

Report to the Chief Officer (Highways and Transportation)

Date: 15 March 2016

Subject: Low Hall Road, 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 extend an existing culvert under Low Hall Road, Riverside Mills, Horsforth, by 10.0m, at the location where Gill Beck runs under the highway.
- 2 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.
3. The need for the visibility splay and new footway were identified by the Planning Inspector and included within the grant of planning permission for the site. (The initial application 10/04068/OT was refused, but allowed on appeal.
4. The Ward councillors and Council's Natural Environment team have been consulted about the proposed works. Their comments will reported in due course.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to:
 - i) Grant consent under Section 263(1) of the Public Health Act 1936, 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 approved drawings: Culvert Extension – Propsed GA and Sections, Dwg No. 12682.002. 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) 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 culvert a 10.0m length of Gill Beck, located adjacent to the Riverside Mills housing development, Horsforth.
- 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 On the 31st March 2011, Planning approval was refused (ref. 10/04068/OT) for circa 400 houses at the site known locally as Riverside Mills. The application was allowed on appeal on the 19th March 2012.
- 2.2 One of the conditions included with the grant of planning permission was the need for the developer to create a forward visibility splay between Low Hall Road and the new access road into the development and for the construction of a new footway.
- 2.3 The above works are being carried out under a Section 278 Agreement.

3 Main issues

- 3.1 The developer is proposing to use 1.050 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 under Low Hall Road.
- 3.2 Flood Risk Management are not aware of any flow capacity issues with the existing culvert and extending it by 10m will not affect the hydraulic capacity of the culvert, nor increase flood risk upstream.
- 3.3 The potential for refusing this application is constrained by the fact that the planning permission requires the developer to carry out certain works, which require an extension to the existing culvert under Low Hall Road. The alternative would be to extend the existing culvert headwall up to ground level – to retain the new foot path, but this would introduce a significant fall hazard into the beck.
- 3.4 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 The LCC, Nature Conservation Officer has been consulted about the proposed works. This paper will be updated to include his comments, when received.
- 4.1.2 Details of the proposed works have been circulated to the Horsforth Ward Councillors and their comments will also be included, when received.

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 £75.00 application fee.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Section 263(1) of the Public Health Act 1936 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.*"

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 lie with the riparian landowner. However, the land may transfer to Council and become part of the adopted highway. If so, LCC will be responsible for the new culvert and we may ask the developer for a commuted sum payment to fund this liability.
- 4.6.3 There will be a new dry stone wall around the edge of the new foot path to discourage members of the public from entering the beck / culvert at this location.

5 Conclusions

- 5.1 A valid S.263(1) application for extending the culvert under Low Hall Road has been received by the council. This needs to be considered and either approved, or

refused before the 29th March, 2016, or else the application will be deemed approved.

5.2 These works consists of culverting a 10.0m length of watercourse.

5.3 Local members and council officers have been consulted about the proposed works and their comments will be included in subsequent updates of this paper.

6 Recommendations

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

- i) Grant consent under Section 263(1) of the Public Health Act 1936, 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 approved drawings: Culvert Extension – Propsed GA and Sections, Dwg No. 12682.002. 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) Final, 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

1. Title: Consent for the extension of the existing culvert under Low Hall Road, associated with Gill Beck.

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"> • 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	03/03/16 (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. 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)	

