

## 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 type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input checked="" 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>	Catherine Kimuli	Telephone number: 0113 3788089	
<b>Subject<sup>2</sup>:</b>	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		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken? The Chief Officer (Highways and Transportation) has:</p> <ul style="list-style-type: none"> <li>a) Noted the detail of the highway works provided in paragraph 3 of this report and as shown on GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 included at <b>Appendix 3</b> of this 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 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;</li> <li>d) gave authority to adopt the land associated with the highway works shown on drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 <b>Appendix 3</b> so that it can be added to the Council's maintenance regime; and</li> <li>e) gave authority to complete the detailed design, tender and implement the works as provided for within the Section 278 Agreement and as outlined in paragraph 2 of this report.</li> </ul> <p>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)</p> <ol style="list-style-type: none"> <li>1 Section 278 of the Highways Act 1980 allows Highways Authorities to enter into agreements with developers for the execution of highway</li> </ol>		

<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.

	<p>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.</p> <p>2 The proposals within this report are concerned only with the delivery of the off-site highway works, the principle of these works having been considered and accepted as part of the planning process for planning consent 16/02988/OT. The location of the development site is provided on drawing no. RG-M-39 Rev C at <b>Appendix 2</b> of this report. The works are shown GA drawing 733531-LCC-HWT-XX-DR-CH-GA_001 PO5 attached at <b>Appendix 3</b> of this report.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>None.</p>
<b>Affected wards:</b>	Morley North
<b>Details of consultation undertaken<sup>4</sup>:</b>	<p>Executive Member: Councillor Helen Hayden, 08.09.2022</p> <p>Ward Councillors: Consulted 29<sup>th</sup> March 2022.</p> <p>Chief Digital and Information Officer<sup>5</sup>: N/A. The scheme does not relate to or affect the Council's use of digital technology.</p> <p>Chief Asset Management and Regeneration Officer<sup>6</sup>: N/A. The scheme does not relate to or affect the Council's land and buildings.</p> <p>Others: The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on 29<sup>th</sup> March 2022. Internal consultation has also been undertaken with colleagues in Highways and Transportation Services by email on 29<sup>th</sup> March 2022.</p>
<b>Implementation</b>	<p>Officer accountable, and proposed timescales for implementation: Gillian Macleod – the works must be implemented prior to the development being brought into use.</p>
	Date Added to List:-

<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>List of Forthcoming Key Decisions<sup>7</sup></b>	<b>If Special Urgency or General Exception</b>	
	N/A	
<b>Publication of report<sup>8</sup></b>	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval	
	Signature	Date
<b>Call In</b>	Is the decision available <sup>9</sup> for call-in?	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Approval of Decision</b>	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:	
	<p>The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.</p> <p>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.</p>	
<b>Approval of Decision</b>	Authorised decision maker <sup>10</sup>	
	Kate Morris, Head of Transport Planning	
	Signature	Date
		24.08.2022

<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.