

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

**Date: 30 September 2014**

**Subject: Leeds Bradford Cycle Superhighway Highways Act 1980 - Section 8 Agreement**

|  |                              |  |
|--|------------------------------|--|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):   | <input type="checkbox"/> Yes | <input checked="" 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?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**Summary of main issues**

- 1 Leeds City Council, City of Bradford Metropolitan District Council and West Yorkshire Combined Authority (WYCA) have successfully bid for a DfT Cycle City Ambition Grant to promote cycling in Leeds and Bradford, a significant element of which covers the construction of a cycle superhighway.
- 2 The design and construction of the scheme is being undertaken by Leeds City Council on behalf of WYCA and involves works within the boundaries of Leeds City Council and Bradford Metropolitan District Council.
- 3 To facilitate the works within Bradford an agreement is required under Section 8 of the Highways Act 1980, to allow Leeds City Council to exercise the functions of the highway authority on specified highways that are the responsibility of City of Bradford Metropolitan District Council.

**Recommendations**

- 4 The Chief Officer (Highways and Transportation) is requested to:
  - i) approve the contents of the report; and
  - ii) give authority to negotiate the terms of and enter into an agreement with Bradford Metropolitan District Council under the provisions of Section 8 of the Highways Act 1980, to allow any necessary improvements to specified highways to facilitate construction of the cycle superhighway as shown on drawing Nos EP-716969-100-A-001b, EP-716969-100-A-002a, EP-716969-

100-A-003a, EP-716969-100-A-004a, EP-716969-100-A-005a, EP-716969-100-A-006a, EP-716969-100-A-007a, EP-716969-100-A-008a, EP-716969-100-A-009a, EP-716969-100-A-010a and EP-716969-100-A-011a.

- iii) Instruct the City Solicitor to draft and complete an agreement under Section 8 of the Highways Act 1980 for the purposes described at ii) above.

## **1 Purpose of this report**

- 1.1 This report seeks approval for Leeds City Council to enter into an agreement with City of Bradford Metropolitan District Council under the provisions of Section 8 of the Highways Act 1980.
- 1.2 The agreement will allow Leeds City Council to undertake any construction, reconstruction, alteration, maintenance or improvement works on highways within Bradford as part of the cycle superhighway scheme which forms a key element of the CityConnect programme. Works to create new 20mph zones adjacent to the cycle superhighway also form part of the programme, however those contained within the Bradford boundary are to be excluded from the proposed agreement.

## **2 Background information**

- 2.1 The recent Grand Depart of the 2014 Tour de France was a great success. The events and promotions which surrounded the event will lead to an increase in the popularity of cycling, including city centre commuting. A “Legacy” proposal for Leeds is being developed to lock in the benefits of the Tour, and the development of the Leeds Core Cycle Network forms part of this proposal.
- 2.2 In August 2013 the West Yorkshire Integrated Transport Authority (Metro), in partnership with Leeds City Council and Bradford Metropolitan District Council, were awarded £18.1m from the Department for Transport’s Cycle City Ambition Grant fund (CCAG). This was matched with over £10m of local funds to deliver the City Connect project. This includes a programme of cycle route provision and initiatives to promote and support cycling as a means to commute to work and for leisure. One of the main components of the project is the cycle superhighway between Leeds and Bradford.
- 2.3 The cycle superhighway comprises a segregated cycle track running along the highway between the footway and the carriageway.
- 2.4 Detailed design of the cycle superhighway is being undertaken by Leeds City Council’s Engineering Projects department. Delivery of the works will also be undertaken by Leeds City Council, initially via a contract for five of the seven sections of the scheme, as agreed in autumn 2013 with WYCA and City of Bradford MDC.
- 2.5 Section A of the scheme comprises that part of the scheme which is located within the city of Bradford, for which City of Bradford Metropolitan District Council is the highway authority and retains all functions for the highways which form the route. Table 2.1 below describes the route; Appendix A includes a graphical representation.

|           | <b>Route</b>   |
|-----------|--|
| Section A | <p>Church Bank (from junction with Well Street) – Barkerend Road – Leeds Old Road – Leeds Road – Gain Lane (to junction with Intake Road)</p> <p>Southern Link: Leeds Road (from junction with Well Street) – Shipley Airedale Road – Harris Street</p> <p>Dick Lane (from junction from New Lane) to Thornbury Gyratory</p> |

Table 2.1 – Route of Cycle Superhighway in Section A

2.6 The design, consultation and TRO programmes have dictated that the tender design package will comprise sections A to F (Bradford to Leeds City Centre). Completion of the whole scheme, including Section G (Leeds City Centre to Seacroft) is estimated for December 2015.