Low Hall Road Horsforth - Consent for new culvert

Location Plan and Proposed Works

Low Hall Road, Horsforth - Proped Culvert Extension Location Plan



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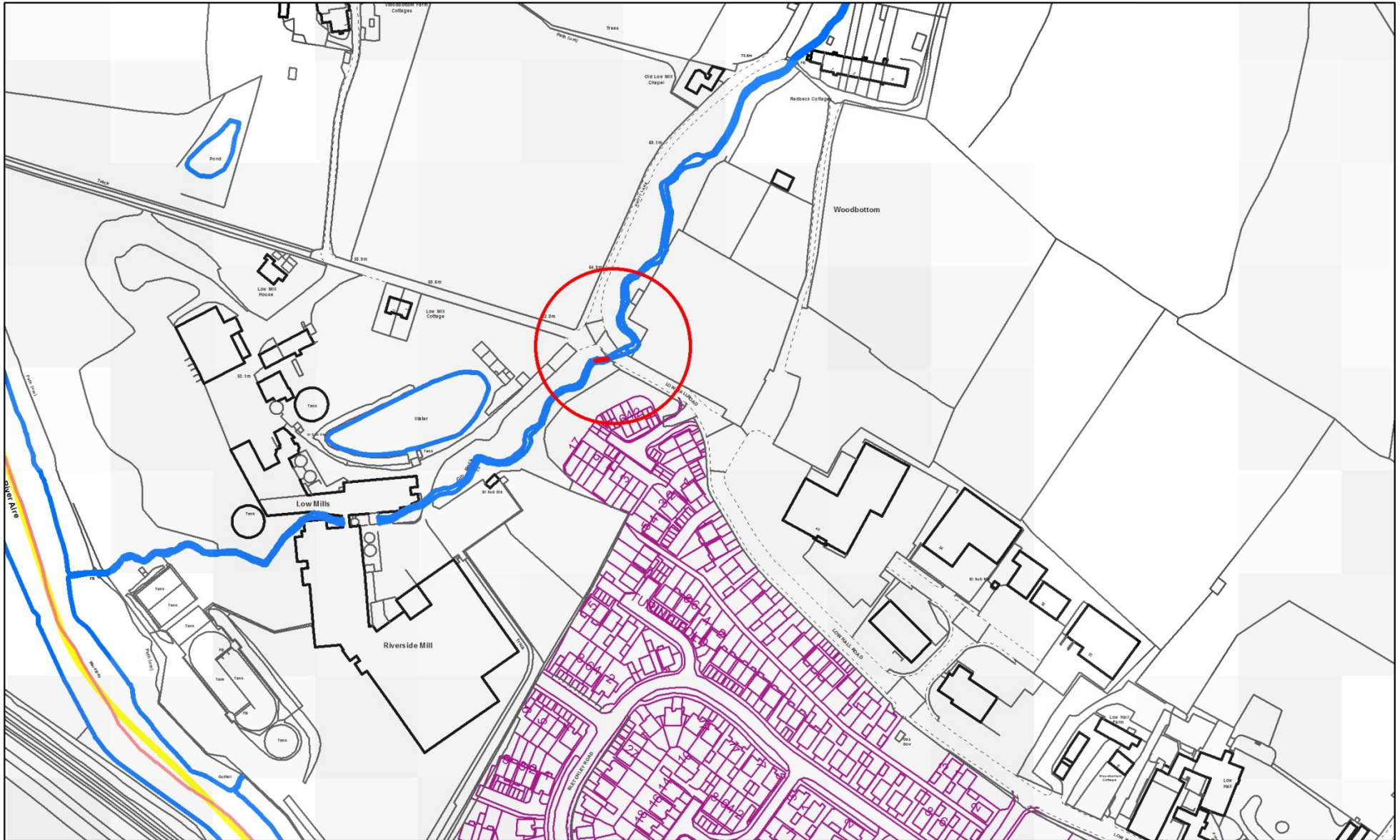
~ Drainage records shown on this plan (including locations, sizes and depths) are given in good faith, but must not be relied upon for any purpose without verification on site. Please note that any sewerage information incidentally shown on this plan could well be out of date. Copies of the current statutory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

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Low Hall Road, Horsforth - Propsed Culvert Extension

