

**Report to the Chief Officer (Highways and Transportation)**

**Date: 12 April 2016**

**Subject: 41, Allerton Grange Vale - Consent for new culvert**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Moortown	<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 a new culvert on Gledhow Beck. The length of the proposed culvert is c.15.0m.
- 2 The new culvert is being applied for by the riparian landowner who lives at 41 Allerton Grange Vale, because he has a young family and he is worried about them falling into the beck. He has also complained that the beck smells of raw sewage and often contain sewage litter. There is a Combined Sewer Overflow which discharges into the beck upstream.
3. The watercourse upstream is in culvert and there is a short (15m) length of culvert downstream. The proposed culvert would therefore connect these up.
4. The Ward councillors and Council's Natural Environment team have been consulted about the proposed works. Their comments are included within the report.

**Recommendations**

5. The Chief Officer (Highways and Transportation) is requested to:
  - i) Grant consent under Section 23 of the Land Drainage Act 1991, for the proposed new culvert;
  - ii) Approve the following conditions, which will be included with any consent:
    - a) The works shall be carried out in accordance with the submitted drawings. 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 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.
- d) The applicant shall provide 7 days notice to FRM of their intention to commence the works; and
- e) 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 culvert approximately 15m length of Gledhow Beck, located adjacent to 41, Allerton Grange Vale, LS17 6LS.
- 1.2 To determine whether or not the aforementioned works can be approved, with appropriate conditions.

## **2 Background information**

- 2.1 On the 2<sup>nd</sup> March 2016, an application was received from Martin Nairn to culvert the section of Gledhow Beck, where it runs through the land near the bottom of his garden.
- 2.2 The applicant contacted the council's call centre earlier in the year about the proposed works and after numerous phone calls he was advised by planning that the proposed culvert did not require planning permission. He was not informed that separate approval was required by Flood Risk Management for the works. The applicant therefore made an initial start, but one of the local councillors became aware of this and reported it to FRM, who visited Mr Nairn and advised him of the need to apply for consent.

## **3 Main issues**

- 3.1 The applicant is proposing to use 1.50 m diameter precast concrete pipes, laid at the same gradient as the existing beck. The pipe size has been chosen to match the existing culvert upstream.
- 3.2 Flood Risk Management are not aware of any flow capacity issues with the existing culvert and extending it by 15m will not affect the hydraulic capacity of the culvert, nor increase flood risk upstream.
- 3.3 The watercourse upstream is in culvert and there is a short (15m) length of culvert downstream. The proposed culvert would connect up these up. As such, the distance to the closest upstream manhole would therefore increase from c. 110m to c. 140m. This is further than the 100m recommended in Sewers for Adoption, but is considered to be acceptable in this case, given the size of the culvert. The cost of providing a manhole would make the works unaffordable.

## **4 Corporate Considerations**

- 4.1 Consultation and Engagement

- 4.1.1 The LCC, Nature Conservation Officer has been consulted about the proposed works. His comments are included below:

*Wherever possible open water streams and becks should be retained unculverted – as stated in Policy N39B. However, where there are few connections to adjacent open water sections of the same water course the nature conservation value will be significantly lower. Sections of this water course are culverted between this property and the Gledhow Beck so it would be difficult to justify a strong case for retaining it on nature conservation grounds.*

- 4.1.2 Details of the proposed works have been circulated to the Moortown Ward Councillors, Cllr Rebecca Charlwood, Cllr Sharon Hamilton and Cllr Alex Sobel. No comments have been received to date.

#### 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' for public safety.

#### 4.4 Resources and value for money

- 4.4.1 The applicant has paid the £50.00 application fee.

