

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

**Date: 28 October 2015**

**Subject: Design & Cost Report for Highway and Public Realm Works Associated a Hotel Adjacent to Greek Street and Russell Street in Leeds City Centre**

**Capital Scheme Number: 32203 / 000 / 000**

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

**Summary of Main Issues**

- 1 Planning permission for a new Hotel Development on land on the former Stacker Car Park adjacent to Russell Street and Greek Street was granted approval (reference 13/04852/FU) in 2014. The scheme includes highway and public realm works to facilitate the new Hotel Development as well as supporting the Council's aspirations for the wider area in terms of enhanced attractiveness and accessibility for non-motorised travel modes. The Council has already improved an area of Bond Court that these public realm works will compliment.
- 2 The Developer is required to enter a Minor Section 278 Agreement (Highways Act 1980) in order to deliver the highway works, whereby the developer designs and implements the work and the Council checks the design and inspects the construction to be built to a satisfactory standard with Council step in rights if necessary. This report seeks authority to negotiate terms and enter such Agreement. The total estimated staff costs of checking and inspecting the scheme will be 10% of the total works costs incurred by the Developer and a minimum of £10,000 will be incurred for TRO costs.
- 3 This report seeks approval for the highway and public realm works proposed for the Development (attached plan reference 1699-03-201-M) to be undertaken which will

be constructed under a Minor S278 Agreement (Highways Act 1980) in order to deliver the highway works in 2015-2016 (estimated) by the Developer's contractor.

## **Recommendations**

- 4 The Chief Officer (Highways and Transportation) is requested to:
- i) note the Minor S278 highway works as outlined in Section 3.2.2 and indicated on drawing reference: 1699-03-201-M and the aspiration to implement a calmed space scheme;
  - ii) give authority to negotiate the terms of and enter into a minor 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 the Developer, and design checked and works inspected by the Council;
  - iii) give authority to allow the works as set out in Section 3.2.2 to be implemented under LCC supervision;
  - iv) approve an injection of £40,000 into the City Development Department Capital Programme comprising £30,000 staff fees to check and inspect the highway works, and £10,000 to prepare, advertise, make and seal the TRO, all to be fully funded by the developer;
  - v) give authority to incur expenditure of £30,000 Highways staff costs and £10,000 legal costs, all to be fully rechargeable to the developer from a Section 278 agreement;
  - vi) instruct the City Solicitor to draft and advertise the necessary TRO (Traffic Regulation Order), as indicated on drawing no. 1699-03-201-M, and if no valid objections are received to make, seal and implement the Order as advertised; and
  - vii) note and approve the changes to the adopted highway boundary proposed as part of the Development. Road closures will be dealt with under The Traffic Management Act 2004, the New Roads and Street Works Act 1991, and the Road Traffic Regulation Act 1984. The highway adoption will be dealt with under the S278 Agreement and street registry will be informed of the new highway boundary.

## **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 a new hotel development, which was granted approval (reference 13/04852/FU) in 2014.
- 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 designed and carried out by the developer, with the Council checking the design and inspecting the works with Council step in rights if necessary.

- 1.3 To obtain approval to the highway and public realm works proposed on Russell Street and Greek Street in associated with a new Hotel Development (reference 13/04852/FU).

## **2 Background Information**

- 2.1 A major planning application is currently has been approved in 2014 which includes highway and public realm works to facilitate a new Hotel Development on land on the former Stacker Car Park adjacent to Russell Street and Greek Street (reference 13/04852/FU), as well as supporting the Council's aspirations for the wider area in terms of enhanced attractiveness and accessibility for non-motorised travel modes. The Council has already improved an area of Bond Court (not adopted) that these works will compliment. This report seeks approval in principle to the highway and public realms works proposed for the Development (attached plans reference 1699-03-201-M) which will be constructed under a Minor S278 Agreement (Highways Act 1980) in order to deliver the highway works in 2015-2016 (estimated).
- 2.2 Currently Russell Street is a cul-de-sac which gives access to adjacent private buildings, an informal turn-around area which encroaches onto the pedestrianized area of Bond Court (due to Russell Street currently not having suitable dimensions to accommodate large vehicle turning manoeuvres), and a through route to pedestrians to/from the Core City Centre District to/from West areas of the City Centre.
- 2.3 The proposed public realm scheme is promoted as a calmed space but will accommodate the turning manoeuvres of service delivery vehicles. The scheme design is controversial being a calmed scheme as altering highway characteristics such as footway kerb heights, crossings and colour contrasts of surfacing may cause a dis-benefit to disabled and mobility impaired pedestrians if not designed with their issues in mind. Significant consultation and discussion has been undertaken with Access groups to provide solutions to issues that may arise that affect disabled and mobility impaired pedestrians when designing and implementing the scheme, while taking into account general road and vehicle safety principles.
- 2.7 To meet the requirements of the planning permission the Developer 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 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.

