

**Report to Chief Officer (Highways and Transportation)**

**Date: 02 September 2014**

**Subject: Design & Cost Report for S278 Works Associated With the Development of a Fire Station at York Road, Killingbeck, Cross Gates, Leeds 14**

**Capital Scheme Number : 16984 / 000 / 000**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): 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 As a result of planning permission being granted for the development of a new fire station on the site of a former petrol filling station at the A64 York Road, Killingbeck, Cross Gates, Leeds 14, off-site highway works are required to enable the development to proceed.
- 2 The Developer will need to enter a Section 278 Agreement (Highways Act 1980), whereby the off-site highway works are carried out by the City Council at the developer's cost.
- 3 This report seeks authority to negotiate terms and enter such Agreement for the highway works, to complete the detailed design and construct the works.

**Recommendations**

- 4 The Chief Highways Officer is requested to:
  - i) note the highway works as outlined in Section 3.1 and indicated on LCC Drawing Number EP/716984/01/01 at an estimated cost of £328,000;
  - ii) give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by this Council at the cost of the developer;

- iii) give authority to implement the works as set out in Section 3.1;
- iv) approve an injection of 328,000 into the City Development Capital Programme to be fully funded by a private developer; and
- v) give authority to incur expenditure of £328,000 (£293,000 works costs and £35,000 staff costs), all to be fully funded by the private developer under a Section 278 legal agreement.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to note the principle of the implementation of highway works associated with the development of a former petrol filling station to a fire station at the A64 York Road, Killingbeck, Cross Gates, Leeds 14 (planning application reference: 13/00459/FU).
- 1.2 To obtain authority to negotiate the terms of and enter into an Agreement under the provisions of Section 278 of the Highways Act 1980, whereby the associated highway works are carried out by Leeds City Council at the expense of the developer.
- 1.3 To approve an injection into the City Development Capital Programme to be fully funded by the developer, and give authority to incur expenditure associated with the implementation of highway works associated with the development.

## **2 Background information**

- 2.1 Planning permission for a new fire station on the site of a disused petrol filling station at the A64 York Road, Killingbeck, Cross Gates, Leeds 14 was granted on 4<sup>th</sup> October 2013 (reference 13/00459/FU).
- 2.2 The highway works are shown indicatively on the attached plan referenced LCC Drawing Number EP/716984/01/01 and are detailed in Section 3.1.
- 2.3 To meet the requirements of the planning permission, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

## **3 Main issues**

- 3.1 Design Proposals and Full Scheme Description
  - 3.1.1 Section 278 of the Highways Act 1980 allows Highways Authorities to enter into agreements with developers for the execution of highway works at the developer's expense. The preconditions for an agreement under Section 278 of the Highways Act 1980 are, first, that the Highway Authority should be satisfied that it will be of benefit to the public to enter into an agreement for the execution of the works and, secondly, that the work must fall within the Highway Authority's powers of road building, improvement and maintenance.

