

Design & Cost Report for Section 278 highway works associated with development of up to 550 dwellings including means of access at Lane Side Farm, Victoria Road, Churwell, Morley, Leeds, LS27

Date: 24 August 2022

Report of: Transport Development Services

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33531

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

This report is requesting the Chief Officer (Highways and Transportation) to give authority to negotiate and enter a Section 278 Agreement of the Highways Act 1980 for the execution of highway works, and to incur capital expenditure, and adopt land as highway to enable the works associated with a proposed development at Lane Side Farm, Victoria Road, Churwell, Morley.

Brief summary

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 as shown on GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 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 Leeds City Council, fully funded by the developer;
- c) Give authority to incur capital expenditure of £565,000 works costs, £96,000 staff fees, £32,000 upgrade of speed camera at Victoria Road, and £1,093 undertaking 'before and after' noise measurements, to be fully funded by the developer through the S278 Agreement;
- d) Give authority to complete the detailed design, tender and implement the works as provided for within the Section 278 Agreement and as outlined in paragraph 3 of this report; and
- e) Give authority to adopt the land associated with the highway works shown on GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 at **Appendix 3** so that it can be added to the Council's maintenance regime. The proposals regarding the footway adoption and pedestrian refuge will be pursued via the statutory powers available to the Council as local

highway authority under the provisions of sections 66(1) and 68(1) of the Highways Act 1980.

What is this report about?

- 1 Planning permission was granted in October 2017 (16/02988/OT) for the development of up to 550 dwellings including means of access at Lane Side Farm, Victoria Road, Churwell, Morley, Leeds. The site location plan drawing no. RG-M-39 Rev C is included in **Appendix 2**.
- 2 The planning consent requires a package of highway improvements described in paragraphs 3-4 below. The access works are shown on GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 provided at **Appendix 3**. The works need to be implemented prior to occupation of any dwellings to meet the requirements of the planning permission.
- 3 The proposed highway works will consist of the following:
 - The primary site access arrangements include a right turn lane on the A643, and two new pedestrian refuges, one located northeast of the new junction at A643 Victoria Road, and another incorporated within the new junction, with dropped kerbs and tactile paving to be provided;
 - Relocation of bus stop 45010330 located near Winterbourne Avenue for northeast bound buses and a new bus stop at the site frontage for southwest bound buses;
 - Upgraded safety camera to replace existing located adjacent to the new bus stop at the site frontage;
 - All associated civils works including (inter alia) signs, lighting, road markings and drainage; and
 - Any Statutory undertakers works resulting from the works described above.
- 4 There would be adoption of privately owned land at the new access as shown on GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 at **Appendix 3**.
- 5 To meet the requirements of the planning permission and deliver the highway improvements outlined above, the developers have requested Leeds City Council to enter a Section 278 Agreement of the 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.
- 6 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.
- 7 This report seeks authority to negotiate the terms and enter into a full Section 278 Agreement under Section 278 of the Highways Act 1980 for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- 8 The approved development has secured a S106 contribution of £1.5M to go towards a separate comprehensive junction improvement scheme at the A643 Elland Road/A6110 Outer Ring Road (Millshaw junction), in order to alleviate impacts on that junction arising from the development. The contribution is due in equal instalments, namely prior to first occupation, occupation of more than 15% dwellings, 30% dwellings and 50% dwellings. A report for the release of these funds will come forward separately.
- 9 The planned highway works will contribute to the 'Best Council Plan' by maintaining and improving the safety of Leeds residents and enabling safe pedestrian and vehicular access in the local community.

What impact will this proposal have?

- 10 The proposals will contribute to improved access to the site for pedestrians, public transport users and vehicles through the provision of a new pedestrian refuge and dropped kerb crossings to assist pedestrians crossing A643 Victoria Road and the new site access; a new bus stop and safe access with a new right turn lane. In addition, cycle parking provision and additional pedestrian & cycle access points via Daisy Hill Avenue and Mountcliffe View are provided on site to encourage cycling to the site. The new development will provide Electric Vehicle Charging Points for car parking spaces. Such improvements will be made to accommodate the needs of all users. This is in accordance with the emerging Transport SPD and adopted Policy EN8.
- 11 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) 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.

