

Report to the Chief Officer (Highways and Transportation)

Date: 12 April 2016

Subject: Riverside Mills, Horsforth - Consent for new culvert

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Horsforth	<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 to carry out works on a watercourse, including a 13m length of culvert, as part of the Riverside Mills development at Horsforth.
- 2 The works involve realignment of the watercourse and construction of a culvert, which is needed to convey Gill Beck under a new access road within the development.
3. The culvert is shown on the site layout drawing, which was approved as part of the Reserved Matters application (Ref. 15/01592/RM). (Note: the outline planning application 10/04261/OT for this development was refused, but allowed on appeal).
4. The new culvert will be located in approximately the same location as an existing culvert running through the old mill buildings on the site.
5. The Ward councillors, the Natural Environment team and the S.38 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 and associated watercourse realignment;
 - 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: New Culvert – Proposed GA and Sections, Dwg No. 13682.001 – rev P3.

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) Prior to works commencing an Ecological Enhancement Scheme will be agreed with LCC to provide biodiversity features along the section of the Gill Beck to be re-routed. The Scheme will include appropriately scaled drawings with features for soil retention and planting proposals on each of the gabion basket surfaces. The Scheme will also include specifications for vegetation planting and maintenance.
- 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) 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 a 13m length of Gill Beck, including realignment of the watercourse, as part of the Riverside Mills housing development, Horsforth.
- 1.2 To determine whether or not the aforementioned works can be approved, with appropriate conditions.

2 Background information

- 2.1 On the 31st March 2011, Planning approval was refused (ref. 10/04261/OT) for circa 150 dwellings at the site of Riverside Mills, Horsforth. However, the application was allowed on appeal on the 19th March 2012.
- 2.2 The culvert is shown on the site layout drawing, which was approved as part of the Reserved Matters application (Ref. 15/01592/RM). It will be located in approximately the same place as the existing culvert running through the old mill buildings on the site.
- 2.3 It is intended that the new culvert and access road above it will be adopted by Council under a S.38 agreement.

3 Main issues

- 3.1 The developer is proposing to use a 2.3m wide x 1.8m wide precast concrete culvert, laid at the same gradient as the existing beck. The size of the culvert is significantly larger than the upstream culvert, under Low Hall Road, which is a circular pipe, 1.050m diameter.
- 3.2 Flood Risk Management do not consider that the proposed culvert will increase flood risk at this location. The potential for blockage is minimal.

- 3.3 The potential for refusing this application is constrained by the fact that the culvert was shown on the site layout drawing, which was approved as part of the reserved matters application.
- 3.4 A separate 'Approval In Principle' application will be made by the developer to LCC's Bridges section for the structural design of new culvert.
- 3.5 In consenting the proposed works, the Council can impose reasonable conditions on how the works are carried out.

4 Corporate Considerations

4.1 Consultation and Engagement

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

I have made comments on these works through condition discharge and recommended additional details/drawings submitted prior to discharge. Even though the sections to be modified are predominantly "unnatural" due to past works and therefore are acceptable in principle I am concerned that the terraced rows of gabion baskets that have been proposed for the new route of the Gill Beck will look unnatural.

We want to create an ecologically valuable and visually acceptable solution - in order to get some natural vegetation established on the top face of each terraced gabion there should be a reservoir of soil retained in a membrane with native ground flora planted (native ferns, sedges and ivy etc.). Additional planting for the top gabion where it meets the surrounding ground level should also be included to soften that interface.

No plans have yet been submitted to show how the gabions will be modified to soften them – can you include a condition along the lines of:

Prior to works commencing an Ecological Enhancement Scheme will be agreed with LCC to provide biodiversity features along the section of the Gill Beck to be re-routed. The Scheme will include appropriately scaled drawings with features for soil retention and planting proposals on each of the gabion basket surfaces. The Scheme will also include specifications for vegetation planting and maintenance.

The developer has indicated that the Public Open Space, including the watercourse will be maintained by a Residents' Management Company, and that the culvert will be adopted by the Council.

