

Report to the Chief Officer, Highways and Transportation

Date: 01 September 2017

Subject: Highways England – M62 Motorway Junctions 27 / 28 improvements - Section 6 Highways Act 1980 Agreement

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Morley North, Morley South, Ardsley & Robin Hood.	<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. This project is part of the Highways England (HE) Local Network Management Schemes Programme (LNMS) and aims to address issues identified at two junctions along the M62 through the provision of localised improvements. The junctions are - Junction 27 (Gildersome) and Junction 28 (Tingley).
2. The M62 junctions 27 and 28 are heavily congested at peak hours, which causes severe delays and has led to incidents and personal injury accidents at these locations.
3. HE has requesting that Leeds City Council (LCC) complete detailed design and procure the works on behalf of and in agreement with HE.
4. This work will be funded entirely by HE from their Minor Safety Improvement Funding budget.
5. To allow HE to fund the preparation works for this scheme, to ultimately fund the construction work and to allow LCC to work on the HE network a Section 6 of the Highways Act 1980 agreement is required between the two Highway Authorities.

Recommendations

6. The Chief Officer (Highways and Transportation) is requested to:
 - i) approve the undertaking of the implementation of a scheme to improve the capacity of, and reduce congestion, at junctions 27 and 28 of the M62, as

indicated on the attached drawings numbered B2005501-J27-0100-001, B2005501-J27-0100-002, B2005501-J28-0100-001, and B2005501-J28-0100-002 at an estimated cost of £5.5 million; and

- ii) enter into an agreement under the provisions of Section 6 of the Highways Act 1980 (attached at appendix A) to allow LCC and their contractor to undertake the works, as specified above, on the HE network.

Purpose of this report

- 1.1 To seek approval to implement a scheme to improve the capacity of, and reduce congestion at junctions 27 and 28 of the M62, including entering in to a Section 6 agreement for the proposed works on the HE network.
- 1.2 The Section 6 agreement is to facilitate LCC to complete detailed design and preparation for procuring the works and to allow LCC to appoint a Contractor, to build the junction improvements.
- 1.3 The Section 6 agreement details the work and the funding available from HE.

2 Background information

- 2.4 Highways England (HE) plans to improve the M62 motorway junctions at 27 and 28.
- 2.5 This project is part of the HE Local Network Management Schemes (LNMS) and aims to address issues identified at two junctions along the M62 through the provision of localised improvements. The junctions are- Junction 27 (Gildersome) and Junction 28 (Tingley).
- 2.6 The scheme will involve the following :

SCHEDULE OF WORKS

The works to be carried out include alterations to the existing junction layouts at Junction 27 and J28 of the M62 and contained within the area bounded by a red line on drawings numbered B2005501-J27-0100-001, B2005501-J27-0100-002, B2005501-J28-0100-001, and B2005501-J28-0100-002 as follows:

- 1. Installation of new kerb alignment, with online carriageway widening and appropriate reinstatement of the carriageway and adjacent footways or verges;
- 2. Alterations to the existing drainage and upgrade where required to accommodate the new road layout;
- 3. Installation of High Friction Surfacing to stop lines on carriageways in accordance with the DMRB;
- 4. Construction of earthworks and retaining structures as required to accommodate the new road layout;

5. Alterations and renewal of existing fencing as required to accommodate the new road layout;
6. Alterations to existing road and pedestrian restraint systems and installation of new systems as required in accordance with the DMRB;
7. Installation of new traffic signal equipment as appropriate and slot cutting of traffic signal loops where required;
8. Installation of permanent and temporary traffic signs, as required in accordance with the DMRB;
9. Diversion of statutory undertaker's equipment as required to accommodate the new road layout;
10. Installation of new road markings as required to facilitate the new road layout;
11. Alterations to the existing street lighting system and installation of new equipment as appropriate;
12. Amendments to existing landscaping and installation of additional landscaping as appropriate; and
13. Installation and removal of appropriate temporary traffic management to facilitate the construction of the scheme as required.

2.7 The schemes aim to reduce congestion and improve safety.

2.8 An initial consultation with relevant LCC stakeholders and Kirklees Council officers was carried out during previous project development work in 2015. A further design review is being carried out and relevant stakeholders will have opportunity to engage and comment further.

