

Report to the Chief Officer of Highways and Transportation

Date: 21 July 2015

Subject: Design & Cost Report for Off-site Highway Works Associated With Residential Development at Royds Lane, Lower Wortley, Leeds

Capital Scheme Number: 32211

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston & Holbeck; Farnley & Wortley		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

Summary of main issues

- 1 Highway works are required in connection with a residential development on land to the south of Ring Road, Wortley and accessed via Royds Lane. A location plan is attached at Appendix 1 of this report, planning permission for residential development of the site was approved in November 2013 (ref 09/05553/OT) – a Reserved Matters application for 154 dwellings (ref 14/00521/RM) was approved on 19th September 2014.
- 2 Highway Works are proposed to facilitate safe and efficient access to the site for all users of the highway network, and improve pedestrian and cycle connections.
- 3 Funding for the works has already been secured by S106 Agreement attached to the planning permission. The Developer has requested that the Council undertakes the Highway works in order to meet with the requirements of the planning permission and the S106 Agreement.
- 4 This report seeks authority to implement the highway works as set out in Section 3.3 and approve an injection of £400,000 into the City Development Capital Programme, to be fully funded by the developer via funding secured by S106 obligation.

Recommendations

- 5 The Chief Officer (Highways and Transportation) is requested to:
- i) note the highway works as outlined in Section 3.3 and indicated on drawings WB/RL/003 Rev B and S106 Highway Works Plan attached at Appendix 1;
 - ii) give authority to implement the works as set out in Section 3.3; and
 - iii) give authority to incur expenditure of £400,000, being £330,000 works costs and £70,000 staff costs, all to be fully funded by the developer from the signed S106 Agreement.

1 Purpose of this report

- 1.1 To note the principle of the implementation of Highway Works associated with a residential development off Royds Lane, Lower Wortley, which was granted Outline approval in 2013 (reference 09/05553/OT) with Reserved Matters approved in 2014 (reference 14/00521/RM).
- 1.2 To obtain authority to incur expenditure of £400,000, being £330,000 works costs and £70,000 staff costs, all to be fully funded by the developer from the signed S106 Agreement.

2 Background information

- 2.1 Planning permission for a residential development off Royds Lane, Lower Wortley was granted Outline approval in 2013 (reference 09/05553/OT) with Reserved Matters approved in 2014 (reference 14/00521/RM).
- 2.2 A Section 106 Agreement was signed as part of the outline permission in 2013 which committed the developer to paying a 'Planning Gain Contribution' of £618,000 prior to the commencement of development.
- 2.3 The S106 Agreement requires off-site highway works shown on the attached plans WB/RL/003 Rev B and S106 Highway Works Plan to be carried out by the Council. Funding of the highway works will be provided from the 'Planning Gain Contribution' and a further legal Agreement, such as a S278 Agreement, is not necessary as the funding for the highway works is already in place.
- 2.4 A copy of the Section 106 Agreement is attached at Appendix 2.
- 2.5 The Developers have requested the Council to commence the carrying out of the highway works.

3 Main issues

- 3.1 The proposals within this report are concerned only with the delivery of the highway works, the principle of these works having been considered as part of the planning process.
- 3.2 Plans of the works are attached, referenced: WB/RL/003 Rev B and S106 Highway Works Plan.

3.3 The highway works will consist of the following:

- New junction with Royds Lane and service access with Makro and a stop line on the service access for vehicles leaving the service road for Makro;
- Widen the western footway on one side of Royds Lane to 2m and provide dropped kerbs and tactile paving on all the crossings along both sides of Royds Lane shown on drawing S106 Highway Works Plan;
- New pedestrian crossing on the Ring Road, located to the west of and after a left turn from Royds Lane shown on drawing WB/RL/003 Rev B;
- A pedestrian refuge on Whitehall Road to allow access to Leeds bound buses (widths and bus stops permitting and subject to resolution of Safety Audit);
- New 1.8m wide tactile dropped crossing on Royds Lane;
- A Traffic Regulation Order on the length of Royds Lane between the Ring Road and the residential site. The full extent and detail of the TRO are to be still to be identified. Authority to advertise the TRO will be the subject of a further report.
- All associated Civil's works including (inter alia) signs, lighting, road markings and drainage;
- Any Statutory undertakers works resulting from the works resulting from the works described above

3.4 **Programme** - The design and construction of the works will be carried out within the current financial year 2015/16.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members: Ward Members of both Beeston & Holbeck and Farnley & Wortley were consulted by email dated 18th June 2015; no comments have been received to date.

