

Notice of a public

Decision Session - Executive Member for Environment and Climate Change

To: Councillor Widdowson (Executive Member)

Date: Monday, 13 January 2020

Time: 6.30 pm, or on the rising of the Joint Budget Decision Session of the Executive Members for Environment & Climate Change, Transport, and Economy & Strategic Planning to be held at 5:30 pm.

Venue: The Snow Room - Ground Floor, West Offices (G035)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm** on **Wednesday 15 January 2020**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm** on **Thursday 9 January 2020**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests

- any prejudicial interests or
- any disclosable pecuniary interests

which she might have in respect of business on this agenda.

2. Minutes (Pages 1 - 6)
To approve and sign the minutes of the Decision Session held on 11 November 2019.

3. Public Participation
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 10 January 2020**. Members of the public can speak on agenda items or matters within the Executive Member's remit. To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809

4. York 5 Year Flood Plan Update (Pages 7 - 16)
This report provides an update regarding progress on the York Five Year Flood Plan since the last update, on 2 September 2019, including details of work carried out by the Environment Agency.

5. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Louise Cook

Telephone No- 01904 551031

Email- louise.cook@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Change [previously Executive Member for Environment]
Date	11 November 2019
Present	Councillor Widdowson

10. Declarations of Interest

The Executive Member confirmed that she had no personal interests not included on the Register of Interests, nor any prejudicial or discloseable pecuniary interests, to declare in the business on the agenda.

11. Minutes

Resolved: That the minutes of the Decision Session held on 7 October 2019 be approved and signed by the Executive Member as a correct record.

12. Public Participation

It was reported that there had been one registration to speak at the session under the Council's Public Participation Scheme.

Cllr Warters, Member for Osbaldwick & Derwent Ward, spoke on Agenda Item 5, Graffiti Removal Policy. He highlighted some gaps within the policy and felt that it should contain a preventative strategy and an enforcement policy. He addressed the difficulties in the current arrangements for reporting graffiti on street telecoms cabinets and would welcome a service level agreement between the Council and the telecoms companies to enable a more simple and effective reporting system.

A written representation was also received from Mr Galloway regarding Agenda Item 5, Graffiti Removal Policy. He welcomed the proposed enhancement of the graffiti removal service but felt that the report failed to address two important aspects of the problem, enforcement and preventative measures.

13. Air Quality - Annual Status Report 2018

The Executive Member was asked to consider a report that detailed the continuing improvements in air quality monitored across York and the progress on delivering the measures in York's Third Air Quality Action Plan (AQAP3) to deliver further improvements. As a result of these improvements, the Executive Member was recommended to revoke the current Air Quality Management Area (AQMA) in Fulford whilst retaining the current air quality monitoring network there.

The Assistant Director of Economy and Place and the Public Protection Manager gave an update on the air quality in York following submission of the Annual Status Report to the Department of Environment, Food and Rural Affairs (DEFRA) in June 2019. They confirmed that air quality was improving across York and that:

- The concentrations of NO₂ monitored in Fulford over the last 2 years had not exceeded 35.3µg/m³.
- The concentrations of NO₂ monitored in Salisbury Terrace AQMA continued to remain well below the health based annual mean objective of 40µg/m³.
- The annual mean NO₂ concentrations monitored at all but one real-time monitoring station, around the inner ring road, either decreased or remained the same apart from Gillygate, where annual mean concentrations of NO₂ had increased by 7.8%.
- The city centre AQMA would be extended to include Coppergate and the breaches of the short-term hourly objective along George Hudson Street/Rougier Street/Bridge Street would be removed, based on recent monitoring results in this area.
- National air quality objectives for Particulate Matter (PM₁₀) were currently met at all monitoring locations in York and health based objectives levels for fine particulates (PM₂₅) had not yet been set for local authorities but were well within the EU limit value.
- The World Health Organisation (WHO) Air Quality Guidelines were currently under revision and would be published in 2020.

The Executive Member noted the actions, priorities and challenges going forward and she welcomed the improvements made across the city.

She thanked officers for their report and

Resolved:

- (i) That the contents of the report be noted, including the continuing trend in air quality improvements in York.
- (ii) That the decision to revoke the Fulford Road Air Quality Management Area (Order No. 2) (subject to any comments by Department of Environment, Food and Rural Affairs (DEFRA)), be approved.

