

**Report to: The Chief Officer (Highways and Transportation)**

**Date: 17 February 2015**

**Report: Section 23 Consent for proposed Culvert diversion at the Springfield Iron Works Site**

|  |   |  |
|--|---|--|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s): Calverley and Farsley   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Are there implications for equality and diversity and cohesion and integration?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

**Summary of main issues**

- Under the Flood and Water Management Act (FWMA)(2010) regulatory powers on ordinary watercourses have been transferred from the Environment Agency to Lead Local Flood Authorities for the consenting of works which are likely to affect the flow of a watercourse.
- An unnamed watercourse crosses the southern section of the former Springfield Iron Works site in a 600mm x 720mm rectangular box culvert.
- A planning application for the development of this site has been submitted, ref P/02933/OT. Although the proposed works are to be dealt with independently of the Planning application the approval of these works will impact on the feasibility of the proposals submitted for the planning application.
- The application has been received from Haigh Huddleston & Associates Ltd for the diversion of the rectangular box culvert to accommodate the housing development proposed for the site.
- Sufficient details have been provided to demonstrate that the flooding and pollution risks associated with the proposed work will be minimised as far as reasonably practicable.

## **Recommendations**

6. The Chief Officer (Highways and Transportation) is requested to:
  - i) Grant consent under section 23 of the Land Drainage Act, 1991, as amended by the Floods and Water Management Act, 2010 to the proposed diversion as outlined in the application by Haigh Huddleston & Associates Ltd and dated 6 January, 2015;
  - ii) Approve the following conditions, which will be attached to any consent:
    - a) The works on site should be carried out in accordance with that proposed in the Method Statements submitted by Haigh Huddleston & Associates Ltd, dated January 2015;
    - b) On completion of the garages of plot 10/ 11 and the house of plot 11, the section of the diverted culvert between Manholes S3 up to S5 must be surveyed to determine the state of the culvert. The survey report must be submitted to the council/ FRM section and any necessary remedial works determined by the survey must be completed to the satisfaction of the council;
    - c) The works shall be commenced within 12 months of the date of the approval. Should the works not be commenced within this timeframe, the applicant will need to re-apply for consent; and
    - d) The applicant shall provide 7 days' notice to LCC (Flood Risk Management Section (FRM)) of their intention to commence the works.

### **1 Purpose of this report**

- 1.1 To provide information to the Highways & Transportation Board about works which are proposed to be carried out by Haigh Huddleston & Associates Ltd at the former Springfield Iron Works site on Bagley Lane.
- 1.2 To determine whether or not the said works are approved under Section 23 of the Land Drainage Act, as amended by the Floods and Water Management Act 2010.

### **2 Background information**

2.1 One of the key recommendations of Sir Michael Pitt's independent review into the 2007 summer floods was for flood risk to be managed at a more local level

2.2 This recommendation was carried through into the Floods and Water Management Act 2010 (FWMA), which amended the Land Drainage Act 1991 with regard to the regulation of works taking place within or near to ordinary watercourses.

2.3 The FWMA effectively transferred ordinary watercourse regulation powers, other than within Internal Drainage Districts, from the Environment Agency to Lead Local Flood Authorities (LLFAs), such as Leeds City Council.

2.4 As a result of this, LCC is required to consider the issuing of consents for any works on Non-Main Rivers (ordinary watercourses) within its district, which could pose a flood risk. The new duties for LLFAs came into effect on the 6 April 2012.

2.5 The FWMA also requires LLFAs to take enforcement action, where for example, work is carried out, for which consent has not been granted. However, this aspect of the legislation is not dealt with in this paper.

### **3 Main issues**

#### **3.1 Works Proposals and Full Scheme Description.**

Applicant: Stonebridge Homes  
Address: Featherbank Court, Horsforth, Leeds, LS18 4QF

Location: Land off Bagley Lane, Farsley on site which was formerly known as Springfield Iron Works. (NGR NW2235)  
See Location Plan, FRM(1)

Planning Application Ref: P/13/02933/OT

Area of Permanent Works (m): Approximately 60m length of a 900mm diameter culvert

See proposed works on plan, FRM(2) & Method Statement FRM(3).

- 3.2 The applicant is proposing a permanent diversion of the culverted watercourse to facilitate the proposed residential development of 11 houses on the site.
- 3.3 The permanent works will be carried out as proposed in the plan FRM(2) and will be undertaken in accordance with the Method Statement, FRM(3).
- 3.4 **Programme** – The works will be carried out prior to the start of any surface water drainage works approved with the planning application. The planning conditions have been discharged so that the diversion works will begin as soon as this approval is given.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

4.1.1 Details of the proposed works have been circulated to the three Ward Councillors of Calverley and Farsley for comments.

4.1.2 The details of the proposed works have been circulated around sections of the Highways & Transportation service for comments.

4.1.3 The diversion of the culverted watercourse should have no impact on any wildlife in the area or works undertaken by any other section of the council.