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

- 4.5.1 Section 263(1) of the Public Health Act 1936, which deals with culverting, was repealed in 2014 under the Water Act 2014 and, as such, these works are being considered under S.23 of the Land Drainage Act 1991, which "require that owner-occupiers who wish to erect or alter any mill dam, weir or other like obstruction to a watercourse, or erect or alter any culvert must seek the prior consent from either the Lead Local Flood Authority, the relevant Internal Drainage Board, the Environment Agency or the Natural Resources Body for Wales depending on the location of the proposed works.."

#### 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 proposed culvert will be situated on private land and therefore the responsibility for its future maintenance will remain with the riparian landowner.

## **5 Conclusions**

- 5.1 A valid S.23 LDA application has been received for a proposed new culvert on Gledhow Beck. This needs to be considered and either approved, or refused before the 2<sup>nd</sup> May, 2016, or else the application will be deemed approved.
- 5.2 These works consists of culverting a 15.0m length of Gledhow Beck.
- 5.3 Local members and council officers have been consulted about the proposed works and where received, their comments have been included within the report.

## **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, for the proposed new culvert;
  - ii) Approve the following conditions, which will be included with any consent;:
    - a) The works shall be carried out in accordance with the submitted drawings. 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 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.
    - d) The applicant shall provide 7 days notice to FRM of their intention to commence the works; and
    - e) As-built, drawings shall be submitted to FRM on completion of the works.

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

- 7.1 None.

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<sup>1</sup> 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.

<b>Directorate:</b> City Development	<b>Service area:</b> Flood Risk Management
<b>Lead person:</b> Stuart Pedder	Contact number: EXT 78779

1. Title: Consent for new culvert on Gledhow Beck, adjacent to 41, Allerton Grange Vale.

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

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

These works consists of extending the existing culvert under Low Hall Road by 10m. The new culvert is required in order to create a forward visibility splay between Low Hall Road and the new access road into the development and to permit the construction of a new footway The proposed culvert will have negligible impact on the equality characteristics.

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).	
<ul style="list-style-type: none"> <li>How have you considered equality, diversity, cohesion and integration?</li> </ul> (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)	
<ul style="list-style-type: none"> <li>Key findings</li> </ul> ( <b>think about</b> 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)	
<ul style="list-style-type: none"> <li>Actions</li> </ul> ( <b>think about</b> how you will promote positive impact and remove/ reduce negative impact)	

5. If you are <b>not</b> already considering the impact on equality, diversity, cohesion and integration you <b>will need to carry out an impact assessment.</b>	
Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (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		
Name	Job title	Date
Wynne Floyd	Technical Services Manager	16/03/16 (WF)

