

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: 19 October 2021</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
Lisa Brannan	LCC	Service Officer
John Booth	LCC	Service Officer
John Mills	LCC	Technical Support Team Leader
Kasia Speakman	LCC	Senior Transport Planner

### **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.

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 a similar format to a mini S278 agreement but is used for schemes which are more involved than a footway crossing, but not so involved that there is any major requirement for traffic management on a busy road. 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.

This Equality, Diversity, Cohesion and Integration (EDCI) Impact Assessment considers the process of determining the requirements of such developments and how this process gives due regard to the equality characteristics. Specific EDCI considerations of the schemes are considered at planning application stage when the principal of the development and associated infrastructure works are approved. The considerations relating to off site highways works are recorded on the teams proforma. A summary of these considerations is included in section 5.

**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)

<b>4a. Strategy, policy or plan</b> (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"/>
<b>Please provide detail:</b>	

<b>4b. Service, function, event</b> 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"/>
<b>Please provide detail:</b>	

<p><b>5. Fact finding – what do we already know</b>          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.</p> <p>(priority should be given to equality, diversity, cohesion and integration related information)</p> <p><b><u>Process Review</u></b></p> <p>When considering the requirements of a planning application that will require a S278 agreement to deliver highway works, a pro-forma is completed which considers the</p>
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following:

- Development type and location
- 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. This includes any specific Equality, Diversity, Cohesion and Integration matters.
- Road safety – current statistics and impact on these.
- Planning conditions

These items are considered in terms of the protected characteristics of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; sexual orientation.

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.

### **Site Specific Considerations**

The proposals will ultimately contribute to improved accessibility to the site by providing a crossing opportunity at the new pedestrian refuge at A654 Thorpe Lane, for pedestrians including children, older people, people with children and disabled persons, enabling pedestrians to safely cross one side of the road at a time. The works will be designed to accommodate the needs of all users, positively impacting all users of the highway network in particular, vulnerable road users such as those with mobility issues / disabilities and the elderly, young and carers.

### **Are there any gaps in equality and diversity information**

#### **Please provide detail:**

No, however to reinforce the need to consider equality impacts, an equality prompt relating to off site highways works is included on the pro-forma.

### **Action required:**

Regular discussion and updates in TDS team meetings. Team members to undertake equality and diversity training.

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

Yes       No

**Please provide detail:**  
 The works subject to the S278 agreement have been consulted on through the Planning process which includes statutory processes for consultation.  
 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**

Age       Carers       Disability

Gender reassignment       Race       Religion or Belief

Sex (male or female)       Sexual orientation

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**

Services users       Employees       Trade Unions

Partners       Members       Suppliers

**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".

<b>Action required:</b>

<b>8b. Negative impact:</b>
None. All designs will be of benefit to the public to meet the requirements of S278 (4)..
<b>Action required:</b>

<b>9. Will this activity promote strong and positive relationships between the groups/communities identified?</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>
<b>Please provide detail:</b> Not applicable
<b>Action required:</b>

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

<b>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</b>
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children and young people)

**Yes**

**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)

<b>Action</b>	<b>Timescale</b>	<b>Measure</b>	<b>Lead person</b>
Regular discussion and updates in TDS team meetings.	Ongoing	Minuted	Gillian MacLeod
Team members to undertake equality and diversity training.	Annual	Appraisal objective	Team Appraisers

**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	October 2021
<b>Date impact assessment completed</b>		<b>19/10/2021</b>

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

- As part of Service Planning performance 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**

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:

- 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](mailto: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 <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: October 2021