

Report to the Chief Officer (Highways and Transportation)

Date: 24 November 2015

Subject: Hawthorn Terrace Garforth – Culvert improvement works

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Garforth & Swillington	<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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 An application has been received for the realignment of 25.0 m length of unnamed watercourse, the replacment of two (2) headwalls with new concrete headwalls containing insitu silt traps and debris screens and the provision of a gravel filter drain with connection to the realigned section of watercourse. These works will be undertaken in the vicinity of two unnamed watercourses located close to Hawthorn Terrace, off Selby Road in Garforth.
- 2 The realigned culvert, new headwalls and filter drain are all part of the flood alleviation scheme to reduce the present flooding problems experienced by the residents of nos 1 to 10 Hawthorn Terrace and the immediate environment. These works are independent of any any planning application for developments in the area.
3. The works have been identified by the Council/Flood Risk Management (FRM) and the Environment Agency (EA) to be a vital part of the necessary flood alleviation provisions for the area and would be fully funded by the EA as one of their "Grant in Aid" schemes. The request made herein is for approval required by the Flood & Water Management Act (FWMA) 2010 to carry out the works which would "affect" the two unnamed watercourses in the area.
4. An Ecological survey was undertaken for the scheme and the council's Natural Environment team as well as the Ward councillors have been consulted about the proposed works. No objections have been received.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to:
- i) Grant consent for the proposed works as required under Schedule 2 of the Flood and Water Management Act 2010 which transfers approvals for works affecting an ordinary watercourse from the Environment Agency to the Lead Local Authority (LCC).
 - ii) Approve the following conditions, which will be included with any consent:
 - a) The works shall be carried out in accordance with the approved drawings: FRM/10127/ CON/005 & 006 - General Arrangements, Sheets 1 & 2 of 2. FRM/10127/ CON/010 & 011- Proposed Silt Trap Details, Sheets 1 & 2 of 2. FRM/10127/ CON/012 – Gravel Filter Drainage Details. Any amendments to the approved drawings will be subject to approval by Council's Flood Risk Management (FRM) section;
 - b) The works shall not commence until a construction method statement has been submitted to and approved in writing by FRM.
 - c) The works shall not be carried out until the further Bat and Reptile Survey suggested by the Mouchel Ecology Phase one survey has been carried out and all precautions or necessary provisions recommended by both the phase one and the additional survey have been implemented or undertaken to the satisfaction of the council/ Natural Environment team.
 - d) The works shall be commenced within 3 years of the date of the approval. Should the works not be commenced within this time frame, the current approval will be deemed to have lapsed.
 - e) The applicant shall provide 7 days notice to FRM of their intention to commence the works; and
 - f) Final, as-built, drawings shall be submitted to FRM on completion of the works.

1 Purpose of this report

- 1.1 To inform the Highways and Transportation Board about a proposal to undertake works which includes the realignment of 25.0 m length of unnamed watercourse, the replacement of two (2) headwalls with new concrete headwalls containing insitu silt traps and debris screens and the provision of a gravel filter drain with connection to the realigned section of watercourse. These works are to be undertaken in the vicinity of two unnamed watercourses located close to Hawthorn Terrace, off Selby Road in Garforth.
- 1.2 To determine whether or not the aforementioned works can be approved, with appropriate conditions, under the relevant legislation.

2 Background information

- 2.1 Since 2002, FRM have had several reports of flooding of properties in the vicinity of Hawthorne Terrace and the EA has also been made aware of the flooding problems in the area as it is just upstream of a section of the Main River referred to as The Beck.
- 2.2 The EA and FRM have therefore jointly investigated the reports of flooding and determined that the situation would be best addressed by a suitable flood alleviation scheme.
- 2.3 Funding for the proposed works would be provided by the EA as one of their "Grant in Aid" schemes.

3 Main issues

- 3.1 There have been serious flooding problems in the vicinity of Hawthorn Terrace with frequent flooding of the properties of nos 1 to 10 and the surrounding area. The council/FRM and the EA have therefore jointly developed a flood alleviation scheme to address these flooding issues.
- 3.2 The proposed flood alleviation scheme consists of
 - the realignment of 25.0 m length of the unnamed watercourse located to the south west of Hawthorn Terrace,
 - the provision of a gravel filter drain to intercept field runoff with connection to the realigned watercourse,
 - the replacement of two (2) headwalls with new concrete headwalls containing insitu silt traps and debris screens. One headwall would be located upstream of the culverted watercourse which runs under the Hawthorn Terrace properties at the outfall of the open section of watercourse into the culvert. Silt traps would be included at the headwall to reduce the flow of silt or debris through the culvert. The other headwall with silt trap would be located in the vicinity of the realigned length of watercourse.
 - the clearing of vegetation and debris in the vicinity of both headwalls..
- 3.3 The improved headwalls, with silt trap and debris screen, as well as the realignment of the southern watercourse would greatly control the siltation and blockage of the downstream culverted sections of the watercourses and consequently reduce the extent and frequency of flooding of the Hawthorn Terrace properties.
- 3.4 The transfer of the approval for these proposed works, under the FWMA 2010, requires the Lead Local Authority to determine approval of works which would not adversely impact on the watercourse or give rise to flood risk elsewhere. We can however impose reasonable conditions on how the

culverting works are carried out so that the Highways Board are being asked to approve the proposed works and its method of construction, in order to ensure that it does not increase flood risk elsewhere.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The LCC, Nature Conservation Officer has been consulted about the proposed works and the Ecology survey already undertaken with its recommendations for additional bat and reptile surveys to be carried out. It has been agreed that the additional surveys should be undertaken to determine if additional precautions or measures should be put in place for the protection of any bats and/or reptiles that occupy areas in the vicinity of the works.

