

Design & Cost Report for S278 Highway Works Associated With Land off Racecourse Approach, Wetherby, Leeds, LS22

Date: 13 June 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33470

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?

Including how it contributes to the city's and council's ambitions

- Outline planning permission was granted in September 2021 (ref: 17/02594/OT) for a residential development comprised of 800 dwellings, primary school, convenience store, Public Open Space and associated highway improvements on land off Racecourse Approach, east of Wetherby, Leeds, LS22. The site location is as shown on the Location Plan at **Appendix 2**. The illustrative masterplan is shown on drawing ref: 16 5043 12 at **Appendix 5**. The planning consent requires a package of highway improvements along the B1224 Racecourse Approach described in detail in paragraph 3 below. Briefly, these will comprise: three new vehicular accesses, new informal crossings along Racecourse Approach, improvements for NMU within NYCC boundary, enhancement to improve connectivity to/from existing bridleways, speed reduction along Racecourse Approach and provision of street lighting.
- To meet the requirements of the planning permission the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out. The works are to be carried out by Leeds City Council, fully funded by the developer.
- This report seeks authority to negotiate terms and enter into a Section 278 Agreement for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- To carry out the works on part of Racecourse Approach within the boundary of North Yorkshire County Council, the Council also needs to enter into a [Section 8 Highways Act 1980 Agreement](#) with North Yorkshire County Council (NYCC).
- This report seeks authority to negotiate and enter into a Section 8 Agreement with NYCC for this element of the works.
- The planned highway works will contribute to the Best Council Plan by providing safe infrastructure for pedestrians, cyclist and vehicle users in the local community.

Recommendations

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

- a) Note the detail of the highway works described in outline in paragraph 3 of this report and shown on plans 733470-LCC-HWT-RA-DR-CH-GA_001 rev P02 & 733470-LCC-HWT-RA-DR-CH-GA_002 rev P02 attached at **Appendix 3**.
- 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 Leeds City Council, fully funded by the developer.
- c) Give authority to negotiate and enter into an agreement under Section 8 of the Highways Act 1980 with NYCC to enable Leeds City Council to carry out the works as described.
- d) Give authority to incur expenditure of £2,404,878 works costs and £522,976 staff costs to be fully funded by the developer through the S278 Agreement and Section 106 Contributions.
- e) Approve the adoption of new highway construction on land shaded red on drawing number 733470-LCC-HWT-RA-DR-CH-MI_001 rev P01 included in Appendix 4 of this report, so that it can be added to the Council's maintenance regime once completed.
- f) Approve the construction of a new shared footway/cycleway between the proposed northern site access and Sandbeck Lane shown on drawing 733470-LCC-HWT-RA-DR-CH-GA_001 rev P02 at Appendix 3 of this report under the powers contained under the provisions of section 65(1) of the Highways Act 1980 for shared joint use by pedal cyclists and pedestrians.
- g) Authorise the City Solicitor to advertise a Draft Speed Limit Order to reduce the speed limit on B1224 Racecourse Approach to 40mph from south of junction 46 A1(M) to and including the roundabout at the junction with York Road, and if no valid objections are received, to make, seal and implement the Order as advertised.
If objections are received when advertised these will be reported back to board.

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 between the A1 (M) Junction 46 and the roundabout at York Road/Racecourse Approach, the principle of these works having been considered and accepted as part of the planning process for the now-extant planning consent (ref. no. 17/02594/OT). The location of the development site is provided on P16 5043 01 Rev A. at **Appendix 2** of this report. The illustrative masterplan is shown on drawing ref: 16 5043 12 at **Appendix 5**. General Arrangement Plans (drawing ref: 733470-LCC-HWT-RA-DR-CH-GA_001 & 733470-LCC-HWT-RA-DR-CH-GA_002) are provided at **Appendix 3** of this report.
- 3 The highway works are required to enable the development of 800 dwellings, primary school and convenience store. The proposed works on Racecourse Approach comprise:
 - Three new access junctions on to Racecourse Approach (B1224) between A1(M) Junction 46 and Wetherby Racecourse, with carriageway widening to provide right turn lane ghost islands
 - Northern Access (Drg 733470-LCC-HWT-RA-DR-CH-GA_001 Rev P02)
 - Central Access (Drg 733470-LCC-HWT-RA-DR-CH-GA_001 Rev P02)