## 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.

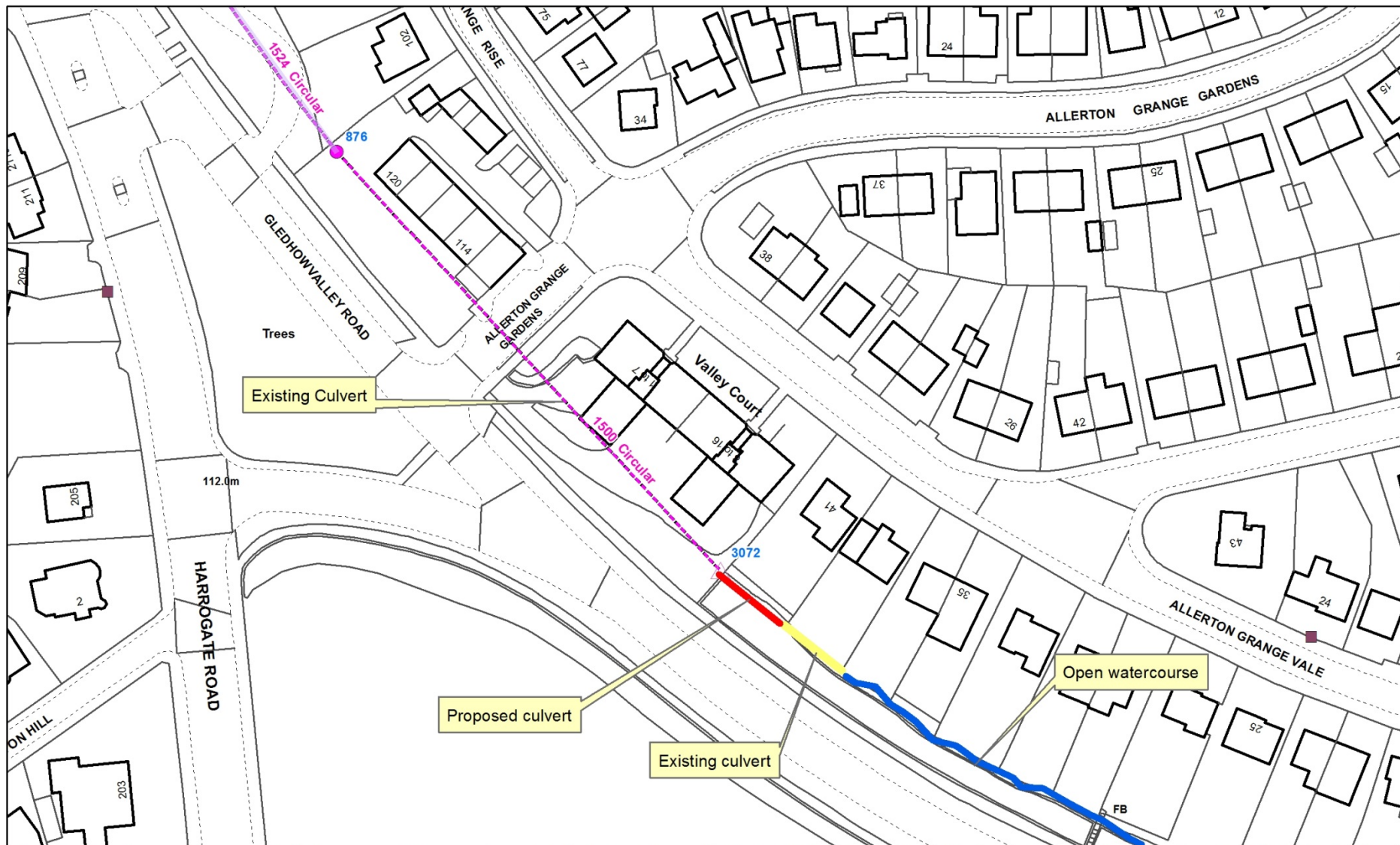
A copy of **all other** screening's should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk). For record keeping purposes it will be kept on file (but not published).

Date screening completed	
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team ( <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a> )	