How does this proposal impact the three pillars of the Best City Ambition?

Inclusive Growth Health and Wellbeing Climate Emergency

- 12 The proposals support objectives across the three pillars. The highway works will facilitate safe and efficient access to the site for all users of the highway network along with safe crossing points for pedestrians to access the site.
- 13 The proposed highway works accord with Core Strategy policies T2, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 14 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. This is in accordance with Policy EN8.
- 15 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking and use of electric vehicles.

What consultation and engagement has taken place?

Wards Affected: Morley North

Have ward members been consulted? Yes No

- 16 Morley North ward members were consulted by email on 29th March 2022 and a subsequent briefing was held. The members concerns related to the construction management of the site including construction hours, which should avoid peak hours; and use of the existing farm track during the construction phase, seeing as it was approved to be improved and used for emergency access only. Members indicated a liaison group had been set up by the developer which was to assist with the communication with residents and ward members concerns during the construction phase. It was agreed that details of the construction management, and the emergency access were secured by planning condition and a Construction Management Plan would need to be submitted by the developer for approval by the local planning authority.
- 17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on 29th March 2022. WYCA provided comments in relation to the relocation of the bus shelter (10330), which have been addressed. WYCA raises no objection to the proposals.

No response has been received from West Yorkshire Police, Fire and Yorkshire Ambulance Service.

- 18 Internal consultations have also been undertaken with colleagues in Highways and Transportation Services by email on 29th March 2022. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage. Concerns were raised regarding the design standards for the emergency access and the mechanism of control of its use by future residents. The delivery of the emergency access will be via a S38 Agreement, with any required commuted sums for maintenance determined and secured under the S38 Agreement including the requirement of any TROs. The details of control of use of the emergency access by residents are secured by planning condition.

What are the resource implications?

- 19 The developers will meet the Council's costs, estimated to be £565,000 works costs, £96,000 staff fees, £32,000 costs for upgrading the speed camera located near the new bus stop, and £1,093 costs for undertaking 'before and after' noise measurements, all of which will be fully funded through the Section 278 agreement. The developer will also pay the Council £20,000 commuted sums for future maintenance of the new infrastructure.
- 20 Funding: The developers will fund the total cost of the scheme, including the highways works, any statutory undertakers works and staff fees.
- 21 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £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 £000's	TO MARCH 2021 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	565.0		565.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	96.0		96.0				
OTHER COSTS (7)	33.1		33.1				
TOTALS	694.1	0.0	694.1	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £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	694.1		694.1				
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	694.1	0.0	694.1	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

- 22 The total cost of the highway works, and staff fees are fully developer funded.
- 23 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.

What are the legal implications?

- 24 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 25 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.
- 26 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.

- 27 The proposals regarding the footway adoption and pedestrian refuge are to be pursued via the statutory powers available to the Council as local highway authority under the provisions of sections 66(1) and 68(1) of the Highways Act 1980.

Options, timescales and measuring success

What other options were considered?

- 28 The scope of the highways access and other works were assessed and agreed at outline planning application stage therefore no other options formed part of this proposal.

How will success be measured?

- 29 Success will be measured by the delivery of the highway works to support planning consent 16/02988/OT, thereby achieving the stated social, environmental, and economic benefits to the city.

What is the timetable and who will be responsible for implementation?

- 25 Works for the proposed development will commence Autumn 2022 The proposed highway works would be fully implemented by December 2022.

Appendices

- 26 Appendix 1 – Equality, Diversion, Inclusion and Cohesion Screening form
27 Appendix 2 – Site Location Plan drawing no. RG-M-39 Rev C
28 Appendix 3 – GA Drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5

Background papers

- 29 None.