

Report to the Chief Officer (Highways and Transportation)

Date: 05 July 2016

Subject: Design & Cost Report for Highways Works at A650/M1, Junction 41 Leeds, Associated With the Development of Snow Hill, Wakefield

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Ardsley and Robin Hood		
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 As a result of planning permission being granted for a development at Snow Hill, Wakefield, off-site highway works on the A650 are required which cross into the Leeds District to enable the development to proceed.
- 2 The Developer will need to enter a legal agreement pursuant to Sections 24, 278 and Parts V and VII of the Highways Act 1980 and Section 111 Local Government Act 1972, whereby the off-site highway works are being carried out by the Developer's Appointed Contractor and overseen by Wakefield Council on Leeds City Council's behalf.
- 3 This report seeks authority to negotiate terms and enter such Agreement for the highway works to enable them to be designed and delivered by others.

Recommendations

- 4 The Chief Highways Officer is requested to:
 - i) note the highway works as outlined in Section 3.1 and indicated on Sanderson Associates drawing number 8098/006 Rev B to be fully developer funded.
 - ii) give authority to negotiate the terms of and enter into a tripartite agreement with the developer and Wakefield MDC under the provisions of Sections 24, 278 and Parts V and VII of the Highways Act 1980 and Section 111 Local Government Act 1972; whereby the works associated with the development

are carried out by the Developer's Appointed Contractor and overseen by Wakefield Council on Leeds City Council's behalf;

- iii) give authority to implement the works as set out in Section 3.1.

1 Purpose of this report

- 1.1 The purpose of this report is to note the principle of the implementation of highway works in the Leeds District associated with a development at Snow Hill, Wakefield.
- 1.2 To obtain authority to negotiate the terms of and enter into an Agreement under the provisions of Sections 24, 278 and Parts V and VII of the Highways Act 1980 and Section 111 Local Government Act 1972, whereby the associated highway works are carried out by the Developer's Appointed Contractor and overseen by Wakefield Council on Leeds City Council's behalf.

2 Background information

- 2.1 Planning permission for a mixed use retail park and housing development has been granted planning permission with a requirement for off-site highway works on the A650 approaches to J41 of the M1 part of which is in the Leeds District.
- 2.2 The highway works are shown on the attached plan referenced Sanderson Associates Drawing Number 8098/006 Rev B 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 legal agreement under the provisions of Sections 24, 278 and Parts V and VII of the Highways Act 1980 and Section 111 Local Government Act 1972 to enable the highway works to be carried out by others on Leeds' Highway.

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 being considered and accepted as part of the planning process with Leeds having been advised of the works by Wakefield Council.
 - 3.1.3 The highway works proposed within the Leeds District comprise:

- Widening of the A650 on the approach to J41 of the M1 at East Ardsley and lane assignment amendments.
- Widening of the carriageway into the central reservation to provide a right turn pocket for vehicles accessing Royston Close
- All associated traffic signals alterations (signals controlled by Highways England)
- All associated Civils works, including (inter alia) tie-ins, resurfacing, signing, lighting, drainage and lining works etc
- All associated Traffic Regulation orders required to protect the works
- 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 Sanderson Associates Drawing Number 8098/006 Rev B.

3.1.5 Safety 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 payable to Leeds City Council for the works within the Leeds District.

3.2 **Programme** – It is envisaged that the construction of the works will be carried out in the 2016/17 financial year with the indicative programme being a start on site in early 2017 and completed within 10 weeks.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members: Ward Members of Ardsley and Robin Hood were consulted by email with a plan of the scheme on 29th June 2016. At the time of writing this report no comments have been received from Ward Members.

4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted by email with a plan of the scheme on 29th June 2016. The Police have responded with no objections. At the time of writing this report no other responses have been received from the Emergency Services or WYCA.

4.1.3 Transport Policy and UTMCI have been consulted and raised no issue with the scheme or the method of delivery. Highways England has also been party to the wider discussions with Wakefield Council.

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, albeit this was undertaken by Wakefield Council.

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.

4.4 Resources and value for money

- 4.4.1 The total cost of this scheme is developer funded and no cost estimate has been provided. The Council's Engineer and Legal fees will be covered by the detail of the legal agreement.

4.5 Capital Funding and Cash Flow.

- 4.5.1 Funding: The developer will fund the total cost of the works.
- 4.5.2 Staffing: There are no staffing implications for Leeds City Council.

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 Clauses from the Council's standard Section 278 agreement are to be included and the developer will fund the total cost of the works.

5 Conclusions

- 5.1 This report seeks authority to negotiate terms and enter an Agreement for the highway works, to enable the Developer's consultants to undertake the detailed design and construct the highway works with Wakefield Council providing the design check and supervision.

6 Recommendations

- 6.1 The Chief Highways Officer (Highways and Transportation) is requested to:
- note the highway works as outlined in Section 3.1 and indicated on Sanderson Associates drawing number 8098/006 Rev B to be fully developer funded.
 - give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Sections 24, 278 and Parts V and VII of the

Highways Act 1980 and Section 111 Local Government Act 1972; whereby the works associated with the development are carried out by the Developer's Appointed Contractor and overseen by Wakefield Council on Leeds City Council's behalf;

- give authority to implement the works as set out in Section 3.1.

7 Background documents¹

None

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: <table><tr><td><input type="checkbox"/> Strategy</td><td><input checked="" type="checkbox"/> Policy</td><td><input type="checkbox"/> Service</td><td><input type="checkbox"/> Function</td><td><input checked="" type="checkbox"/> Other</td></tr></table>	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function	<input checked="" type="checkbox"/> Other	
Is this: <table><tr><td><input type="checkbox"/> New/ proposed</td><td><input checked="" type="checkbox"/> Already exists and is being reviewed</td><td><input type="checkbox"/> Is changing</td></tr></table>	<input type="checkbox"/> New/ proposed	<input checked="" type="checkbox"/> Already exists and is being reviewed	<input type="checkbox"/> Is changing		
<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

<p>3. Summary of strategy, policy, service or function that was assessed:</p> <p>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.</p> <p>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...</p> <p>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.</p>
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<p>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)</p>
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<p>4a. Strategy, policy or plan (please tick the appropriate box below)</p>	
The vision and themes, objectives or outcomes	<input checked="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"/>
<p>Please provide detail: This EIA assesses the process, objectives and outcomes of a Section 278 agreement.</p>	

<p>4b. Service, function, event please tick the appropriate box below</p>	
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

☒

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		
<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"/> Information and communication	<input type="checkbox"/> Customer care	
<input checked="" type="checkbox"/> Timing	<input type="checkbox"/> Stereotypes and assumptions	
<input checked="" type="checkbox"/> Cost	<input type="checkbox"/> Consultation and involvement	
<input type="checkbox"/> specific barriers to the strategy, policy, services or function		
<p>Please specify</p> <p>The location and heritage of a site may affect the type of improvements allowed.</p> <p>In the current economic climate, the cost of certain improvements will effect what changes are agreed.</p>		

<p>8. Positive and negative impact</p> <p>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</p>
<p>8a. Positive impact:</p> <p>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”.</p>
<p>Action required:</p>

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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?
<input type="checkbox"/> Yes <input type="checkbox"/> 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)?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please provide detail:
Action required:

11. Could this activity be perceived as benefiting one group at the expense of another?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please provide detail:
Action required:
None.