Reason: Concentrations of Nitrogen dioxide (NO₂) monitored in the Fulford Air Quality Management Area (AQMA) remained well below the health based objective in 2018. Annual mean concentrations of nitrogen dioxide monitored in this area have not exceeded 35µg/m³ in the last 2 years (the objective level is 40µg/m³).

14. Graffiti Removal Policy

The Executive Member considered a report that sought approval of a graffiti removal policy and agreed set of parameters and expectations for the team to operate within.

The Assistant Director of Transport, Highways and Environment and the Head of Highways and Fleet were in attendance to give an update and they confirmed that the supplementary budget, approved by Full Council, had provided additional funding to extend the removal of graffiti to private property. They highlighted the proposed policy and procedures regarding the new graffiti removal service and confirmed that:

- Enforcement action was not within the purview of the Assistant Director of Transport, Highways and Environment or within the Executive Members portfolio but the Council had, in exceptional circumstances, enforcement powers.
- Written consent must be received from the property owner before removing graffiti from private property, however if the property owner refused to give such consent and declined to remove the graffiti

themselves, the Council had statutory powers to serve a notice on the owner requiring them to remove graffiti classified as offensive and could enter the land, remove the graffiti itself and recover the cost of doing so from the owner, if the owner did not comply with such notice.

- Graffiti could only be removed from a surface on which graffiti wipes or a specialist pressure washing system could remove it and in some instances, it would be necessary to paint over the graffiti.
- Graffiti removal was offered free of charge to domestic properties and would cost commercial/industrial properties including utility companies/public bodies and other service providers £57m2.
- The ability to remove graffiti and the method used would be assessed on a case by case basis taking the health and safety of the operatives undertaking the work and the potential damage to properties into account.

In answer to the Executive Members questions regarding statutory undertakers, officers agreed to discuss the Councils statutory powers with the enforcement team and consult with the statutory undertakers regarding a service level agreement that would permit the Council to improve the current process of reporting, monitoring and removing graffiti from telecoms cabinets.

The Executive Member noted the proposed charging structure and thanked officers for their report.

Resolved:

- (i) That the Graffiti Policy be approved, and the set of parameters and expectations for the team to operate within be agreed.
- (ii) That the use of a consent form for signing by property owners for graffiti removal from private property be noted. Without written consent from the property owner, City Of York Council would not remove graffiti from private

property (except where, in exceptional circumstances, the Council may have chosen to serve a notice on the owner requiring removal of offensive graffiti using statutory powers and the owner has not complied with such a notice).

- (iii) That the proposed charging structure, which will be built into the fees and charges for consideration in budget setting, be noted.
- (iv) That officers be requested to consult with the statutory undertakers regarding a service level agreement that would improve the current system of reporting, monitoring and removing graffiti from telecoms cabinets and discuss the Councils statutory powers with the enforcement team.

Reason: To give effect to the Council decision to fund graffiti removal from private property.

Cllr Widdowson, Executive Member
[The meeting started at 5.30pm and finished at 5.43pm].

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**Decision Session – Executive Member for
Environment and Climate Change****13 January 2020**

Report of the Director of Economy & Place

York 5 Year Flood Plan Update**Summary**

1. The flooding in late December 2015 followed an intense period of rainfall across November and December due to the impacts of Storms Desmond and Eva. Record river levels were observed in many river catchments across the north of England. More than 4000 homes and 2000 businesses flooded across Yorkshire with 453 properties and 174 businesses flooded in York.
2. Funding has been allocated to the Environment Agency (EA) following the floods to renew existing and provide new flood defences across the city, £28m has been allocated to the Foss Barrier improvements and £45m to the wider flood defences across the city.
3. An update on progress has been supplied by the EA, this can be seen in Annex 1.
4. Funding has been awarded to City of York Council by the Environment Agency to lead and develop a property flood resilience pathfinder project to enable better uptake of resilience measures across Yorkshire.

Recommendations

5. The Executive Member for the Environment and Climate Change is asked to note the updated report and the evidence presented by the Environment Agency in the session, feedback is sought from the Executive Member on all content.

Background

6. Following the development and publication of the York Five Year Plan (<https://www.gov.uk/government/publications/york-5-year-flood-plan>) the EA have developed the Defra Strategic Outline Business Case and

financial approvals have been sought and obtained from Defra. Detailed businesses cases are being developed for 19 flood cells across the city.

