

Report of Transport Development Services

Report to Chief Officer (Highways and Transportation)

Date: 13 September 2016

Subject: Design & Cost Report For Section 278 Agreement Works Associated With A Residential Development On Land To The Rear Of 92 To 174 Moseley Wood Gardens, Cookridge, Leeds

Capital Scheme Number : 32464

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Adel & Wharfedale; Horsforth	<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 a residential development on land to the rear of 92 to 174 Moseley Wood Gardens, Cookridge, off-site highway works are required to enable the development to proceed. The location of the site is indicated on Figure 2.1 at **Appendix 1** of this report.
- 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.

Best City Ambition

- 5 The Best City ambition is to improve life for the people of Leeds and make our city a better place. The provision of a 20mph zone inclusive of any necessary traffic calming measures and a raised zebra crossing contributes to this ambition by improving the safety and quality of life in Leeds and improving the pedestrian environment in the local community. The 20mph zone will also help reduce traffic

collisions and make a specific contribution to the Best City for Communities, a Child Friendly City.

Recommendations

- 6 The Chief Officer (Highways and Transportation) is requested to:
- i) note the detail of the highway works associated with the residential development at Moseley Wood Gardens outlined in Section 3.4 and indicated on plans TDS/2357/CON; TM/01/2357/12/03 and ITM7279-SK-032 shown at **Appendix 2** of this report; and
 - 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; and
 - iii) give authority to incur expenditure of £55,000 works costs and £10,000 staff costs to be fully funded by a section 278 developer contribution; and
 - iv) request the City Solicitor to:
 - a) Advertise a draft speed limit order to introduce a 20mph zone as indicated on plan TDS/2357/CON shown at **Appendix 2** of this report and, if no valid objections are received, to make, seal and implement the order as advertised.
 - b) Advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the proposed zebra crossing on Green Lane, Cookridge
 - c) Advertise a notice under Section 90C of the Highways Act 1980 to provide traffic calming measures within the 20mph zone, including a raised zebra crossing

1 Purpose of this report

- 1.1 To note the principle of the implementation of highway works associated with the approved residential development on land to the rear of 92 to 174 Moseley Wood Gardens, Cookridge (planning application reference: 14/04270/OT).
- 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 indicated on Drawing Numbers TDS/2357/CON; TM/01/2357/12/03 and ITM7279-SK-032 shown at **Appendix 2** 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

- 2.2 Outline planning permission for residential development on land to the rear of 92 to 174 Moseley Wood Gardens, Cookridge, was granted on 1st April 2015 (reference 14/04270/OT). A Reserved Matters application for 135 dwellings was subsequently approved by Plans Panel on 17th May 2016 (reference 15/04884/RM).
- 2.3 A condition of the outline planning approval requires implementation of a 20mph zone for the surrounding roads including features, a junction improvement at Green Lane/Cookridge Drive and a raised zebra crossing outside the Holy Trinity C or E Primary School on Green Lane.
- 2.4 A separate s278 to widen the Moseley Wood Rise carriageway from 4.8m to 6m has already been implemented, this aspect of the works was required prior to commencement of development in order that construction traffic will be safely accommodated at the point of access.
- 2.5 The highway works are shown on the attached plans TDS/2357/CON; TM/01/2357/12/03 and ITM7279-SK-032 and are detailed in Section 3.4.
- 2.6 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
- 3.2 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.
- 3.3 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.
- 3.4 The highway works are required to ensure that the traffic generated by the development does not have a detrimental effect on the local highway network on the approach to the site. The proposed works comprise:
 - a). A 20mph zone including gateway signage and vertical traffic calming features to keep vehicle speeds within acceptable limits where necessary. The zone will cover the area indicated on plan TDS/2357/CON attached at **Appendix 2**
 - b). A raised zebra crossing on Green Lane outside the Holy Trinity C of E Primary School and indicated in outline on plan TM/01/2357/12/03 attached at **Appendix 2**

