

Report of Natural Environment Manager

Report to Chief Parks and Countryside Officer

Date: 3rd July 2018

Subject: Request to waive contract procedure rules 9.1 and 9.2 in respect of the recruitment of a specialist project officer to oversee planned flood defence and habitat enhancement works across the Wykebeck Valley river catchment.

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): Gipton & Harehills Killingbeck & Seacroft		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number: Appendix number:		

Summary of main issues

1. Parks and Countryside over the last seven years has established a natural environment partnership with the Yorkshire Wildlife Trust (YWT). This has been primarily focused across ten council sites in the Lower Aire Valley, but more recently has extended into the Wyke Beck Valley.
2. There is now an opportunity to further consolidate the partnership with the YWT in the Wyke Beck Valley to ensure that the delivery of the 'natural' elements of planned flood alleviation works are properly coordinated and maximise opportunities for YWT to bring added value to this project.
3. The proposal is that Leeds City Council, in partnership with the YWT and other stakeholders carry out flood alleviation works and habitat improvements in the Wyke Beck Valley.
4. This approach has the advantage of building on existing partnership arrangements with the YWT who in turn are well placed to attract external funding and work with volunteers to maximise outputs.

Recommendations

1. The Chief Parks and Countryside Officer is recommended to approve the waiver of contract procedure rules 9.1 and 9.2 and award a contract to Yorkshire Wildlife Trust in the sum of £130,000. The contract is anticipated to commence on the 1st September 2018 and expire on the 31st August 2021.

1. Purpose of this report

- 1.1 This report seeks approval to waive Contract Procedure Rules 9.1 and 9.2 in respect of employing a Wyke Beck Valley project officer on a full time, fixed term (3 years) contract to oversee the planning and implementation of the naturalisation of the engineered flood alleviation measures and general habitat improvements in the Wyke Beck Valley.
- 1.2 The project officer would be employed by the Yorkshire Wildlife Trust (YWT) within the West Yorkshire Team. In practice the post holder will be placed within the natural environment team in Parks and Countryside and work closely with the Natural Environment Manager.

2. Background information

- 2.1 The Yorkshire Wildlife Trust has been working in partnership with Parks and Countryside to jointly manage a series of nature reserves in the Lower Aire Valley since 2011. More recently in 2016 this partnership has extended into the Wyke Beck Valley focused on engaging local communities in practical conservation and employing natural flood management techniques to contribute to local flood controls along sections of the Wyke Beck. Much of this work received external funding from Veolia and the Environment Agency.
- 2.2 In the Lower Aire Valley the partnership between Leeds City Council and Yorkshire Wildlife Trust is targeted on the management of 10 nature reserves owned by Leeds City Council. These sites form the basis of creating a connected landscape with habitat connectivity down the Lower Aire Valley. In the last year there has been a consistently good turnout of volunteers on task days, a range of funding opportunities utilised as well as management and work plans completed. New species records have been made for some of the sites and further surveys planned. In summary there have been the following outputs:
 - 28 registered volunteers contributing 3,278 hours
 - 8 corporate volunteer days involving 59 people contributing 314 hours
 - 9 events involving 182 people
 - 3 talks engaging over 250 people
 - Interpretation provided on 3 sites
 - £24k external funding
- 2.3 With regard to the Wyke Beck project, works have focussed on improvements to existing habitats and natural flood management in Wyke Beck Woods, Arthurs Rein, Fearnville, Easterley Road Woods and Roundhay Park. In summary there have been the following outputs:
 - 15 volunteer days contributing 592 hours
 - 2 community conservation workshops
 - 525 trees planted
 - 13 scrapes created, 4 brash dams and 1 swale
 - 85m willow spiling for natural erosion control
 - £48k external funding
- 2.4 In preparation for the proposed flood defence work at Killingbeck Fields, the Yorkshire Wildlife Trust undertook a White Clawed Crayfish survey in the Wyke Beck to identify 'hotspots' of crayfish activity along with an accompanying report submitted as part of the planning application. Planning permission for the work has

now been granted provided all statutory requirements in relation to protected species are met in full.

- 2.5 The YWT has also been contracted to undertake required specialist surveys as well as prepare and submit a mitigation licence application to Natural England. There is also a need to liaise and work closely with contractors and Parks and Countryside staff on site to ensure statutory obligations are met.