- 4.1.2 LCC's S.38 and Bridges section have been consulted about the proposed works. They have made the following comments:

We are currently in discussions with the culvert designers regarding technical approval. I suggest the following be added to the informatives section of your approval:

1. *The works shall be carried out in accordance with the Cat '0' Details for Agreement document and associated drawings as signed by the Technical Approval Authority.*
2. *The works shall not commence until the design and check certificate for the culvert has been signed by the Technical Approval Authority;*
3. *The applicant shall provide 7 days' notice to the LCC Bridges section of their intention to commence the works.*
4. *Final, as-built, drawings and a signed construction compliance certificate shall be submitted to the LCC Bridges section on completion of the works.*
5. *Details of the extension of the existing culvert under Low Hall Road shall be submitted to the LCC Bridges section for consideration before works can commence.*

- 4.1.3 Details of the proposed works have been circulated to the Horsforth Ward Councillors.

Cllr Brian Cleasby responded as follows: *As a potential for blockage is recognised, then I oppose this culverting, conditions must be in place for ALL culverts to be adequately and properly managed by the Riparians.*

Any further culverting will reduce the ability of this land to be part of our flood defences. Taking water into the system faster leading to an increase in potential flood risk downstream.

Cllr Christopher Townsley responded as follows: *If they (Nature Conservation and Bridges) have no problems then it would be difficult to disagree with them.*

Cllr Dawn Collins responded as follows: *What feedback do you have on this request from our conservation team?*

There has been further correspondence with Cllr Collins on this issue, and no objections have been raised.

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 any mitigation measures can be included within the conditions of the consent.

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 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 It is intended that the culvert will be adopted as part of the highway network and the developer will be required to pay a commuted sum, as part of the S38 agreement, for the future maintenance of the culvert.

5 Conclusions

5.1 A valid S.23 LDA application has been received by the council. This needs to be considered and either approved, or refused, before the 29th April 2016, or else the application will be deemed approved.

5.2 These works consists of culverting a 13 m length of Gill Beck and realignment of the watercourse, with gabion baskets.

5.3 Local members and council officers have been consulted about the proposed works and their concerns and comments are included within the report and should be considered ‘in the round’.

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 and associated watercourse realignment;
- 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: New Culvert – Proposed GA and Sections, Dwg No. 13682.001 – rev P3. 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) Prior to works commencing an Ecological Enhancement Scheme will be agreed with LCC to provide biodiversity features along the section of the Gill Beck to be re-routed. The Scheme will include appropriately scaled drawings with features for soil retention and planting proposals on each of the gabion

basket surfaces. The Scheme will also include specifications for vegetation planting and maintenance.

- 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) As-built, drawings shall be submitted to FRM on completion of the works.

7 Background documents¹

7.1 None.

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: Stuart Pedder	Contact number: EXT 78779

Title: Consent for new culvert on Gill Beck, associated with the Riverside Mills development.

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.

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 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

