

Design & Cost Report for S278 Highway Works Associated with development at land adjacent to White Rose Office Park & Millshaw Industrial Park, Millshaw Park Lane, Beeston, LS11

Date: 5th April 2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33491

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Chief Officer (Highways & Transportation) is requested to give authority to negotiate and enter Section 278 Agreements of the Highways Act 1980 for the execution of highway works associated with construction of a two-platform railway station, including two station buildings, new vehicular and pedestrian access, associated infrastructure, landscaping and associated works. Two separate S278 agreements are proposed, one to enable the Developer to install the new vehicle access and footways into the new rail station and the second for all other off-site highway works to be designed and delivered by Leeds City Council on the developer's behalf.

The works include a new site access junction at A643 Elland Road incorporating a ghost island with a pedestrian refuge southwest of the new access and a signal-controlled crossing northeast of the new access. New 2m wide footways leading to the pedestrian refuge and signal-controlled crossing located either side of the new access, resurfacing of part of existing carriageway and footway at A643 Elland Road will be provided. Land dedication of new highway construction at A643 Elland Road. In addition, a toucan crossing at A6110 Ring Road including shared-use footway, footway works, cycleway and carriageway resurfacing.

Recommendations

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

- a) Note the principle of the highway works described in outline in paragraphs 3 - 4 of this report and shown on drawing no. 733491-LCC-HWT-ER-DR-CH-MIS_01 Rev P03 and 733491-LCC-HWT-RR-DR-CH-01_001 Rev 01 attached at **Appendix 3**;
- b) Give authority to negotiate the terms of and enter into a minor agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the new site access to the development are carried out by the developer and overseen by the Council with step in rights;
- c) Give authority to negotiate the terms of and enter into a standard agreement with the developer under the provisions of Section 278 of the Highways Act 1980 whereby the

- Council will design and construct the pedestrian refuge and the signal-controlled crossing at A643 Elland Road and the toucan crossing at A6110 Ring Road at the developer's expense;
- d) Give authority to complete the detailed design and implement the works as provided for within the standard Section 278 Agreement and as outlined in paragraphs 3 – 4 of this report;
 - e) Approve with reference to the powers contained in Section 66(4) of the Highways Act 1980, that the relevant length of footway shown on A6110 Ring Road on drawing no. 733491-LCC-HWT-RR-DR-CH-01_001 Rev 01 as proposed cycle track is removed and that following the removal of the footway, cycle tracks are constructed under the provisions of section 65(1) of the Highways Act 1980 for shared joint use by pedal cyclists and pedestrians;
 - f) Authorise the City Solicitor to erect a notice under S23 of the Road Traffic Regulation Act 1984 on site as required for the establishment, alteration or removal of any crossing such as for the pedestrian crossing at A643 Elland Road and toucan crossing at A6110 Ring Road and, if no valid objections are received, to thereafter implement;
 - g) Give authority to incur expenditure of £592,748.93 works costs, £123,549.79 staff costs, £24,000 TRO costs, and £1,500 undertaking 'before and after' noise measurements, all to be funded by the developer through the Section 278 Agreements;
 - h) Approve a S106 contribution of £50,000 to go towards the delivery of the toucan crossing at A6110 Ring Road;
 - i) Approve the adoption of new highway construction on land shaded grey on drawing no. 4955-HJCE-ZZ-XX-DR-C-4055 Rev P02 attached at **Appendix 4**, so that it can be added to the Council's maintenance regime The proposals regarding the footway adoption and pedestrian refuge will be pursued via the statutory powers available to the Council as local highway authority under the provisions of sections 66(1) and 68(1) of the Highways Act 1980; and
 - j) Authorise the City Solicitor to make and advertise a draft Traffic Regulation Order to implement a No Waiting At Any Time on the area shown on drawing no. 733491-LCC-HWT-ER-DR-CH-MIS_01 Rev P03 at **Appendix 3** and 4955-HJCE-ZZ-XX-DR-C-4055 Rev P02 at **Appendix 4** and if no valid objections are received, to make, seal and implement the Traffic Regulation Order as advertised.

