

Design & Cost Report for S278 Highway Works Associated with Proposed Residential Development at Westminster Crescent (Phase 2) Halton, Leeds

Date: 03/10/2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33655

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 November 2020 for a residential and commercial development and associated highway improvements at Westminster Crescent, Halton.

The planning permission requires highway improvements as described in detail in paragraph 4 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. The works are to be carried out by Leeds City Council, fully funded by the developer.

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

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 p14743 -520,521 and 522 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 £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

If amendments are require through objection when advertised any major changes will go back to board.

- d. Authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980 in order to inform the public of the new raised speed table on Westminster Crescent and if no valid objections are received, to continue with the works as advertised.

If amendments are required through objection when advertised any major changes will go back to board.

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 (ref. 20/07743/FU). The location of the development site is shown on a plan provided in **Appendix 2** of this report. A General Arrangement (GA) Plan (drawing ref: p14743 -520,521 and 522) is provided in **Appendix 3** of this report.
- 3 Planning permission was granted in November 2020 (ref: **20/07743/FU**) for a residential development of 12 dwellings and associated highway improvements at Westminster Crescent, Halton. The planning consent requires a package of highway improvements.
- 4 The proposed works comprise:
 - Relocation of a speed cushion on Westminster Crescent
 - Reinstatement of redundant dropped-kerbs to full-height footway
 - Footway widening to 2.0m along the site frontage on Westminster Crescent.
 - 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 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 Minor S278 Agreement for the highway works in order to allow the developer to complete the detailed design and construction of the works 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 widened footway. Further, the proposals will include speed reduction measures on Westminster Crescent. Such improvements will be made to accommodate the needs of all users. Further details of site specific considerations are set out in the Equality, Diversity, Cohesion and Integration (EDCI) at **Appendix 1**.
- 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 provide high quality infrastructure to support the development and to enable safer pedestrian and vehicle movement to and from the site.
- 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 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking and cycling.

What consultation and engagement has taken place?

Wards affected: Halton

Have ward members been consulted? Yes No

- 13 Halton Ward Members were consulted by email dated 3rd March 2022. No comments have been received at the time of writing this report.
- 14 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 3rd March 2022. No comments have been received at the time of writing this report.
- 15 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 3rd March 2022. To date the only issue raised is regarding the reinstatement of the kerb line and drainage. This and any other issues raised will be addressed in the in the detailed design.

What are the resource implications?

- 16 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.
- 17 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker’s costs and staff fees.
- 18 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

| Funding Approval : | Capital Section Reference Number :- | | XXXXXX | | | | |
|---|-------------------------------------|----------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Previous total Authority to Spend on this scheme | TOTAL £000's | TO MARCH 2023 £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 2023 £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) | 0.5 | 0.0 | 0.0 | 0.5 | | | |
| OTHER COSTS (7) | 0.0 | | 0.0 | | | | |
| TOTALS | 0.5 | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.0 |
| Total overall Funding (As per latest Capital Programme) | TOTAL £000's | TO MARCH 2023 £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 | 0.5 | 0.0 | 0.0 | 0.5 | | | |
| 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 | 0.0 | | | | | | |
| 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 | | | | | | |
| Total Funding | 0.5 | 0.0 | 0.0 | 0.5 | 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?

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

20 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?

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

22 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.

23 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.

24 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

Options, timescales and measuring success

What other options were considered?

25 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?

26 Success will be measured by the delivery of the highway works to support planning consent 20/07743/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

27 Works for the proposed development will commence in April 2023. The proposed highway works would be fully implemented by July 2022.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Site Location Plan drawing no: p14743-523
- Appendix 3 - General Arrangement drawings no: p14743 -520,521 and 522

Background papers

- None