- Southern Access ((Drg 733470-LCC-HWT-RA-DR-CH-GA_002 Rev P02)
- NMU improvements on the southern side of racecourse Approach from the Northernmost site access to J46 A1/M (Drg 733470-LCC-HWT-RA-DR-CH-GA_001 Rev P02) – including a 3m shared footway/cycleway with 1.5m verge, relocation of existing signage and incorporation of short bridleway link from Sandbeck Lane.
- New crossing facilities on Racecourse Approach (B1224) between Sandbeck Lane and Wetherby Racecourse (drawing ref: 733470-LCC-HWT-RA-DR-CH-GA_001 & 733470-LCC-HWT-RA-DR-CH-GA_002):
 - Informal crossing to the south of Sandbeck Lane with dropped, kerbs, tactile paving and refuge island to provide pedestrian and cyclist connectivity to the existing Definitive Bridleway WETHERBY 6 and North Yorkshire public footpath to the north, with parallel informal equestrian crossing provision
 - Informal crossing to the south of the proposed northern site access with dropped, kerbs, tactile paving and refuge island to provide pedestrian and cycling links to the existing Definitive Bridleway WETHERBY 6
 - Informal crossing to the south of the proposed middle access with a refuge island that can accommodate pedestrians and cyclists and parallel informal equestrian crossing provision
 - Informal crossing located between the proposed southern and middle site accesses with dropped kerbs, tactile paving and refuge island to facilitate pedestrian movements along the existing Definitive Footpath WETHERBY 43.
- Formation of new footway link to Definitive Bridleway WETHERBY 6 from the crossing south of northern access
- Diversion of the non-definitive Swinnow Lodge Bridleway to new crossing location of Racecourse Approach. This bridleway, which runs from Swinnow Lodge along The Avenue within the development and crosses Racecourse Approach to connect with the Definitive Bridleway WETHERBY 6. will be subject to a Creation Agreement, to be delivered by PROW team,
- Provision of Street Lighting along Racecourse Approach (from LCC boundary to York Road Roundabout) and York Road (from York Road Roundabout to existing column 36Y13).
- Speed limit reduction to 40mph on Racecourse Approach from south of the A1(M) Junction 46 to, and including, the roundabout with York Road/ Access to the racecourse
- Existing hedges/trees will need to be removed to enable the creation of the site accesses.
- All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
- Any associated statutory undertakers' works resulting from the works; and

- Any works reasonably required following safety audits of the design and construction of the highway works.
- 4 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.
 - 5 This report seeks authority to negotiate terms and enter into a Standard S278 Agreement for the highway works in order to allow the Council to design and construct the works at the Developer's expense.
 - 6 The S278 agreement will include commuted sums for future maintenance.

What impact will this proposal have?

Wards Affected: Wetherby

Have ward members been consulted? Yes No

- 7 The proposals will contribute to improved access to/from the site for pedestrians, cyclists and vehicles through the provision of new turning lanes, new footways/cycleways, dropped crossings, street lighting and reduce of speed limit. 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 Section 278 process and is included in **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.

What consultation and engagement has taken place?

- 9 Wetherby Ward Members were consulted by email dated 04th November 2021 and no comments have been received at the time of writing this report.
- 10 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 04th November 2021, no comments have been received at the time of writing this report.
- 11 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 04th November 2021. Internal consultations raised the following comments with regards to the area covered by this Highways Board Report:
 - Provision of pedestrian footways/routes and crossings along Racecourse Approach to enhance pedestrian, cycle and equestrian movements between the development and the existing Public Rights of Way.
 - Provision of Street Lighting along Racecourse Approach (from LCC boundary to York Road Roundabout) and York Road (from York Road Roundabout to existing column 36Y13).

What are the legal implications?

- 19 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 20 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.
- 21 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.
- 22 The proposals regarding elements such as the introduction and adoption of new footway 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.
- 23 The TRO will be introduced using the powers contained within the Road Traffic Regulation Act 1984. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.
- 24 Part of the works proposed will be undertaken on a stretch of Racecourse Approach which lies within the boundary of NYCC. However, section 8 of the Highways Act 1980 provides that a local highway authority may enter into agreement with such other authorities as may be required "for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any part to the agreement are the highway authority". To this end, it is proposed that a Section 8 Agreement will be negotiated and concluded with NYCC.

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

- 25 The total cost of the highway works and staff fees are fully developer funded.
- 26 The developer will provide funding for third party claims under The Noise Insulation Regulations 1975 (as amended) and the cost of meeting any other claims properly payable under the Land Compensation Act 1973 which arise as a result of the carrying out and the use of the Highway Works.

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

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 27 The proposals support objectives across the three pillars. The highway works will enhance existing and / or provide new pedestrian and cycling routes that will promote sustainable travel and contribute to the Climate Emergency and the Health and Wellbeing of users.
- 28 The proposed highway works accord with Core Strategy policies (T1 & T2), West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 29 A Stage 1 Road Safety Audit has been undertaken as part of the planning application and the issues identified by the audit will be addressed at detailed design stage.
- 30 The proposed pedestrian and cycling routes combined with the proposed crossings will improve access for pedestrians and cyclists to use the existing Public Right of Ways and also access Wetherby centre by foot or bicycle.
- 31 The development incorporates Electric Vehicle Charging Points, cycle parking provision and sustainable travel options will be promoted through a Travel Plan. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.

32 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?

33 The scope of the highways access and other works were assessed and agreed at Planning Application stage therefore no other options formed part of this proposal.

b) How will success be measured?

34 Success will be measured by the delivery of the highway works to support planning consent 17/02594/OT, thereby achieving the social, environmental and economic benefits to the city and locality.

c) What is the timetable for implementation?

35 Works for the proposed development will commence July 2022. The proposed highway works would be fully implemented by August 2023.

Appendices

36 Appendix 1 – EDCI Screening

37 Appendix 2 – Location Plan drawing no: P16 5043 01 Rev A

38 Appendix 3a - General Arrangement Drawing No. 733470-LCC-HWT-RA-DR-CH-GA_001 Rev P02

39 Appendix 3b – General Arrangement Drawing No. 733470-LCC-HWT-RA-DR-CH-GA_002 Rev P02

40 Appendix 4 – Land Dedication Plan No. 33470-LCC-HWT-RA-DR-CH-MI_001 Rev P01

41 Appendix 5 – Illustrative Masterplan Drawing No.16 5043 12

Background papers

42 None