
Report of Natural Environment Manager

Report to Chief Officer Parks and Countryside

Date: 30/03/2018

Subject: Request to waive contract procedure rules in respect of the procurement of a specialist ecological survey and production/submission of a Mitigation Application Report in advance of the construction of new Flood Defences at Killingbeck Fields, Wykebeck Valley.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Gipton & Harehills Killingbeck & Seacroft	<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. Leeds City Council has received planning permission to implement a new 'naturalised' flood defence on Killingbeck Fields Local Nature Reserve.

Recommendations

2. The Chief Parks and Countryside Officer is recommended to approve the waiver of contract procedure rules 8.1 and 8.2.
3. The Chief Parks and Countryside Officer is recommended to award a contract to the Yorkshire Wildlife Trust to the sum of £15,001.49 to implement the required white clawed crayfish population survey in identified sections of the Wykebeck, produce a White Clawed Crayfish Mitigation Application and submit this to Natural England.

1 Purpose of this report

- 1.1 This report seeks approval to waive Contract Procedure Rule no. 8.1 8.2 with regard to seeking the most appropriate organization to undertake a required White Clawed Crayfish population survey in identified sections of the Wykebeck, produce a White Clawed Crayfish Mitigation Application Report and submit this to Natural England (the statutory body in England) for approval in advance of flood defence works.

2 Background information

- 2.1 Leeds City Council has been granted planning permission to undertake *engineering operation in the form of an earth dam and ponds to create a naturalised flood storage and wetland area to attenuate approximately 40,000 cubic metres of flood water from the Wyke Beck within the boundary of Killingbeck Fields Local Nature Reserve.*
- 2.2 *Essentially this work will create a Flood Attenuation Area that will hold back a maximum of 40,000 cubic metres of flood water when required, but at other times will provide an attractive wetland habitat, including wet woodland and wildflower meadows. Together with improved public access.*
- 2.3 White Clawed Crayfish (*Austropotamobius pallipes*), an IUCN red listed endangered species are known to be present in the Wykebeck and are protected by law (Wildlife & Countryside Act 1981 (as amended) schedule 5). Survey reports and mitigation plans are required for development projects that could affect this protected species, as part of getting planning permission or a mitigation licence. Surveys need to show whether protected species are present in the area or nearby, and how they use the site. Mitigation plans show how you'll avoid, reduce or manage any negative effects to protected species.
- 2.4 The Yorkshire Wildlife Trust has been working in partnership with Leeds City Council's Parks & Countryside service to jointly manage a series of nature reserves in the Lower Aire Valley since 2011. Since June 2016, this partnership has extended into the Wykebeck Valley, initially through a successful 12 month pilot project that focused on engaging local communities in practical conservation and employing Natural Flood Management (NFM) techniques to contribute to local flood controls along sections of the Wykebeck. Much of this work received external funding from Viola and the Environment Agency.
- 2.5 In preparation for the proposed flood defence work at Killingbeck Fields, the Yorkshire Wildlife Trust undertook a White Clawed Crayfish survey in the Wykebeck to identify 'hotspots' of crayfish activity. A required report dated October 2016 was included in the Planning Application.
- 2.6 Planning permission for the work has now been granted provided all statutory requirements in relation to protected species are met in full.
- 2.7 Prior to commencement of any work within the channel of the Wykebeck, we are required to submit a detailed White Clawed Crayfish Mitigation Application to Natural England for approval. Work may only commence on receipt of Natural England's approval.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 Leeds City Council do not currently employ an ecologist who is legally licensed to undertake a White Clawed Crayfish population survey or to prepare and submit a Mitigation Application to Natural England.
- 3.2 The Yorkshire Wildlife Trust have previously undertaken a White Clawed Crayfish survey within the Wykebeck on our behalf in preparation for the planning application in relation to this project. The Yorkshire Wildlife Trust are also committed to our long-term partnership to jointly improve access to nature in both the Wykebeck Valley and the Lower Aire Valley. It is logical, therefore, that for reasons of consistency, we contract the Yorkshire Wildlife Trust to undertake the required White Clawed Crayfish population survey and prepare and submit a Mitigation Application to Natural England on our behalf.
- 3.3 It has been agreed that the survey and Mitigation Application process will also be used as a training exercise for Parks & Countryside and project staff who are currently preparing to apply for the appropriate license that will allow them to undertake similar work for the council in the future.

Consequence if the proposed action is not approved

- 3.4 If the above action is not taken, the project is at significant risk of disruption and the engineering and landscaping works will not be delivered within stated timescales.

Advertising

- 3.3 No advertising has taken place due to the specialist and unique nature of this requirement.

4 Corporate Considerations

4.1 Consultation and Engagement

Full Ward member and stake holder consultations were undertaken throughout the summer and autumn of 2016. Yorkshire Wildlife Trust were involved throughout this process as they reported on contributory LCC/YWT 2016/17 Wykebeck Valley Partnership work.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 *An equality screening has been undertaken examining the waiver decision and is included with this report.*

4.3 Council Policies and City Priorities

- 4.3.1 Contracting this specific work to Yorkshire Wildlife Trust maintains consistency and complements the Best Council Plan to 'spend money wisely'. For the reasons outlined in this report, we believe that Yorkshire Wildlife Trust is the organisation that provides Best value for the services required.

4.4 Resources and Value for Money

4.4.1 Yorkshire Wildlife Trust already have a presence within the Wykebeck Valley, working on a successful high profile project in partnership with LCC and local stakeholders, throughout 2016/17. During this, they undertook a number of ecological surveys and provided associated reports, including for white clawed crayfish, in preparation for the submission of the planning application for this project. Their knowledge and familiarity with the project and close working relationship with our staff and stakeholders maintains consistency and provides a training opportunity to upskill our own staff members.

4.5 Legal Implications, Access to Information and Call In

4.5.1 PPPPU has advised that this Waiver Report be prepared and approved as soon as possible and that all new contracts are supported by a Historical Contract Record, which will be advertised on Your Tender.

4.5.3 This decision is an administrative decision and is not subject to call-in.

4.5.4 In making their final decision, the Chief Officer of park and Countryside should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk Management

4.6.1 It is considered that failure to undertake this survey and submit the necessary Mitigation Application to Natural England within stated timescales may result in necessary engineering works not being undertaken on time.

5 Conclusions

5.1 Outsourcing this work to the Yorkshire Wildlife Trust maintains consistency and ensures that the required mitigation application will be submitted to Natural England within the required timescales.

6 Recommendations

6.1 *(The recommendation must state the specific Contracts Procedure Rule(s) to be waived, together with an explanation of the meaning of the Contract Procedure Rules).*

The Chief Parks and Countryside Officer is recommended to approve the waiver of the following Contracts Procedure Rules 8.1 and 8.2.

6.2 The Chief Parks and Countryside Officer is recommended to award a contract to the Yorkshire Wildlife Trust for the sum of £15,001.49 to undertake a white clawed crayfish population survey within specific sections of the Wykebeck and work with Leeds City Council to collate a detailed white clawed crayfish mitigation licence application for submission to Natural England. Identified Parks and Countryside staff will work with Yorkshire Wildlife Trust at all stages of this work and be trained in the processes required.

6.3 The contract shall commence on **16th April 2018** and expire on **31st May 2018** (with the option to **extend by 4 days to 4th June 2018**).

7 Background documents