## 3.2 Major Highway and Public Realm Works on Russell Street and Greek Street

3.2.1 The proposed development would bring a 5-star hotel brand to Leeds. In order to advance the development extensive pre-application and planning application discussions have been held with Council Officers including Maintenance, Road Safety, Traffic, TRO Expert, Highway Design Engineers, Parking Services, City Centre Management, Landscape Architect, Access and Mobility, Drainage and Asset Management.

3.2.2 The highway works will consist of the following:

- An enhanced calmed streetscape on Russell Street and granite block paving throughout. The carriageway element on Russell Street will also have a different paving colour and pattern throughout compared to the coloured line pattern on the footway and public realm areas to provide colour contrast to assist partially sighted pedestrians, the edge of the carriageway will be demarked by a kerb,
- A build out and ramp at the start of the proposed Russell Street streetscape, and a pole and 'Restricted Zone: No Waiting and No Loading at Any Time Except Loading In Signed Bay' TRO sign to provide restrictions for vehicles and to slow speeds into the new streetscape area, including a repeater pole and sign at the end of the turning head. This will allow vehicles to turn round, large vehicles to deliver in the signed bay and taxis to drop off in the area but not allow them to park up/wait,
- A signed and block paved marked bay for Loading as identified above,
- Relocation of motorcycle parking and 7 pay and display bays on Russell Street and Greek Street (5 pay and display bays moved east on Russell Street and two moved onto Greek Street) to be dealt with by a Traffic Regulation Order,
- Alterations to 'No Loading at Any Time' and 'No Waiting at Any Time' TROs on Russell Street and Greek Street, not within the proposed new streetscape area, to facilitate safe vehicle access along these streets,
- 4 Bollards at the south end of the proposed turning head on Russell Street to protect pedestrians on the preferred desire line from reversing vehicles on the turning head,
- 2 Bollards to block a potential vehicular through route between the proposed Hotel development and Capitol House,
- Closing off the existing vehicular exit from the former Stacker Car Park on Greek Street with footway and 125mm kerb construction in similar material to the surrounding surfacing that enables enlargement of the loading bay and movement of the pay and display bays to the east between the enlarged loading bay and the existing taxi holding bay,
- An informal dropped kerb tactile paving crossing to assist partially sighted and wheelchair users to cross the carriageway element of the shared streetscape,

- Two additional trees with tree root protection systems on Russell Street, outside the adopted highway area, if feasible subject to Statutory undertaker equipment,
- Resurfacing of footways and carriageways where necessary,
- To incorporate the works into the adopted highway, the adopted highway boundary area will need to increase to that shown on the Land Dedication Plan attached to this report,
- All associated Civil's works including (inter alia) signs, road markings, lighting and drainage where required, and
- Any Statutory undertakers works if required resulting from the works described above.

3.2.3 A plan of the works are attached, reference: 1699-03-201-M. The footprint of the Hotel Development will require part formal closure of the adopted highway on Russell Street (where the Former Stacker Car Park entrance area is located), but the adopted highway will be increased in size into the Bond Court public realm area to facilitate a vehicle turning head suitable for 10m length rigid vehicles. All of the works will be constructed to adoptable standards whether outside or inside the adopted highway area.

