

**Report to: The Chief Officer (Highways and Transportation)**

**Date: 23 October 2018**

**Subject: Design & Cost Report for Section 278 works associated with the City Reach 1 Development, Kirkstall Road, Leeds**

**Capital Scheme Number: 32945**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Little London & Woodhouse	<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 Planning application 15/06844/OT for a mixed use development of apartments, student housing, office, leisure and retail units with a footbridge across the River Aire was granted on 14th July 2016. The S106 Agreement requires highway works to be completed before first occupation of the building in order to provide suitable vehicular, pedestrian and cycle access to the site. A subsequent reserved matters application 18/00604/RM limited the use to 528 apartments and 309 student places.
- 2 Alterations to the highway are proposed to provide safe access to the site. The proposed highway works are shown on drawing 3304/SK001/012 Rev A Site Access Arrangement City Reach 1.
- 3 To meet the requirements of the planning permission and deliver the highway alterations, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

### Best City Ambition

- 4 The Best City ambition is to improve life for the people of Leeds and make our city a better place. The provision of safer crossings, wider footways, cycling facilities and suitable carriageway widths contribute to this ambition by improving the safety and quality of life of Leeds residents by enabling safe pedestrian and vehicular access in local communities. They also help reduce traffic collisions to make a specific contribution to the Best City for Communities and a Child Friendly City.

## Recommendations

- 5 The Chief Officer (Highways and Transportation) is requested to:
- i) note the detail of the highway works as outlined in section 3 and shown on drawing number 3304/SK001/012 Rev A Site Access Arrangement City Reach 1.
  - ii) give authority to incur expenditure of £10,000 staff costs and £7,000 TRO costs to be fully funded by the developer through the S278 Agreement.
  - iii) approve the adoption of new highway construction to widen the existing footway to a consistent 3.0m width on land shaded grey on drawing number 3304/SK001/012 Rev A Site Access Arrangement City Reach 1 so that it can be added to the Council's maintenance regime.
  - iv) request the City Solicitor to advertise a draft Traffic Regulation Order on Kirkstall Road for no loading at any time along the site frontage, to create a gap in the bus lane at the site entrance and relocation of the bus stop and, if no valid objections are received to make, seal and implement the order as advertised;
  - v) 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 developer will design and procure the highway works at their expense and the Council will check the design of the work and inspect the construction, with step in powers should the works not be managed or constructed to appropriate standards

### 1.0 Purpose of this Report

- 1.1 The purpose of this report is to note the principle of the implementation of highway works associated with the development of a mixed use development consisting primarily of residential and office buildings on the old Yorkshire Chemicals site on Kirkstall Road.
- 1.2. To obtain authority to adopt the land shaded grey on plan 3304/SK001/12 Rev A Site Access Arrangement City Reach 1.
- 1.3 To give authority to incur expenditure associated with the implementation of the highway works associated with the development
- 1.4 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 developer will design and procure the highway works at their expense and the Council will check the design of the work and inspect the construction, with step in powers should the works not be managed or constructed to appropriate standards

### 2.0 Background information

- 2.1 Planning application 15/06844/OT for a mixed use development of apartments, student housing, office, leisure and retail units with a footbridge across the River Aire was granted on 14<sup>th</sup> July 2016, the S106 Agreement requires highway works to be completed before first occupation of the building in order to provide suitable vehicular, pedestrian and cycle access to the site. A subsequent reserved matters application 18/00604/RM limited the use to 528 apartments and 309 student places.

