

Agenda Item: 4135/2018

Report author: Neil Chamberlain

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Report to the Chief Officer (Highways and Transportation)

Date: 28 August 2018

Subject: Design & Cost Report for S278 Works associated with the development of

150 dwellings on land off Leeds Road, Collingham

Capital Scheme Number: 32695

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harewood	⊠ Yes	☐ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	☐ Yes	⊠ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	⊠ No

Summary of main issues

- Outline planning permission 14/00315/OT, for the construction of 150 dwellings on land located off Leeds Road, Collingham, was approved by the Secretary of State for the Department for Communities and Local Government (DCLG) following a Public Inquiry against the refusal of planning Permission by Leeds City Council. The planning permission was issued by the DCLGt by cover of a letter dated 22nd December 2016. A plan showing the location of the site is attached at Appendix 2.
- 2. The off-site highway works are described in detail in Section 6.2 below and briefly comprise the widening of Leeds Road in the vicinity of the site access to create a ghost island right turning lane along with a speed limit relocation, new bus stops, new footway, and a new bridge over Collingham Beck to facilitiate the development access road. Additionally, traffic signal controls are to be introduced at the external junctions of A58 Main Street/A659 Harewood Road and A58 Main Street/A659 Wattle Syke, along with culvert strengthening works below the Wattle Syke, junction to accommodate the proposed highway works.
- 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.

Recommendations

- 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 indicatively on Drawing Numbers 7119-005 Rev F, 7119-015, 7119-019 Rev A, 7119-106 Rev B & 7119-006 Rev D as shown at Appendices 3 to 3d of this report;
 - ii) approve and instruct the City Solicitor to advertise a draft Speed Limit Order to reduce the speed limit to 30mph (from 50mph) in the vicinity of the new site junction, as highlighted on Drawing Number 7119-005 Rev F; and if no valid objections are received, to make and seal the Order as advertised;
 - iii) approve and instruct the City Solicitor to advertise a draft Speed Limit Order to relocate the speed limit change (from 50mph to 30mph) on Wetherby Road and Wattle Syke to facilitiate the proposed traffic signal controls, as highlighted on Drawing Number 7119-006 Rev D; and if no valid objections are received, to make and seal the Order as advertised;
 - iv) 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;
 - v) give authority to incur expenditure of £3,000,000 works costs and £246,000 staff and other costs; and meet the costs of any other works resulting from the outcome of Safety Audits and consultations, all to be fully funded by a developer through a Section 278 Agreement; and
 - vi) give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2.

4 Purpose of this report

- 4.1 The purpose of this report is to note the principle of the implementation of highway works associated with outline planning permission for a residential development on located off Leeds Road, Collingham.
- 4.2 To obtain authority to negotiate the terms of and 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.
- 4.3 To request the City Solicitor to advertise draft Speed Limit Orders to reduce the speed limit to 30mph outside the site and relocate the 30mph/50mph speed limit on Wetherby Road and Wattle Syke; as highlighted on Drawing Numbers 7119-005 Rev F and 7119-006 Rev D; and if no valid objections are received, to make and seal the Orders as advertised
- 4.4 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

5 Background information

- 5.1 Outline planning permission 14/00315/OT was granted on 22nd December 2016 for a residential development of up to 150 dwellings on land located off Leeds Road, Collingham. The applicants are Miller Homes and the Hills family and the site is to be jointly developed by Miller Homes and Bellway Homes (acting on behalf of the Hills).
- Highway works are required to provide a satisfactory means of vehicular and pedestrian access to the development from the local highway network. The highway works are shown indicatively on the attached Drawing Nos. 7119-005 Rev F, 7119-015, 7119-019 Rev A, 7119-106 Rev B & 7119-006 Rev D as shown at Appendices 3 to 3d of this report and detailed in Section 6.2.
- Condition 19 of the DCLG letter requires the site access works (Drawing No. 7119-005 Rev F Appendix 3) and footway widening works on Drawing nos. 7119-015 (Appendix 3a) & 7119-019 Rev A (Appendix 3b) to be implemented and completed prior to occupation of the first dwelling.
- 5.4 Condition 20 of the DCLG letter allows the improvement works to the external junctions depicted on Drawing nos 7119-016 Rev B (Appendix 3c) & 7119-006 Rev D (Appendix 3d) and the culvert strengthening works at Wattlesyke junction to be phased after commencement of the development, with a requirement for these works to be implemented and completed no later than occupation of the 50th dwelling.
- 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.