4.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and WYCA were consulted by email dated 18th June 2015; no comments have been received to date.

4.1.3 The following service areas have been consulted: Finance, Traffic, Environmental Studies, Transport Policy, Road Safety, Street Lighting, Contracts, Bridges, Flood Risk Management, UTMC, Highway Design, Highway Maintenance, Highway Asset Management and Network Management.

4.1.4 Any substantive comments received will be taken into account as part of the detailed design process.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An EDCI Impact Assessment has been prepared for the Section 278 Process and is attached as Appendix 1. The assessment confirmed that the consideration given to the highway proposals as part of the planning application process addressed the impact of the proposals in terms of equality, diversity, cohesion and integration and

4.5 Legal Implications, Access to Information and Call In

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

4.6 Risk Management

4.6.1 A maximum sum of £618,000 is available to the scheme from the Planning Gain Contribution secured by S106 Agreement attached to planning permission 09/05553/OT. The full amount of the Planning Gain Contribution has been collected and the full amount for the total estimated cost of the scheme will be transferred from the Highways Holding Account to the Capital Scheme Number when Highway Board approval and a DDN notice can be presented to the Planning Finance officer. The balance of the actual cost will be settled on completion of the scheme.

4.6.2 Leeds City Council's Environmental Study Officers have advised that the works would not be statutory under the noise insulation regulations and there don't appear to be any existing residential properties in the area so the likelihood of any compensation claims from residents are very low. The S106 was agreed on a viability basis and the Developer successfully argued that the maximum value toward all Planning and Highway contributions would need to be covered by the Planning Gain Contribution through the S106 Agreement. The highway works are to be funded by the contribution in the first instance, remaining funds must be allocated as early as possible to other planning obligations and in this instance it would not be appropriate to withhold funds for a period of 7 years in case of compensation claims brought by residents.

4.6.2 The total estimated cost of the scheme is expenditure of £400,000, being £330,000 works costs and £70,000 staff fee costs for design and supervision. It is anticipated that the Planning Gain Contribution would more than cover the total cost of the works.

5 Conclusions

5.1 The scheme will facilitate safe and efficient access to the site for all users of the highway network.

5.2 This report seeks authority to incur expenditure of £400,000, being £330,000 works costs and £70,000 staff costs, all to be fully funded by the developer via funding secured by S106 obligation.

6 Recommendations

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

- i) note the highway works as outlined in Section 3.3 and indicated on drawings WB/RL/003 Rev B and S106 Highway Works Plan attached at Appendix 1;
- ii) give authority to implement the works as set out in Section 3.3; and

- iii) give authority to incur expenditure of £400,000, being £330,000 works costs and £70,000 staff costs, all to be fully funded by the developer from the signed S106 Agreement;

7 Background documents¹

- 7.1 Equality, Diversity, Cohesion and Integration Assessment of the S278 Process is attached as Appendix 1.

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.

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

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

1. Title: Equality Implications of Section 278 Process
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)

4a. Strategy, policy or plan
 (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"/>

Please provide detail:
 This EIA assesses the process, objectives and outcomes of a Section 278 agreement.

4b. Service, function, event
 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	<input type="checkbox"/>

(by contract or grant) (please see equality assurance in procurement)	
Please provide detail:	

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.

Action required:

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

Age

Carers

Disability

Gender reassignment

Race

**Religion
or Belief**

Sex (male or female)

Sexual orientation

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

Services users

Employees

Trade Unions

Partners

Members

Suppliers

Other please specify

Potential barriers.

Built environment

Location of premises and services

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.