

Design & Cost Report for Section 278 Highway Works Associated with Former Airedale Mills, Moss Bridge Road, Leeds, LS13

Date: 04 May 2022

Report of: Transport Development Services (Highways Development Engineer)

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33541

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

- Planning permission was granted on 8th July 2019 under application ref 18/01501/OT for Outline planning application with all matters reserved (except for means of access to, but not within the site) for the development of up to 69 dwellings and full details of the new swing bridge on the site of the former Airedale Mills, Moss Bridge Road, LS13. The site location plan is included in **Appendix 2**.
- The planning consent requires a package of highway improvements described in detail in paragraph 4 below. Briefly, this will comprise Moss Bridge Road carriageway will be made up to adoptable standard, a strip of land will be dedicated as highway, wig-wag lights and raised barriers will be installed, double yellow lines will be installed, and the speed limit reduced to 20mph.
- To meet the requirements of the planning permission and deliver the highway improvements outlined above, the developer has requested Leeds City Council enter a minor Section 278 Agreement.
- This report seeks authority to negotiate the terms and enter into a minor Section 278 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, to create traffic regulation orders, to adopt an additional strip of land as highway and give authority to incur expenditure which will be fully recharged to the developer via the aforementioned Agreement.
- Access to the cricket club and nature reserve is frustrated by the bridge replacement works. When the bridge works are complete, the S278 highway works will follow immediately to restore the access to the cricket club and nature reserve.
- 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.

The Swing Bridge

- The replacement swing bridge was granted full planning consent under application ref 18/01501/OT.
- The replacement swing bridge is currently under construction and was programmed to be complete by the end of May 2022, but the programme has been delayed. This will be dealt with as a planning matter.
- The LCC bridges team are verifying that new bridge will have the appropriate design and check certificates and will supervise the construction of the bridge.
- The new swing bridge will have a 3.5m carriageway and 1.5m footway.
- The wigwags and raised barriers will be owned and maintained by the bridge management company and operated by boaters with a Canal and River Trust key. The bridge will be semi-automatic.
- The wig-wags lights will comply with the TSRGD.

Recommendations

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

- a) Note the detail of the highway works provided in paragraph 4 of this report and as shown on the plan included 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 under Leeds City Council's supervision and fully funded by the developer; and
- c) Give authority to incur capital expenditure of £30,000, consisting of £20,000 legal costs and £ 10,000 staff costs, all to be fully funded by the developer through the Minor Section 278 agreement.
- d) Request the City Solicitor to advertise draft Traffic Regulation Orders (TROs) to provide 'No Waiting At Any Time' restrictions and 20mph speed restriction as shown on the plan included at **Appendix 3** of this report; and if no valid objections are received, to make seal and implement the Orders as advertised;
- e) Approve the adoption of new highway construction on land hatched in red on drawing number 1372/02/02.01/J so that it can be added to the Council's maintenance regime.

Why is the proposal being put forward?

- 1 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.
- 2 The proposals within this report are concerned only with the delivery of the off-site highway works on Moss Bridge Road and its junction with Town Street, the principle of these works having been considered and accepted as part of the planning process for planning consent 18/01501/OT. The location of the development site is shown on the plan at Appendix 2 of

this report. A S278 Layout Plan (drawing ref: 1372/02.02.01/J) is provided at Appendix 3 of this report.

- 3 The proposals will create a safer access to serve the proposed development, the cricket club, Rodley Nature Reserve and Yorkshire Water's site.
- 4 The highway works required comprise:
 - Moss Bridge Road carriageway will be made up to adoptable standard. It will be two way from Town Street initially but it will taper to 3.5m on the approach to the swing bridge.
 - A licence for the installation of wig-wag lights and raised barriers will be issued to the bridge management company.
 - A priority one-way will be signed to favour vehicles traveling northeast to clear queues of traffic that may tail back towards Town Street while the bridge is closed to traffic.
 - The adoption of additional strip of land will extend the highway boundary to the wall on the northwest side, which is a clearer delineation for easier maintenance.
 - The southeast boundary will be delineated by a pin kerb.
 - The redundant weighbridge on Moss Bridge Road will be removed.
 - Existing lamp columns on Moss Bridge Road will be replaced with columns at the back of footway
 - Provision of 'No Waiting At Any Time' restrictions (double-yellow lines) on Moss Bridge Road and along the visibility splays on Town Street.
 - Introduction of a 20mph speed limit and provision of the necessary signing.
 - Local widening of the footway on Town Street to achieve 2.4m x 70m visibility splays. The central road markings will be adjusted.
 - Provision of dropped kerb informal pedestrian crossing with tactile paving.
 - Any associated statutory undertakers' works resulting from the works.
 - Any works reasonably required following safety audits of the design and construction of the highway works.
- 5 To meet the requirements of the planning permission and deliver the highway alterations Leeds City Council, as Highway Authority, will need to enter into a Section 278 Agreement to enable the highway works to be carried out.
- 6 This report seeks authority to negotiate terms and enter into a Minor Section 278 Agreement for the highway works in order to allow this to be proceeded with at the Developer's expense.

