

Design & Cost Report for S278 Highway Works Associated with developments at Radial Park, Manston Lane, Leeds.

Date: 7th February 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33366

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

A full planning permission (18/07433/FU) was granted in 26th August 2020 for a proposed development of 437 dwellings at Radial Park, Manston Lane, with new roads, open space, landscaping, drainage and associated works.

The development requires a package of highway improvements along Manston Lane as described in detail in paragraph 4 below.

To meet the requirements of the planning permissions and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980).

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the developments to allow the works to be designed and delivered by the Council.

Recommendations

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

- a. Note the detail of the highway works described in paragraph 4 of this report and shown on plan 733366-LCC-HWT-XX-DR-CH-01_001 attached at Appendix 3;
- b. 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 Leeds City Council, fully funded by the developer.
- c. Give authority to complete the detailed design, tender and implement the works as set out in outline in paragraph 4.

- d. Give authority to incur expenditure of £750,000 works costs, £150,500 staff costs plus statutory undertaker costs, to be fully funded by the developer through the S278 Agreement.
- e. Authorise the City Solicitor to erect notices under s23 of the Road Traffic Regulation Act 1984 on site as required for the establishment of a new raised toucan crossing on Manston Lane located to the east of Sandreas Way. If no valid objections are received, to thereafter implement.
- f. Adoption recommendation wording- Appendix 4, plan to follow.
- g. Approve with reference to the powers contained in Section 66(4) of the Highways Act 1980, that the relevant lengths of footway along the northern side of Manston Lane, either side of the proposed raised toucan crossing are removed and a shared use cycletrack constructed under the powers contained under the provisions of section 65(1) of the Highways Act 1980.
- h. Approve with reference to powers contained in Section 65 (1) of the Highways Act construction of shared used footways / cycleways as shown on plan 733366-LCC-HWT-XX-DR-CH-01_001.
- i. Approve with reference to powers contained in Section 66 (1) of the Highways Act construction of footways as shown on plan 733366-LCC-HWT-XX-DR-CH-01_001, along both sides of the new vehicular accesses.
- j. Approve with reference to powers contained in Section 96 (2) of the Highways Act the removal or alteration of existing grass verge along the northern side of Manston Lane to allow for footway widening in relation to the new raised toucan crossing as shown on plan 733366-LCC-HWT-XX-DR-CH-01_001.

What is this report about?

- 1 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.
- 2 The proposals within this report are concerned only with the delivery of the off-site highway works, the principle of these works having been considered and accepted as part of the planning process for planning consent A full planning permission (18/07433/FU) was granted in 26th August 2020 for a proposed development of 437 dwellings with new roads, open space, landscaping, drainage and associated works. The location of the development site is shown on drawing LOCATION_PLAN-4076252 provided at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: 733366-LCC-HWT-XX-DR-CH-01_001) is provided at **Appendix 3** of this report.
- 3 The development requires a package of highway improvements along Manston Lane which are described in detail in paragraph 4 below.
- 4 The highway works are required to provide adequate and safe vehicular, pedestrian and cyclist access to/from the development and to/from the surrounding community/ facilities. The proposed works as shown on 733366-LCC-HWT-XX-DR-CH-01_001 will comprise:

- Construction of 2 new vehicular accesses (a third, eastern access is to be provided by the developer and included in the S38 agreement) for the development as follows:
 - i.) Western Junction
 - Vehicular access with provision of a right turn ghost island lane with widened carriageway and new kerb lines to tie-in with the existing and footway to both sides
 - Informal crossing on Manston Lane to the east and west of the Western Access with dropped kerbs, tactile paving and refuge island to facilitate pedestrian movements.
 - Bus Stops ID 45012074 and ID 45012073 on the southern side of Manston Lane to be removed and consolidated into one bus stop between the Western and Central Junctions.
 - ii.) Central Junction
 - Vehicular access with provision of a right turn ghost island lane with widened carriageway and new kerb lines to tie-in with the existing, and footway to the eastern side..
 - Informal crossing on Manston Lane between the Western Access and Central Access with dropped kerbs and tactile paving to facilitate pedestrian movements to and from the new bus stop, and a footpath link from the development
 - Informal crossing to the west of the central access with dropped kerbs, tactile paving and a refuge island to facilitate pedestrians movements
- Provision of new cycletrack for shared use by pedestrians and cyclists on the southern side of Manston Lane along the frontage of the proposed development, to tie in with existing provision to the east and new provision within the development, with a further relocation of bus stop ID 45032099 to facilitate the eastern access and informal pedestrian crossing of Manston Lane to access this bus stop and the eastern end of the development.
- A raised toucan crossing on Manston Lane to the east of Sandreas Way, including dropped kerbs and tactile paving, with footway widening on the northern side of Manston to ensure a suitable cycletrack for shared use width once the crossing is installed.
- The redundant accesses to the development to be closed and reinstated to full height kerbs with verge/cycletrack/footway.
- All associated Civils works, including (inter alia) reconstruction, tie-ins, resurfacing, signing, lighting, drainage and lining works etc.
- Any works reasonably required following safety audits of the design and construction of the highway works; and
- Any associated statutory undertaker's work resulting from the Works.
- All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
- Any associated statutory undertakers' works resulting from the works; and
- Any works reasonably required following safety audits of the design and construction of the highway works.