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 Planning permission was granted in June 2020 (19/07911/FU), which was varied in September 2021 (21/08024/FU) for the construction of a two-platform railway station, including two station buildings, new vehicular and pedestrian access, associated infrastructure, landscaping, and associated works. The site location plan drawing no. ADP-00-00-DR-A-0900 Rev S2 P5 is included in **Appendix 2**.
- 3 The planning consent requires a package of highway improvements described in paragraph 4 below. The indicative works are shown on drawing no. 733491-LCC-HWT-ER-DR-CH-MIS_01 Rev P03 and 733491-LCC-HWT-RR-DR-CH-01_001 Rev 01 provided at **Appendix 3**.
- 4 The proposed highway works under the standard S278 agreement will consist of the following:
 - a right turn ghost island lane, with a new pedestrian refuge located southwest of the proposed site access and a signal-controlled crossing to the northeast with tactile paving;
 - resurfacing in the carriageway and part of the existing footway north of A643 Elland Road;
 - upgrading the informal crossing at A6110 Ring Road to a toucan crossing including removal of footway to provide a shared-use cycle track, carriageway resurfacing and provision of associated tactile paving;

- No Waiting At Any time TRO at A643 Elland Road;
- associated TROs relating to the signal crossings at Elland Road and A6110 Ring Road; and
- all associated civils works including (inter alia) signs, lighting, road markings and drainage.

And the highway works under the minor S278 agreement for the new junction access to the rail station will consist of the following:

- new priority-controlled T-junction at A643 Elland Road;
- new 2m footways including tactile paving;
- No Waiting At Any time TRO at access junction;
- all associated civils works including (inter alia) signs, lighting, road markings and drainage; and
- any Statutory undertakers works resulting from the works described above.

- 5 There would be adoption of privately owned land at the A643 Elland Road frontage, which is shown as grey on drawing no. 4955-HJCE-ZZ-XX-DR-C-4055 Rev P02 at **Appendix 4**.
- 6 To meet the requirements of the planning permission and deliver the highway improvements outlined above, the developers have requested Leeds City Council to enter a full Section 278 Agreement of the Highways Act 1980 to enable a pedestrian refuge, signal-controlled crossing at A643 Elland Road and a toucan crossing at A6110 Ring Road including resurfacing works and construction of cycle track for joint use by pedal cyclists and pedestrians to be carried out. These works are to be designed and delivered by Leeds City Council, part funded by the developer, and part funded from a S106 receipt.
- 7 In addition, the developer has requested Leeds City Council to enter a minor Section 278 for the construction of the site access at A643 Elland Road including the 2m wide footways either side of the T-junction. These works will be designed and delivered by the developer with the council undertaking design checks and inspection of works, with step in rights should the works not be managed or constructed to appropriate standards.
- 8 This report seeks authority to negotiate the terms and enter the Section 278 Agreements of the Highways Act 1980 for the highway works associated with the development.
- 9 The S278 agreements will include commuted sums for future maintenance for the works at A643 Elland Road. It has been agreed that no commuted sums will be provided for the toucan crossing at A6110 Ring Road due to the expectation that a future scheme will come forward to replace this crossing, albeit no scheme or programme for this is currently available. In the mid – medium term it has been considered the S106 contribution and not requiring commuted sums for future maintenance of the toucan crossing supports communities east of the A6110 Ring Road to access the new rail station.
- 10 The planned highway works will contribute to the ‘Best Council Plan’ by maintaining and improving the safety of Leeds residents and enabling safe pedestrian and vehicular access in the local community.

What impact will this proposal have?

- 11 The proposals will ultimately contribute to improved accessibility to the new rail station and the wider area for pedestrians and cyclists. The works will be designed to accommodate the needs of all users. The development will provide a modal shift from car to train travel reducing congestion and improving air quality, and improvements to walking and cycle routes linking to White Rose Shopping Centre and bus interchange, disabled parking with Electric Vehicle Charging Points, and secure cycle parking.
- 12 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) criteria, 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