Wards Affected: Bramley & Stanningley and Calverley & Farsley

Have ward members been consulted? Yes No

What impact will this proposal have?

- 7 The proposals will contribute to improved access to the site, the cricket club, the Rodley Nature Reserve and Yorkshire Water's site for pedestrians, cyclists and vehicles, through the provision of a new footway to access the towpath and the development, and improved visibility egressing from Moss Bridge Road. Such improvements will be made to accommodate the needs of all users.
- 8 An Equality, Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out on the Minor Section 278 process and is included in **Appendix 1**. The assessment confirmed that design put forward as part of this process will take into account the needs of each of the equality characteristics and will aim to meet Minor Section 278 (4) criteria, 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.

- 9 The site is close to an established residential area, with local amenities and public transport facilities located within walking distance. Therefore, the proposals will contribute to improved accessibility to the site for pedestrians, cyclists and the needs of all users. Such improvements include provision of an improved pedestrian and cycle link to the towpath, the cricket club, highway infrastructure for safe and suitable vehicular access and a Traffic Regulation Order.

What consultation and engagement has taken place?

- 10 Moss Bridge Road is the boundary between Bramley & Stanningley and Calverley & Farsley wards. Members in both wards were consulted by email on 7th February 2022. One member was supportive but noted the loss of parking spaces would be a shame and questioned the existing parking permit scheme on Lastingham Road. Another member separately contacted Traffic about parking issues on nearby junctions with Town Street close to the Rodley Newsagents.
- 11 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on 7th February 2022. No comments have been received from the emergency services or WYCA.
- 12 Internal consultation has also been undertaken with colleagues in Highways and Transportation Services by email on 7th February 2022. Comments on detailed design matters have been passed to the Developer's consultant for inclusion at detailed design stage.

What are the resource implications?

- 13 The developer will meet the £20,000.00 legal costs and £ 10,000.00 supervision costs, all of which will be fully funded through the minor Section 278 agreement. These are subject to contractor estimated costs.
- 14 Funding: The developer will fund the total cost of the scheme, including the highways works, any statutory undertakers' works and staff fees.
- 15 Staffing: The supervision of the works can be carried out within the existing staff resources.

What are the legal implications?

- 16 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 17 All work proposed lies within the framework of highways legislation and national and local standards for design where applicable. All other relevant legislation will also be taken into consideration, including duties under the Equalities Act.
- 18 The proposals regarding elements such as the addition of street 'furniture', provision of tactile paving, adoption etc. in particular are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.
- 19 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

What are the key risks and how are they being managed?

- 20 The total cost of the highway works, and staff fees are fully developer funded.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 21 The proposals achieve a range of objectives across the three pillars. The highway works will provide safe and suitable access for the proposed development, which comprise "*the development of up to 69 dwellings*" as set out in the approved Design and Access Statement submitted in support of the planning application (**18/01501/OT**). The reconstructed section of Moss Bridge Road and the new swing bridge will also provide a new pedestrian access to the Leeds and Liverpool Canal Towpath, the cricket club, the Rodley Nature Reserve and to Yorkshire Water's site.
- 22 The proposed highway works also accord with the core strategy policies, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 23 A Stage 1 Road Safety Audit (RSA) has been undertaken as part of the planning application and the issues identified by the audit were addressed. A Stage 2 RSA will be undertaken as part of the detailed design process. In addition, a Stage 3 (on completion / prior to opening) and Stage 4 (12 months monitoring). The audits will be undertaken in accordance with DMRB GG 119 standards.
- 24 Within the site, Electric Vehicle Charging Points will be secured through reserved matters and secure cycle parking will be provided. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and offset its carbon footprint.
- 25 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, public transport and use of electric vehicles.

Options, timescales and measuring success

a) What other options were considered?

A new traffic island in Town Street was considered to achieve visibility, but widening the footway was considered a less disruptive way to achieve the visibility, which also benefits pedestrians.

b) How will success be measured?

It is considered that success will be measured by the delivery of the highway works to standards prior to opening / operation of the proposed development, thereby achieving the social, environmental and economic benefits to the city from the outset.

c) What is the timetable for implementation?

Works on the swing bridge commenced in February 2022, including the removal of the existing swing bridge, closing the canal to navigation and draining a section of the canal between coffer dams to enable works to the abutments, the canal has since reopened, but the swing bridge has not yet been replaced. The S278 works are programmed to take place in summer 2022. The replacement bridge and proposed highway works must be implemented prior to commencement of work on the proposed development, which is expected to begin following the completion of the road, the swing bridge and the towpath crossing.

Appendices

Appendix 1 – Equality, Diversion, Inclusion and Cohesion screening form

Appendix 2 – Site Location Plan

Appendix 3 – Proposed Vehicular Access Section 278 Layout

Appendix 4 Collaboration Agreement – Confidential

The information contained in this exempt appendix relates to the business affairs of the Council and other parties. It is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is therefore considered that this element of the report should be treated as exempt under Rule 10.4(3) of the Access to Information Procedure Rules.

Background papers

None