

Report to the Chief Officer (Highways and Transportation)

Date: 06 December 2016

Subject: Design & Cost Report for S278 Works associated with the development of a Lidl Store at Miami Site, A642 Aberford Road, Garforth.

Capital Scheme Number: 32613

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Garforth & Swillington	<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. Planning application 16/00749/OT was approved, in principle, on 30th June 2016 for full planning consent for a Lidl food store and outline permission for a retail development (Use Class A1) and a public house (Use Class A4). The development is located at Garforth off the A642 Aberford Road on the site of a former large industrial unit. A location plan is attached at **Appendix 2**.
2. The off-site highway works are described in detail in Section 6.2 below and briefly comprise the introduction of a new traffic signal controlled junction on Aberford Road, the provision of a dedicated turning lane for traffic turning right from Aberford Road into Bar Lane and carriageway widening works at the Main Street/Aberford Road/Barrowby Lane signal controlled junction.
3. To meet the requirements of the planning permission and deliver the highway alterations, 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.

Best City Ambition

4. The Best City ambition is to improve life for the people of Leeds and make our city a better place. The provision of improvements to Aberford Road, Bar Lane and the carriageway widening works at the Main Street/Aberford Road/Barrowby Lane junction contributes to this ambition by improving the safety and quality of life of

Leeds residents by enabling safe pedestrian, cycling and vehicular journeys in local communities.

Recommendations

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

- i) note the principles of the highway works as outlined in Section 6.2 and shown on Drawing Numbers 1011-SK-010 Rev C and SK-011 Rev A as shown at **Appendix 3** of this report;
- 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;

request the City Solicitor to advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the proposed signal controlled pedestrian crossing on Aberford Road, Garforth;

- iii) give authority to incur expenditure of £750,000 works costs and £105,000 staff costs to be fully funded by a developer through a Section 278 Agreement;
- iv) approve the injection of £855,000 into the Capital Programme, fully funded from a Section 278 'private developer' agreement;
- v) give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2; and
- vi) approve in principal the adoption of new highway construction so that it can be added to the Council's maintenance regime.

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 the development of a Lidl food store at Aberford Road, Garforth.

1.2 To obtain authority to negotiate the terms of enter into an Agreement under the provisions of Section 278 of the Highways Act 1980, whereby the associated highway works are carried out by Leeds City Council at the expense of the developer.

To request the City Solicitor to advertise a notice for the implementation of a formal pedestrian crossing in accordance with Section 23 of the Road Traffic Regulation Act 1984

1.3 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2 Background information

- 2.1 Planning permission 16/00749/OT was granted on 30th June 2016 for the development of a Lidl food store on the site of a former industrial unit at Aberford Road, Garforth.
- 2.2 Highway works are required to provide satisfactory pedestrian and vehicular access to the development and to mitigate the effect of traffic from the development on the local highway network. The highway works are shown indicatively on the attached Drawing Numbers 1011-SK-010 Rev C and SK-011 Rev A as shown at **Appendix 3** and detailed in Section 6.2.
- 2.3 To meet the obligations of the planning permission and deliver the access 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 Lidl UK GmbH have received planning permission (ref: 16/00749/OT) to construct a new food store at Aberford Road, Garforth.
- 3.2 The planning permission includes a package of highway works on Aberford Road and at the Main Street /Aberford Road/Barrowby Lane signal controlled junction to provide safe/satisfactory pedestrian and vehicular access to the site and mitigate the effect of the development traffic on the local highway network. The proposed works comprise:
- a. A traffic signal controlled junction at the site entrance with the A642 Aberford Road, with associated pedestrian crossing facilities.
 - b. Widening of the A642 along the site frontage to provide dedicated turning lanes for traffic turning into the site from both directions on Aberford Road.
 - c. Provision of a dedicated turning lane for traffic turning right from Aberford Road into Bar Lane.
 - d. Carriageway widening works at the Main Street/Aberford Road/Barrowby Lane signal controlled junction, to reduce hold-ups on the A642 associated with traffic waiting to turn right into Main Street/Barrowby Lane.
 - e. Any works reasonably required following safety audits of the design and construction of the highway works.
 - f. All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc.
 - g. Any associated statutory undertakers' works resulting from the works.
- 3.3 Indicative details of the works are included on Drawing Numbers 1011-SK-010 Rev C and SK-011 Rev A shown at **Appendix 3**.
- 3.4 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.