3 Main issues

3.1 The whole works, including works to LCC network are to be funded by HE.

3.2 As a large part of the works are on LCC highway network and become LCC assets, HE are requesting that LCC procure the works on behalf of and in agreement with HE.

3.3 The necessary works have previously been designed by HE but the works were stopped in February 2016 due to funding constraints. HE now wish the project and works to proceed as the necessary funding has now been secured by them. The works to junctions 27 and 28 have an estimated value of £5.5 million.

3.4 The ability of LCC to procure and deliver these works within agreed budget and programme will need to be assured prior to procurement of the works and to HE commercial satisfaction. HE will honour all costs incurred by LCC, via the Section 6 agreement to deliver the schemes.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 LCC officers have been previously consulted on the proposals. Neighbouring local authority Kirklees Council has been previously consulted on the proposals (during the previous design phase referred to above prior to February 2016) A communication workshop is to take place shortly to resolve the communication and consultation plan.

4.1.2 HE have written directly to LCC elected ward members of Morley North, Morley South and Ardsley & Robin Hood to advise on the works. In addition HE have written to the LCC executive member for City Development.

4.1.3 All statutory consultation partners will be consulted as part of this process.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Impact Assessment Screening (appendix B) has been undertaken. The screening identified no potential negative impacts.

4.2.2 Existing pedestrian crossings will be retained as part of the scheme. This will support disabled people, especially wheel chair users, carers and parents with pushchairs, and people using mobility scooters.

4.3 Council policies and City Priorities

4.3.1 This scheme contributes to the best council objective of improving roads.

4.4 Resources and value for money

4.4.1 The total estimated cost of the scheme is £5.5 million. The cost of the works will be met by HE on behalf of the Secretary of State. HE will need to be satisfied that the procurement represents value for money before proceeding.

4.4.2 Future maintenance costs of LCC assets will be met by the council.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Section 6 agreement will be assessed by legal departments from HE and LCC, and subject to the approval of this report formal arrangements to enter into Section Highways Act 1980 will be entered into.

4.6 Risk Management

4.6.1 LCC will manage the risks to deliver the projects in liaison with HE Project Sponsor. A risk and issues register is to be prepared and maintained and agreed between LCC, HE, Designer and the Contractor. Early contractor involvement is to be initiated and maintained.

5 Conclusions

- 5.1 The approval of this report will allow LCC to carry out the detailed design and procurement stages in order to deliver the junction improvements which will be fully funded by HE.
- 5.2 LCC will gain a significant value of road improvement works, and their associated benefits, as a result of this project.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) approve the undertaking of the implementation of a scheme to improve the capacity of, and reduce congestion, at the junctions 27 and 28 of the M62, as indicated on the attached drawings numbered B2005501-J27-0100-001, B2005501-J27-0100-002, B2005501-J28-0100-001, and B2005501-J28-0100-002; and
 - iii) enter into an agreement under the provisions of Section 6 of the Highways Act 1980 (attached at appendix A) to allow LCC and their contractor to undertake the works, as specified above, on the HE network.

7 Background documents¹

- 7.1 None.

¹The 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 A – Section 6 Agreement.

Dated _____ 2017

Highways Act 1980 section 6 Agreement between

HIGHWAYS ENGLAND COMPANY LIMITED

and

LEEDS CITY COUNCIL

for highway works on the M62 Motorway at Junctions 27 and 28

Highways England Company Limited

Bridge House

1 Walnut Tree Close

Guildford

Surrey GU1 4LZ

THIS AGREEMENT is made as a deed on the2017 under section 6(5) of the Highways Act 1980 between **HIGHWAYS ENGLAND COMPANY LIMITED** ("**Highways England**") of Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ Registered in England and Wales number 09346363 and **LEEDS CITY COUNCIL** ("**the Council**") of the Civic Hall, Calverley Street, LS1 1UR each referred to in this agreement as "**a party**" or both referred to as "**the parties**".

