

Design & Cost Report for S278 Highway Works Associated with development at Skelton Gate, Pontefract Lane, Leeds, LS9 0AS

Date: 26/07/2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33656/000/000

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

A full planning permission (20/04608/FU) was granted in June 2021 for the creation of new vehicular access off Pontefract Lane to serve the Skelton Gate residential development and alterations to road layout and associated landscaping and drainage.

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 designed and constructed by the developer, overseen by the Council. This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the development.

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 no: 5162-JPG-S278-ZZ-DR-C-1620-A5-CO2-Beckside_Way_to_Pontefract Lane_S278_Layout_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 £20,860 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- d. Approve alterations to the existing bridleway track for shared use by pedestrians, pedal cycles and horses, including a crossing, maintaining its bridleway status with appropriate signage with reference to the powers contained in Section 65 (1) and (2) of the Highways Act 1980, as shown on drawing no: 5162-JPG-S278-ZZ-DR-C-1620-A5-CO2-Beckside_Way_to_Pontefract Lane_S278_Layout_.

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. 20/04608/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: 5162-JPG-S278-ZZ-DR-C-1620-A5-CO2-Beckside_Way_to_Pontefract Lane_S278_Layout_) is provided in **Appendix 3** of this report.
- 3 A full planning permission (20/04608/FU) was granted in June 2021 for the creation of new vehicular access off Pontefract Lane and alterations to road layout and associated landscaping and drainage.
- 4 The proposed works comprise:
 - Creation of a new priority junction vehicular access on Pontefract Lane joining into Beckside Way to help serve the Skelton Gate Residential development. This includes tactile paving and a bridleway crossing.
 - The existing bridleway is crossed by Beckside Way and therefore the works include a bridleway crossing and appropriate signage.
 - Widening and resurfacing of the carriageway along Pontefract Lane
 - New shared use footway construction, including some resurfacing of existing shared use footway
 - 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 It is noted that there is a Yorkshire Water mains pipe running along Pontefract Lane and any statutory undertaking works required associated with these S278 works would be financed by the developer.
- 8 The land dedication required has already been completed as part of the wider site works. A land dedication plan drawing no: 5162-JPG-S278-ZZ-DR-C-1625-A5-CO1-Beckside_Way_to_Pontefract Lane_S278_Dedication Plan has been attached **Appendix 4**.
- 9 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?

- 10 The proposals will contribute to improved access to the new development for pedestrians, cyclists and vehicles through the provision of a vehicular access and shared use cycle track. Further, the proposals will include a bridleway crossing of the new access roads as well as dropped kerbs and tactile paving. 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**.
- 11 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

- 12 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, cycle and vehicle movement to and from the site, and crossing provision for equestrians
- 13 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.
- 14 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: Garforth and Swillington

Have ward members been consulted? Yes No

- 15 Garforth and Swillington Ward Members were consulted by email dated 5th April 2023. One Cllr questioned the consultation process and further information was provided.

- 16 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 5th April 2023. No comments have been received at the time of writing this report.
- 17 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 5th April 2023. To date the issues raised are regarding lighting, the materials used, resurfacing and suitability for cyclists and pedestrians. Through discussions with the developer these issues have been incorporated into the revised General Arrangement drawing submitted with this report. These changes include revisions to the bridleway including improvements for cyclists and amendments to the materials used in some of the footways in line with the comments received during the consultation period.

What are the resource implications?

- 18 The developer will meet the Council's costs, estimated to be £20,860 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 19 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 20 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 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £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 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2027 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	21.0	11.0	10.0	0.0			
OTHER COSTS (7)	0.0		0.0				
TOTALS	21.0	11.0	10.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2027 on £000's
LCC Supported Borrowing	0.0						
Revenue Contribution	0.0						
Capital Receipt	21.0	11.0	10.0	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	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						

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

- 21 The total cost of the highway works and staff fees are fully developer funded.
- 22 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?

- 23 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 24 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.
- 25 The proposals regarding the cycle track 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 65(2) of the Highways Act 1980.

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 **20/04608/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 will commence in July 2023. The proposed highway works would be fully implemented by January 2024.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Planning Application Boundary drawing no: 335751
- Appendix 3 - General Arrangement drawings no: 5162-JPG-S278-ZZ-DR-C-1620-A5-CO2-Beckside_Way_to_Pontefract Lane_S278_Layout_
- Appendix 4 - Land Dedication plan drawing no: 5162-JPG-S278-ZZ-DR-C-1625-A5-CO1-Beckside_Way_to_Pontefract Lane_S278_Dedication Plan.

Background papers

- None