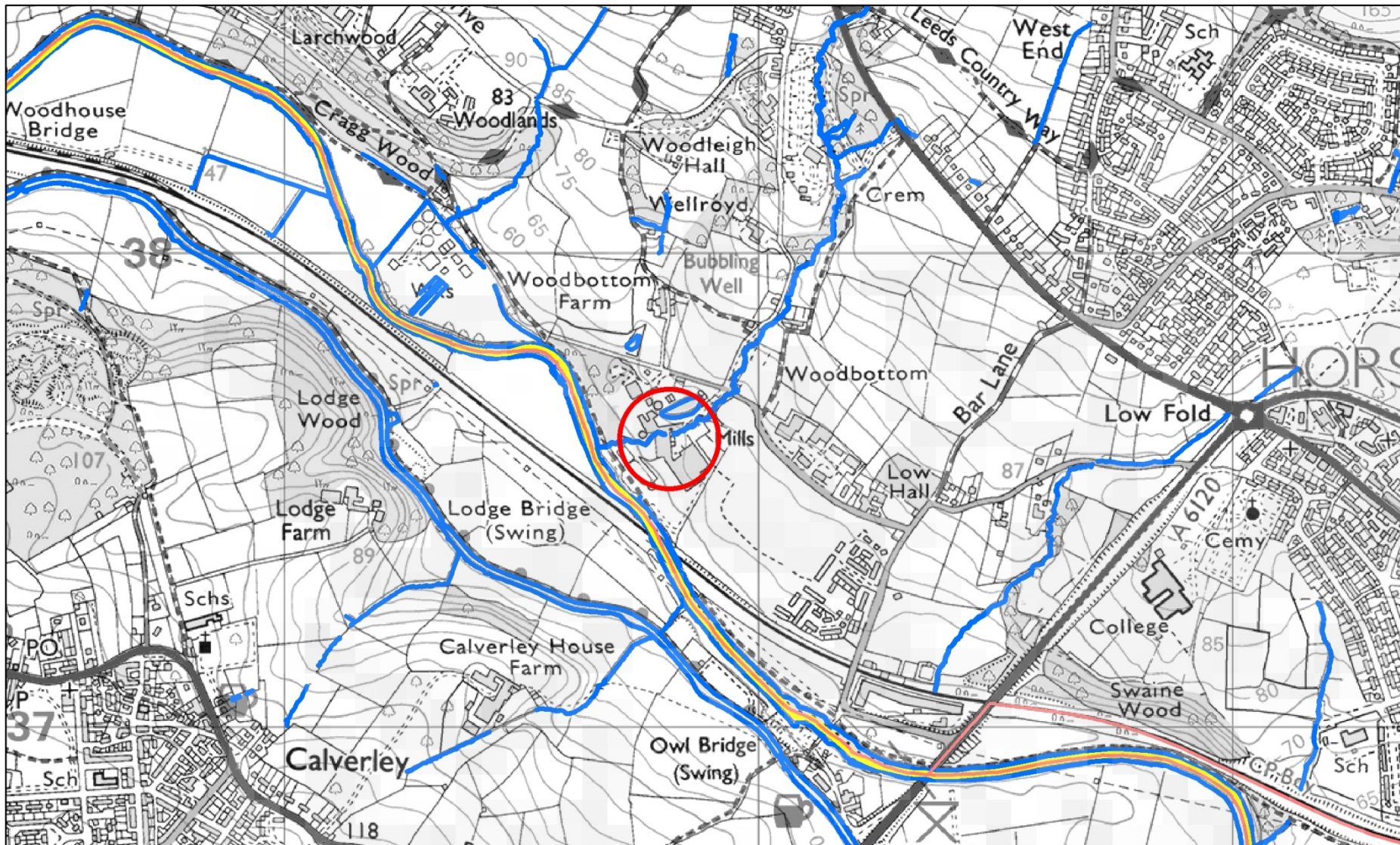
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

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	17/03/16 (WF)

7. Publishing	
<p>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.</p> <p>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.</p> <p>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).</p>	
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)	