- 2.2 The highway works contribute to the Best City Ambition of the Council by improving life for the people of Leeds and making our city a better place. The provision of safer crossings, wider footways, cycling facilities and suitable carriageway widths contribute to this ambition by improving the safety and quality of life of Leeds residents by enabling safe pedestrian and vehicular access in local communities. They also help reduce traffic collisions to make a specific contribution to the Best City for Communities and a Child Friendly City.
- 2.3 To meet the requirements of the planning permission and deliver the access the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

### **3.0 Main issues**

- 3.1 The proposed highway works are shown on drawing 3304/SK001/012 Site Access Arrangement City Reach 1 and consist of:
- Formation of a new left in / left out priority access junction on Kirkstall Road, a gap will be created in the bus lane at the site access.
  - Widening of the existing Kirkstall Road southern footway to a consistent 3.0m width along the site frontage
  - Reinstatement of two existing access points as footway.
  - Relocation of a bus stop and shelter from the location of the new access a short distance west, with raised bus boarder kerbs and shelter.
  - A Traffic Regulation Order to prevent loading on the site frontage at any time, to create a gap in the bus lane at the site entrance and to relocate the bus stop.
- 3.2 A small strip of land will be adopted for along the site frontage, the extent is shown outlined grey on drawing 3304/SK001/012 Site Access Arrangement City Reach 1. The land is within the developer's ownership and they are agreeable to the Council adopting the land as highway.
- 3.3 It is proposed that the developer will enter a Section 278 Agreement with the Council whereby the developer will design and procure the highway works at their expense and the Council will check the design of the work and inspect the construction, with step in powers should the works not be managed or constructed to appropriate standards.
- 3.4 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.

## **4 Corporate Considerations**

- 4.1 Consultation and Engagement
- 4.1.1 Ward Members were consulted by email dated 7<sup>th</sup> August 2018. No comments have been received.
- 4.1.2 The Emergency Services and WYCA were consulted email dated 7th August 2018. No comments have been received.

- 4.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services as part of developing the design to its current stage.
  
- 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.
  - 4.2.2 The proposals will ultimately contribute to improved accessibility to the site for pedestrians and cyclists, the works will be designed to accommodate the needs of all users.
  
- 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 estimated costs are £10,000 fees and £7,000 TRO costs, which will be fully funded through the Section 278 agreement.
  - 4.4.2 The highway works must be completed to meet the development opening date, this is still to be confirmed.
  - 4.4.3 Revenue Effects: There are no revenue effects as a result of this capital scheme.

Capital Funding and Cash Flow.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2017 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 £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						
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST				
	£000's	2017 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	10.0			5.0	5.0		
OTHER COSTS (7)	7.0			7.0			
<b>TOTALS</b>	<b>17.0</b>	<b>0.0</b>	<b>0.0</b>	<b>12.0</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2017 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 £000's
Section 106 / 278	17.0			12.0	5.0		
Total Funding	17.0	0.0	0.0	12.0	5.0	0.0	0.0
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

- 4.5 Legal Implications, Access to Information and Call In
- 4.5.1 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 4.6 Risk Management
- 4.6.1 The total cost of the highway works and staff fees are fully developer funded.
- 4.6.2 There is a risk that as the Traffic Regulation Order involves restrictions on loading that if there are objections that can't be overcome, that a public inquiry would be required to determine whether the order should be implemented. Failure to implement the order would result in a risk of loading occurring in the bus lane.
- 4.6.3 The works need to be completed before the development is able to open, the date is still to be confirmed.

## **5.0 Conclusions**

- 5.1 Planning application 15/06844/OT for a mixed use development of apartments, student housing, office, leisure and retail units with a footbridge across the River Aire was granted on 14th July 2016. The S106 Agreement requires highway works to be completed before first occupation of the building in order to provide suitable vehicular, pedestrian and cycle access to the site. A subsequent reserved matters application 18/00604/RM limited the use to 528 apartments and 309 student places.
- 5.2 Alterations to the highway are proposed to provide safe access to the site. The proposed highway works are shown on drawing 3304/SK001/012 Rev A Site Access Arrangement City Reach 1.
- 5.3 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.

