

Design & Cost Report for S278 Highway Works associated with Development of an energy recovery facility at Skelton Grange Road, Stourton, LS9 0DZ

Date: 6th September 2023

Report of: Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33559

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Chief Highways and Transportation Officer is requested to give authority to negotiate and enter a Section 278 Agreement of the Highways Act 1980 for the execution of highway works associated with the development of an energy recovery facility, off Skelton Grange Road in Stourton. The highway works include improvements at Pontefract Road / Skelton Grange Road to provide signal-controlled pedestrian and cycling crossing facilities, cycle lanes at the junction, footway widening, carriageway overlays and associated civil works, signage and traffic regulation order. The success of such works would be measured by their implementation to satisfy a planning condition, to the benefit of the site users and the general public.

Recommendations

The Chief Officer (Highways and Transportation) is requested to

- a) Note the details of the highway works as described in paragraph 5 of this report and as shown indicatively on plan 733559-LCC-HWT-XX-DR-CH-GA-01 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) Request the City Solicitor to advertise a Draft Traffic Regulation Order (TRO) for parking and loading/unloading restrictions; and if no valid objections are received, to make, seal and implement the new TRO as advertised;
- d) Give authority to incur capital expenditure of circa £926,000 consisting of circa £833,000 civil works costs and circa £93,000 staff fees. The costs will be fully funded by the developer through the Section 278 Agreement.

What is this report about?

- 1 Planning permission was granted in September 2013 (ref: **11/03705/FU**) for an energy recovery facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge at Skelton Grange Road, Stourton, LS9 0DZ. The site location is shown on the Location Plan at **Appendix 2**. A more recent planning application to vary a planning condition was approved in March 2020 (ref **19/03535/FU**). The planning approvals require a package of highway improvements at the junction of Pontefract Road / Skelton Grange Road.
- 2 To meet the requirements of the planning consent and deliver the off-site highway improvements, the developer seeks to enter into a Section 278 Agreement under the Highways Act 1980 to enable the highways works to be delivered. The works are to be carried out by Leeds City Council, fully funded by the developer.
- 3 This report seeks authority to negotiate terms and enter a Section 278 Agreement for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- 4 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 area.
- 5 The proposed highway works are shown in the general arrangement plans included at **Appendix 3**. In summary, the works comprise:
 - A. Improvements to provide signal-controlled pedestrian and cycle crossing facility at Pontefract Road / Skelton Grange Road junction;
 - B. New cycle lanes at Pontefract Road / Skelton Grange Road junction;
 - C. Footway widening to provide shared footway / cycleway areas;
 - D. Carriageway overlays;
 - E. Associated civil works, including (inter alia) signage, lighting, road markings, drainage and statutory undertaker works.
 - F. Associated Traffic Regulation Order (TRO) to restrict parking and loading/unloading on the footway and cycle track at Pontefract Road / Skelton Grange Road junction. The TRO will be implemented following authorisation of the City Solicitor to advertise a Draft TRO; and if no valid objections are received, to make, seal and implement the TRO as advertised.

What impact will this proposal have?

- 6 The proposals will improve the pedestrian and cycling infrastructure for the site and businesses along Skelton Grange Road through the provision of signal-controlled crossing facilities at the existing junction of Pontefract Road / Skelton Grange Road.
- 7 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 the design 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 would be undertaken as required.
- 8 The site is within the Skelton Grange Construction Zone. Whilst the current pedestrian and cycling infrastructure is limited, there are proposals in place to provide footway / cycleway

facilities on Skelton Grange Road and South Road towards the site. At this stage, the improvements that are being progressed are at Pontefract Road / Skelton Grange Road junction. These will contribute to improved accessibility to the site.

- 9 It should also be noted that there are wider proposals to improve pedestrian and cycling infrastructure, bus journey times and the capacity of key junctions along the A639 Leeds to Pontefract Corridor. Such proposals form part of the Transforming Cities Fund (TCF) programme.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 10 The proposals achieve a wide range of objectives across the three pillars. The highway works will provide safe and suitable access for the development as detailed previously.
- 11 The highway works also accord with the core strategy policies, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access.
- 12 Within the site, electric vehicle charging points and secured cycle parking/storage will be provided as part of the approved planning permission. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and offset its carbon footprint.
- 13 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by enabling and improving facilities for walking, cycling, public transport and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Burmantofts & Richmond Hill and Hunslet & Riverside

Have ward members been consulted? Yes No

- 14 Whilst the development site is within Burmantofts & Richmond Hill ward, the highway works at Pontefract Road / Skelton Grange Road junction are within Hunslet & Riverside ward. At the time of writing, Cllrs Paul Wray and Ed Carlisle acknowledged the email and had no comments. No further comments have been received, however any suggestions or issues raised by the ward members during a 21-day consultation period will be forwarded to the design team for consideration.
- 15 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on 28th February 2023. At the time of writing, no comments have been received.
- 16 Internal consultations have also been undertaken with colleagues in Highways and Transportation department by email on 28th February 2023. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage. The layout has also been updated to address some of the comments raised.

What are the resource implications?

- 17 The capital expenditure of circa £926,000 consisting of circa £833,000 civil works costs and circa £93,000 staff fees will be fully funded by the developer through the Section 278 Agreement.

18 The design of the works can be carried out within the existing staff resources.

Funding Approval:	Capital Scheme Number	33559					
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 onwards £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				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 onwards £000's
LAND (1)	0.0						
CONSTRUCTION (3)	833.00			833.00			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	93.00			93.00			
OTHER COSTS (7)	0.0						
TOTALS	926.0	0.0	0.0	926.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 onwards £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	926.0			926.0			
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	926.0	0.0	0.0	926.0	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?

19 The total cost of the highway works and staff fees are fully developer funded.

What are the legal implications?

20 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.

21 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.

Options, timescales and measuring success

What other options were considered?

22 In June 2020, it was proposed to introduce an uncontrolled pedestrian crossing, circa 70m to the south-east of Pontefract Road / Skelton Grange Road junction. The uncontrolled

crossing would aid pedestrians crossing Pontefract Road from the adjacent Haigh Park Road bus stop. However, the uncontrolled crossing proposal was omitted as it would have directly affected the provision of a parallel pedestrian / cycling crossing as part of the TCF scheme that is currently in development. The TCF scheme includes wider pedestrian and cycling infrastructure improvements along the A639 Leeds to Pontefract Corridor.

23 The scheme as shown on plan 733559-LCC-HWT-XX-DR-CH-GA-01 attached at **Appendix 3** is the option that would be taken forward and achieves the requirements of the condition under the approved planning application.

24 A combined Stage 1/2 Road Safety Audit (RSA) will be undertaken as part of the Section 278 Agreement, followed by a Stage 3 RSA and then Stage 4 RSA.

How will success be measured?

25 It is considered that success will ultimately be measured by the delivery of the proposals to standards, thereby achieving the social, environmental and economic benefits to the city from the outset.

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

26 The Council will be responsible for implementing the highway works whilst maintaining access to the surrounding businesses, the development site and flow of traffic along Pontefract Road / Skelton Grange Road. However, it should be noted that some disruption will occur during installation of the new signals and crossing facilities. This however will be managed/mitigated directly by The Council and on-site contractors. The timetable for full implementation is before the end of financial year 2023/2024.

Appendices

- Appendix 1 – Equality, Diversity, Inclusion and Cohesion screening form
- Appendix 2 – Site Location Plan
- Appendix 3 – Section 278 General Arrangement Plan

Background papers

- None.