- 3.1.2 The proposals within this report are concerned only with the delivery of the highway works, the principle of these works having been considered and accepted as part of the planning process.
- 3.1.3 The highway works proposed comprise:
- Construction of vehicle accesses to the development from the A64 York Road and Moresdale Lane
  - Widening of the adopted footway along the site frontage with York Road to 2m
  - Construction of a gap within the central reservation of York Road for the purposes of facilitating fire appliances turning right from the site under emergency conditions
  - All associated traffic signal controls including new installations on York Road and any required modifications to existing external traffic signal installations
  - All associated Civils works, including (inter alia) tie-ins, resurfacing, signing, lighting, drainage and lining works etc
  - Any works reasonably required following safety audits of the design and construction of the highway works; and
  - Any associated statutory undertaker's work resulting from the Works.
- 3.1.4 The proposed works are shown indicatively on the attached LCC Drawing Number EP/716984/01/01.
- 3.1.5 The developer has paid an advance design fee of £5,000 to enable Design Services to carry out the design works in advance of a S278 Agreement being signed.
- 3.1.6 The City Connect Cycle Superhighway is proposed to run past this site along the frontage with York Road. The preliminary drawings for the scheme propose to introduce a Cycle Track Type 1 (narrow) across the vehicle accesses to the site segregated from an existing footway. Design Services are fully aware of the requirements of the Cycle Superhighway Scheme and have liaised with the City Connect team as part of the design process for the off-site highway works. As such, the highway works have been designed with the cycle scheme in mind and to minimise as far as practicable the potential for any abortive works when the Superhighway is implemented.
- 3.1.5 Safety Audits and Maintenance Audits are to be carried out as part of the detailed design process. The S278 Agreement will ensure that Safety Audits form part of the design process, and any appropriate works arising out of the audits are implemented at the developer's expense.
- 3.1.6 The S278 agreement will include the standard commuted sums for future maintenance of the Works.
- 3.2 **Programme** – It is envisaged that the design and construction of the works will be carried out in the 2013/2014 and 2014/2015 financial years.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Ward Members: Ward Members of Killingbeck & Seacroft were consulted by email with an accompanying letter and plans on 24 October 2013. At the time of writing this report no comments have been received from Ward Members.
- 4.1.2 Emergency Services and Metro (WYPTE): The Emergency Services and Metro were consulted by email with accompanying letters and plans on 24 October 2013. The Police have responded with no objections. At the time of writing this report no other responses have been received from the Emergency Services.
- 4.1.3 The following service areas have been consulted: Finance, Traffic, Environmental Studies, Transport Policy, City Connect Team, Road Safety, Street Lighting, Contracts, Bridges, Flood Risk Management, UTMC, Highway Design, Highway Maintenance and Network Management.
- 4.1.4 The City Connect Team has been consulted on the proposals and they have responded to advise that the route of the Cycle Superhighway is proposed to run past the site. The Design Services section are aware of the requirements of the Cycle Scheme and have liaised with the City Connect team on a number of occasions as part of the detailed design process. As such, the off-site highway works have been designed to minimise the extent of any abortive works when the superhighway is implemented.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An EDCI Impact Assessment has been carried out for the Section 278 Process and is attached as Appendix 1. The assessment confirmed that due regard to the equality characteristics is considered as part of the planning application process. However, if approval is given by the Highways and Transportation Board for Officers to further develop the proposals, an equality screening and (or) impact assessment will be undertaken at the design and construction phase of the scheme.

### **4.3 Council policies and City Priorities**

- 4.3.1 The proposed highway works which allow the development to take place accord with the Councils Local Transport Plan and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.

### **4.4 Resources and value for money**

- 4.4.1 The total estimated costs for this scheme are £328,000 comprising £293,000 re civils works costs, and £35,000 re Leeds City Council staff fees.

### **4.5 Capital Funding and Cash Flow.**

- 4.5.1 Funding: The developer will fund the total cost of the works, including the works costs, statutory undertakers costs and the cost of staff fees.

4.5.2 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :		Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST					
	£000's	2014 £000's	2014/15 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018 on £000's	
LAND (1)	0.0							
CONSTRUCTION (3)	0.0							
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	0.0							
OTHER COSTS (7)	0.0							
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST					
	£000's	2014 £000's	2014/15 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018 on £000's	
LAND (1)	0.0							
CONSTRUCTION (3)	291.3		291.3					
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	35.0	2.4	32.6					
OTHER COSTS (7)	1.7	1.7						
<b>TOTALS</b>	<b>328.0</b>	<b>4.1</b>	<b>323.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST					
	£000's	2014 £000's	2014/15 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018 on £000's	
LCC Supported Borrowing	0.0							
Revenue Contribution	0.0							
Capital Receipt	0.0							
Insurance Receipt	0.0							
Lottery	0.0							
Gifts / Bequests / Trusts	0.0							
European Grant	0.0							
Health Authority	0.0							
School Fundraising	0.0							
Private Sector	0.0							
Section 106 / 278	328.0	4.1	323.9					
Government Grant	0.0							
SCE ( C )	0.0							
SCE ( R )	0.0							
Departmental USB	0.0							
Corporate USB	0.0							
Any Other Income ( Specify)	0.0							
<b>Total Funding</b>	<b>328.0</b>	<b>4.1</b>	<b>323.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

Parent Scheme Number :

Title :

#### 4.6 Legal Implications, Access to Information and Call In

4.6.1 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.

## **4.7 Risk Management**

4.7.1 The Council's standard Section 278 agreement is to be used whereby the developer will fund the total cost of the works.

## **5 Conclusions**

5.1 This report seeks authority to negotiate terms and enter such Agreement for the highway works, to complete the detailed design and construct the works. Such works, as detailed in Section 3.1, at an estimated cost of £328,000 (incl. design fees).

## **6 Recommendations**

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

- i) note the contents of this report and the principles of the highway works identified indicatively on LCC Drawing Number EP/716984/01/01;
- ii) give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by this Council at the cost of the developer;
- iii) Give authority to implement the works as set out in Section 3.1;
- iv) approve an injection of £328,000 into the City Development Department Capital Programme, fully funded by a private developer; and
- v) give authority to incur expenditure of £328,000 (£293,000 works costs and £35,000 staff costs), all to be fully funded by a private developer under a Section 278 legal agreement.