3.2.4 The works will be completed under a Minor S278 Agreement between the developer and the Council whereby the developer, acting as the Council's agent, will design, procure and construct the works at their expense with the Council design checking and inspecting the works with step in rights should safety concerns arise. A Council Design Engineer from our Engineering Projects Team will be overseeing the works within the Minor S278 Agreement and will act as a project manager, overseeing the contract, regularly checking the programme implementation and highway development stakeholder requirements, providing advice and agreement to construction methods and any alterations in detailed design and construction as the programme develops and the scheme is implemented. Additionally, the Council Design Engineer will be involved with regular meetings with the developer's contractor and statutory undertakers to agree design and co-ordination of statutory works to facilitate the scheme. This approach is non-standard to the usual approach but is considered suitable for the scheme in this report due to the integration, co-ordination and timing with the hotel development, the interest of Council as land owner outside of the adopted highway area, and the previous Bond Court works and approach that this scheme complements.

3.2.5 Also, during the detailed scheme design of the work the Transport Development Services Team will be involved with inputting in the design of the works and considering consultation responses from stakeholders which will feed into the final design. A fee for the TDS Team's services for this scheme will be charged of £2,000.

3.2.6 The land to be dedicated as highway to facilitate the vehicular turning head works is owned by the Council and is in the control of the Asset Management Section. The turning head works cannot be started until they have given their full approval

for the scheme and for the land to be adopted as public highway, as stipulated within the Minor S278 Agreement, the process to formalise this arrangement is in progress. The land to be dedicated as highway on Greek Street is owned by the developer and they have given their consent for the works to be completed in this location and the land to become adopted highway. Furthermore, all other public realm works, not to become public highway, is on land owned by either the Council's Asset Management Section or the developer. The public realm works cannot be started until the Council's Asset Management Section have given their full approval for the scheme. The developer has given their consent to complete the public realm works on their land. Also an area of adopted highway has been stopped up to facilitate the development under Section 247 of the Planning Act 1990. The areas affected are shown on the Land Dedication Plan.

- 3.3 **Programme** - The design and construction of the works under the Minor S278 for the highway and public realm works on Greek Street and Russell Street are estimated to be completed in the 2015/2016 and 2016/2017 programmes.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Internal consultation has taken place with colleagues in the Highways and Transportation Services as part of the pre-application and planning application stages of the Hotel development. Advice on design from colleagues has been taken into account.
- 4.1.2 The LCC Access and Mobility, and Visual Impairment Rehabilitation Teams, as well as professionals from the Guide Dogs and RNIB have commented on the scheme during application stage discussions and their comments have been taken into account when designing the layout of the scheme.
- 4.1.3 A 60mm kerb height has been proposed around the Russell Street carriageway as opposed to a 30mm kerb height, which is being proposed in other future city centre traffic calmed streets. This is because the 60mm carriageway height assists drivers reversing within the turning head, which will be frequently used, and to clearly identify the carriageway to help limit inappropriate occurrences of vehicles mounting footway areas.
- 4.1.4 Additionally, an informal tactile paving drop crossing has been proposed to allow wheelchair users to cross the carriageway element of Russell Street, following consultation with Access and Mobility, and Visual Impairment Rehabilitation Teams.

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

- 4.2.1 An equality impact assessment was carried out on the S278 process in September 2012 (copy attached to this design and cost report) and was referred to as part of the due regard to equality process for the proposals within this report.
- 4.2.2 The highway and public realm works on Russell Street and Greek Street will provide an improved and enhanced pedestrian walking route, connectivity and congregation area and will positively impact all users of the highway network. In

particular, vulnerable road users such as those with mobility issues / disabilities and the elderly, young and Carers (prams and wheelchairs) will be assisted by small height kerb alignment, changing/offsetting footway to carriageway colour patterns, a zone entry kerb build out to reduced vehicle speeds, a dropped kerb/tactile paving crossing over the Russell Street carriageway, and street furniture to allow them to use the preferred walking routes within this shared surface 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 developments.

### **4.4 Resources and Value for Money**

#### **4.4.1 Full scheme estimate**

4.4.2 The estimated staff costs (to the Council) for the highway and public realm works on Russell Street and Greek Street under a Minor S278 agreement, which will involve staff fees for design checking and inspecting the works, will be 10% of the total works costs incurred by the Developer for the scheme, and a minimum of £10,000 costs involved in preparing, advertising, making and sealing the new TRO on these streets. Staff fees may increase from that estimated within the Recommendations Section following a more accurate cost estimate and work alterations from detailed design and construction inspections.