6 Main issues

- Outline planning permission (ref: 14/00315/OT) has been granted to construct a residential development on land located off Leeds Road, Collingham.
- 6.2 The planning permission includes a requirement for off-site highway works to be carried out on Leeds Road and at two external junctions to provide a satisfactory means of access to the development. The proposed works comprise:
 - Construction of the site access as shown indicatively on Drawing No 7119-005 rev F, including the provision of street lighting for the area of the proposed 30 mph limit, relocation of speed limit and VAS sign as well as two new bus stops and the development access road and bridge over Collingham Beck into the site;
 - The widening of the footway between the proposed site access and Crabtree Green shown indicatively on Drawing No 7119-015;
 - Works to widen the footway on Leeds Road between Crabtree Green and Mill Lane identified on Drawing No 7119-019 Rev A;
 - The introduction of traffic signal controls at the junction of A58 Main Street/A659 Harewood Road shown indicatively on Drawing no. 7119-016 Rev B incorporating MOVA with associated queue detection equipment;

- The introduction of traffic signal controls at the A58 Main Street/A659
 Wattle Syke shown indicatively on Drawing No 7119-006 rev D,
 incorporating MOVA with associated queue detection equipment;
- Culvert strengthening works below the Wattle Syke junction to accommodate the proposed highway works.
- Any works reasonably required following safety audits of the design and construction of the highway 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.
- 6.3 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.
- The Engineering Projects section will be responsible for the detailed design and delivery of works. The developer at their own risk has paid an advanced fee of £25,000 to enable the detailed design process to be started in advance of a S278 Agreement being signed.
- 6.5 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.
- 6.6 The S278 agreement will include the standard commuted sums for future maintenance of the works.

7 Corporate Considerations

7.1 Consultation and Engagement

7.1.1 Ward Members: Ward Members were initially consulted by email dated 20th January 2017. Two of the Ward Members responded to raise questions about the exact nature and scale of the works and it was intended at that time that these matters would be addressed as part of the detailed design procress. However, the detailed design of the site access works from Leeds Road has progressed considerably since the initial consultation; therefore the Ward Members have been contacted again via email (dated 9th August 2018) with the latest plan of the works attached. One of the Ward Members has responded (via email dated 9th August 2018) to ask whether the plan has been sent to Collingham Parish Council.

A further reply has been provided to the Ward Member to advise that the Parish Council has been kept informed during the detailed design process and that colleagues in Engineering Services will make sure that the Parish Council have been provided with the most up to date plan.

- 7.1.2 Collingham Parish Council: The Collingham Parish Council (PC) was initially briefed on the proposed works via a meeting in April 2017 (with Transport Development Services). A number of detailed comments/requests were raised by the PC and these points were passed on to Engineering Services for consideration as part of the detailed design process. Following this initial meeting, the Engineering Services team have continued to liase with the PC during the detailed design process. Furthermore, following a request from a Ward Member (mentioned in para. 7.1.1 of this report), the latest plan of the site access works has recently been sent to the PC by Engineering Services. The PC have replied via email (dated 20 September 2018) with further comments regarding certain aspects of the design and Engineering services have provided clarification of the points in question via email (dated 3rd October 2018).
- 7.1.3 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 17th March 2017. At the time of writing, no comments from the consultees have been received.
- 7.1.4 A Stage 1 Safety Audit of the off-site highway works was also carried out during the planning process. 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.

7.2 Equality and Diversity / Cohesion and Integration

7.2.1 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.

7.3 Council Policies and City Priorities

7.3.1 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.

7.4 Resources and value for money

7.4.1 The developer will meet the Council's costs, estimated to be £3,000,000 works costs and £246,000 staff and other costs, all of which will be fully funded through the Section 278 agreement.

7.5 Capital Funding and Cash Flow.

- 7.5.1 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertakers costs and the cost of staff fees.
- 7.5.2 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-			r :-			
Previous total Authority	TOTAL	TO MARCH		F	FORECAST		
to Spend on this scheme		2018	2018/19	2019/20	2020/21	2021/22	2022 on
	£000's	£000's	£000's	£000's	£000's	£000's	£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
A discription of the control of the	TOTAL	TOMADOU			005040	_	
Authority to Spend	TOTAL	TO MARCH	2212112		ORECAST		
required for this Approval	£000's	2018 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022 on £000's
LAND (1)	0.0	£000 S	2000 5	2000 5	£000 S	2000 5	£000 S
CONSTRUCTION (3)	3000.0			1026.0	1124.0	850.0	
FURN & EQPT (5)	0.0			1020.0	1124.0	830.0	
DESIGN FEES (6)	236.5	52.2	20.0	69.3	9.0	86.0	
OTHER COSTS (7)	9.5	1.5	5.0	3.0	3.0	00.0	
TOTALS	3246.0	53.7	25.0	1098.3	1133.0	936.0	0.0
	32 .0.0	00	20.0	.000.0		000.0	0.0
Total overall Funding	TOTAL	TO MARCH		F	ORECAST	Γ	
(As per latest Capital		2018	2018/19	2019/20	2020/21	2021/22	2022 on
Programme)	£000's	£000's	£000's	£000's	£000's	£000's	£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	50.7	05.0	4000.0	4400.0	000.0	
Section 106 / 278	3246.0	53.7	25.0	1098.3	1133.0	936.0	
Government Grant	0.0						
SCE(C)	0.0						
SCE(R) Departmental USB	0.0 0.0						
Corporate USB	0.0						
Any Other Income (Specify)	0.0						
Any Other Income (Specify)	0.0						
Total Funding	3246.0	53.7	25.0	1098.3	1133.0	936.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

