

## Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

<b>Decision type</b>	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
<b>Approximate value</b>	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input checked="" type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
<b>Director<sup>1</sup></b>	Director of City Development		
<b>Contact person:</b>	Gema Garcia	Telephone number: 0113 378 6412	
<b>Subject<sup>2</sup>:</b>	Design & Cost Report for S278 Works associated with the outline planning application 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.		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken?            (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)            The Chief Officer (Highways and Transportation:</p> <ul style="list-style-type: none"> <li>a) noted the detail of the highway works described in the section below and shown on plans 733470-LCC-HWT-RA-DR-CH-GA_001 rev P02 &amp; 733470-LCC-HWT-RA-DR-CH-GA_002 rev P02 attached at Appendix 3 of the DC Highways Board Report;</li> <li>b) gave 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;</li> <li>c) gave authority to negotiate an agreement under Section 8 of the Highways Act 1980 with North Yorkshire City Council to enable Leeds City Council to carry out the works as described;</li> <li>d) gave authority to incur expenditure of £2,404,878.14 works costs and £522,975.63 staff costs to be fully funded by the developer through the S278 Agreement and Section 106 Contributions;</li> <li>e) approved the adoption of new highway construction on land shaded red on drawing number 733470-LCC-HWT-RA-DR-CH-MI_001 rev P01 so that it can be added to the Council's maintenance regime;</li> <li>f) approved the construction of a new shared footway/cycleway between the proposed northern site access and Sandbeck Lane shown on drawing</li> </ul>		

<sup>1</sup> Give title of Director with delegated responsibility for function to which decision relates.

<sup>2</sup> If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

<sup>3</sup> Simply refer to supporting report where used as these matters have been set out in detail.

733470-LCC-HWT-RA-DR-CH-GA\_001 rev P02 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; and

- g) authorised 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 Orders as advertised.

If objections are received when advertised these will be reported back to board.

A brief statement of the reasons for the decision

(Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)

- 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 planning consent 17/02594/OT. The location of the development site is provided on P16 5043 01 Rev A. at Appendix 2 of this report. 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/tress 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 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.

	<p>6 The S278 agreement will include commuted sums for future maintenance.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>Not applicable.</p>
<b>Affected wards:</b>	Wetherby
<b>Details of consultation undertaken<sup>4</sup>:</b>	Executive Member: Councillor Helen Hayden 20/06/22
	<p>Ward Councillors</p> <p>Wetherby Ward members were consulted by email dated 04th November 2021 and no comments have been received at the time of writing this report.</p>
	Chief Digital and Information Officer <sup>5</sup>
	Chief Asset Management and Regeneration Officer <sup>6</sup>
	<p>Others</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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).</li> </ul> <p>The comments raised have been passed to the Design Team for inclusion in the detailed design.</p>

<sup>4</sup> Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

<sup>5</sup> See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

<sup>6</sup> See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

<b>Implementation</b>	Officer accountable, and proposed timescales for implementation Works for the proposed development will commence July 2022. The proposed highway works would be fully implemented by August 2023		
<b>List of Forthcoming Key Decisions<sup>7</sup></b>	Date Added to List:-		
	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision		
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval Signature _____ Date _____		
<b>Publication of report<sup>8</sup></b>	If not published for 5 clear working days prior to decision being taken the reason why not possible:		
	If published late relevant Executive member's approval Signature _____ Date _____		
<b>Call In</b>	Is the decision available <sup>9</sup> for call-in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:		
<b>Approval of Decision</b>	Authorised decision maker <sup>10</sup> Gary Bartlett, Chief Officer, Highways & Transportation		
	Signature  	Date: 13/06/22	

<sup>7</sup> See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

<sup>8</sup> See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

<sup>9</sup> See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

<sup>10</sup> Give the post title and name of the officer with appropriate delegated authority to take the decision.