- c). Altering the kerb line to reinforce the existing priority of the junction Green Lane/Cookridge Drive and provide a shorter crossing route for pedestrians, as indicated in outline on plan ITM-7279-SK-032 attached at **Appendix 2**
 - d). All associated Civil's works, including (inter alia) reconstruction, tie-ins, resurfacing, signing, lighting, drainage and lining works etc.
 - e). Any works reasonably required following safety audits of the design and construction of the highway works; and
 - f). Any associated statutory undertaker's work resulting from the Works.
- 3.7 Traffic Management will be responsible for the detailed design and delivery of works. The developer at their own risk has paid an advanced £5,000 fee to Traffic Management section who have started the detailed design process in advance of a S278 Agreement being signed
- 3.5 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.
- 3.6 The S278 agreement will include the standard commuted sums for future maintenance of the Works.

4 Programme

- 4.1 The building works are programmed to start on site in September 2016 for a period of 12 weeks. The term contractor will be employed for the works.

5 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 Ward Members: Members of Adel & Wharfedale Ward and of Horsforth Ward were consulted by email with an accompanying letter and plans detailing the proposed highway works on 24th June 2016. No Member comments have been received at the time of writing this report.
- 5.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and West Yorkshire Combined Authority were also consulted by email with accompanying letters and plans 24th June 2016. At the time of writing this report no adverse comments have been received.
- 5.1.3 Colleagues in Highways and Transportation have been consulted as part of the design process.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 An EDCI Impact Assessment has been prepared for the Section 278 Process and is attached as **Appendix 4**. 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

that a separate screening or impact assessment was not required for the approvals requested for each individual S278 Agreement.

5.3 Council policies and City Priorities

5.3.1 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.

5.4 Resources and value for money

5.4.1 The total estimated costs for this scheme are £65,000, comprising £55,000 works costs and £10,000 staff fees.

5.5 Capital Funding and Cash Flow.

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

5.5.2 Staffing: The design check 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	2015 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 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						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST				
	£000's	2015 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	55.0			55.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	10.0			10.0			
OTHER COSTS (7)	0.0						
TOTALS	65.0	0.0	0.0	65.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2015 £000's	2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
Section 106 / 278	65.0			65.0			
Total Funding	65.0	0.0	0.0	65.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

5.6 Legal Implications, Access to Information and Call In

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

5.7 Risk Management

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

6 Conclusions

6.1 This report seeks authority to negotiate terms and enter such Agreement to allow the Council to adopt a small parcel of land and to check the detailed design and supervise construction of the necessary highway works as detailed in Section 3.4, at an estimated cost of £65,000 (incl. design fees).

7 Recommendations

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

- v) note the detail of the highway works associated with the residential development at Moseley Wood Gardens outlined in Section 3.4 and indicated on plans TDS/2357/CON; TM/01/2357/12/03 and ITM7279-SK-032 shown at **Appendix 2** of this report; and
- vi) 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; and
- vii) give authority to incur expenditure of £55,000 works costs and £10,000 staff costs to be fully funded by a section 278 developer contribution; and
- viii) request the City Solicitor to:
 - d) Advertise a draft speed limit order to introduce a 20mph zone as indicated on plan TDS/2357/CON shown at **Appendix 2** of this report and, if no valid objections are received, to make, seal and implement the order as advertised.
 - e) Advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the proposed zebra crossing on Green Lane, Cookridge
 - f) Advertise a notice under Section 90C of the Highways Act 1980 to provide traffic calming measures within the 20mph zone, including a raised zebra crossing

8 Background documents¹

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

8.1 Equality, Diversity, Cohesion and Integration Assessment of the S278 Process is attached as Appendix 4.

published works.

U:HWT/Admin/Wordproc/Comm/2016/A647 Arrmley Road, Lidl – S278 Works.doc

Appendix 4

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 (by contract or grant) (please see equality assurance in procurement)	<input data-bbox="1241 248 1310 322" 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

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?
<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.