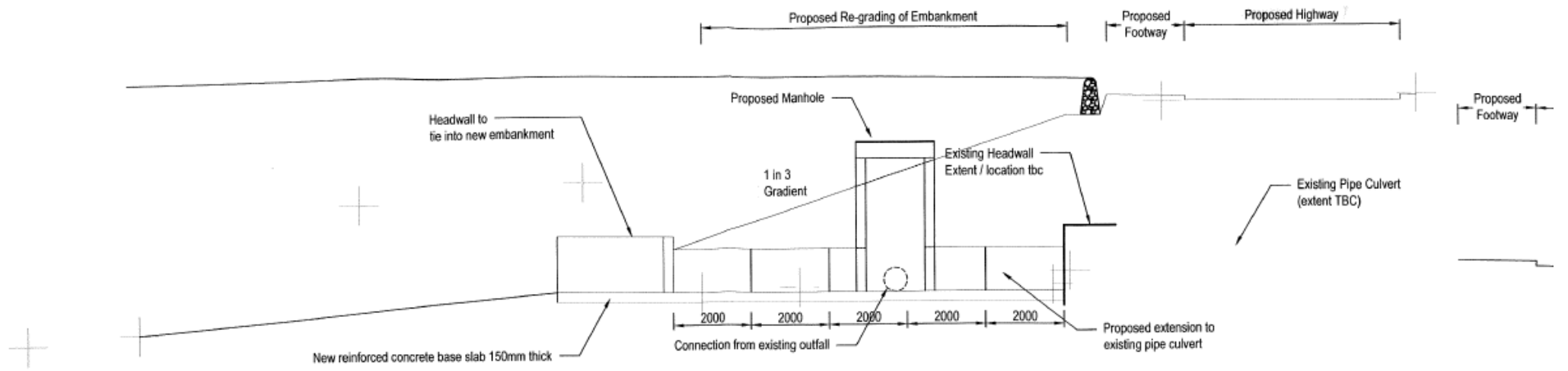


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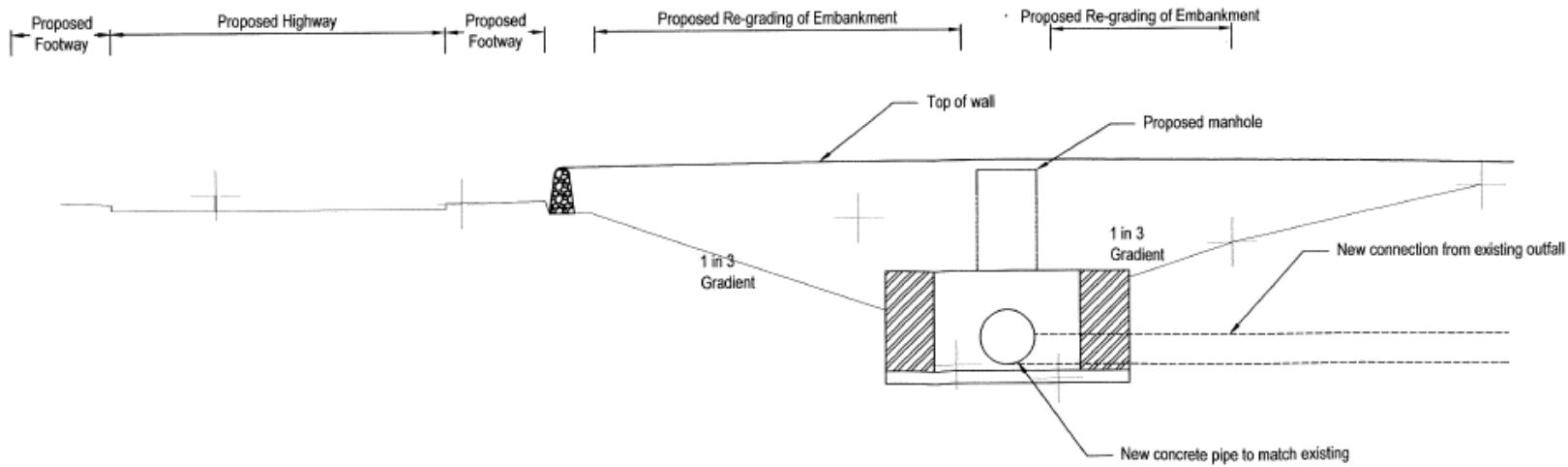
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Section A - A
Scale 1:100



Elevation B - B
Scale 1:100

Annex A – Comments received from Richard Marsh, Senior Nature Conservation Officer

Stuart – the Gill Beck is a locally valuable nature conservation feature and we should be retaining this feature as an open water channel for as much of its length as is reasonably feasible. Below is a photo of this valley feature.

There will have to be significant vegetation removal (which should only be cut/coppiced to an agreed height) to create acceptable road-user visibility but there should not be an extension to the currently culverted section. The main justification for this appears to be removing potential drop hazards to footway users. Instead there should be protection afforded to the existing section that is open water, and measures put in place to avoid pedestrian-access to any steep drops.



Richard Marsh

Senior Nature Conservation Officer
Forward Planning & Sustainable Development
City Development
Leeds City Council
0113 2478151
07891 276768