

## Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

<b>Decision type</b>	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
<b>Approximate value</b>	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input checked="" type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
<b>Director<sup>1</sup></b>	Director of City Development		
<b>Contact person:</b>	Gema Garcia	Telephone number: 0113 378 6412	
<b>Subject<sup>2</sup>:</b>	S278 Highway Works Associated with the Development at Land off Acre Road and Ring Road, Middleton, Leeds.		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken?            (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>The Chief Officer (Highways and Transportation) is requested to:</p> <ol style="list-style-type: none"> <li>a. Note the detail of the highway works described in outline in paragraph 4 below and shown on plan 1135/LCC/23/XX/DR/TM/01/01A attached at Appendix 3 of the Design and Cost Report;</li> <li>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</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>		

<sup>1</sup> Give title of Director with delegated responsibility for function to which decision relates.

<sup>2</sup> If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

<sup>3</sup> Simply refer to supporting report where used as these matters have been set out in detail.

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.

A brief statement of the reasons for the decision

(Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)

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 the Design and Cost Report. A General Arrangement Plan (drawing ref: 1135/LCC/23/XX/DR/TM/01/01A) is provided at Appendix 3 of the Design and Cost 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 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

	<p>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.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>N/A</p>
<b>Affected wards:</b>	Middleton Park
<b>Details of consultation undertaken<sup>4</sup>:</b>	Executive Member
	Ward Councillors
	Middleton Park Ward Members were consulted by email dated 10th August 2022, no comments have been received at the time of writing this report.
	Chief Digital and Information Officer <sup>5</sup>
	Chief Asset Management and Regeneration Officer <sup>6</sup>
Others	<ul style="list-style-type: none"> <li>• The Emergency were consulted by email dated 10th August 2022, no comments have been received at the time of writing this report.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Implementation</b>	<p>Officer accountable, and proposed timescales for implementation</p> <p>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.</p>
<b>List of</b>	Date Added to List:-

<sup>4</sup> Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

<sup>5</sup> See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

<sup>6</sup> See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

<b>Forthcoming Key Decisions</b> <sup>7</sup>	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision	
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
<b>Publication of report</b> <sup>8</sup>	If not published for 5 clear working days prior to decision being taken the reason why not possible:	
	If published late relevant Executive member's approval Signature _____ Date _____	
<b>Call In</b>	Is the decision available <sup>9</sup> for call-in?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:	
<b>Approval of Decision</b>	Authorised decision maker <sup>10</sup> Gary Bartlett – Chief Officer, Highways & Transportation	
	Signature  	Date 3 <sup>rd</sup> April 2023

<sup>7</sup> See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

<sup>8</sup> See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

<sup>9</sup> See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

<sup>10</sup> Give the post title and name of the officer with appropriate delegated authority to take the decision.