## **7 Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> 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 Impact Assessment



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. In all appropriate instances we will need to carry out an equality, diversity, cohesion and integration impact assessment.

This form:

- can be used to prompt discussion when carrying out your impact assessment
- should be completed either during the assessment process or following completion of the assessment
- should include a brief explanation where a section is not applicable

<b>Directorate: City Development</b>	<b>Service area: Highways &amp; Transportation</b>
<b>Lead person: Gillian MacLeod</b>	<b>Contact number: 0113 39 51341</b>
<b>Date of the equality, diversity, cohesion and integration impact assessment:</b> 18 <sup>th</sup> September 2012	

<b>1. Title: Equality Implications of Section 278 Process</b>
Is this a:
<input type="checkbox"/> Strategy <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Service <input type="checkbox"/> Function <input checked="" type="checkbox"/> Other
Is this:
<input type="checkbox"/> New/ proposed <input checked="" type="checkbox"/> Already exists and is being reviewed <input type="checkbox"/> Is changing
(Please tick one of the above)

## 2. Members of the assessment team:

Name	Organisation	Role on assessment team e.g. service user, manager of service, specialist
Gillian MacLeod	LCC	Service Manager
Adrian Hodgson	LCC	Service Officer
Andrew Thickett	LCC	Service Officer
Mary Levitt-Hughes	LCC	Equality Officer
Lisa Powell	LCC	Performance Manager

## 3. Summary of strategy, policy, service or function that was assessed:

Section 278 (S278) of the Highways Act 1980 makes provision for the Highway Authority to enter into an agreement to execute works with any other person (either an individual /

organisation / developer) to make modifications, improvements and changes to the highway and for those works to be funded by that person / developer or organisation.

Generally, a S278 is applied when, for example, a developer builds a housing estate and there are changes required to the highway to enable access to the site, footways, roads etc...

This Equality Impact Assessment considers the process of determining the requirements of such developments and how this process gives due regard to the equality characteristics.

**4. Scope of the equality, diversity, cohesion and integration impact assessment**  
 (complete - 4a. if you are assessing a strategy, policy or plan and 4b. if you are assessing a service, function or event)

<b>4a. Strategy, policy or plan</b> (please tick the appropriate box below)	
The vision and themes, objectives or outcomes	<input checked="" type="checkbox"/>
The vision and themes, objectives or outcomes and the supporting guidance	<input type="checkbox"/>
A specific section within the strategy, policy or plan	<input type="checkbox"/>
<b>Please provide detail:</b> This EIA assesses the process, objectives and outcomes of a Section 278 agreement.	

<b>4b. Service, function, event</b> please tick the appropriate box below	
The whole service (including service provision and employment)	<input type="checkbox"/>
A specific part of the service (including service provision or employment or a specific section of the service)	<input type="checkbox"/>
Procuring of a service (by contract or grant) (please see equality assurance in procurement)	<input type="checkbox"/>
<b>Please provide detail:</b>	



## **5. Fact finding – what do we already know**

Make a note here of all information you will be using to carry out this assessment. This could include: previous consultation, involvement, research, results from perception surveys, equality monitoring and customer/ staff feedback.

(priority should be given to equality, diversity, cohesion and integration related information)

A S278 agreement is entered into between developers and the Council and ensures that any impact on the highway, or improvements required to the highway, as a result of developments undertaken are agreed, and paid for prior to the works commencing.

S278 agreements can be entered into with an individual, but generally they are made between Developers and the Council.

There are three types of S278 agreements:

### Mini Section 278 Agreements

A Mini Section 278 Agreement is a formal arrangement to enable developers to carry out extremely minor highway works. This type of agreement covers minor footway crossing works, amendments to paving to provide level access, removal and reinstatement of planters, etc where the Developer designs and constructs the works, but provides a bond as surety. Leeds City Council obtains staff fees for checking the design and supervision of the works and fixed legal costs. This type of agreement is very minor in nature and does not include for commuted sums (payments for maintenance).

### Minor Section 278 Agreements

A Minor Section 278 Agreement is a formal arrangement for developers to carry out minor highway works themselves. It follows the same format as a mini S278 agreement but is used for schemes which are slightly more involved than a footway crossing, but not so involved that there is any major requirement for traffic management on a busy road, or likely involvement with statutory undertakers, and the design is not complex in any way. This type of agreement is most often used where the development and highway works are adjacent or make use of the same site, making it very difficult for a separate contractor to be working in the same area, eg re-paving footways, provision of lay-by within a site contractor's working zone. A Minor S278 still requires the provision of a bond but does also allow for the acquisition of commuted sums for maintenance.