- (a) The Council is proposing to carry out a road improvement scheme on the M62 Motorway ("**the Trunk Road**") at Junctions 27 and 28 as shown on the attached drawings numbered B2005501-J27-0100-001 & B2005501-J27-0100-002 and B2005501-J28-0100-001 & B2005501-J28-0100-002 ("**the Scheme**").
- (b) The Scheme will involve the carrying out of works to the Trunk Road as described in the Schedule below ("**the Works**").
- (c) Planning permission is not required for the Scheme.
- (d) Highways England is the Highway Authority for the Trunk Road and the Council have requested that Highways England authorise them to construct the Works as agent for and on behalf of Highways England under 6(5) of the Highways Act 1980.
- (e) Highways England has agreed to so authorise the Council to carry out the Works subject to the terms and conditions of this agreement.

IT IS AGREED

1. The Council shall carry out the Works as agent of Highways England.
2. The Council shall:
 - (a) carry out the Works at the expense of Highways England;
 - (b) during the works, notify Highways England of any claims arising under Part I of the Land Compensation Act 1973 or any other statutory enactment arising from the use of the Works; and
 - (c) during the works, notify Highways England of any costs and expenses properly incurred in complying with his legal obligations to insulate buildings against noise or in complying with his legal obligations under any other statutory enactment arising from the construction of the Works and / or the use of the Works.
 - (d) Highways England to be handed over any ongoing claims in respect of (b) and (c) above at scheme completion for his ongoing attention.
3. Highways England shall pay the Council the whole of any costs and expenses reasonably and properly incurred by the Council in relation to the Works and the implementation of

this agreement including without prejudice to the generality of the following any such costs and expenses in relation to:

- (a) the approval of design work carried out by or on behalf of the Council;
- (b) the carrying out of any supervision of the Works;
- (c) all administrative and legal expenses including an appropriate sum for general staff costs and overheads; and
- (d) the costs of drafting negotiating and making this agreement.

The sums referred to in this clause includes any value added tax payable by the Council for such costs and expenses for which it cannot obtain reimbursement from HM Revenue and Customs.

- 4. The Works to be executed and the expenditure to be incurred by the Council in discharge of the delegated functions carried out by it under this agreement shall be subject to the prior written approval of Highways England such approval not to be unreasonably withheld or delayed.
- 5. The Council shall comply with all reasonable requirements of Highways England as to the manner in which the Works are to be carried out.
- 6. The Council shall comply with any reasonable directions of Highways England as to the terms of the contract to be entered into by the Council for carrying out the Works.
- 7. The Works shall be completed to the satisfaction of Highways England and in particular they shall be constructed in accordance with the Manual of Contract Documents for Highway Works and the Design Manual for Roads and Bridges published by Highways England and any amendment to or replacement of it for the time being in force save to the extent they are a departure from such standards and have been approved by Highways England.

In the event that for any reason the Works are not completed to the satisfaction of Highways England the Council shall either procure the carrying out of such works necessary in order for Highways England to be so satisfied or indemnify Highways England for its costs in carrying out such works. Where Highways England acting reasonably considers it would not be practical to complete the works Highways England may require the Council to either procure reinstatement of the Trunk Road(s) and other land and premises of Highways England disturbed by the Works to their previous condition or to a good condition (at the Council's election) or to pay Highways England's costs in so doing.

- 8. The Council shall in the execution of the Works take such precautions for the protection of public and private interests as would be incumbent on the Council if it were the Highway Authority and the Council shall indemnify Highways England against all claims for

damages and compensation which may be brought against Highways England arising out of the construction and / or use of the Works.

9. The parties shall at all times co-operate with each other to enable the Works to be carried out promptly effectively and without undue disruption to the existing highway network and in particular shall assist each other in the promotion and publication of any necessary traffic regulation orders and dealing with any other statutory requirements including those of any utility companies.
10. Unless otherwise agreed in writing between the parties this agreement shall automatically terminate if the Works are not substantially commenced within 4 years of the date of this agreement. Such termination is without prejudice to the rights of the parties against each other for any breach of this agreement which occurred before termination and without prejudice to the liability of the Council to pay any monies due and outstanding to Highways England at the date of termination.
12. Any dispute or difference under or arising from this agreement may be referred to arbitration by either party by written notice to an independent arbitrator agreed between the parties or upon failure to agree on an independent arbitrator any dispute or difference may be referred to a person appointed as arbitrator by the President of the Institution of Civil Engineers at the request of either party. The award or determination of such arbitrator shall be final and binding on the parties.