7. The Environment Agency continue to work closely with City of York Council on all aspects of the York Five Year Plan, an update has been provided by the EA at Annex 1.
8. Following a national scale competitive funding process City of York Council have developed a collaborative project drawing on the skills and experiences of all Lead Local Flood Authorities and partners across the Yorkshire Regional Flood and Coastal Committee area.
9. The Yorkshire Future Flood Resilience Pathfinder project led by City of York Council has recruited three Flood Resilience Project Officers who are in the early stages of the development of a range of demonstration and awareness materials that will be used to build flood resilience across Yorkshire. Further updates will be brought to the Executive member.

Consultation

10. Public consultation on the York Five Year Plan continues through a range of flood cells, this is detailed in the update in Annex1 along with the programme of future consultation events.

Options

11. The principal options open to the Executive Member for Environment and Climate Change are to comment on and review the work undertaken to date, the future work identified and the representations made by the Environment Agency.

Analysis

12. Ongoing liaison will continue between the Executive Member for Environment and the CYC Flood Risk Manager, future briefings to the Executive Member for Environment and Climate Change Decision Session will be made to ensure key outputs and decisions are supported by CYC and to provide formal opportunities for members and the public to consult. Further recommendations will be made for agreement at these sessions.

Council Plan

13. Improved provision of flood defences supports a prosperous city for all through safer communities for residents, businesses and visitors, a wide

range of consultation events will ensure this is in line with the needs and expectations of local communities.

Implications

14. **Financial** – Funding is allocated directly to the EA, the additional funding of £45M is available to be directed towards key flood risk projects in the city in the short term. The extent of required works may require wider funding and Defra funding bids will be developed. There are likely to be contribution requirements as part of this wider work.
15. **Property** – The Site Investigation programme will include sites under CYC ownership and/or control, consultation will be carried out with Estates teams and all relevant agreements will be put in place.
16. Human Resources (HR) – No implications
One Planet Council/Equalities – No implications
Legal – No implications
Crime and Disorder – No implications
Information Technology (IT) – No implication

Risk Management

17. No known risks are identified at this time, detailed risk management work will be developed as the business case and detailed design works commence.

Contact Details

Author:

**Steve Wragg
Flood Risk Manager
Highways
01904 553401**

Chief Officer Responsible for the report:

**Neil Ferris
Director of Economy & Place**

Report **Date** 20/12/19
Approved

Wards Affected: List wards or tick box to indicate all **All**

For further information please contact the author of the report

Background Papers: None

Annexes: Annex 1 York 5 Year Flood Plan Update Jan20

York Flood Alleviation Scheme

December 2019

Update for December's Executive Decision Session

This is an update of the progression made over the last three months on the flood alleviation work in York. In this update we have provided:

1. Summary of city wide flood alleviation activities
2. York FAS headline costs
3. Programme information table
4. Map of the York Five Year Plan Flood cell outlines

1. Summary of city wide flood alleviation activities

We have finished building the flood wall on Leeman Rd along the front of Memorial Gardens. The compound and all the fencing was removed in good time for preparations for this year's Remembrance parade. We have almost completed the work to raise the height of the flood wall along North Street and have started installing the larger flood gates. This work will be completed early next year and the site compound opposite the Maltings pub will be removed by February. Originally we proposed to raise the flood gates under Lendal Bridge with demountable panels. These would have damaged the Grade II listed coping stones on the bridge so we have since decided to install two new specially designed gates instead. These gates will not be in place until Spring 2020.

Earth works in the grounds of St Peters School paused earlier than scheduled due to significant rainfall leading to unworkable ground conditions. Work is due to restart next Spring once the ground conditions become suitable to work again.

The Clifton Ings Barrier Bank (Flood Cell B10) planning application was approved at the September planning committee. As requested we have set up an Advisory Group to better engage with the community, it held its first meeting on the 29th Oct and had a good turnout. Discussions were held about the planning conditions with clear actions moving forward. Meetings will continue as necessary until all the pre-commencement planning conditions have been discharged.

We have revised our planning application for Clementhorpe (Flood Cell B8) which includes the alternative underground seepage cut off method of grout injection. This will allow better continued access to pedestrians and cyclists and be less disruptive to the local residents. We are expecting this planning application to be discussed at the next CYC Planning Committee on the 16th of January.