3. Main issues

- 3.1 As indicated, planning permission has now been granted to undertake engineering works to improve flood resilience in local nature reserves at Killingbeck Fields and Arthur's Rein. At Killingbeck Fields this will take 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 (LNR). 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.
- 3.2 At Arthurs Rein the work will focus on removing a drainage culvert (otherwise known as 'daylighting') to create a meandering open water channel with varying width and graded banks. It will also include the re-profiling of two connected open water channels to create a continuous 'naturalised' open water channel between Kentmere Approach and the Wyke Beck itself. This will involve marginal scrapes and extensive habitat creation, including tree planting, creation of a wildflower meadow, and with naturalised wetland areas. In addition access improvements to facilitate pedestrians and cyclists will also be undertaken. The main drainage improvements will accommodate a greater, but very controlled discharge into the Wyke Beck to facilitate over 100 new homes at Kentmere Approach.
- 3.3 An important planning condition is that extra works are undertaken to improve the quality of connected habitats along the Wyke Beck catchment, initially focusing upon the other three LNR's (Halton Moor, Primrose Valley and Wyke Beck Woods/Asket Hill). Plans have already been drawn up to extensively improve a variety of natural habitats across the whole of the Halton Moor LNR. This again includes access improvements to facilitate pedestrians and cyclists.
- 3.4 The Wyke Beck flood alleviation project has been underwritten by the council to enable works to commence in advance of the signing of a funding agreement with West Yorkshire Combined Authority. A capital budget to fund the work has been established and is held by the council's flood risk management team for which £130k has been allocated to fund the 3 year Project Officer post and related costs. YWT are full partners in the project and have worked alongside the Wyke Beck flood alleviation project team to provide advice on ecological constraints and habitat improvements that have been incorporated into the landscaping plans. The Project team are keen to continue this successful partnership work and believe that YWT involvement brings consistency and adds value to the project.
- 3.5 To cement the partnership and facilitate the continued commitment of the YWT to the project, it is proposed that the project officer will be recruited and employed by the YWT, but managed on a day to day basis by the Natural Environment Manager in Parks and Countryside. The post holder will wear the logos of both partners on their work clothing.

- 3.6 P&C will manage the Wyke Beck project officer for the duration of the project. The project officer will be responsible for the day to day management of the soft landscaping/habitat creation across all three project sites. The project officer will also be responsible for the wider management of the Wyke Beck corridor and the five designated local nature reserves creating, updating and implementing relevant management plans. They will be the point of contact for the local community and will take an active role in publicising the project and promoting local engagement and consultation including local schools. In addition they will play a key role in working with external partners in the recruitment of volunteers from the local community.

Reason for Contracts Procedure Rules Waiver

- 3.7 Parks and Countryside do not currently have capacity to free up a staff member to act as project officer who must be a properly qualified conservation professional with appropriate project management experience and skills. The partnership work with the YWT (both in the Lower Aire Valley and Wykebeck Valley) has proved to be very successful focussing the resources of both parties on the delivery of well planned, coordinated, appropriately funded and delivered projects that add value (including attracting external funding) and promote the strengths of each partner. It is therefore considered that a project officer employed by YWT but fully embedded into the Parks and Countryside natural environment team represents the best value for money as well as delivering added benefits already demonstrated.

Consequence if the proposed action is not approved

- 3.8 The partnership with YWT is unique with no suitable alternative provider able to deliver the project outcomes within the necessary timescales as well as added benefits. Failure to implement this proposed action would therefore represent a significant risk to an important part of the flood alleviation measures in the Wyke Beck area which has suffered repeated flooding events with damage to property and dwellings over recent years.

Advertising

- 3.9 No advertising has taken place given the circumstances outlined in this report and the opportunity that a proposed partnership would bring to delivering this project.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward member and stake holder consultation has been undertaken throughout the summer and autumn of 2016. Yorkshire Wildlife Trust were involved throughout this process as they reported on contributory Wyke Beck Valley partnership work.

4.1.2 Equality and diversity / cohesion and integration

- 4.1.3 An equality screening has been undertaken examining the waiver decision and is included as an appendix to this report.

4.2 Council policies and best council plan

- 4.2.1 The proposals in this report support the Vision for Leeds 2011 to 2030 and in particular the aspiration that 'there are high quality buildings, places and green

spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities' as part of the overall aim that 'all Leeds' communities will be successful'. The proposals contribute to the Best Council Plan outcomes to 'enjoy happy, healthy, active lives', and 'enjoy greater access to green spaces, leisure and the arts' and also priority 20 'enhancing the quality of our public realm and green spaces'. There are links to mitigating climate change as well as opportunities to further promote walking and cycling.

4.3 Resources and value for money

- 4.3.1 Yorkshire Wildlife Trust already have a presence within the Wyke Beck 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.
- 4.3.2 In addition the council and YWT have a well-established partnership in the Lower Aire Valley, with a jointly funded reserves officer imbedded in a similar manner to the proposed. A capital budget to fund the work has been established and is held by the council's flood risk management team for which £130k has been allocated to fund the 3 year project officer post and related costs.

4.4 Legal implications, access to information, and call-in

- 4.4.1 This report seeks permission to waive contract procedure rules 9.1 and 9.2 to award a contract to YWT without competition. This decision is a significant operational decision and falls below relevant EU thresholds. In making their final decision, the Chief Officer Parks and Countryside should be satisfied that the course of action chosen represents best value for the council.

4.5 Risk management

- 4.5.1 Failure to employ a properly qualified and suitably experienced project officer, will create a severe capacity issue for Parks and Countryside and risk appropriate delivery of the scheme, which may severely limit the ability of the project to deliver on all of the stated planning conditions.

5. Conclusions

- 5.1 The partnership with the Yorkshire Wildlife Trust is well-established and unique, maximising opportunities to develop mutual strengths and deliver benefits that exceed the ability of either party to achieve on their own. YWT have already been involved in providing specialist expertise in support of obtaining planning approval. This proposals therefore delivers value for money and is considered the best option to achieve the project aims and meet the required timescales.

6. Recommendations

- 6.1 The Chief Parks and Countryside Officer is recommended to approve the waiver of contract procedure rules 9.1 and 9.2 and award a contract to Yorkshire Wildlife Trust in the sum of £130,000. The contract is anticipated to commence on the 1st September 2018 and expire on the 31st August 2021.

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.