## **6.0 Recommendations**

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the detail of the highway works as outlined in section 3 and shown on drawing number 3304/SK001/012 Rev A Site Access Arrangement City Reach 1;
  - ii) give authority to incur expenditure of £10,000 staff costs and £7,000 TRO costs to be fully funded by the developer through the S278 Agreement;
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  - iv) request the City Solicitor to advertise a draft Traffic Regulation Order on Kirkstall Road no loading at any time along the site frontage, to create a gap in the bus lane at the site entrance and relocation of the bus stop and, if no valid objections are received to make, seal and implement the order as advertised; and
  - v) 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 developer will design and procure the highway works at their expense and the Council will check the design of the work and inspect the construction, with step in powers should the works not be managed or constructed to appropriate standards.

## **7.0 Background Papers**

- 7.1 None.

## 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

<b>Directorate: City Development</b>	<b>Service area: Highways &amp; Transportation</b>
<b>Lead person: Gillian MacLeod</b>	<b>Contact number: 0113 37 88091</b>
<b>Date of the equality, diversity, cohesion and integration impact assessment: 18<sup>th</sup> September 2012, updated 15 May 2017</b>	

<b>1. Title: Equality Implications of Section 278 Process</b>
Is this a:
<input checked="" type="checkbox"/> <b>Strategy /Policy</b> <input type="checkbox"/> <b>Service / Function</b> <input type="checkbox"/> <b>Other</b>
<b>If other, please specify</b>

### 2. Members of the assessment team:

<b>Name</b>	<b>Organisation</b>	<b>Role on assessment team e.g. service user, manager of service, specialist</b>
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

<b>3. Summary of strategy, policy, service or function that was assessed:</b>
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Section 278 (S278) of the Highways Act 1980 makes provision for the Highway Authority to enter into an agreement to execute works with any other person (either an individual / organisation / developer) to make modifications, improvements and changes to the highway and for those works to be funded by that person / developer or organisation.

Generally, a S278 is applied when, for example, a developer builds a housing estate and there are changes required to the highway to enable access to the site, footways, roads etc...

This Equality Impact Assessment considers the process of determining the requirements of such developments and how this process gives due regard to the equality characteristics.

**4. Scope of the equality, diversity, cohesion and integration impact assessment**  
(complete - 4a. if you are assessing a strategy, policy or plan and 4b. if you are assessing a service, function or event)

**4a. Strategy, policy or plan**

(please tick the appropriate box below)

The vision and themes, objectives or outcomes	<input checked="" type="checkbox"/>
The vision and themes, objectives or outcomes and the supporting guidance	<input type="checkbox"/>
A specific section within the strategy, policy or plan	<input type="checkbox"/>

**Please provide detail:**

**4b. Service, function, event**

please tick the appropriate box below

The whole service (including service provision and employment)	<input type="checkbox"/>
A specific part of the service (including service provision or employment or a specific section of the service)	<input type="checkbox"/>
Procuring of a service (by contract or grant)	<input type="checkbox"/>

**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 Leeds Core Strategy, Manual for Streets and LCC Street Design Guide (which has been the subject of an EIA)

consideration is given to; walkers, cyclists, public transport users, vulnerable road users and impact on services nearby, for example - schools

- Vehicular access – safety of this relating to width, radii, visibility splays, crossing opportunities
- Internal layout / servicing / bins – shared surface issues. Ability to move around safely.
- Parking – safety issues, availability of disabled spaces in line with the Core Strategy and Parking SPD.
- Travel Plan – Availability and accessibility 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.
- 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. – completed 2012.

Review operation of equality heading on proforma. – May 2017

**Action required:**

Amendments to be made to the pro-forma.- completed 2012.

Update team in Technical Team Meeting to ensure importance of correctly filling in pro-forma – May 2017

**6. Wider involvement – have you involved groups of people who are most likely to be affected or interested**

Yes

No

**Please provide detail:**

The guidelines issued by the Department for Transport and other agencies which we follow have been equality impact assessed, and this involved some element of consultation. We follow these guidelines and as such, wider consultation is not required or relevant however, each S278 proposal is sent to the relevant Ward Member for their input on behalf of residents.