### **3 Main issues**

3.1 The proposed works outlined above are contained within two highway authorities, and hence each authority retains powers and liabilities under the Highways Act 1980.

3.2 Section 8 of the Highways Act 1980 allows for an agreement to be made between two adjoining councils or metropolitan districts such that certain specified functions may be exercised by one highway authority on specified highways within the boundary of another highway authority.

3.3 In the case of the cycle superhighway there is a need to establish such an agreement to allow for Leeds City Council as a highway authority to undertake works within the boundary of Bradford, and to take the powers and liabilities of the highway authority for the specified highways for the specified works.

3.4 The agreement will allow Leeds City Council to construct the cycle superhighway and any ancillary works including creating a cycle track under Sections 65 and 66 of the Highways Act 1980.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

4.1.1 Discussions have been held with City of Bradford Metropolitan District Council in its role as the local highway authority for Bradford. They are satisfied that entering in to an agreement under Section 8 of the Highways Act 1980 to allow the temporary transfer of powers and liabilities to Leeds City Council for the

construction of the cycle superhighway on the specified highways is necessary and appropriate.

4.1.2 City of Bradford Metropolitan District Council's formal approval process was signed off by their Portfolio Holder and Director on 9<sup>th</sup> July 2014, authorising Bradford's Legal Unit to negotiate a Section 8 Agreement with Leeds City Council.

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

4.1.4 Issues associated with EDCI are outside the scope of this report and have been considered within reports relevant to the design, construction and operation of the cycle superhighway.

### 4.2 **Council policies and City Priorities**

4.2.1 Best Council Plan: implementation of the Cycle City Ambition Grant scheme is highlighted in the Best Council Objective: promote Sustainable and Inclusive Economic Growth. It also contributes to delivery of the Best Council Plan objective, 'Supporting communities and tackling poverty' through the priority 'Supporting healthy lifestyles and getting people active'.

4.2.1 Entering into the Section 8 agreement allows Leeds City Council to deliver the cycle superhighway as part of the CCAG and to satisfy the above Objective.

### 4.3 **Resources and value for money**

4.3.1 All works and associated costs will be funded from the West Yorkshire Combined Authority's City Connect programme budget of £29.261M which includes a DfT grant of £18.052M and £10.894M from the West Yorkshire Local Transport Fund.

4.3.2 Expenses incurred in pursuance of this agreement shall be borne for the parties to the agreement and reimbursed from the City Connect programme budget.

### 4.4 **Legal Implications, Access to Information and Call In**

4.4.1 Entering into an agreement under Section 8 of the Highways Act 1980 transfers the functions necessary for the creation of a cycle track under Sections 65 and 66 of the Highways Act 1980 on specified roads, within Bradford, from City of Bradford Metropolitan District Council to Leeds City Council.

4.4.2 City of Bradford Metropolitan District Council remains the highway authority for the specified roads in respect of all other functions.

4.4.3 Approval to enter into an agreement is not considered eligible for call in.

### 4.5 **Risk Management**

4.5.1 Failing to enter into the Section 8 agreement would prevent Leeds City Council from undertaking works on those highways identified as part of the cycle superhighway which fall within the Bradford boundary.

- 4.5.2 Leeds City Council has agreed under the CCAG to deliver the entirety of the cycle superhighway and contract tenders are based on this agreed responsibility. Letting a separate contract for works within Bradford would cause programme delay and interface issues, and increase the risk of inconsistencies with the completed cycle superhighway.

## **5 Conclusions**

- 5.1 The entering of an agreement under Section 8 of the Highways Act 1980 allows construction of those parts of the cycle superhighway within Bradford to be undertaken by Leeds City Council and meet the requirements of the brief laid out by West Yorkshire Combined Authority

## **6 Recommendations**

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) approve the contents of the report;
  - ii) give authority to negotiate the terms of and enter into an agreement with Bradford Metropolitan District Council under the provisions of Section 8 of the Highways Act 1980, to allow any necessary improvements to specified highways to facilitate construction of the cycle superhighway as shown on drawing Nos EP-716969-100-A-001b, EP-716969-100-A-002a, EP-716969-100-A-003a, EP-716969-100-A-004a, EP-716969-100-A-005a, EP-716969-100-A-006a, EP-716969-100-A-007a, EP-716969-100-A-008a, EP-716969-100-A-009a, EP-716969-100-A-010a and EP-716969-100-A-011a.
  - iii) Instruct the City Solicitor to draft and complete an agreement under Section 8 of the Highways Act 1980 for the purposes described at ii) above.

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

- 7.1 None

## **8 Appendices**

- 8.1 Appendix A – City Connect Leaflet A Final

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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.