4.1.2 Details of the proposed works have been circulated to the three Garforth and Swillington Ward Councillors. No objections have been received..

4.1.3 Details of the proposals have been made available on the council's sharepoint system for comments from colleagues in other section of Highway and Transportation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 A screening document has been prepared (see Appendix 1). It is concluded that an independent impact assessment is not required and that the proposed works will not have any detrimental impacts on the equality characteristics.

4.3 Council policies and City Priorities

4.3.1 The proposed works fall within Council's environmental (non-culverting) policy N39B, within Leeds Unitary Development Plan (Review 2006), Volume 1. This policy nevertheless allows for culverting to be carried out in exceptional circumstances. These are: (1) *'in the interests of public safety'* or (2) where *development could not be achieved in any other way*. It is considered that the proposed works meet the above 'exception criteria', and that the recommended conditions for approval are sufficient to minimise any adverse environmental impacts.

4.4 Resources and value for money

4.4.1 The funding for these works would be borne by the Environment Agency as a "Grant in Aid" scheme.

4.4.2 The applicant is internal so the £50 application fee has been waved. None the less Council has a duty to determine applications submitted in accordance with the relevant legislation.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Section 263(1) of the Public Health Act 1936 states “It shall not be lawful ... to culvert or cover any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the local authority.” The plans and sections are attached with this report.

4.6 Risk Management

4.6.1 Consenting of the works with the attached conditions will ensure that the flood risks associated with the proposed works will be minimised, as far as practicable.

4.6.2 The developer will be responsible under the Land Drainage Act 1991 for ensuring that the culvert remains free of blockages and does not impede the proper flow of water within the beck. The proposed new concrete headwalls with insitu silt traps and debris screens would reduce the risk of siltation and blockage of the culverted watercourse. The council will be responsible for the maintenance of the new works as part of our overall watercourse maintenance works.

5 Conclusions

5.1 A valid application for flood alleviation works to be undertaken in the vicinity of two unnamed watercourses has been received by the Council. This needs to be considered and either approved, or refused before the 1st January 2016, or else the application will be deemed approved in accordance with statute.

5.2 These works consists of the realignment of 25.0 m length of unnamed watercourse, the replacment of two (2) headwalls with new concrete headwalls containing insitu silt traps and debris screens and the provision of a gravel filter drain with connection to the realigned section of watercourse. These works will be undertaken in the vicinity of two unnamed watercourses located close to Hawthorn Terrace, off Selby Road in Garforth.

5.3 The realigned culvert, new headwalls and filter drain are all part of the flood alleviation scheme to reduce the present flooding problems experienced by the residents of nos 1 to 10 Hawthorn Terrace and the immediate environment. These works are independent of any any planning application for developments in the area.

5.4 Local members and council officers have been consulted about the proposed works and there are no current objections to the scheme.

6 Recommendations

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

- i) Grant consent for the proposed works as required under Schedule 2 of the Flood and Water Management Act 2010 which transfers approvals for works affecting an ordinary watercourse from the Environment Agency to the Lead Local Authority (LCC).

ii) Approve the following conditions, which will be included with any consent:

- a) The works shall be carried out in accordance with the approved drawings: FRM/10127/ CON/005 & 006 - General Arrangements, Sheets 1 & 2 of 2. FRM/10127/ CON/010 & 011- Proposed Silt Trap Details, Sheets 1 & 2 of 2. FRM/10127/ CON/012 – Gravel Filter Drainage Details. Any amendments to the approved drawings will be subject to approval by Council's Flood Risk Management (FRM) section;
- b) The works shall not commence until a construction method statement has been submitted to and approved in writing by FRM.
- c) The works shall not be carried out until the further Bat and Reptile Survey suggested by the Mouchel Ecology Phase one survey has been carried out and all precautions or necessary provisions recommended by both the phase one and the additional survey have been implemented or undertaken to the satisfaction of the council/ Natural Environment team.
- d) The works shall be commenced within 3 years of the date of the approval. Should the works not be commenced within this time frame, the current approval will be deemed to have lapsed.
- e) The applicant shall provide 7 days notice to FRM of their intention to commence the works; and
- f) Final, as-built, drawings shall be submitted to FRM on completion of the works.

7 Background documents¹

7.1 Appendix 1

Equality, Diversity, Cohesion and Integration Screening

7.2 Proposed Details- Drawings

FRM/10127/ CON/001 – Redline Boundary Working Area (Location Plan)

FRM/10127/ CON/005 & 006 - General Arrangements, Sheets 1 & 2 of 2.

FRM/10127/ CON/010 & 011- Proposed Silt Trap Details, Sheets 1 & 2 of 2.

FRM/10127/ CON/012 – Gravel Filter Drainage Details.

¹ The background documents listed in this section are available to 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.

Directorate: City Development	Service area: Flood Risk Management
Lead person: Magda Lezama	Contact number: EXT 78784

1. Title: Consent for Flood Alleviation works at Hawthorn Terrace, Garforth
Is this a:
<input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other
If other, please specify

2. Please provide a brief description of what you are screening
<p>These works consists of the realignment of 25.0 m length of unnamed watercourse, the replacment of two (2) headwalls with new concrete headwalls containing insitu silt traps and debris screens and the provision of a gravel filter drain with connection to the realigned section of watercourse. These works will be undertaken in the vicinity of two unnamed watercourses located close to Hawthorn Terrace, off Selby Road in Garforth.</p>

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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"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		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

N/A

(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Roy Coello	Head of Engineering Services	06/11/2015 (PD)

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.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	