5 To meet the requirements of the planning permission and deliver the highway improvements outlined above the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.

- 6 This report seeks authority to negotiate terms and enter into a S278 Agreement for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- 7 The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents and enabling safe pedestrian, cycle and vehicular access in the local community.

What impact will this proposal have?

- 8 The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of new vehicular accesses, right turn lanes, cycle and pedestrian controlled crossing facilities, dropped kerbs, footways and cycleways. Such improvements will be made to accommodate the needs of all users.
- 9 An Equality, Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out on the Section 278 process and is included in **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.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 The proposals support objectives across the three pillars. The highway works will provide new and improved infrastructure to support the needs of the residential development and community hub and improve safety for pedestrians and cyclists through the construction of shared use pedestrian/cyclist facilities and informal/controlled crossings.
- 11 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies T1, T2 in that they provide a safe and sustainable means of access for all users.
- 12 A Stage 1 Road Safety Audits was undertaken through the planning process, any issues identified by the audits will be addressed at detailed design stage.
- 13 The proposed crossings, pedestrian and cycling facilities will enhance connections from the proposed development into existing communities and towards Crossgates, Thorpe Park, the Springs and other local amenities.
- 14 The development incorporates Electric Vehicle Charging Points, cycle parking provision and sustainable travel options will be promoted through a Travel Plan. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 15 Delivery of the highways works supports the provision of new homes and jobs thereby supporting the Inclusive Growth of the city.
- 16 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, public transport and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Cross Gates & Whinmoor and Harewood

Have ward members been consulted? Yes No

- 17 Cross Gates & Whinmoor and Harewood Ward Members were consulted by email dated 12th January 2024 and have raised no objections.
- 18 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 12th January 2024, no comments have been received at the time of writing this report.
- 19 Internal consultation has taken place with colleagues in Highways and Transportation Services by email 12th January 2024. Internal consultations have highlighted issues with regards to geotechnical investigations, carriageway surfacing in the vicinity of the proposed raised toucan crossing and future maintenance of verges and road markings. Issues raised have been passed to the Design Team and will be incorporated into the detailed design stage.

What are the resource implications?

- 20 The developer will meet the Council's costs, estimated to be £900,500 to design and construct the works, all of which will be fully funded through the Section 278 agreement.
- 21 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees. The S278 agreement will include commuted sums for future maintenance.
- 22 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33366				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2029 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 £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2029 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	750.0		750.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	150.5	25.0	125.5				
OTHER COSTS (7)	0.0						
TOTALS	900.5	25.0	875.5	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2029 on £000's
LCC Supported Borrowing	0.0						
Revenue Contribution	0.0						
Capital Receipt	0.0						
Insurance Receipt	0.0						
Lottery	0.0						
Gifts / Bequests / Trusts	0.0						
European Grant	0.0						
Health Authority	0.0						
School Fundraising	0.0						
Private Sector	0.0						
Section 106 / 278	900.5	25.0	875.5				
Government Grant	0.0						
SCE (C)	0.0						
SCE (R)	0.0						
Departmental USB	0.0						
Corporate USB	0.0						
Any Other Income (Specify)	0.0						
Total Funding	900.5	25.0	875.5	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

What are the key risks and how are they being managed?

23 The total cost of the highway works and staff fees are fully developer funded.

24 The developer will provide funding for third party claims under The Noise Insulation Regulations 1975 (as amended) and the cost of meeting any other claims properly payable under the Land Compensation Act 1973 which arise as a result of the carrying out and the use of the Highway Works.

What are the legal implications?

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

26 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.

27 All work proposed lies within the framework of highways legislation and national and local standards for design where applicable. All other relevant legislation will also be taken into consideration, including duties under the Equalities Act.

28 The proposals regarding the footway and cycleway additions / alterations and raised toucan crossing are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

Options, timescales and measuring success

What other options were considered?

29 The scope of the highways access and other works was assessed and agreed at Planning Application stage, therefore no other options formed part of this proposal.

How will success be measured?

30 Success will be measured by the delivery of the highway works to supporting development pursuant to 18/07433/FU, thereby achieving the stated social, environmental and economic benefits to the city.

What is the timetable and who will be responsible for implementation?

31 Works for the proposed development will commence in April 2024. The proposed highway works would be fully implemented by September 2024.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – LOCATION_PLAN-4076252.
- Appendix 3 – General Arrangement drawing no: 733366-LCC-HWT-XX-DR-CH-01_001.
- Appendix 4 – Land Dedication Plan