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

4.4.4 The Minor Section 278 costs described in Section 3.2 of this report will be accounted for as a capital scheme in the 2015/2016 and 2016/2017 capital programme, and will be fully funded from a developer section 278 receipt.

<b>Funding Approval :</b>	<b>Capital Section Reference Number :-</b>						
<b>Previous total Authority to Spend on this scheme</b>	<b>TOTAL</b>	<b>TO MARCH 2013</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
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>
<b>Authority to Spend required for this Approval</b>	<b>TOTAL</b>	<b>TO MARCH 2013</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	30.0				30.0		
OTHER COSTS (7)	10.0				10.0		
<b>TOTALS</b>	<b>40.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>40.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Total overall Funding (As per latest Capital Programme)</b>	<b>TOTAL</b>	<b>TO MARCH 2013</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
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	40.0				40.0		
Government Grant - LTP /TSG	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>40.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>40.0</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>

#### 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 The Council's standard Minor Section 278 agreement will be used whereby the developer will fund the total cost of the works to create the highway layout. A bond will be held by the Council against default by the developer for the works detailed in section 3.2.2.

4.6.2 There is risk that any valid objections received to the proposed TRO "No loading at any time" on Russell Street could result in a public inquiry. The TRO will be advertised early to allow suitable consultation and any mitigation management time to take place as necessary to help avoid this scenario. Also, the Minor S278



Agreement allows the Council to charge for additional staff time to be funded by the developer if the initial £10,000 TRO expenditure is exceeded.

## **5 Conclusions**

- 5.1 A major planning application was approved in 2014 which includes highway and public realm works to facilitate and enhance a new Hotel Development on land on the former Stacker Car Park adjacent to Russell Street and Greek Street (reference 13/04852/FU), as well as supporting the Council's aspirations for the wider area in terms of enhanced attractiveness and accessibility for non-motorised travel modes. The Council has already improved an area of Bond Court that these works will compliment.
- 5.4 This report seeks authority to enter into a Minor S278 Agreement for the agreed highway and public realm works on Russell Street and Greek Street to facilitate a hotel development.

## **6 Recommendations**

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the Minor S278 highway works as outlined in Section 3.2.2 and indicated on drawing reference: 1699-03-201-M and the aspiration to implement a calmed space scheme;
  - ii) give authority to negotiate the terms of and enter into a minor 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 the Developer, and design checked and works inspected by the Council;
  - iii) give authority to allow the works as set out in Section 3.2.2 to be implemented under LCC supervision;
  - iv) approve an injection of £40,000 into the City Development Department Capital Programme comprising £30,000 staff fees to check and inspect the highway works, and £10,000 to prepare, advertise, make and seal the TRO, all to be fully funded by the developer;
  - v) give authority to incur expenditure of £30,000 Highways staff costs and £10,000 legal costs, all to be fully rechargeable to the developer from a Section 278 agreement;
  - vi) instruct the City Solicitor to draft and advertise the necessary TRO (Traffic Regulation Order), as indicated on drawing no. 1699-03-201-M, and if no valid objections are received to make, seal and implement the Order as advertised; and
  - vii) note and approve the changes to the adopted highway boundary proposed as part of the Development. Road closures will be dealt with under The Traffic Management Act 2004, the New Roads and Street Works Act 1991, and the Road Traffic Regulation Act 1984. The highway adoption will be dealt with under the S278 Agreement and street registry will be informed of the new highway boundary.

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

- 7.1 Plan of the existing layout of the site/Greek Street/Russell Street Dwg No. 1699 200 A.
- 7.2 Land Dedication Plan (land to be adopted as highway)

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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 Screening



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)

**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 (by contract or grant) (please see equality assurance in procurement)	<input type="checkbox"/>

**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**

<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
<input type="checkbox"/>	<input type="checkbox"/>

	<b>Information and communication</b>		<b>Customer care</b>
<input checked="" type="checkbox"/>	<b>Timing</b>	<input type="checkbox"/>	<b>Stereotypes and assumptions</b>
<input checked="" type="checkbox"/>	<b>Cost</b>	<input type="checkbox"/>	<b>Consultation and involvement</b>
<input type="checkbox"/>	<b>specific barriers to the strategy, policy, services or function</b>		

**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.