4.1.4 No consultation was therefore sought with the council's Nature Conservation section.

#### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 A screening document has been prepared (Appendix 1) and an independent impact assessment is not required for the approvals requested. The screening identified that the



## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Section 23 of the Land Drainage Act, 1991, states that 'consent shall not unreasonably be with-held'.

4.5.2 "consent" may be given subject to reasonable conditions.

4.5.3 If the board (LLFA) fail within two months after the relevant day to notify the applicant in writing of their determination with respect to the application, they shall be deemed to have consented.

## **4.6 Risk Management**

4.6.1 The consenting of the works with the attached conditions will ensure that there will be, as far as practicable, minimal risk of flooding and pollution from the proposed works.

## **5 Conclusions**

5.1 A valid application for consent to undertake "works affecting a watercourse" has been received by the council. This needs to be considered and either approved, or refused before the 5th March 2015, or else the statute allows the application to be deemed to be approved.

5.2 The proposed works consists of diverting an existing 720mm x 600mm rectangular box culvert which crosses the site, to a location around the extent of the proposed development with a 900 mm diameter pipe and attendant manholes.

## **6 Recommendations**

6.1 The Chief Officer (Highways and Transportation) is requested to:

- i) Grant consent under section 23 of the Land Drainage Act, 1991 as amended by the Floods and Water Management Act, 2010 for the diversion of a culverted watercourse.
- ii) Approve the following conditions, which will be attached to any consent:
  - a) The works on site should be carried out in accordance with that proposed in the Method Statements submitted by Haigh Huddleston & Associates Ltd, dated January 2015;
  - b) On completion of the garages of plot 10/ 11 and the house of plot 11, the section of the diverted culvert between Manholes S3 up to S5 must be surveyed to determine the state of the culvert. The survey report must be submitted to the council/ FRM section and any necessary remedial works determined by the survey must be completed to the satisfaction of the council;
  - c) The works shall be commenced within 12 months of the date of the approval. Should the works not be commenced within this timeframe, the applicant will need to re-apply for consent;

- d) The applicant shall provide 7 days' notice to LCC (Flood Risk Management Section (FRM)) of their intention to commence the works.

**7 Background documents<sup>1</sup>**

- 7.1 Location Plan, FRM (1)
- 7.2 Proposed Diversion Works, FRM (2)
- 7.3 Method Statement, FRM (3)
- 7.4 Equality, Diversity, Cohesion & Integrity Screening(Appendix 1)

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<sup>1</sup> The background documents listed in this section are available for download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

# Appendix 1

## Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

|                                      |  |
|--------------------------------------|--|
| <b>Directorate: City Development</b> | <b>Service area: Flood Risk Management</b> |
| <b>Lead person: Magda Lezama</b>     | <b>Contact number: Ext 78784</b>           |

**1. Title:** Works to be addressed under  
 i) Land Drainage Act - Consent for Works Affecting an Ordinary Watercourse  
 ii) Flood & Water Management Act 2010 – Transfer of Regulatory Powers on Ordinary Watercourse from the EA to Lead Local Flood Authorities (Tributary of Adel Beck, Adel, Leeds).

**Applicant:** Stonebridge Homes, Featherbank Court, Horsforth, Leeds

Is this a:

Strategy / Policy

Service / Function

Other

**If other, please specify**

### 2. Please provide a brief description of what you are screening

An application for works affecting a watercourse as required by the Floods and Water Management Act, 2010 - Transfer of Regulatory Powers on Ordinary Watercourse from the EA to Lead Local Flood Authorities, has been received from Stonebridge Homes.

The proposed works consists of diverting an existing 720mm x 600mm rectangular box culvert which crosses the site, to a location around the extent of the proposed development with a 900 mm diameter pipe and attendant manholes

### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser

relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

| Questions   | Yes | No |
|---|-----|----|
| Is there an existing or likely differential impact for the different equality characteristics?  |     | X  |
| Have there been or likely to be any public concerns about the policy or proposal?   |     | X  |
| Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?   |     | X  |
| Could the proposal affect our workforce or employment practices?  |     | X  |
| Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul> |     | X  |

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings** (**think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)



• **Actions**  
**(think about** how you will promote positive impact and remove/ reduce negative impact)

**5.** If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.**

|  |     |
|--|-----|
| Date to scope and plan your impact assessment:                         | N/A |
| Date to complete your impact assessment                                | N/A |
| Lead person for your impact assessment<br>(Include name and job title) | N/A |

**6. Governance, ownership and approval**  
Please state here who has approved the actions and outcomes of the screening

| <b>Name</b> | <b>Job title</b>             | <b>Date</b> |
|-------------|------------------------------|-------------|
| Roy Coello  | Head of Engineering Services | 22/1/15     |

**7. Publishing**  
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

|   |        |
|---|--------|
| <b>Date screening completed</b>                                 | /2/15  |
| <b>Date sent to Equality Team</b>                               | /02/15 |
| <b>Date published</b><br>(To be completed by the Equality Team) |        |