

Delegated Decision Notice

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

Decision type	<input type="checkbox"/> Key Decision	<input type="checkbox"/> Significant Operational Decision	<input checked="" type="checkbox"/> Administrative Decision
Approximate value	<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 type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input checked="" type="checkbox"/> £25,000 to £100,000
Director¹	Director of City Development		
Contact person:	Andrew Fosbueary	Telephone number: 0113 378 5197	
Subject²:	Design & Cost Report for S278 Highway Works Associated with development at Skelton Gate, Pontefract Lane, Leeds, LS9 0AS		
Decision details³:	<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) was requested to:</p> <ol style="list-style-type: none"> 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_. 		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² 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

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

If amendments are require through objection when advertised any major changes will go 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 (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

	<p>and any statutory undertaking works required associated with these S278 works would be financed by the developer.</p> <p>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.</p> <p>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.</p>
	Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision
Affected wards:	Garforth and Swillington
Details of consultation undertaken⁴:	Executive Member
	Ward Councillors Ward councillors were consulted on 5th April. No comments were received.
	Chief Digital and Information Officer ⁵
	Chief Asset Management and Regeneration Officer ⁶
	Others
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>Works for the proposed development are expected to commence September 2023 and the works are to be completed by December 2023.</p>
List of	Date Added to List:-

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

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

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

Forthcoming Key Decisions ⁷	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report ⁸	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 _____	
Call In	Is the decision available ⁹ for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Gary Bartlett – Chief Officer, Highways & Transportation	
	Signature 	Date 7 th September 2023

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

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

⁹ 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.

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