveling at more than 70mph – this is a residential area!"*
- 3.3 *"Speed cameras would be an obvious solution but Council officers, who have accepted that there is a serious speeding problem, say that there is nothing that the Council can do, other than to bring the matter to the attention of the police. There seems to be a major imbalance between the number of speed cameras in the north of the city and the number in the south."*
- 3.4 The measurement of traffic speeds were undertaken on the dual –carriageway section of the A639 for a period of 7 days between 7th and 13th June 2005. The total 24 hour 2-way traffic flow during that 7 day period was 89,002 vehicles, a daily average of 12715. Of these 45,063 were traveling southbound and 43,939 were traveling northbound. There is no disagreement with the quoted speed figures.
- 3.5 As a designated 'A' classified road these are highways, which it is agreed by the Secretary of State and the local highway authority, to be of importance to the movement of traffic. Part of the A642 is an advisory lorry route for HGV's which are prohibited from an adjoining section of the A642. Because of the nature of the road, residential areas have developed along side them and accessed via other roads. There is very limited direct residential access onto the dual – carriageway of Leeds Road.
- 3.6 The police are the only agency which can enforce speed limits. It is therefore essential that when a speeding problem is identified the initial action is that the police are requested to provide enforcement. This has been done.
- 3.7 Speed cameras are introduced on behalf of Leeds City Council by the West Yorkshire Safety Camera Partnership. The rules for the safety camera netting off scheme have been developed to have the most positive road safety benefits. Partnerships should use the guideline of four accidents resulting in people being killed or seriously injured over the previous three years at sites they propose to enforce using cameras. This does not preclude cameras being placed at sites that

do not meet the guidelines if they contribute to the overall strategy aimed at reducing road accident casualties. Since those forming the partnership are able to use some of the fine revenue to cover their costs involved in camera operation, it is vital camera deployment meets the primary purpose to reduce collisions, deaths and injuries. Cameras provided solely where there is a large number of vehicles exceeding the speed limit would raise allegations of 'stealth tax on motorists' or 'revenue generation' and would support the arguments raised by those opposed to safety cameras. There may be an imbalance between cameras locations north and south of the city, the cameras are provided on the basis outlined above following a study of accidents.

- 3.8 Consideration has been given to the introduction of physical traffic calming but it is considered that on a dual-carriageway, 'A' class road subject to a 40mph speed limit this would be inappropriate, indeed vertical deflection measures are expressly prohibited on roads with a speed limit above 30mph. The suggestion of Vehicle Activated signs (VAS) has also been considered. VAS are signs which are activated only by vehicles exceeding a pre-determined speed and remind the driver to slow down or beware of an approaching hazard. They are increasingly requested across the City as a 'soft' form of traffic calming. Their effectiveness, whilst high initially, reduces with time from feedback received at locations where they are currently in operation. This location would meet the current criteria for the provision of a VAS.
- 3.9 Being a dual carriageway, with properties set back from the roadside, creates a visually open aspect which does not give the impression to the motorist that the speed limit is 40mph. Traffic speeds could be constrained by changing the nature of the road from a dual carriageway to a single carriageway, i.e. removing completely one half of the road. This would be very expensive and would have an effect on the capacity of the road also, potentially inducing delays.
- 3.10 *"Government guidance in connection with vehicle movements to and from industrial developments has been overlooked and there are significant numbers of heavy goods vehicles using the Leeds and Wakefield road link between Junction 44 of the M1 in Stourton and Junction 30 of the M62, 24 hours a day, seven days a week, when there is a direct motorway access between these two junctions, and next to nothing in terms of journey time."*
- 3.11 The general guidance recommends that where possible the developments which generate large numbers of freight movements should be located away from congested central areas and residential areas and ensure adequate access to trunk roads. In this instance, the main developments are located adjacent to the M1 at junction 44 and are on an A class road which is maintained for all-purpose traffic use
- 3.12 Notwithstanding the above comments, however, the Council has contacted the two major companies requesting that they undertake a review of deliveries to and from their site with a view to using the Motorway network wherever possible. These consultations are still ongoing.
- 3.13 Concern has previously been raised by this group with regard to diverted traffic on the A639 caused by the construction of the East Leeds Link Road. At present there are in the order of 1000 vehicles in the peak period "rat running" along Pontefract Lane, which is really a country lane. This road will be required to be closed whilst the new road is constructed. It is proposed not to sign specific diversion routes as alternatives to the city centre, especially the A639, during construction, as Pontefract Lane is not a designated route.