Properties in New Walk (Flood Cell B16) who are part of the York Property Flood Resilience Scheme (PFR) have nearly all been visited by our PFR contractor Flood Technologies. We still have some details to finalise but many residents have now received their finished reports and are ready to proceed with installation.

Plans for the Foss Flood Storage Area have been submitted to planning. Throughout the autumn, we held drop-in events in Huntington, Strensall and Sheriff Hutton to provide local residents with information about our plans to build a flood storage area north-east of Strensall. We have now submitted these plans to both City of York Council and Ryedale District Council for planning approval. The planning application is available on the Council planning pages under the following reference numbers: City of York Council 19/02463/FULM and Ryedale District Council 19/01263/MFULE.

2. York Flood Alleviation Scheme headline costs

As you are aware, after the floods in December 2015, the government committed £45.2 million to reduce the risk of flooding and increase the level of protection to at least 2,000 homes in York. This was in addition to the £17 million funding for the work to upgrade the Foss Barrier.

The scope of work on the Foss Barrier has changed significantly from the original proposals. The initial emergency work to repair the damage suffered during the 2015 floods was completed in 2016. Since then we have:

- Replaced all 8 pumps with new variable speed drive pumps that will give a maximum pumping capacity of 50 m³/s.
- Carried out civil works to the existing building to accommodate the additional equipment and the operator accommodation.
- Installed two new independently sourced High Voltage electricity supplies located on the first floor of the building.
- Installed 5 new back-up generators to maintain operation of all 8 pumps at maximum capacity in the event of power failure.
- Installed a security system including remote monitored cameras and a biometric locking mechanism to the doors.
- Replaced the river level telemetry and installed a new Foss flow gauge to allow the auto operation of the site.

We are still to:

- Install a new lifting gate to a new height of 10.85mAOD.
- Raise the height of the floodwall between the hotel to Skeldergate Bridge to the new level of 10.85mAOD including the installation of a pedestrian floodgate.

The current scope costs for completing works to the Foss Barrier are £38 million.

Forecast costs for delivering the full programme for the remaining Flood Cells is £51 million. Further funding will be required to complete all work. We have submitted a bid for additional funds into the next project funding period.

3. Programme Information Table

Flood Cell	Estimated total cost (£k)	Full Business Case	Planning Permission	Construction Start and est. period	No. of properties
B4 - Scarborough to Ouse Bridge (Right Bank)	2,557	Approved by LPGR Apr 2019	Planning application was Approved 5 th March 2019	4 th June 2019 6 months	39
B7 - Queen's Staith and Skeldergate	Not yet approved	TBC	TBC	TBC	16
B8 - Clementhorpe South Bank	8,079	Approved by LPGR Jun 2019 Approved by LPGR Aug 2019	Planning application has been submitted. Determination Deadline was 17 th May 2019 Planning Committee TBC	Planned Aug 2019 – delayed due to planning process 18 months	148
B9 - Fulford	CYC to lead on delivery and funding				
B10 - Clifton & Rawcliffe	12,428	Planned submission Oct 2019	Planning application was Approved Sep 2019	Planned Jun 2020 24 months	140
B11 - Coppins Farm to Scarborough Bridge (Left Bank)	3,664	Approved by LPGR May 2019	Planning application submitted Nov 2019.	July 2019 – ST Peters School field 2 construction seasons	156
B12 - Scarborough Bridge to Lendal Bridge (Left Bank)	1,672	Approved by LPGR May 2019	Planned submission Spring 2020	Planned Jun 2021 3 months	57