Location Plan

Riverside Mills, Horsforth



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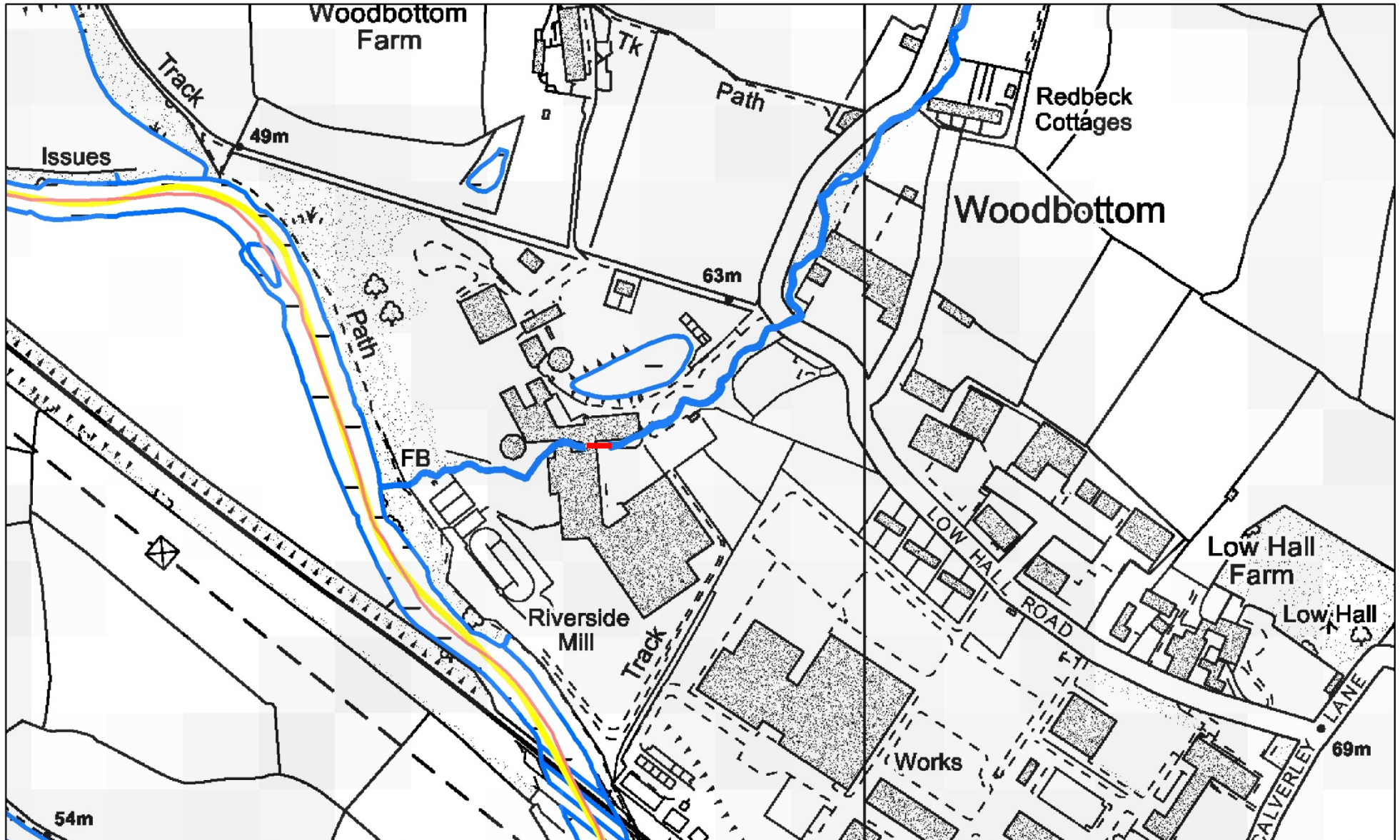
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Site – As Existing

