
Report to the Chief Officer (Highways and Transportation)

Date: 05 January 2017

Subject: Design & Cost Report for S278 Works associated with the development of 325 dwellings at Spofforth Hill, Wetherby.

Capital Scheme Number : 32644

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Wetherby	<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 Outline Planning permission 13/03051/OT was granted on 2nd April 2015 for the development of 325 dwellings by Bellway Homes on a site located at the A661 Spofforth Hill, Wetherby. A location plan is attached at **Appendix 2**.
- 2 The off-site highway works are described in detail in para 6.2 below and briefly comprise a scheme of Gateway features on the approach to the new site entrance along the A661 (from the direction of Harrogate); a signalised pedestrian crossing on Spofforth Hill and a new section of footway to provide a pedestrian connection to the crossing from the nearby Chatsworth Drive.
- 2.1 At the planning stage, the City Plans Panel Members were advised that a Ghost Island would be the Highway Authority's preferred means of access, but was not essential, to serve the proposed development. This recommendation was provided by highway officers after taking account of the guidance in both DMRB TD42/95 and Manual for Streets 2.
- 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 Spofforth Hill by the introduction of Gateway features and a signal controlled pedestrian crossing 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 7029/020 Rev C and 7029/021 Rev C 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;
 - iii) give authority to incur expenditure of £53,000 works costs, excluding any statutory undertakers costs; and £20,000 staff fees to be fully funded by the developer through the S278 Agreement;
 - iv) request the City Solicitor to advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 for the implementation of a formal pedestrian crossing on Spofforth Hill; and
 - v) Give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2.

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 325 dwellings by Bellway Homes at Spofforth Hill, Wetherby.
- 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.
- 1.3 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.
- 1.4 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2 Background information

- 2.1 Planning permission 13/03051/OT was considered by the City Plans Panel and granted on 2nd April 2015. The development consists of 325 dwellings on land at Spofforth Hill, Wetherby. The developer is Bellway Homes.
- a. Highway works are required to provide satisfactory pedestrian and vehicular access to the development from the local highway network. The highway works are shown indicatively on the attached Drawing Numbers 7029/020 Rev C and 7029/021 Rev C as shown at **Appendix 3** and detailed in Section 6.2. The access proposals were the subject of significant debate at the City Plans Panel, the detail of which is included for information in Section 6 of this report.
 - b. To meet the obligations 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 Bellway Homes have received planning permission (ref: 13/03051/FU) to construct 325 dwellings on a site located at Spofforth Hill, Wetherby.
- 3.2 The planning permission includes a package of highway works on the A661 Spofforth Hill to provide safe and satisfactory pedestrian and vehicular access to the development. The proposed works comprise:
- a. A scheme of gateway features on the approach to the site on the A661 (from the direction of Harrogate).
 - b. A signalised pedestrian crossing on Spofforth Hill located just north-west of the Chatsworth Drive junction; including a new short section of footway on the southern side of the carriageway, to provide a pedestrian connection from Chatsworth Drive to the new crossing.
 - c. Any works reasonably required following safety audits of the design and construction of the highway works.
 - d. All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc.
 - e. Any associated statutory undertakers' works resulting from the works.
- 3.3 Indicative details of the works are included on Drawing Numbers 7029/020 Rev C and 7029/021 Rev C shown at **Appendix 3**.

Site Access

- 3.4 At the planning stage the site access proposals initially included a Ghost Island right turning facility at the site entrance from Spofforth Hill and a length of new footway on the opposite side to provide a segregated pedestrian route for people walking from Leconsfield Court to the new signalised crossing. However, these elements of the works were subsequently removed at the specific request of

Members of the City Plans Panel in order to safeguard a number of mature trees and to maintain the existing character of the locality.