Schedule of Works

The works to be carried out include alterations to the existing junction layouts at Junction 27 and J28 of the M62 Motorway and contained within the area bounded by a red line on drawings numbered B2005501-J27-0100-001, B2005501-J27-0100-002, B2005501-J28-0100-001, and B2005501-J28-0100-002 as follows:

1. Installation of new kerb alignment, with online carriageway widening and appropriate reinstatement of the carriageway and adjacent footways or verges.
2. Alterations to the existing drainage and upgrade where required to accommodate the new road layout.
3. Installation of High Friction Surfacing to stop lines on carriageways in accordance with the DMRB.
4. Construction of earthworks and retaining structures as required to accommodate the new road layout.
5. Alterations and renewal of existing fencing as required to accommodate the new road layout.
6. Alterations to existing road and pedestrian restraint systems and installation of new systems as required in accordance with the DMRB.
7. Installation of new traffic signal equipment as appropriate and slot cutting of traffic signal loops where required.
8. Installation of permanent and temporary traffic signs, as required in accordance with the DMRB.
9. Diversion of statutory undertakers' equipment as required to accommodate the new road layout.

10. Installation of new road markings as required to facilitate the new road layout.
11. Alterations to the existing street lighting system and installation of new equipment as appropriate.
12. Amendments to existing landscaping and installation of additional landscaping as appropriate.
13. Installation and removal of appropriate temporary traffic management to facilitate the construction of the scheme as required.
14. Temporary traffic management.

In witness whereof Highways England Company Limited has affixed its common seal to this Deed and the Council has affixed its common seal to this Deed on the date this agreement is completed.

Executed as a Deed by affixing the common seal of **HIGHWAYS ENGLAND COMPANY LIMITED** in the presence of:

..... Director or Authorised Signatory

..... Director or Company Secretary or Authorised Signatory

Executed as a Deed by affixing the common seal of **LEEDS CITY COUNCIL**

..... Authorised Signatory



Appendix B

Equality, Diversity, Cohesion and Integration Screening

Draft dated 12th July 2017

SECTION 6 AGREEMENT

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.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Highways and Transportation
Lead person: S Khaira	Contact number: 0113 3952586

1. Title: M62 Junctions 27 and 28 Improvement scheme.

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The screening focuses on the report seeking approval for Highways England to

implement a scheme via a Section 6 agreement to improve the capacity of, and reduce congestion at Junctions 27 and 28 of the M62

The scheme will involve the following improvement works:

SCHEDULE OF WORKS

The works to be carried out include alterations to the existing junction layouts at Junction 27 and J28 of the M62 and contained within the area bounded by a red line on drawings numbered B2005501-J27-0100-001, B2005501-J27-0100-002, B2005501-J28-0100-001, and B2005501-J28-0100-002 as follows:

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- 5. Alterations and renewal of existing fencing as required to accommodate the new road layout
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- 7. Installation of new traffic signal equipment as appropriate and slot cutting of traffic signal loops where required
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- 9. Diversion of statutory undertakers equipment as required to accommodate the new road layout
- 10. Installation of new road markings as required to facilitate the new road layout
- 11. Alterations to the existing street lighting system and installation of new equipment as appropriate
- 12. Amendments to existing landscaping and installation of additional landscaping as appropriate.
- 13. Installation and removal of appropriate temporary traffic

management to facilitate the construction of the scheme as required

This scheme aims to reduce congestion and improve safety

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

4.1.1 LCC officers have previously been consulted on the proposals. Neighbouring local authority Kirklees Metro Council has been previously consulted on the proposals (during the previous design phase referred to above prior to February 2016) A communication workshop is to take place shortly to resolve the communication and consultation plan.

4.1.2 All statutory consultation partners will be consulted as part of this process

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Existing pedestrian crossings will be retained as part of the scheme. This will support disabled people, especially wheel chair users, carers and parents with pushchairs, and people using mobility scooters.

- **Actions**

No specific actions have been identified as part of the screening process.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	N/A
------------------------------------------------	-----

Date to complete your impact assessment	N/A
-----------------------------------------	-----

Lead person for your impact assessment (Include name and job title)	N/A
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6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Sabby Khaira	Civil Engineering Manager	28 th July 2017

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance

and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	12th July 2017
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	