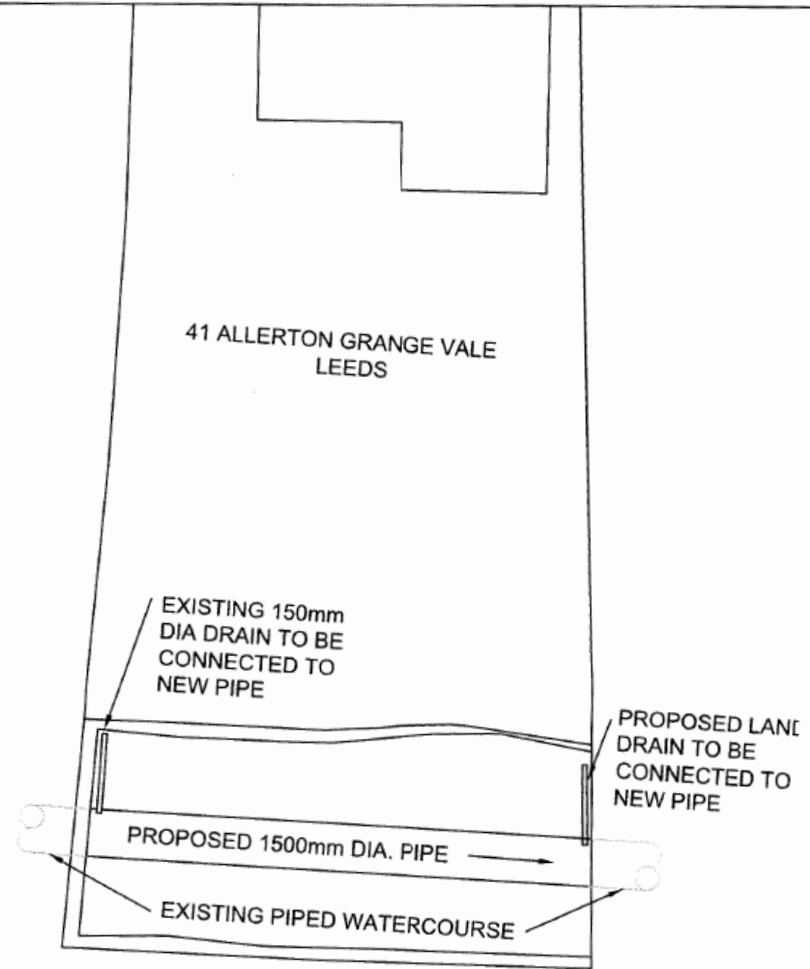
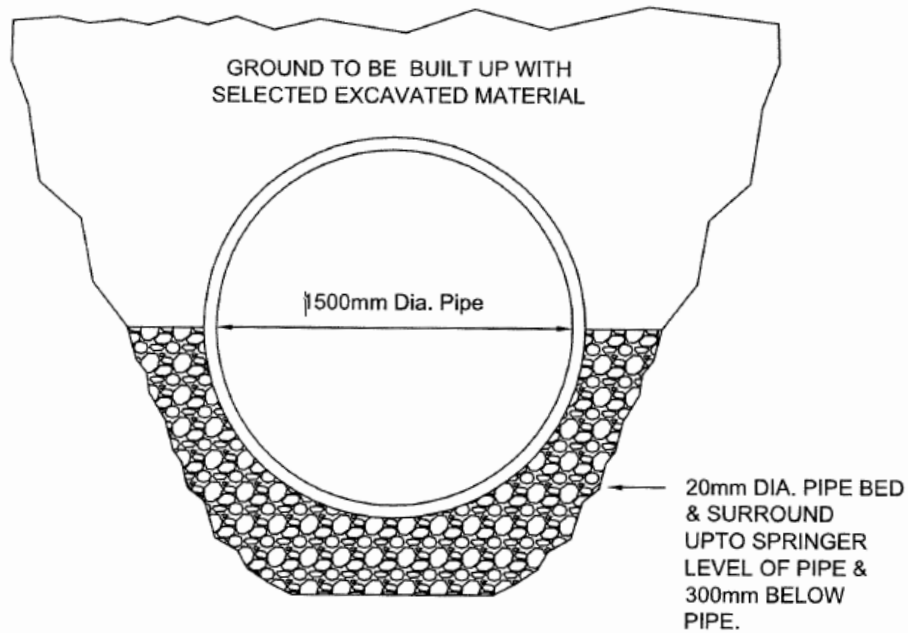
# 41, Allerton Grange Vale - Consent for new culvert