Riverside Mills, Horsforth



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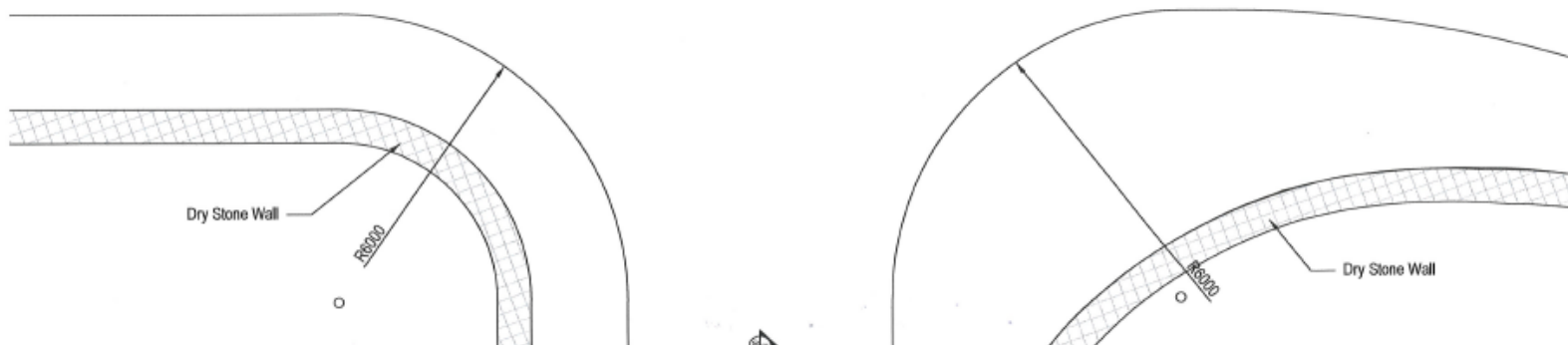
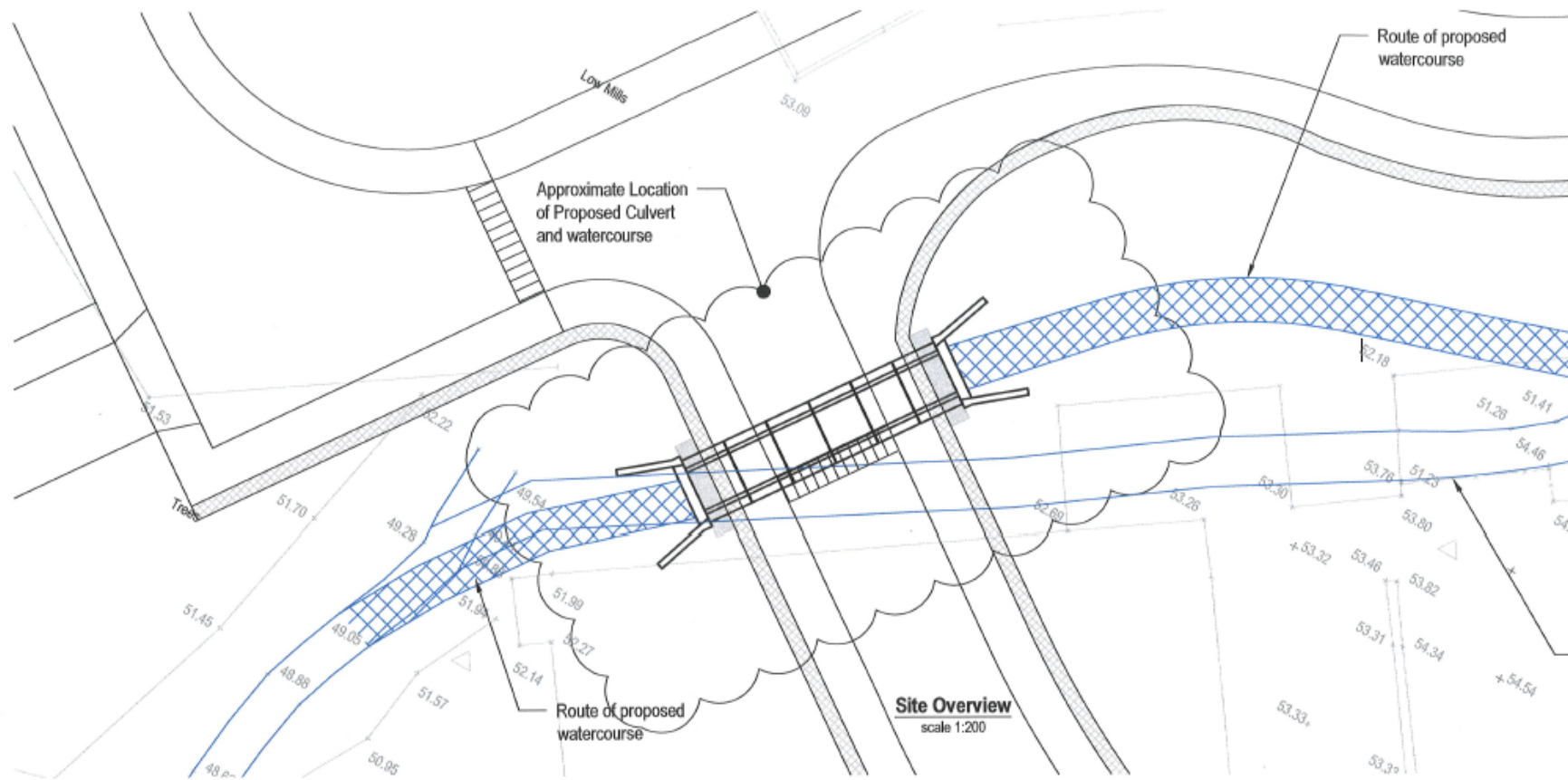
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Approved Planning Layout (15/01592/RM)



