

Design & Cost Report for S278 Highway Works Associated with the Development at Land off Acre Road and Ring Road, Middleton, Leeds.

Date: 22nd February 2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33644

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 February 2022 (ref: 21/06951/FU) for construction of a secondary school with associated MUGA, landscaping access, fencing, parking and drainage works and associated highway improvements at Ring Road.

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 into a Section 278 Agreement of the Highways Act 1980 for the highway works associated with the development, which comprise the construction of a new toucan crossing on Ring Road, to allow the Council to design and construct the works at the developer's expense.

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 1135/LCC/23/XX/DR/TM/01/01A 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 Leeds City Council, fully funded by the developer
- c. Give authority to incur expenditure of £233,000.00 works costs, statutory undertakers' costs (if required) and £66,990.00 staff costs to be fully funded by the developer through the S278 Agreement.

- d. Authorise the City Solicitor to erect a notice under Section 23 of the Road Traffic Regulation Act 1984 on site as required for the establishment of a new toucan crossing on Ring Road and, if no valid objections are received, to thereafter implement.
- e. Approve with reference to the powers contained in Section 66(4) of the Highways Act 1980, that the relevant lengths of footway shown on 1135/LCC/23/XX/DR/TM/01/01A as proposed shared use footway/cycleway are removed and that following the removal of the footways, shared use footway/cycleway is constructed under the powers contained under the provisions of section 65(1) of the Highways Act 1980 for shared joint use by pedal cyclists and pedestrians.
- f. Approve the construction of shared footway/cycleway following removal of grass verge between the proposed toucan crossing and the informal crossing on Middleton Park Road shown on drawing shown on 1135/LCC/23/XX/DR/TM/01/01A under the powers contained under the provisions of section 65(1) of the Highways Act 1980 for shared joint use by pedal cyclists and pedestrians.
- g. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to introduce NWAAT on part of Middleton Road and at the junction between Middleton Park Road & Ring Road as shown on drawing 1135/LCC/23/XX/DR/TM/01/01A; and if no valid objections are received, to make, seal and implement the Orders as advertised;
If objections are received when advertised these will be reported 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 21/06951/FU. The location of the development site is provided on LRCE/DLA/ZZ/00/DR/L90111 P03 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: 1135/LCC/23/XX/DR/TM/01/01A) is provided at **Appendix 3** of this report.
- 3 Planning permission was granted in February 2022 (ref: 21/06951/FU) for construction of a secondary school with associated MUGA, landscaping access, fencing, parking and drainage works and associated highway improvements at Ring 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 ensure pedestrian and cycling movements associated with the development are accommodated safely. The proposed works comprise:
 - Provision of a new toucan crossing on Ring Road to the west of the Site/Middleton Leisure Centre access road.
 - Removal of existing pedestrian refuge island to facilitate new toucan crossing.
 - Grass verge removal along the southern side of Ring Road to provide footway/cycleway construction and facilitate access to the proposed toucan crossing.
 - Removal of existing bus stop and shelter located on the northern side of Ring Road to the east of Middleton Park Road.

- Relocation of the aforesaid bus stop with new shelter and bus lay-by to the west of the proposed toucan crossing.
 - Construction of new shared footway/cycleway from the relocated bus stop up to the toucan crossing.
 - Widening of existing footways leading from the toucan crossing to the north and east of Middleton Park Road to provide shared footway/cycleway.
 - Improvement of existing Informal pedestrian crossing on Middleton Park Road with dropped kerbs and tactile paving on both sides.
 - Retention of existing bus stop with shelter located on the southern carriageway of Ring Road.
 - Associated road markings and TROs.
 - All associated Civils works, including (inter alia) reconstruction, tie-ins, resurfacing, signing, lighting, drainage and lining works etc;
 - Any works reasonably required following safety audits of the design and construction of the highway works; and
 - Any associated statutory undertaker's work resulting from the 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 Council to design and construct the works at the developer's expense.
- 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, public transport and vehicular access in the local community and for safer routes to school.

What impact will this proposal have?

- 8 Site specific issues raised in EDCI - The proposals will contribute to improved access to the site for pedestrians and cyclists through the provision of a new toucan crossing, new shared footway/cycleway facilities, enhanced footways and informal crossings. 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 provide facilities to encourage sustainable transport modes such as walking and cycling to/from the new school and promote the use of public transport.

- 11 The proposed highway works accord with Core Strategy policies (T1 & 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 and the issues identified by the audit will be addressed at detailed design stage.
- 13 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.
- 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: Middleton Park

Have ward members been consulted? Yes No

- 15 Middleton Park Ward Members were consulted by email dated 10th August 2022, no comments have been received at the time of writing this report.
- 16 The Emergency were consulted by email dated 10th August 2022, no comments have been received at the time of writing this report.
- 17 West Yorkshire Combined Authority (WYCA) were consulted by email dated 10th August 2022. WYCA supported the application and advised of the procedures to remove and reinstate the bus shelter.
- 18 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 10th August 2022. Issues raised have been passed to the Design Team for inclusion in the detailed design. This includes resurfacing works to achieve the skid resistance requirements. Therefore, at least 50m either side of the crossing approaches and across the crossing will have to be resurfaced.

What are the resource implications?

- 19 The developer will meet the Council's costs, estimated to be £299,990.00 to design and construct 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 :-						
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2023 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2028 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				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2028 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	233.0		233.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	67.0		67.0				
OTHER COSTS (7)	0.0						
TOTALS	300.0	0.0	300.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2023 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2028 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	300.0		300.0				
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	300.0	0.0	300.0	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.

26 The proposals regarding the toucan crossing, shared use footway and cycleway additions, resurfacing works and enhancement of informal crossing are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

27 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. 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?

28 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?

29 Success will be measured by the delivery of the highway works to support planning consent 21/06951/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

30 The works are part of LCC Traffic Programme. Works for the proposed development will commence in April 2023 for circa 10 weeks. The proposed highway works would be fully implemented by June 2023 to meet the timescales for opening of the new school.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: LRCE/DLA/ZZ/00/DR/L90111 P03
- Appendix 3 - General Arrangement drawing no: 1135/LCC/23/XX/DR/TM/01/01A

Background papers

- None