- 13 The proposals support objectives across the three pillars. The highway works will facilitate safe and efficient access to the new rail station for all users of the highway network. The development will provide greater access to public transport, reduced car journeys and therefore reduced emissions and improved air quality, and cycle parking to encourage active travel.
- 14 The proposed highway works accord with Core Strategy policies T2, Connecting Leeds Transport Strategy, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 15 Stage 1/2 Road Safety Audits of the A643 Elland Road highway works was undertaken, and the issues identified included insufficient clearance on swept path for public service and refuse vehicles at the junction on A643 Elland Road, existing street furniture and gully drains that need relocation, need for sufficient footways at the site frontage, street lighting and measures to prevent parking at the junction and along A643 Elland Road. The designer's response provided a revised plan with acceptable carriageway width demonstrated with vehicle tracking, relocated street furniture and gully drains, adequate footways at the site frontage and street lighting.
- 16 The road safety audit for the standard S278 works at A6110 Ring Road was completed and the issues raised addressed as part of the detailed design.
- 17 The development incorporates Electric Vehicle Charging Points, improvements to pedestrian and cycle routes and cycle parking provision. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 18 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Morley North

Have ward members been consulted? Yes No

- 19 Morley North ward members were consulted by email on 8th July 2021, there was a query of a management plan for the site to deal with working hours, noise, dust, and parking. A construction management plan was approved.
- 20 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on 8th July 2021, no comments were received.
- 21 Internal consultations have also been undertaken with colleagues in Highways and Transportation Services by email on 8th July 2021. The comments on detailed design matters will be passed to the design team for inclusion at detailed design stage.
- 22 Further consultation has been undertaken to update on the highway works.

What are the resource implications?

- 23 The developer will fund part of the highway works and costs for the S278 works, estimated to be £791,798.72, comprising £592,748.93 works costs, and £197,549.79 fees (including TRO), and £1,500 for undertaking 'before and after' noise measurements. These fees are also inclusive of the design checking and inspection fees for the minor S278 works. The design and construction of the minor S278 works will use the developer's resources and will be at the developer's

expense. The S106 receipt contribution towards the toucan crossing will be provided by the Council.

24 Funding: The developer will fund part the scheme costs, including the S278 highways works, any statutory undertakers works and staff fees.

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

OTHER COSTS (7)	0.0							
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL	TO MARCH 2023	FORECAST					
	£000's	£000's	2023/24	2024/25	2025/26	2026/27	2027 on	
			£000's	£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0							
CONSTRUCTION (3)	592.8		592.8					
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	173.6		173.6					
OTHER COSTS (7)	25.5		25.5					
TOTALS	791.8	0.0	791.8	0.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH 2023	FORECAST					
	£000's	£000's	2023/24	2024/25	2025/26	2026/27	2027 on	
			£000's	£000's	£000's	£000's	£000's	£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	791.8		791.8					
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	791.8	0.0	791.8	0.0	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

What are the key risks and how are they being managed?

26 The overall cost of the highways works, and staff fees are to be part developer funded and part S106 funded.

What are the legal implications?

27 The information in this report has been identified as exempt from call-in as a consequence of a regulatory decision.

28 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.

- 29 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.
- 30 The proposals regarding the footway addition, pedestrian refuge, removal of footway and construction of cycle track are to be pursued via the statutory powers available to the Council as local highway authority under the provisions of the Highways Act 1980. That is, under sections 65(1), 66(1&4) and 68(1).
- 31 None of the content of this report is exempt from public display or contains confidential information.

Options, timescales and measuring success

What other options were considered?

- 32 The scope of the highways access and other works were assessed and agreed at planning application stage therefore no other options formed part of this proposal.

How will success be measured?

- 33 Success will be measured by the delivery of the highway works to support planning consent 21/08024/FU, thereby achieving the stated social, environmental, and economic benefits to the city.

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

- 34 The detailed design for the toucan crossing at A6110 Ring Road has been completed and needs booking into contractors. The works at A643 Elland Road that are to be delivered by the Council will commence when the developer has completed the minor S278 works. All highway works for the new rail station are expected to be completed prior to opening of White Rose Rail station later in December 2023.

Appendices

- 35 Appendix 1 – Equality, Diversion, Inclusion and Cohesion screening form
- 36 Appendix 2 – Site Location Plan drawing no. ADP-00-00-DR-A-0900 Rev S2 P5
- 37 Appendix 3 – Drawing no. 733491-LCC-HWT-ER-DR-CH-MIS_01 Rev P03 and 733491-LCC-HWT-RR-DR-CH-01_001 Rev 01
- 38 Appendix 4 – Land to be adopted drawing no. 4955-HJCE-ZZ-XX-DR-C-4055 Rev P02

Background papers

- 39 Appendix 5 - Minor S278 works Drawing no. 4955-HJCE-ZZ-XX-DR-C-4050 Rev P04