

Design & Cost Report for S278 Highway Works Associated with the Housing Development at Aberford Road, Woodlesford, Leeds

Date: 30th November 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33622

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Chief Highways and Transportation Officer is requested to give authority to negotiate and enter a Section 278 Agreement of the Highways Act 1980 for the execution of highway works associated with a housing development off Aberford Road. The highway works include a new vehicular access with 2m and 1.9m footways on either side, resurfacing of Aberford Road for 50m east and 50m west of the new access, and a new right turn lane and pedestrian refuge island on Aberford Road.

The works can be carried out within the existing highway boundary, no road widening is required.

Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 4 of this report and shown on plan 45163/201 rev D 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; and
- c. Give authority to incur expenditure of £7,800 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

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 21/01796/FU. The location of the development site is provided on plan 073-LP-10(2) at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: 45163/201 rev D) is provided at **Appendix 3** of this report.
- 3 Planning permission was granted in January 2022 (ref: 21/01796/FU) for the construction of 71 dwellings and associated highway improvements off Aberford Road. The site location is as shown on the Location Plan at **Appendix 2**. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 4 The highway works are required to accommodate for planning application ref: 21/01796/FU. The proposed works comprise:
 - New right turn lane on Aberford Road;
 - New pedestrian refuge island on Aberford Road;
 - New vehicular access leading into the site, circa 60m north east of Pottery Lane;
 - New grass verge within existing highway to provide appropriate visibility splays
 - Resurfacing of Aberford Road for 50m east and 50m west of the new vehicular access;
 - New 2.0m footway to the north west of the site access ending at the new pedestrian crossing;
 - New 1.9m footway to the south east of the site access connecting in with the existing footway;
 - Tactile paving and dropped kerbs across Aberford Road and the site access;
 - All associated civils works including (inter alia) signs, lighting, road markings and drainage;
 - Any Statutory undertakers works resulting from the works described above; 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 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.
- 6 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.
- 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 Site specific issues raised in EDCI - Lighting is to be installed on the pedestrian refuge island which will increase visibility for all road users and create a safer environment for pedestrians to cross the road.

2m footways are provided leading out of the site, connecting in with the existing footway to the south, and to the new pedestrian crossing to the north, the gradient of the footways does not exceed 1:20 making it usable for disabled, and elderly pedestrians. Tactile paving is provided across the site access and at the pedestrian crossing on Aberford Road to assist visually impaired pedestrians crossing the road.

- 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 create a new vehicular access and tight turn lane into a new housing site off Aberford Road. New footways are proposed in both directions from the application site, the footway in the northerly direction leads to a new pedestrian refuge island on Aberford Road, and the southerly footway connects in with the existing footway.
- 11 The proposed highway works accord with Core Strategy policy T2, 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 as part of the planning application and the issues identified by the audit will be addressed at detailed design stage.
- 13 The proposed pedestrian refuge island provides a crossing facility which will enable pedestrian connections from the development towards Swillington.
- 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.
- 15 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: Rothwell

Have ward members been consulted?

Yes

No

- 16 Rothwell Ward Members were consulted by email dated 24th May 2022. A ward member requested that a route is provided from Aberford Road down to the towpath, however this is not

possible due to the gradient between the site and towpath, A detailed response was sent to the Ward Member explaining the details and no further comments have been received.

17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 24th May 2022, no comments have been received at the time of writing this report.

18 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 24th May 2022. All comments have been taken on board and incorporated into the design.

What are the resource implications?

19 The developer will meet the Council's costs, estimated to be £7,800 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.

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

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

Funding Approval :	Capital Section Reference Number :-		33622				
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						
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 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)	7.8		7.8				
OTHER COSTS (7)	0.0						
TOTALS	7.8	0.0	7.8	0.0	0.0	0.0	0.0
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	7.8		7.8				
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						
Total Funding	7.8	0.0	7.8	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 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?

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 21/01796/FU, 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 are expected to commence January 2023 and the works are to be completed prior to first occupation in August 2023.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: 073-LP-10(2)
- Appendix 3 - General Arrangement drawing no: 45163/201 rev D

Background papers

- None