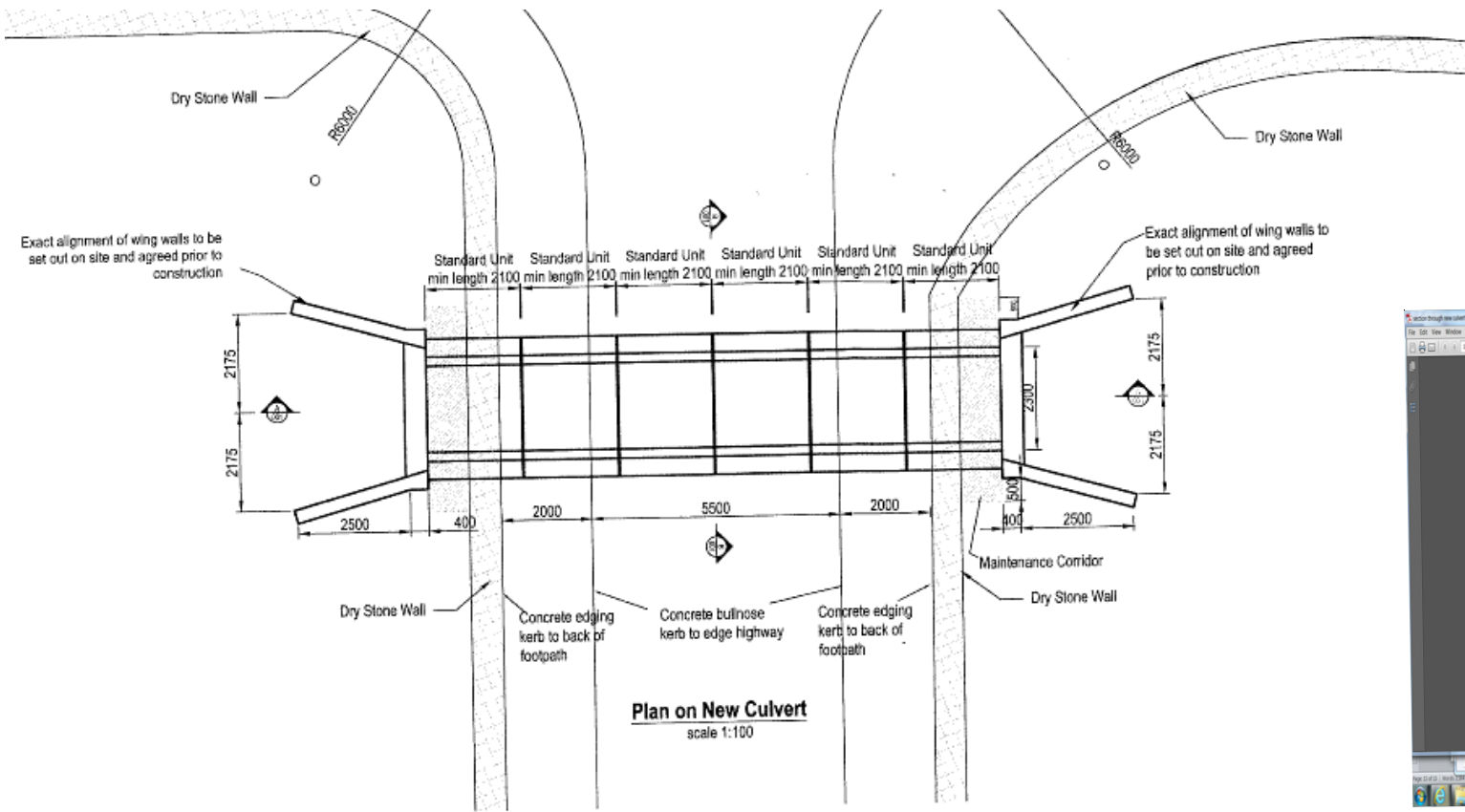


CAUTION EXISTING

Prior to any excavation or demolition work scans, hand dug trenches and obtaining existing buried services.