- 3.5 Panel Members were advised that the Highway Authority's preference was that a Ghost Island be provided at the site access. This recommendation was given having regard to guidance contained in DMRB TD42/95 and taking account of the existing traffic flows on Spofforth Hill and the traffic expected to be generated by the dwellings served from the new site access.
- 3.6 However, advice in Section 9.4 of Manual for Streets 2 indicates that TD42/95 is written specifically for trunk roads and should not be applied uncritically where used in other situations. Furthermore, it is advised that right turning lanes make it more difficult for pedestrians to cross major roads and lead to higher traffic speeds and authorities should therefore consider carefully all of the effects before deciding to provide them. On balance, after taking account of the guidance in both DMRB TD42/95 and Manual for Streets 2, Panel Members were advised that a Ghost Island would be the Highway Authority's preferred means of access, but was not essential, to serve the proposed development.
- 3.7 The Members of the City Plans Panel subsequently agreed that the site access should be approved without a Ghost Island but with land safeguarded should it be required following occupation of the houses. The Section 106 agreement for the development therefore includes a clause that, in the event that a Road Safety Audit undertaken within five years of the occupation of the final dwelling demonstrates that a right turning lane is necessary in the interests of highway safety, the developer is required to upgrade the site access junction and carry out the construction of right turning facility at their own expense.

Gateway Features

- 3.8 The works include the provision of gateway features on the approach to the site on the A661 (from the direction of Harrogate). The stretch of road subject to these works is shown indicatively on drawing 7029/021 Rev C. For the avoidance of doubt the nature of the gateway features will be determined through the detailed design process, the requirement for which will be detailed in a design brief. The nature of the gateway feature will therefore be subject to further consultation and the measures shown on the drawing are not approved.

Pedestrian Crossing

- 3.9 The scope of the highway works and position of the pedestrian crossing were determined at the time of the outline planning application 13/03051/OT. A reserved matters application for the internal road layout of the development (ref: 15/07291/RM) was approved on 29th July 2016 by the City Plans Panel. The optimum location of the pedestrian crossing has been questioned as part of this recent planning application.
- 3.10 Condition 6 of this permission requires a Community Liaison Management Plan to be developed by Bellway Homes which is to consist of a working party involving Wetherby Town Council, Ward Members, any relevant council officers and 2 residents of Spofforth Hill affected by the pedestrian crossing proposals. It is understood that the purpose of the Community Liaison Management Plan is to act

as a forum for communication/dialogue between the developer and the local community during the construction period of the development.

- 3.11 The scope of the highway works and position of the pedestrian crossing were determined at the time of the outline planning application 13/03051/OT. Officers in conjunction with the forum are currently exploring the optimum position of the crossing. It is not anticipated at this stage that the location of the crossing would change. However, should there be any material change to the highway improvements as a result of the community liaison process, a further Design & Cost report will be brought forward to inform of the modifications to the works prior to the signing of the Section 278 agreement.
- 3.12 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.
- 3.13 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.
- 3.14 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 1st September 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 1st September 2016. At the time of writing no 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 £53,000 works costs, excluding any statutory undertakers costs and £20,000 staff fees all of which will be fully funded through the Section 278 agreement.

4.5 Capital Funding and Cash Flow.

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)	53.0			53.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	20.0		10.0	10.0			
OTHER COSTS (7)	0.0						
TOTALS	73.0	0.0	10.0	63.0	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	73.0		10.0	63.0			
Total Funding	73.0	0.0	10.0	63.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

4.5.1 **Revenue Effects:** There are no revenue effects as a result of this capital scheme.

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 The Council's standard S278 agreement is to be used whereby the developer will fund the total cost of the works.

5 Conclusions

- 5.1 Outline Planning permission 13/03051/OT was granted on 2nd April 2015 for the development of 325 dwellings by Bellway Homes on a site located at the A661 Spofforth Hill, Wetherby.
- 5.2 Highway works are required to provide satisfactory pedestrian and vehicular access to the development site.
- 5.3 The highway works are shown indicatively on the attached Drawing Numbers 7029/020 Rev C and 7029/021 Rev C as shown at **Appendix 3** and detailed in Section 6.2.
- 5.4 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.

6 Recommendations

- 6.1 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 7029/020 Rev C and 7029/021 Rev C 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) give authority to incur expenditure of £53,000 works costs and £20,000 staff fees to be fully funded by the developer through the S278 Agreement.
 - iv) request the City Solicitor to advertise a notice under Section 23 of the Road Traffic Regulation Act 1984 for the implementation of a formal pedestrian crossing on Spofforth Hill.
 - v) Give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2.

7 Background documents¹

- 7.1 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:
<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	