

Report of Transport Development Services

Report to the Chief Officer (Highways and Transportation)

Date: 02 June 2020

Subject: Design & Cost Report - S278 Highway Works, Knowsthorpe Industrial Estate, Knowsthorpe Road, Richmond Hill

Capital Scheme Number: 33326

| | | |
|---|---|--|
| Are specific electoral wards affected? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If yes, name(s) of ward(s): Burmantofts & Richmond Hill | | |
| 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 October 2019 under planning application ref 19/02769/RM for the construction of one industrial unit (Phase 3 of the development approved under outline application ref: 17/04023/OT) on the site of Knowsthorpe Industrial Estate. The location of the development site is provided on the attached location plan 18024-C4C-BB-ZZ-DR-A-0101 Rev A at **Appendix 2** of this report.
- The planning consent requires a package of highway improvements described in detail in Section 3 below, the works briefly comprise the formation of two vehicular access points on Knowsthorpe Road and the provision of a pedestrian refuge island to assist pedestrians across one of the access points. A general arrangement plan of the highway works (drawing ref: 18024-C4C-BB-ZZ-DR-A-0501 Rev X) is provided at **Appendix 3** of this report. Land to be adopted as highway as part of the works is identified on the plan and shaded red.
- 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 a Minor S278 Agreement for the highway works in order to allow the developer to complete the detailed design and construction of the works under the supervision of the Council.

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 £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.

Recommendations

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

- a) note the detail of the highway works as outlined in section 3 of this report and shown on plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X attached at **Appendix 3** of this report;
- 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 the developer and overseen by the Council;
- c) approve the adoption of new highway construction on land shaded red on plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X attached at **Appendix 3** of this report so that it can be added to the Council's maintenance regime; and
- d) give authority to incur expenditure of £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

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 construction of an industrial unit on the site of Knowsthorpe Industrial Estate.
- 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 are designed and constructed by the developer at their expense, with the Council checking the design and construction, with step in rights.
- 1.3 To obtain authority to adopt the land shaded red on plan number 18024-C4C-BB-ZZ-DR-A-0501 Rev X attached at **Appendix 3**.
- 1.4 To give authority to incur expenditure associated with the checking and supervision of the highway works associated with the development.

2. Background information

- 2.1 Planning permission has been granted (ref: 19/02769/RM) for the construction of one industrial unit (Phase 3 of the development approved under outline application ref: 17/04023/OT) on the site of Knowsthorpe Industrial Estate. The site location can be seen on plan 18024-C4C-BB-ZZ-DR-A-0101 Rev A at **Appendix 2** of this report.
- 2.2 The development requires two vehicular access points to be created on Knowsthorpe Road as shown on the Site Plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X at **Appendix 3** of this report. A third access from Thornes Farm Roundabout can be seen on the plan but is not the subject of this report, the Council will undertake design and construction of that access point under a Standard S278 Agreement which will be progressed separately.
- 2.3 To meet the requirements of the development, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Minor Section 278 Agreement to enable the developer to complete the detailed design and construction of the highway works on Knowsthorpe Road under the supervision of the Council.

3. Main issues

- 3.1 Off-site highway works are required for two vehicular access points on Knowsthorpe Road. The proposed works are shown on drawing 18024-C4C-BB-ZZ-DR-A-0501 Rev X at **Appendix 3** of this report and comprise:
- a) Formation of two vehicular access points on Knowsthorpe Road
 - b) A pedestrian refuge island to assist pedestrians across the larger of the two access points
 - c) A street lighting column will be relocated on Knowsthorpe Road to accommodate the new access points
 - d) All associated civils works including (inter alia) signs, lighting, road markings and drainage
 - e) Any Statutory undertakers works resulting from the works described above
- 3.2 A parcel of land is to be dedicated as public highway across the Knowsthorpe Road site frontage (shaded red on plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X) in order to accommodate pedestrian routes over the pedestrian island required for the wider of the two access points.
- 3.3 Approximately 15sqm of new footway and 40sqm of carriageway construction will be adopted as highway. A commuted sum will be collected from the developer to fund future maintenance of the land.
- 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: Ward Members were consulted by email dated 1st May 2020, no 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 1st May 2020, no adverse 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 contribute to improved accessibility to the site for pedestrians and 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 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.
- 4.3.2 A Stage 1 Road Safety Audit was undertaken prior to the granting of planning permission and the issues identified by the audit will be addressed through the detailed design stage.

Climate Emergency

- 4.3.3 The works will improve the pedestrian connections to the new building, thereby helping to offset the carbon footprint of the development.

4.4 Resources, procurement and value for money

- 4.4.1 The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works, 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 | TO MARCH 2017 | FORECAST | | | | |
| | £000's | £000's | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021 on |
| | | | £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 |
| Authority to Spend required for this Approval | TOTAL | TO MARCH 2017 | FORECAST | | | | |
| | £000's | £000's | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021 on |
| | | | £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) | 5.0 | | | | | 5.0 | |
| OTHER COSTS (7) | | | | | | | |
| TOTALS | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 5.0 | 0.0 |
| Total overall Funding (As per latest Capital Programme) | TOTAL | TO MARCH 2017 | FORECAST | | | | |
| | £000's | £000's | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021 on |
| | | | £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 | | | | | | |
| Section 106 / 278 | 5.0 | | | | | 5.0 | |
| 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 | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 5.0 | 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 permission has been granted (ref: 19/02769/RM) for the construction of an industrial unit on the site of Knowsthorpe Industrial Estate, Leeds.

- 5.2 The development requires two vehicular access points to be created on Knowsthorpe Road as shown on the Site Plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X at **Appendix 3** of this report. Land to be adopted as highway as part of the works is identified on the plan.
- 5.3 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 developer to complete the detailed design and construction of the highway works under the supervision of the Council.

6. Recommendations

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

- a) note the detail of the highway works as outlined in section 3 of this report and shown on plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X attached at **Appendix 3** of this report;
- 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 the developer and overseen by the Council;
- c) approve the adoption of new highway construction on land shaded red on plan 18024-C4C-BB-ZZ-DR-A-0501 Rev X attached at **Appendix 3** of this report so that it can be added to the Council's maintenance regime; and
- d) give authority to incur expenditure of £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

7. Background documents¹

7.1 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.