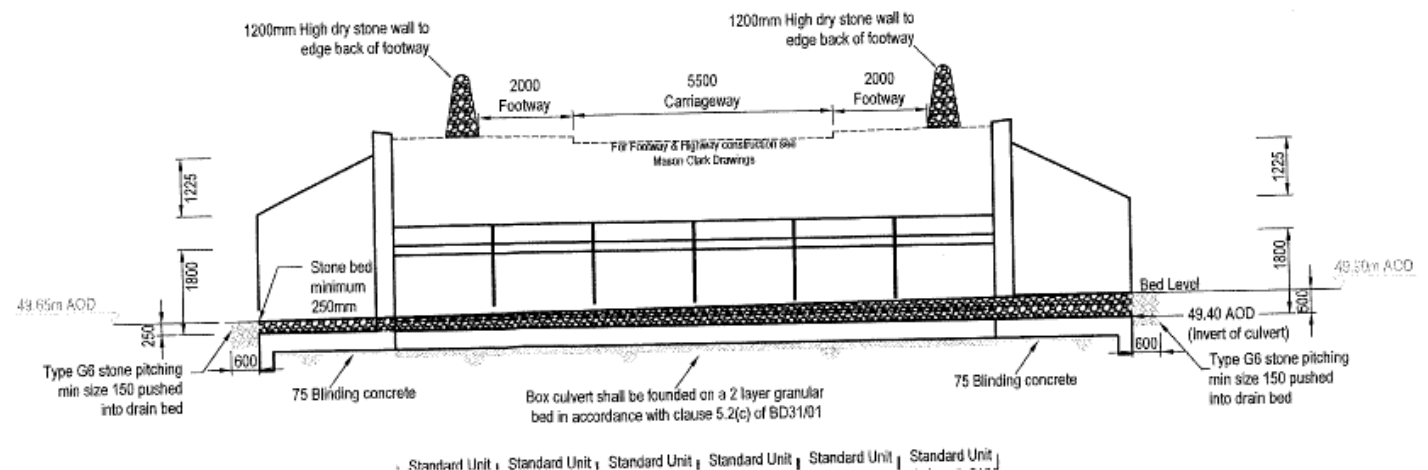
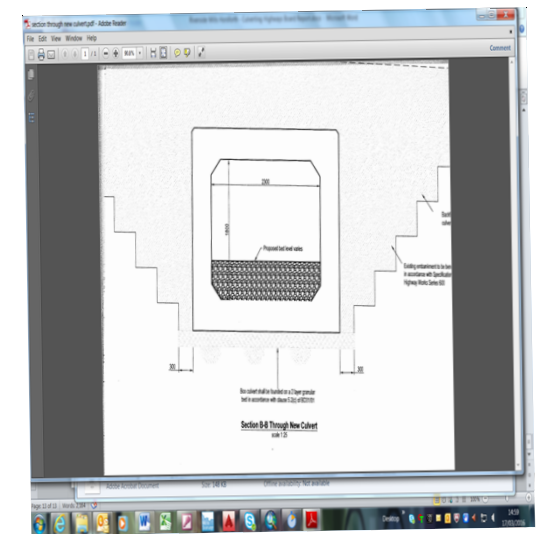
If existing services are discovered during drawing from being achieved, the site eng

Notes for Section I



WARNING: THIS DRAWING IS UNFIT FOR CONSTRUCTION

- ### Notes for Section I
1. Formation level taken down furthest
 2. Upstream culvert diameter 1050



Standard Unit | Standard Unit | Standard Unit | Standard Unit | Standard Unit | Standard Unit