## Location Plan and Proposed Works



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~ Drainage records shown on this plan (including locations, sizes and depths) are given in good faith, but must not be relied upon for any purpose without verification on site. Please note that any sewerage information incidentally shown on this plan could well be out of date. Copies of the current statutory sewer map must be obtained from Yorkshire Water.  
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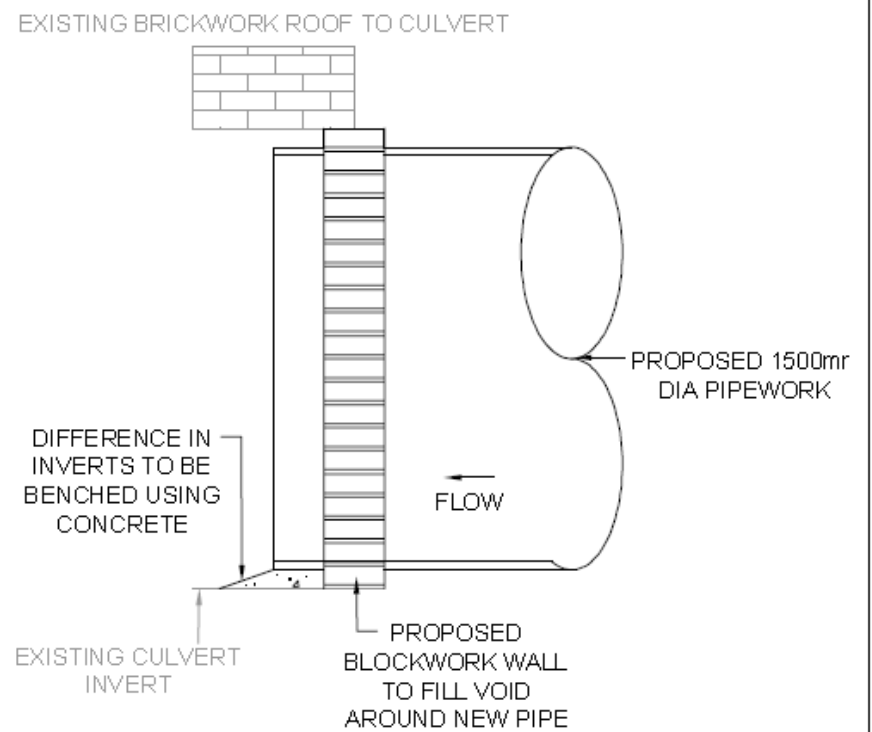
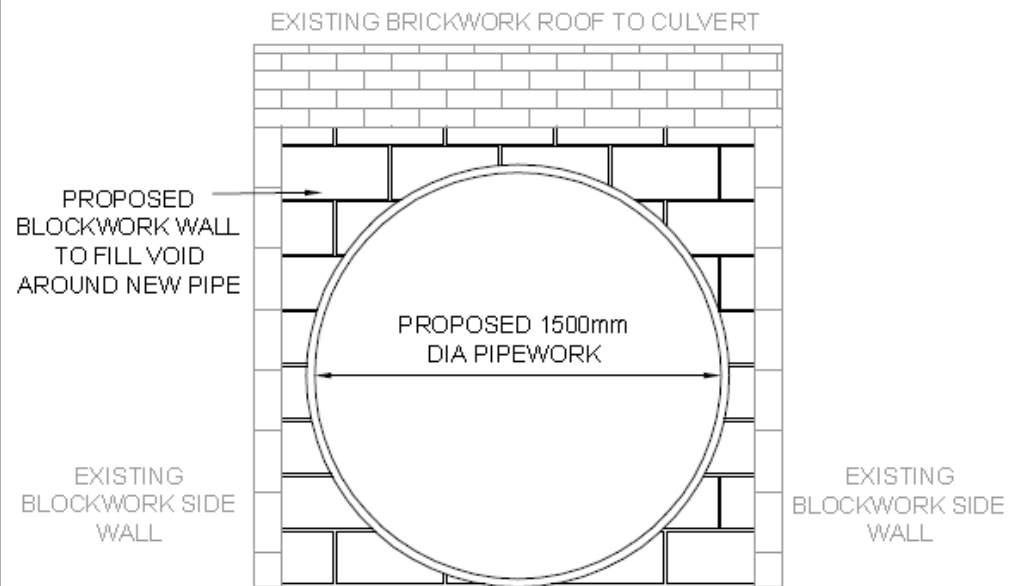
41, Allerton Grange Vale – Culverting Application