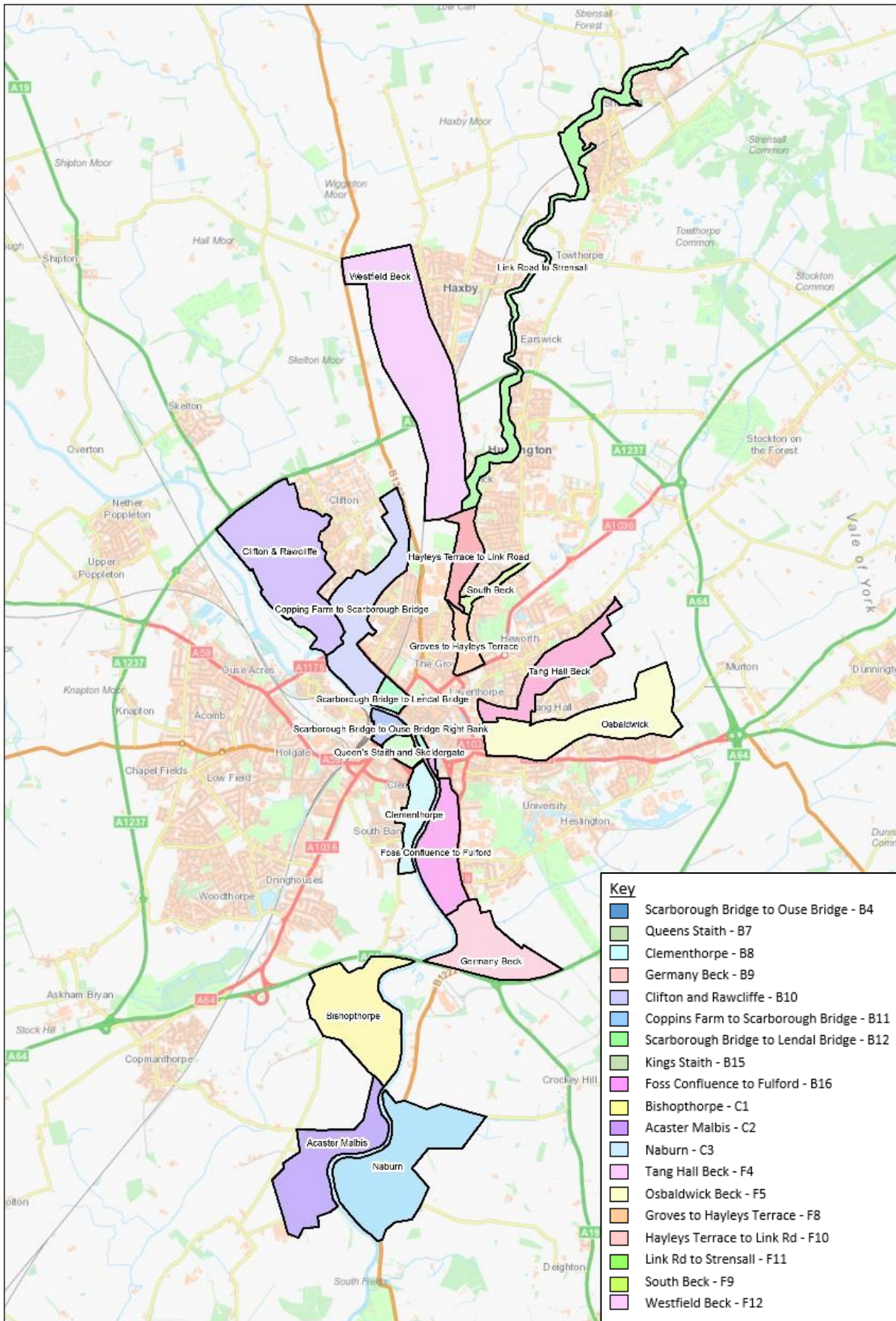
B15 - King's Staith to Skeldergate Bridge	475	Approved by LPGR Aug 2019	Not required	Property surveys planned early 2020 followed by installation	24
B16 - New Walk	1,000	Approved by LPGR Aug 2019	Not required	Installation start planned end of 2019	55
C1 - Bishopthorpe	790	Planned submission Jan 2020	Planned submission Dec 2019	Planned Mar 2020 4 months	117
C2 - Acaster Malbis	235	Approved by LPGR Aug 2019	Not required	Property surveys planned early 2020 followed by installation	6
C3 - Naburn	Not yet approved	TBC	TBC	TBC	37
F4 - Tang Hall Beck F5 - Osbaldwick Beck	8,000	Planned submission Aug 2020	TBC	Planned Oct 2020	263
F8 - Groves to Haley's Terrace F10 - Haley's Terrace to Link Road F11 - Link Road to Ring Road	13,640	Planned submission Apr 2020	Planning application submitted Dec 2019.	Planned Spring 2020 18 months	490
F9 - South Beck	This cell being removed from the programme due to there being no viable option and no history of flooding.				
F12 - Westfield Beck	3,533	Planned submission Nov 2020	TBC	Planned Feb 2021	56

Key

Confirmed

Planned/expected

4. Map of the York Five Year Plan Flood Cell Outlines



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