- 3.5 The Engineering Projects section will be responsible for the detailed design and delivery of works. The developer at their own risk has paid an advanced fee of £10,000 fee to enable the detailed design process to be started in advance of a S278 Agreement being signed.
- 3.6 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.
- 3.7 The S278 agreement will include the standard commuted sums for future maintenance of the works.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 2nd August 2016. At the time of writing no comments have been received from the Ward Members.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 2nd August 2016. WYCA sought clarification as to whether any existing bus stops were affected by the works, which was confirmed to them (one bus stop on Aberford Road will need to be relocated). At the time of writing no other comments have been received.
- 4.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services. Any substantive comments 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 carried out on the Section 278 Process and is attached as **Appendix 1**. The assessment confirmed that individual designs put forward as part of this process, will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) which 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". As part of the design and construction process further equality screenings and impact assessments will be undertaken as required.

4.3 Council policies and City Priorities

- 4.3.1 The proposed highway works which allow the development to take place accord with the West Yorkshire 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.

4.4 Resources and value for money

4.4.1 The developer will meet the Council's costs, estimated to be £750,000 works and statutory undertakers costs and £105,000 staff fees all of which will be fully funded through the Section 278 agreement.

4.5 Capital Funding and Cash Flow.

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

4.5.2 Staffing: The design 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	2016 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020 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	2016 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	750.0			750.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	105.0		20.0	85.0			
OTHER COSTS (7)	0.0						
TOTALS	855.0	0.0	20.0	835.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2016 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020 on £000's
Section 106 / 278	855.0		20.0	835.0			
Total Funding	855.0	0.0	20.0	835.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

5 Risk Management

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

6 Conclusions

- 6.1 Planning application 16/00749/OT has been approved in principle on 30th June 2016 for full planning consent for a Lidl food store and outline permission for a retail development (Use Class A1) and a public house (Use Class A4). The development is located at Garforth off the A642 Aberford Road.
- 6.2 Highway works are required to provide satisfactory pedestrian and vehicular access to the development site and to mitigate the effect of traffic from the development on the local highway network.
- 6.3 The highway works are shown indicatively on the attached Drawing Numbers 1011-SK-010 Rev C and SK-011 Rev A shown at **Appendix 3** and detailed in Section 6.2.
- 6.4 To meet the requirements of the planning permission and deliver the highway alterations, 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.

7 Recommendations

- 7.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the principles of the highway works as outlined in Section 6.2 and shown on Drawing Numbers 1011-SK-010 Rev C and SK-011 Rev A as shown at **Appendix 3** 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) request the City Solicitor to advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the proposed signal controlled pedestrian crossing on Aberford Road, Garforth;
 - iv) give authority to incur expenditure of £750,000 works costs and £105,000 staff costs to be fully funded by a developer through a Section 278 Agreement; and
 - v) approve the injection of £855,000 into the Capital Programme fully funded from a Section 278 'private developer' agreement; and
 - vi) give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2; and
 - vii) approve in principal the adoption of new highway construction so that it can be added to the Council's maintenance regime.

8 Background documents¹

¹ The background documents listed in this section are available to download from the Council's website,

8.1 None.

unless they contain confidential or exempt information. The list of background documents does not include published works.

U:HWT/Admin/Wordproc/Comm/2016/Miami Site, Aberford Rd, Garforth – S278 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.

12. Equality, diversity, cohesion and integration action plan

(insert all your actions from your assessment here, set timescales, measures and identify a lead person for each action)

Action	Timescale	Measure	Lead person
Add 'Additional Equality Considerations to the S278 pro-forma.	December 2012	N/A	Gillian MacLeod

13. Governance, ownership and approval State here who has approved the actions and outcomes from the equality, diversity, cohesion and integration impact assessment		
Name	Job Title	Date
Gillian MacLeod	Transport Developments Service Manager	December 2013

14. Monitoring progress for equality, diversity, cohesion and integration actions (please tick)	
<input checked="" type="checkbox"/>	As part of Service Planning performance monitoring
<input type="checkbox"/>	As part of Project monitoring
<input type="checkbox"/>	Update report will be agreed and provided to the appropriate board Please specify which board
<input type="checkbox"/>	Other (please specify)

15. Publishing	
Date sent to Equality Team	24 April 2013
Date published	