- 3.14 *“Requests made to the Council for a HGV ban along this residential route, for either a full ban or a night time ban have been discounted out of hand by officers of the council. This flow of HGV traffic particularly through the night is having a detrimental effect upon the quality of life for people living along the route and a loss of amenity.”*
- 3.15 A manual traffic survey undertaken adjacent to Second Avenue on behalf of the Department for Transport (DfT) as part of an annual survey programme showed that in September 2005, for the period 7am to 7pm, there were 11,850 total vehicles of which 500 were HGV's. Such one day surveys can only be a 'snapshot' of the traffic in an area which can fluctuate depending upon the time of year and traffic conditions on surrounding roads. A further survey was carried out for a full week in September 2005 using an automatic traffic counter approximately 150metres north of Parkways. The average weekday traffic flows for the period 7am to 7pm, in both directions were, 11,000 total vehicles of which 400 were HGV's. The results from both surveys are broadly in line, indicating approximately 11,500 vehicles recorded on a weekday between 7 am and 7pm of which just over 4% were HGV's.
- 3.16 *“There is already an HGV ban along a long stretch of the A642 and other ‘A’ classified roads in the Leeds area.”*
- 3.17 The A642 ban was introduced in the early 1990's to reduce the volume of HGV's on this single carriageway road with closely frontaged properties and several river bridges until completion of the M1 link. The alternative route was the M62 and A1. The Council nearly had to go to a Public Enquiry because of objections from Castleford on the displacement of HGV's onto their roads. This was resolved by a HGV ban around Castleford. With the M1 link now in place consideration could be given to removing the ban which has many exemptions.
- 3.18 *“With regard to a possible night time ban we are told by council officers that the Police do not have the resources to police such a ban but this is in contrast to a proposed HGV ban in the Cross Green area of Leeds where the Police themselves have confirmed that the ban is going to be self policing.”*
- 3.19 The HGV restriction on Cross Green Lane is to be experimental and unlikely to be enforced by the police. Traffic calming had been introduced to deter HGV's but this has been removed due to the excessive noise as HGV's traveled over the traffic calming features. The restriction is experimental because the building of the East Leeds Link should completely remove the HGV traffic, in which case the restriction would be lifted.
- 3.20 *“We are concerned about the road safety issues along Wakefield Road. Royds School has 1400 children and those who live in Oulton and Woodlesford have to cross the road to the school. These are ‘A’ class roads and there isn't a pedestrian controlled crossing point anywhere in sight. The bus stop where children get off the bus is also at the opposite side of the road. Following our concerns in 2001, a detailed survey was carried out and highways officers confirmed in February 2002 that a controlled crossing was to be installed along the dual carriageway, at the junction with Aberford Road. Nothing ever happened.”*
- 3.21 The required crossing surveys were undertaken and the results submitted to the annual Pedestrian Crossing Review, at which all requests for crossings are considered from across the City. The criteria for crossings were not met. A location opposite the Royds School was, however, investigated further but there were concerns that placing a crossing at the place where pupils cross could create accidents because the crossing would not be fully visible to motorists due to the

vertical and horizontal alignment of the road. Consideration was given to moving the bus stop lay-by away from the school to enable a crossing to be better located but this would require the acquisition of land to create a lay-by. The recent review reported to the Joint Highways Board has requested further investigation to determine whether providing a signalised junction with pedestrian facilities is feasible.

- 3.22 *“Unless the existing road problems are addressed before the opening up of the East Leeds Link Road then the effect upon ‘their quality of life’ will be horrendous, once the increased traffic volumes hit. Traffic counts have shown that there are already in excess of 230,000 vehicles passing through the area every week, and yet there are just 9000 houses in Rothwell.”*
- 3.23 The figure of 230,000 vehicles passing through the area every week has, it is believed, been derived from adding several traffic surveys together. The levels of traffic on not only the roads of the city, but of the country, are considered by many to be too high, but with increasing car ownership will continue to increase. In the quoted figure will be all types of traffic, the large majority being private cars and vans of residents, commuters, shoppers, ‘the school-run’ and visitors; local and long distance delivery vehicles; public utility vehicles and bus services. One vehicle could be counted on numerous occasions.
- 4.0 Implications for council policy and governance**
- 4.1 The problem of speeding traffic is a social problem of national proportions. The council receives considerable numbers of requests to reduce speed limits at a time when the majority of motorists admit to exceeding the set limits. The Secretary of State for Transport has indicated that all Highway Authorities must review the speed limits on all class ‘A’ and ‘B’ roads in the coming years. Guidance is currently awaited on the criteria to be applied to this review.
- 4.2 Changes in speed limits and restrictions on any class of road user require a Traffic Regulation Order (TRO). There is a prescribed process for introducing a TRO which involves extensive consultation, advertising and an opportunity for rightful road users to object to a proposal. Such objections have to be resolved before a TRO can be introduced.
- 4.3 Any restrictions or ban on HGV’s has to be considered carefully. Within any such restriction there has to be an exemption for access to properties on the road or those served from it. How it will be enforced has to be considered. Again, the police are the only agency with powers to enforce such a restriction. The Council has a duty to ‘secure the expeditious movement of traffic on the authority’s road network’ and this requires that ‘A’ class roads are increasingly maintained for all-purpose traffic use. If a restriction is agreed for a particular road, will this lead to subsequent requests from roads where the need may be greater and, if so, how these would be refused. Many other ‘A’ class roads in Leeds have problems with HGV’s but to consider restrictions or bans will divert this type of traffic onto other roads which may be less suitable and may limit the future development of the City. Other roads in Leeds with the same level of HGV’s as Leeds Road include:-

A653 Dewsbury Road,
A61 Harrogate Road,
A660 Woodhouse Lane
A6038, Bradford Road, Guiseley
A65, New Road Side,
A659 Boroughgate, Otley.

5.0 Conclusions

- 5.1 The balance between the safety and environmental issues of traffic exceeding speed limits and the volume of HGV's on the roads of Leeds with the need for 'A' class roads to carry multi-purpose vehicles to service the businesses and residents of the City is complex and needs to be considered in detail. The issues of HGV traffic in Otley have been well documented to the Executive Board and other communities could raise similarly valid arguments.
- 5.2 Officers will continue to monitor the levels of HGV and speeding traffic, especially with the construction of the East Leeds Link. Where measures may be appropriate to reduce the level of speeding these will be considered within the annual programme of traffic engineering work subject to the prioritization of available resources.
- 5.3 The ability of the police to provide enforcement on moving traffic issues is increasingly questioned by the public, who have to seek assistance from the Council which, while it can partly address the concerns by engineering measures, cannot take enforcement action.

6.0 Recommendations

- 6.1 The Executive Board is requested to note the concerns of the Leeds Road Residents' Action Group and note the response of the officers of the Development and City Services Department.