### Standard Section 278 Agreements

A Standard Section 278 Agreement is used for all other highway works. The works are designed and supervised by Leeds City Council on behalf of the Developer. This type of agreement is used for most significant off-site highway works associated with planning applications. Standard S278 agreements do not require the provision of a bond as all monies are paid upfront.

### Process Review

When considering the requirements of a planning application that will require a S278

agreement to deliver highway works once consent is granted, a pro-forma is completed which considers the following:

- Accessibility – using guidelines laid down in the Manual for Streets and LCC Street Design Guide (which has been the subject of an EIA) consideration is given to; walkers, cyclists, vulnerable road users and impact on services nearby, for example - schools
- Vehicular access – safety of this, size of the parking bays
- Internal layout / servicing / bins – shared surface issues. Ability to move around safely.
- Parking – safety issues, availability of disabled spaces in line with the Unitary Development Plan.
- Travel Plan – Availability of public transport
- Off site highways works – impacts of the development on the surrounding area e.g. – increased traffic flows, do we need a new set of traffic lights.
- Road safety – current statistics and impact on these, visibility.
- Planning conditions

These items are considered in terms of the protected characteristics.

S278 (4) states that “A highway authority shall not enter into an agreement under this section unless they are satisfied that it will be of benefit to the public”, and any suggested changes are put forward with this in mind.

**Are there any gaps in equality and diversity information**

**Please provide detail:**

No, however to reinforce the need to consider equality impacts, an additional equality item will be added to the pro-forma.

**Action required:**

Amendments to be made to the pro-forma.

**6. Wider involvement – have you involved groups of people who are most likely to be affected or interested**

Yes

No

**Please provide detail:**

The guidelines issued by the Department for Transport and other agencies which we follow have been equality impact assessed, and this involved some element of consultation. We follow these guidelines and as such, wider consultation is not required or relevant however, each S278 proposal is sent to the relevant Ward Member for their input

on behalf of residents.
<b>Action required:</b> None.

**7. Who may be affected by this activity?**  
 please tick all relevant and significant equality characteristics, stakeholders and barriers that apply to your strategy, policy, service or function

**Equality characteristics**

<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Carers	<input checked="" type="checkbox"/> Disability
<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or Belief
<input checked="" type="checkbox"/> Sex (male or female)	<input type="checkbox"/> Sexual orientation	
<input type="checkbox"/> Other		

(for example – marriage and civil partnership, pregnancy and maternity, social class, income, unemployment, residential location or family background, education or skills level)

**Please specify:**

The layout of the development will affect everyone, but may have a particular impact on; disabled people, carers, people with push chairs, children and older people. When designing the layout, the Officer will take into account the needs of these groups, recommending installation of things such as; dropped kerbs, tactile paving and traffic lights.

**Stakeholders**

<input checked="" type="checkbox"/> Services users	<input checked="" type="checkbox"/> Employees	<input type="checkbox"/> Trade Unions
<input type="checkbox"/> Partners	<input checked="" type="checkbox"/> Members	<input type="checkbox"/> Suppliers
<input type="checkbox"/> Other please specify		

**Potential barriers.**

<input checked="" type="checkbox"/> Built environment	<input checked="" type="checkbox"/> Location of premises and services
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Information and communication

Customer care

Timing

Stereotypes and assumptions

Cost

Consultation and involvement

specific barriers to the strategy, policy, services or function

**Please specify**

The location and heritage of a site may affect the type of improvements allowed.

In the current economic climate, the cost of certain improvements will effect what changes are agreed.

**8. Positive and negative impact**

Think about what you are assessing (scope), the fact finding information, the potential positive and negative impact on equality characteristics, stakeholders and the effect of the barriers

**8a. Positive impact:**

The designs put forward will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) states that "A highway authority shall not enter into an agreement under this section unless they are satisfied that it will be of benefit to the public".

**Action required:**

**8b. Negative impact:**

None. All designs will be improvements.

**Action required:**

None.

**9. Will this activity promote strong and positive relationships between the groups/communities identified?**

Yes

No

**Please provide detail:**

Not applicable.

**Action required:**

**10. Does this activity bring groups/communities into increased contact with each other (e.g. in schools, neighbourhood, workplace)?**

Yes

No

**Please provide detail:**

**Action required:**

**11. Could this activity be perceived as benefiting one group at the expense of another?**

Yes

No

**Please provide detail:**

**Action required:**

None.