
Report to the Chief Officer (Highways and Transportation)

Date: 23rd May 2017

Subject: Design & Cost Report for additional expenditure and Traffic Regulation Orders 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Garforth & Swillington		
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. The construction of the off-site Highway works associated with planning application 16/00749/OT for a Lidl food store and outline permission for a retail development (Use Class A1) and a public house (Use Class A4) has already been granted approval at a meeting on 6th December 2016, Agenda Item 3956/2016.
2. Additional expenditure, fully funded by the developer, is required for the construction of the off-site Highway works.
3. The development requires the introduction of waiting restrictions to control on-street parking and to ensure the safety and free-flow for all Highway users within the vicinity of the development.

Best City Ambition

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

4. The Chief Officer (Highways and Transportation) is requested to:
 - i) note and approve the proposed Traffic Regulation Order as outlined in Section 3 and indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a;
 - ii) instruct the City Solicitor to advertise a draft Traffic Regulation Order in relation to the waiting restrictions as indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a _ and, if no valid objections are received then make, seal and implement the Order; and
 - iii) give authority to incur further expenditure of £245,000 works costs and £28,000 staff costs to be fully funded by the developer through a Section 278 Agreement.

1 Purpose of this report

- 1.1 This report seeks the authority for the introduction of waiting restrictions as indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a.
- 1.2 This report seeks the authority to incur further expenditure associated with the implementation of highway works associated with the development, at the expense of the developer.

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 The construction of the Highway works associated with the planning application has already been granted approval at a meeting on 6th December 2016, Agenda Item 3956/2016.
- 2.3 Previous approval to spend has already been granted for an amount of £750,000 works costs and £105,000 staff costs.

3 Main issues

- 3.1 The provision of waiting restrictions along the site frontage and within the vicinity of the new development will manage parking as such to facilitate safe pedestrian movement and vehicular sightlines whilst protecting and improving the use and operation of the highway.
- 3.2 This Order is proposed so as to avoid danger to persons or other traffic using the roads or for preventing the likelihood of any such danger arising, and to facilitate the safe passage of traffic.
- 3.3 The extent of waiting restrictions is indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a and briefly comprises of the following:

- 3.4 'No Waiting At Any Time' restrictions on both sides of A642 Aberford Road, from its junction with Lotherton Way to a point 35m east of its junction with Bar Lane; and,
- 3.5 'No Waiting At Any Time' restrictions on both sides of Bar Lane, from its junction with A642 Aberford Road in a southerly direction for a distance of 24m.
- 3.6 Additional expenditure is required in order to construct the works, due to the cost of diverting and lowering statutory undertakers' equipment. The additional expenditure will be fully funded by the developer.
- 3.7 The additional expenditure required is £245,000 works costs and £28,000 staff costs, making a total of £995,000 works costs and £133,000 staff costs.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted for the previous Design & Cost Report on 2nd August 2016. No comments were received from the Ward Members.
- 4.1.2 The Emergency Services and WYCA were consulted for the previous Design & Cost Report on 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). No other comments were received.
- 4.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services and comments have been addressed as part of the detailed design process.
- 4.1.4 A Stage 1/2 Road Safety Audit was undertaken on the proposals by the Council's Accident Studies team. Their recommendations regarding the extent of the proposed waiting restrictions have been included in the design.

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 £995,000 works and statutory undertakers' costs and £133,000 staff fees all of which will be fully funded through the Section 278 agreement.

4.5 Capital Funding and Cash Flow.

- 4.5.1 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 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 £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/22 £000's	2021 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	20.0	835.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/22 £000's	2021 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	245.0		245.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	28.0		28.0				
OTHER COSTS (7)	0.0						
TOTALS	273.0	0.0	273.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/22 £000's	2021 on £000's
Section 106 / 278	1128.0	20.0	1108.0				
Total Funding	1128.0	20.0	1108.0	0.0	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 regulatory decision.

4.7 Risk Management

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

5 Conclusions

- 5.1 This report seeks authority to promote a Traffic Regulation Order and to incur further expenditure at the expense of the developer.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note and approve the proposed Traffic Regulation Order as outlined in Section 3 and indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a;
 - ii) instruct the City Solicitor to advertise a draft Traffic Regulation Order in relation to the waiting restrictions as indicated on drawing referenced: 732613/LCC/HWT/XX/DR/EP/TRO01a _ and, if no valid objections are received then make, seal and implement the Order;
 - iii) give authority to incur further expenditure of £245,000 works costs and £28,000 staff costs to be fully funded by the developer through a Section 278 Agreement; and

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

<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="" 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	<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

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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="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	