**ADDRESS:**  
41 ALLERTON GRANGE VALE  
LEEDS  
LS17 6LT 6LS

**SCHEME:**  
PROPOSED AMENDMENTS TO  
PIPE UP SECTION OF  
GLEDHOW VALLEY  
WATERCOURSE

**NOTES:**  
PROPOSED PIPEWORK TO BE BUTTED UP TO EXISTING  
PIPEWORK AT EACH END & SEALED & MADE GOOD. ALL  
INVERT LEVELS AND GRADIENTS TO MATCH EXISTING.

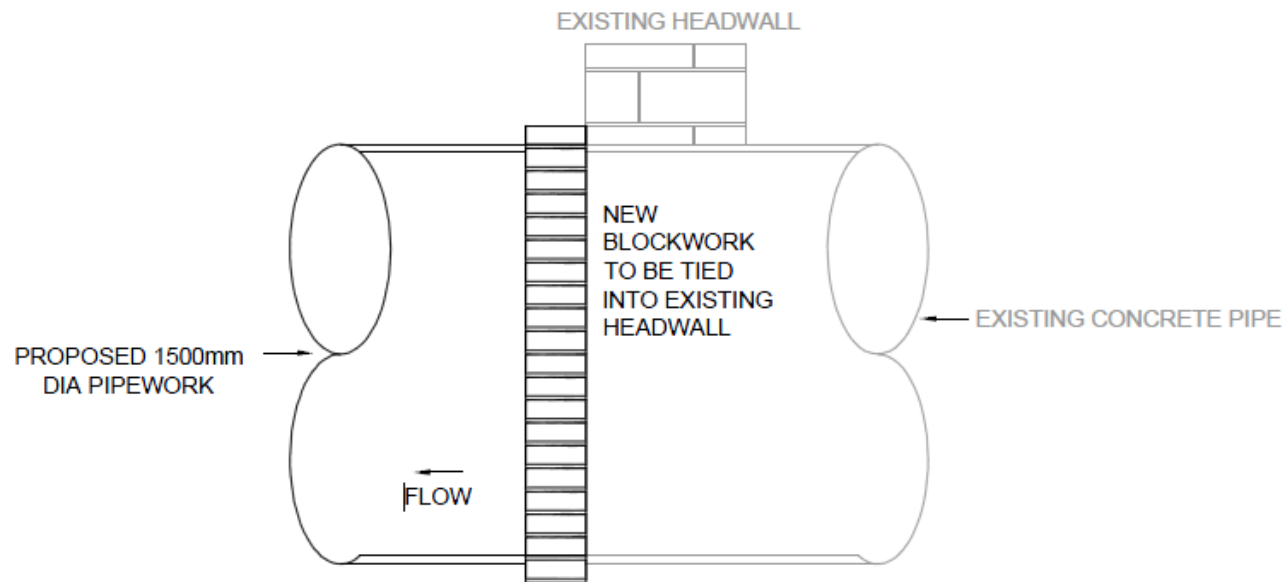


**ADDRESS:**  
 41 ALLERTON GRANGE VALE  
 LEEDS  
 LS17 6LT

**SCHEME:**  
 PROPOSED AMENDMENTS TO  
 PIPE UP SECTION OF  
 GLEDHOW VALLEY  
 WATERCOURSE

**DRAWING:**  
 DOWNSTREAM CONNECTION DETAIL

**NOTES:**



**ADDRESS:**  
 41 ALLERTON GRANGE VALE  
 LEEDS  
 LS17 6LT

**SCHEME:**  
 PROPOSED AMENDMENTS TO  
 PIPE UP SECTION OF  
 GLEDHOW VALLEY  
 WATERCOURSE

**DRAWING:**  
 UPSTREAM CONNECTION DETAIL

**NOTES:**



Photo showing downstream culvert





Photo showing upstream culvert