

Report of Transport Development Services

Report to the Chief Officer (Highways and Transportation)

Date: 30 July 2019

Subject: Design & Cost Report for Proposed S278 Highway Works Associated With a New Aldi Store at Kirk Lane, Yeadon, LS19 7LX

Capital Scheme Number: 32988

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): Otley & Yeadon; Guiseley & Rawdon		
Has consultation been carried out?	<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
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

Summary

1. Main issues

- Planning permission was granted in November 2015 (ref: 15/01313/FU) for the construction of a foodstore (use class A1), with parking, landscaping and associated works. A subsequent permission (ref: 17/05749/FU) permitted a further increase in the store floor space and alterations to the parking layout and landscaping. A location plan is provided at **Appendix 2** of this report and the approved site layout plan is provided at **Appendix 3**.
- The planning consent requires the provision of a zebra crossing on Kirk Lane between its junctions with Haworth Lane and Miry Lane.
- 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.
- This report seeks authority to negotiate terms and enter such Agreement for the highway works.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- 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.

3. Resource Implications

- The developer will meet the Council's costs, estimated to be £40,000 works costs, excluding any statutory undertakers fees and £8,000 staff fees all of which will be fully funded through the Section 278 agreement.

4. Recommendations

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

- i) note the detail of the highway works to provide safe pedestrian access to the development site as outlined in section 3 of this report;
- ii) 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;
- iii) give authority to incur expenditure of £40,000 works costs and £8,000 staff costs to be fully funded by the developer through a Section 278 Agreement;
- iv) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the new zebra crossing position on Kirk Lane, Yeadon;
- v) authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980 and if no valid objections are received, to continue with the works as advertised; and
- vi) give authority to carry out the detailed design, tender and implement the works as set out in Section 3.2.

1. 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 new single storey retail store at Kirk Lane, Yeadon (planning ref: 17/05749/FU).
- 1.2 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 described in Section 3.2 are carried out by Leeds City Council at the expense of the developer.
- 1.3 To gain authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980
- 1.4 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2. Background information

- 2.1 Planning application 17/05749/FU has been granted for the construction of a single storey supermarket with associated works, car parking and landscaping. The approved site layout plan is provided at **Appendix 3** of this report.
- 2.2 The planning consent requires a zebra crossing to be installed on Kirk Lane, which will provide a safe pedestrian crossing point to link the store to the nearby Yeadon High Street.
- 2.3 To meet the requirements of the development and to install the zebra crossing, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable highway works to be carried out.

3. Main issues

- 3.1 The proposed zebra crossing will be installed on Kirk Lane between its junctions with Miry Lane and Haworth Lane. The location of the proposed highway works are shown on plan 0407-50A attached at **Appendix 2**, the highway works are shown in outline on plans TM/27/0292/12/01 and TM/27/0292/07/01a attached at **Appendix 4** of this report and comprise:
 - a) Provision of a new zebra crossing on Kirk Lane between its junctions with Miry Lane and Haworth Lane, to be sited on a raised table plateau
 - b) Provision of a small section of guard rail on the Kirk Lane frontage outside the car park serving the new Aldi store
 - c) All associated Civil's works including (inter alia) signs, lighting, road markings and drainage.
 - d) Any Statutory undertakers works resulting from the works resulting from the works described above
- 3.3 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.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 10th January 2019 and again on the 5th March 2019, the development and the zebra crossing are within the Otley and Yeadon Ward, but the boundary with Guiseley and Rawdon runs alongside the development site, a ward member expressed support for the proposals and no other comments have been received at the time of writing this report.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 10th January 2019 and again on the 5th March 2019, the fire service responded regarding forward visibility for drivers negotiating the bend on

Kirk Lane toward the crossing position and this has been considered through the detailed design process. The police have no objection to the proposals. No other comments have been received at the time of writing this report.

- 4.1.3 Internal consultation has taken place with colleagues in Highways and Transportation Services. Any substantive comments will be taken into account as part of the detailed design process.

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 the Best Council Plan

- 4.3.1 The proposed highway works accord with the West Yorkshire Local Transport Strategy and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.
- 4.3.2 A Stage 1 Road Safety Audit was undertaken in April 2019 and the issues identified by the audit will be addressed through the detailed design stage.

Climate Emergency

- 4.3.3 The zebra crossing is necessary infrastructure which will accommodate and encourage pedestrian trips to the new store, minimising vehicle emissions and the carbon footprint of customers visiting the store.

4.4 Resources, procurement and value for money

- 4.4.1 The developer will meet the Council’s costs, estimated to be £40,000 works costs, excluding any statutory undertakers’ fees and £8,000 staff fees all of which will be fully funded through the Section 278 agreement.
- 4.4.2 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertakers’ costs and the cost of staff fees.
- 4.4.3 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 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 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	40.0				40.0		
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	8.0				8.0		
OTHER COSTS (7)	0.0						
TOTALS	48.0	0.0	0.0	0.0	48.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 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	48.0				48.0		
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	48.0	0.0	0.0	0.0	48.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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.

5. Conclusions

5.1 Planning application 17/05749/FU has been granted for the construction of a single storey supermarket with associated works, car parking and landscaping.

5.2 The planning consent requires a zebra crossing to be installed on Kirk Lane between its junction with Miry Lane and its junction with Haworth Lane.

5.3 The location of the highway works are shown on plan 0407-50A attached at **Appendix 2** of this report and the zebra crossing is shown in outline on plans TM/27/0292/12/01 and TM/27/0292/07/01a attached at **Appendix 4**.

5.4 To meet the requirements of the development 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. Recommendations

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

- i) note the detail of the highway works to provide safe pedestrian access to the development site as outlined in section 3 of this report;
- ii) 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;
- iii) give authority to incur expenditure of £40,000 works costs and £8,000 staff costs to be fully funded by the developer through a Section 278 Agreement;
- iv) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 in order to inform the public of the new zebra crossing position on Kirk Lane, Yeadon;
- v) authorise the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and if no valid objections are received, to continue with the works as advertised; and
- vi) give authority to carry out the detailed design, tender and implement the works as set out in Section 3.2.

7. Background documents

7.1 EDCI in Appendix 1.

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration. In all appropriate instances we will need to carry out an equality, diversity, cohesion and integration impact assessment.

This form:

- can be used to prompt discussion when carrying out your impact assessment
- should be completed either during the assessment process or following completion of the assessment
- should include a brief explanation where a section is not applicable

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

1. Title: Equality Implications of Section 278 Process

Is this a:

Strategy /Policy

 Service / Function

 Other

If other, please specify

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 assessed:

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	<input type="checkbox"/>

(by contract or grant)	
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 proforma. – May 2017

6. Wider involvement – have you involved groups of people who are most likely to

be affected or interested	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>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.</p>	
<p>Action required: None</p>	

<p>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</p>		
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		
<p>(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)</p> <p>Please specify:</p>		
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.

Built environment

Location of premises and services

Information and communication

Customer care

Timing

Stereotypes and assumptions

Cost

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:

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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?
<input type="checkbox"/> Yes <input type="checkbox"/> 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)
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please provide detail: Improving and adding to the public realm with inclusive, accessible and safe design will increase use by the public.
Action required:

11. Could this activity be perceived as benefiting one group at the expense of another? (e.g. where your activity/decision is aimed at adults could it have an impact on children and young people)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
EIA reviewed and updated by Highways Development Services reps.	May 2017	Update team at technical team meeting May 2017	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 Development Services Manager	December 2012
Date impact assessment completed		Reviewed May 2017

14. Monitoring progress for equality, diversity, cohesion and integration actions (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)

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