

## Design & Cost Report for S278 Highway Works Associated with construction of 8 Dwellings at Forsythia Avenue, East Ardsley, WF3 2HT

Date: 16 November 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33449

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Planning permission was granted in June 2014 (ref: 13/04128/OT) for the construction of 8 dwellings and associated highway improvements at Timbertops, Forsythia Avenue, East Ardsley, WF3 2HT. The planning consent requires a package of highway improvements described in detail in paragraph 4 below. The works briefly comprise a new vehicle and pedestrian access from Forsythia Avenue including dropped kerbs and a widened footway to the north of the access.

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 the developer and overseen by the Council.

This report seeks authority to negotiate terms and enter a S278 agreement for the highway works associated with the development.

### 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 plan 1907 101F General Arrangement and Highway Dedication plan 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 the developer, fully-funded by the developer, and overseen by the Council.
- c) Give authority to incur expenditure of £5,000 staff costs to be fully funded by the developer through the S278 Agreement.
- d) Approve alterations to the footway with reference to the powers contained in Section 66(4) of the Highways Act 1980.

- e) Approve the adoption of new highway construction on land outlined blue on drawing number 1907 101F (**Appendix 3**) so that it can be added to the Council's maintenance regime through the powers of Section 38 of the Highways Act 1980.

### **What is this report about?**

- 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 Planning permission was granted in June 2014 (ref: 13/04128/OT) for the construction of 8 dwellings and associated highway improvements at Timbertops, Forsythia Avenue, East Ardsley, WF3 2HT. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 3 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 13/04128/OT. The location of the development site is provided on 1907-01 at **Appendix 2** of this report. A General Arrangement & Highway Dedication plan (ref. 1907 101F) is provided at **Appendix 3** of this report.
- 4 The proposed works comprise:
  - A new vehicular and pedestrian access from Forsythia Avenue including dropped crossings and tactile paving and kerbs to tie in with existing
  - The provision of a widened footway to the left when leaving the site which will be dedicated as adopted highway
  - The existing vehicular access and dropped crossing from Forsythia Avenue to be reinstated as footway
  - The proposed limit of highways works to be delineated by channel block and edging kerbs
  - The adoption of the proposed footway outlined in blue as shown on the General Arrangement & Highway Dedication plan ref. 1907 101F
  - 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.
- 5 To meet the requirements of the planning permission and deliver the highway alterations the applicant has requested that Leeds City Council, as Highway Authority, 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 a Minor S278 Agreement for the highway works in order to allow the developer to complete the detailed design and construction of the works, fully-funded by the developer, under the supervision of the Council.
- 7 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.

## What impact will this proposal have?

- 8 The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of a widened footway to the north of the vehicular access and dropped crossings on both sides of the access road for pedestrian crossing. Such improvements will be made to accommodate the needs of all users.
- 9 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.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 The proposals support objectives across the three pillars. The highway works will improve visibility from the vehicular access and provide a widened footway across the frontage of the site with dropped crossings to assist pedestrians.
- 11 The proposed highway works accord with Core Strategy policy T2 and West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 12 A Stage 1 Road Safety Audit has been undertaken and no concerns were raised.
- 13 The development incorporates Electric Vehicle Charging Points and cycle parking provision. 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.
- 14 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.

## What consultation and engagement has taken place?

Wards affected: East Ardsley & Robin Hood

Have ward members been consulted?  Yes  No

- 15 Robin Hood Ward Members were consulted by email dated 1st October 2021. A Ward Member queried how the development has considered the needs of the disabled. A response was provided by email and nothing further was received on this matter.
- 16 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 1st October 2021. No comments have been received at the time of writing this report.
- 17 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 1st October 2021. No comments have been received at the time of writing this report.

## What are the resource implications?

- 18 The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 Agreement.

19 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.

20 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33469				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2022 £000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£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						
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST				
	£000's	2022 £000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	5.0		5.0				
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>5.0</b>	<b>0.0</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2022 £000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£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	5.0		5.0				
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						
<b>Total Funding</b>	<b>5.0</b>	<b>0.0</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

21 The total cost of the highway works and staff fees are fully developer funded.

22 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?

23 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.

24 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.

25 The proposals regarding the footway alterations are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980. That is, under section 66(4) of the Highways Act 1980.

## **Options, timescales and measuring success**

### **What other options were considered?**

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

### **How will success be measured?**

27 Success will be measured by the delivery of the highway works to support planning consent 13/04128/OT, thereby achieving the stated social, environmental and economic benefits to the city.

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

28 Works for the proposed development will commence in January 2023. The proposed highway works would be fully implemented by February 2023.

## **Appendices**

29 Appendix 1 – EDCI Screening

30 Appendix 2 – Location Plan drawing no: 1907-01

31 Appendix 3 - General Arrangement & Highway Dedication plan drawing no: 1907 101F

## **Background papers**

32 None.