

# Design & Cost Report for S278 Highway Works Associated with Moor Allerton Golf Club, Coal Road, Wike, Leeds, LS17 9NH.

Date: 14<sup>th</sup> December 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33629

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

Full planning permission was granted in February 2022 (ref: 21/00444/FU) for alterations to the existing Moor Allerton Golf Club. The planning permission requires highway improvements as described in detail in paragraph 9 below.

To meet the requirements of the planning permission and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highway works to be carried out.

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the development to allow the works to be designed and carried out by the developer, overseen by the council.

## Recommendations

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

- a. Note the detail of the highway works described in paragraph 9 of this report and shown indicatively on plan 'Proposed Location for Passing Places' 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 and overseen by the Council.

## 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 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 21/00444/FU. The location of the development site (drawing ref: D.300 dated Nov 2022) is provided at **Appendix 2** of this report.
- 3 Planning permission was granted in February 2022 (ref: 21/00444/FU) for alterations to the existing driving range, construction of a new game practice area, creation of six high quality academy golf holes, redevelopment of two existing holes and rationalisation of planting regime to better reflect the moorland setting at Moor Allerton Golf Club.
- 4 To deliver the planning approved scheme outlined in paragraph 3, the applicant proposes to transport inert material to the site from various construction sites over an estimated period of 18 months. This will have an estimated traffic generation of circa 46 HGV trips per weekday between the hours of 7.30 to 18.30, which equates to circa four trips per hour.
- 5 The HGV movements will be restricted to the two routes agreed and approved as part of the planning application process. These routes are controlled as part of Condition 15: Construction Traffic Management Plan (CTMP) of the approved planning consent. The two approved HGV routes are:
  - Route 1 – off the A58 via Coal Road, Bay Horse lane and Brandon Lane.
  - Route 2 – off A61 Leeds Road via Wigton Lane and Tarn Lane.

HGV movements should not use the same route for arrival and departure

- 6 To ensure that any damage to the adopted highway, as a result of the development works, is identified and repaired, the developer shall submit a bi-monthly Condition survey and Monitoring Scheme of the approved routes until one week of practical completion. This is secured via the planning decision notice and Section 106 Legal Agreement.
- 7 The three new permanent passing places are to be constructed on the adopted highway to facilitate the HGV movements required as part of the development and ensure highway safety throughout the construction works. The location of the new passing places was agreed as part of the planning process and is shown in drawing 'Proposed Locations for Passing Places' included in **Appendix 3**.
- 8 The construction details for Passing Place No.1 are shown in 'Proposed Passing Place Construction Details' ref.: 16-1186-102 and construction details for Passing Place No. 2 & 3 are shown in drawing 'Proposed Passing Place Construction Details' ref.: 16-1186-101 Rev A, both included at **Appendix 4 & 5** respectively.
- 9 The highway works are required as part of the planning permission 21/00444/FU. The works will comprise:
  - o Construction of one passing place on Bay Horse Lane (Passing Place No. 1) immediately south of Brandon Crescent as shown in 'Proposed Passing Place Construction Details' ref.: 16-1186-102 Rev A included in **Appendix 4**.
  - o Construction of two passing places (Passing Place No. 2 & 3) on Coal Road between Wetherby Road and Main Street as shown in 'Proposed Passing Place Construction Details' ref.: 16-1186-101 Rev B included at **Appendix 5**.

- 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.

10 To meet the requirements of the planning permission and deliver the highway improvements outlined above the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.

11 This report seeks authority to negotiate terms and enter into a S278 Agreement for the highway works associated with the development to allow the works to be designed and carried out by the developer, overseen by the Council.

12 The planned highway works will contribute to the Best Council Plan by improving the safety of Leeds residents using the routes where the passing places are to be provided and enabling safe circulation of construction traffic throughout the duration of the works and post completion of the works.

### **What impact will this proposal have?**

13 The proposals will contribute to improved vehicular circulation and highway safety via the adopted highway of Coal Road and Bay Horse Lane through the provision of three passing places.

14 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

15 The proposals support objectives across the three pillars. The highway works will enable the construction works to improve the facilities at the existing Moor Allerton Golf Club.

16 The proposed highway works accord with Core Strategy policies G1, EN1 & T1, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.

17 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by re-using inert material to improve and retain existing recreational greenspaces.

### **What consultation and engagement has taken place?**

Wards affected: Harewood

Have ward members been consulted?       Yes       No

- 18 Harewood Ward Members were consulted by email dated 19<sup>th</sup> July 2022, no comments have been received at the time of writing this report.
- 19 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 19th July 2022, no comments have been received at the time of writing this report.
- 20 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 19th July 2022. Flood Risk Management and Bridges raised concerns about the impact the proposed HGV movements would have on the existing masonry arch culvert located at the junction of Coal Road / Main Street & Carr Lane which forms part of the agreed HGV Route 1.
- 21 A Principal Inspection survey was undertaken in September 2022, which identified the structure to be in fair condition. However, the high number of HGV vehicles that would traffic over it during the 18 month period could have an impact on the structural integrity of the culvert.
- 22 To overcome these concerns, the developer has agreed to fund two structural surveys on the culvert and any repairs deemed to be necessary on completion of the works as a result of the traffic movements from the development.
- 23 The developer will fund the cost of two structural surveys, estimated to be £900/survey, plus any additional costs required for traffic management, permits or vegetation clearance to gain access to the structure at the time of the inspection. Any repairs deemed to be necessary on completion of the works will also be funded by the developer. This will be secured via the Section 278 Legal Agreement.

### **What are the resource implications?**

- 24 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.
- 25 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 26 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33629				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 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						
<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 £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 on £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)	1.8		1.8 (2 x bridge inspection)				
<b>TOTALS</b>	<b>6.8</b>	<b>0.0</b>	<b>6.8</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 £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 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	6.8		6.8				
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>6.8</b>	<b>0.0</b>	<b>6.8</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?

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

28 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?

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

30 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.

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

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

31 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?**

32 Success will be measured by the delivery of the highway works to support planning consent 21/00444/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

33 Works for the proposed development are expected to commence during the first quarter of 2023 and be fully implemented by mid-2023.

## **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: D.300
- Appendix 3 – Proposed Location for Passing Places
- Appendix 4 – Construction Details Passing Place No. 1, drawing no.: 16-1186-102 Rev A.
- Appendix 5 - Construction Details Passing Place No 2 & 3, drawing no.: 16-1186-101 Rev B.

## **Background papers**

- None