7.6 Legal Implications, Access to Information and Call In

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

7.7 Risk Management

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

8 Conclusions

- 8.1 Outline planning application 14/00315/OT was granted on 22nd December 2016 for a residential development on land located off Wetherby Road, Collingham.
- Highway works are required on Wetherby Road and at two external junctions to provide a satisfactory means of access to the development.
- 8.3 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.

9 Recommendations

- 9.1 The Chief Officer (Highways and Transportation) is requested to:
 - note the principles of the highway works as outlined in Section 6.2 and shown indicatively on Drawing Numbers 7119-005 Rev F, 7119-015, 7119-019 Rev A, 7119-106 Rev B & 7119-006 Rev D as shown at Appendices 3 to 3d of this report;
 - approve the advertisement of a draft Speed Limit Order to reduce the speed limit to 30mph(from 50mph) in the vicinity of the new site junction, as highlighted on Drawing Number 7119-005 Rev F; and if no valid objections are received, to make and seal the Order as advertised:
 - approve the advertisement of a draft Speed Limit Order to relocate the speed limit change (from 50mph to 30mph) on Wetherby Road and Wattle Syke to facilitiate the proposed traffic signal controls, as highlighted on Drawing Number 7119-006 Rev D; and if no valid objections are received, to make and seal the Order as advertised:
 - 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
 - give authority to incur expenditure of £3,000,000 works costs and £246,000 staff and other costs; and meet the costs of any other works resulting from the outcome of Safety Audits and consultations, all to be fully funded by a developer through a Section 278 Agreement; and
 - give authority to carry out the detailed design, tender and implement the works as set out in Section 6.2.

10 Background documents¹

10.1 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 &
Lead person:	Transportation Contact number:
Gillian MacLeod	0113 39 51341
Date of the equality, diversity, cohes	ion and integration impact assessment:
18 th September 2012	
r	
1. Title:	Duagas
Equality Implications of Section 278	Process
Is this a:	
Strategy X Policy	Service Function X Other
Is this:	
New/ proposed x	Already exists and is being reviewed 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 asse	essed:	
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 lathere are changes required to the highway to enable access to the site etc	•	
This Equality Impact Assessment considers the process of determining of such developments and how this process gives due regard to the educateristics.	•	
4. Scope of the equality, diversity, cohesion and integration impa (complete - 4a. if you are assessing a strategy, policy or plan and 4b. i a service, function or event)		
,		
4a. Strategy, policy or plan (please tick the appropriate box below)		
The vision and themes, objectives or outcomes	x	
The vision and themes, objectives or outcomes and the supporting guidance		
A specific section within the strategy, policy or plan		
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	T	
The whole service (including service provision and employment)		
A specific part of the service (including service provision or employment or a specific section of the service)		
Procuring of a service (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			
х	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 re None.	equired:			
7 14/1		:10		
please tic	may be affected by this actively all relevant and significant early to your strategy, policy, services.	quality		keholders and barriers
Equality	characteristics			
x	Age	x	Carers	x Disability
	Gender reassignment		Race	x Religion or Belief
x	Sex (male or female)		Sexual orientation	on
	Other			
•	nple – marriage and civil partn unemployment, residential loca			•
Please s	pecify:			
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.				
Stakehol	ders			
x	Services users	x	Employees	Trade Unions
	Partners	x	Members	Suppliers
Other please specify				
Potential barriers.				
х			х	

Built environment	Location of premises and services			
Information and communication	Customer care			
X Timing	Stereotypes and assumptions			
x Cost	Consultation and involvement			
specific barriers to the strategy,	policy, services or function			
Please specify The location and heritage of a site may affect t	the type of improvements allowed.			
In the current economic climate, the cost of ce are agreed.	rtain improvements will effect what changes			
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)?
X Yes No
Please provide detail:
Action required:
11. Could this activity be perceived as benefiting one group at the expense of
another?
Yes x 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 December 2013 Service Manager				
	-			

14. Monitoring progress for equality, diversity, cohesion and integration actions (please tick)			
x	As part of Service Planning per	formance monitoring	
	As part of Project monitoring		
	Update report will be agreed and provided to the appropriate board Please specify which board		
Other (please specify)			
15. Publishing			
Date sent to Equality Team		24 April 2013	

Date published