**Action required:**

None

**7. Who may be affected by this activity?**  
please tick all relevant and significant equality characteristics, stakeholders and barriers that apply to your strategy, policy, service or function

**Equality characteristics**

<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Carers	<input checked="" type="checkbox"/> Disability
<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or Belief
<input checked="" type="checkbox"/> Sex (male or female)	<input type="checkbox"/> Sexual orientation	
<input type="checkbox"/> Other		

(Other can include – marriage and civil partnership, pregnancy and maternity, and those areas that impact on or relate to equality: tackling poverty and improving health and well-being)  
Please specify:

**Stakeholders**

<input checked="" type="checkbox"/> Services users	<input checked="" type="checkbox"/> Employees	<input type="checkbox"/> Trade Unions
<input type="checkbox"/> Partners	<input checked="" type="checkbox"/> Members	<input type="checkbox"/> Suppliers
<input type="checkbox"/> Other please specify		

**Potential barriers.**

<input checked="" type="checkbox"/> Built environment services	<input checked="" type="checkbox"/> Location of premises and
<input type="checkbox"/> Information and communication	<input type="checkbox"/> Customer care
<input checked="" type="checkbox"/> Timing	<input type="checkbox"/> Stereotypes and assumptions
<input checked="" type="checkbox"/> Cost	<input type="checkbox"/> Consultation and involvement

**Financial exclusion**

**Employment and training**

**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 of benefit to the public to meet the requirements of S278 (4)..

**Action required:**

**9. Will this activity promote strong and positive relationships between the groups/communities identified?**

**Yes**

**No**

**Please provide detail:**

Not applicable

**Action required:**

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<b>10. Does this activity bring groups/communities into increased contact with each other?</b> (e.g. in schools, neighbourhood, workplace)
<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
<b>Please provide detail: Improving and adding to the public realm with inclusive, accessible and safe design will increase use by the public.</b>
<b>Action required:</b>

<b>11. Could this activity be perceived as benefiting one group at the expense of another?</b> (e.g. where your activity/decision is aimed at adults could it have an impact on children and young people)
<input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b>
<b>Please provide detail:</b>
<b>Action required:</b>
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)

<b>Action</b>	<b>Timescale</b>	<b>Measure</b>	<b>Lead person</b>
Add 'Additional Equality Considerations to the S278 pro-forma.	December 2012	N/A	Gillian MacLeod
EIA reviewed and updated by Highways Development Services reps.	May 2017	Update team at technical team meeting May 2017	Gillian MacLeod

<b>13. Governance, ownership and approval</b> 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 Development Services Manager	December 2012
<b>Date impact assessment completed</b>		<b>Reviewed May 2017</b>

<b>14. Monitoring progress for equality, diversity, cohesion and integration actions</b> (please tick)	
<input checked="" type="checkbox"/>	As part of Service Planning performance monitoring
<input type="checkbox"/>	As part of Project monitoring
<input type="checkbox"/>	Update report will be agreed and provided to the appropriate board Please specify which board
<input type="checkbox"/>	Other (please specify)

<b>15. Publishing</b>	
Though <b>all</b> key decisions are required to give due regard to equality the council <b>only</b> publishes those related to <b>Executive Board, Full Council, Key Delegated Decisions</b> or a <b>Significant Operational Decision</b> .	
A copy of this equality impact assessment should be attached as an appendix to the decision making report:	
<ul style="list-style-type: none"> <li>• Governance Services will publish those relating to Executive Board and Full Council.</li> <li>• The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.</li> <li>• A copy of all other equality impact assessments that are not to be published should be sent to <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a> for record.</li> </ul>	
Complete the appropriate section below with the date the report and attached assessment was sent:	
For Executive Board or Full Council – sent to <b>Governance Services</b>	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate <b>Directorate</b>	Date sent:
All other decisions – sent to <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a>	Date sent: 24 April 2013 Reviewed and re-sent May 2017