

Design & Cost Report for S278 Highway Works Associated with the Entrance to Aire Park

Date: 8th August 2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : TBC

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 into a Section 278 Agreement under the Highways Act 1980 for the execution of highway works associated with the public open space at Aire Park. The highway works will realign the kerb line and resurface the footway at the main entrance to Aire Park and the Tetley Triangle events space. Works also include a new raised table at the Hunslet Road / Waterloo Street junction and a new layby for servicing vehicles on Waterloo Street.

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 LDS-CUR-SW-CIV-ZZ-DR-95002-P08 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.
- c. Give authority to incur expenditure of £10,000 TRO costs and £14,430 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- d. Approve the adoption of new highway construction on land shaded purple on drawing number LDS-CUR-SW-CIV-ZZ-DR-95003-P04 S278 Dedication Plan attached at **Appendix 4** so that it can be added to the Council's maintenance regime.
- e. Authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980 in order to inform the public of the new raised speed table at the Hunslet Road / Waterloo Street junction and if no valid objections are received, to continue with the works as advertised,
- f. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to remove the no waiting at any time order and replace with a loading only order within the loading bay as

shown on drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P04 S278 Layout attached at **Appendix 3** 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.

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 19/06625/RM. The location of the development site is provided on LDS-SW-PLN-LAN-ZZ-DR-0001 Rev P00 at **Appendix 2** of this report. A Park Entrance S278 Layout Plan (drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P08 S278 Layout) is provided at **Appendix 3** of this report. A S278 Park Entrance Dedication Plan (drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95003-P04) is provided at **Appendix 4** of this report.
- 3 Planning permission was granted in October 2020 (ref: 19/06625/RM) for Plots 1a and 1b (City Park) pursuant to Outline Planning Permission 17/02501/OT and associated highway improvements at the entrance to the park at the Hunslet Road / Waterloo Street junction. The site location is as shown on the Location Plan at **Appendix 2**. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 4 The highway works are required for planning permission 19/06625/RM. The proposed works comprise:
 - Raised table to the Hunslet Road / Waterloo Street junction;
 - Layby on Waterloo Street and new 2.0m footway to rear;
 - Alterations to existing TRO to create loading only waiting restriction within the layby;
 - Realignment of kerb line on the southern side of Waterloo Street;
 - Resurfacing of footway on the southern side of Waterloo Street;
 - Adoption of new land (shaded in red on the S278 Park Entrance Dedication Plan ref: LDS-CUR-SW-CIV-ZZ-DR-95003-P04) to form new footway;
 - Redundant area of adopted highway to be stopped up (shaded in red on the Park Entrance S278 Layout Plan ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P08);
 - 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 The developer is pursuing the stopping up of the adopted highway through Section 247 of the Town and Country Planning Act 1990. This is being dealt with separately outside of this Section 278 agreement therefore no authorisation is being requested.
- 6 Land being dedicated as highway on the S278 Park Entrance Dedication Plan is a combination of West Yorkshire Combined Authority (WYCA) owned land and Leeds City Council Highways

owned land. WYCA land is to the east of Hunslet Road, WYCA have confirmed they are happy for this land to be dedicated as highway and will be signatories to the legal agreement.

- 7 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.
- 8 This report seeks authority to negotiate terms and enter into a S278 Agreement for the highway works associated with the development to allow the works to be designed and carried out by the developer, overseen by the Council.
- 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 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.
- 11 Site specific issues raised in EDCI - The off-site highway works are at the main entrance to Aire Park and the Tetley Triangle which will be used as an events space. The off-site highway works realign the kerb line in this location to create a wider area for pedestrians and cyclists. There will be events held in the Tetley Triangle so the resurfacing of the footway ensures the area is suitable for the increase in footfall. A 15m wide entrance area provides additional space for vulnerable pedestrians when walking in crowds of people attending events.

The raised table slows vehicles down in a location where footfall is expected to significantly increase and prioritises pedestrians crossing the road with a level surface raised table. The raised table creates convenient crossing points for elderly and disabled road users who would normally have to walk to a dropped kerb to cross the road.

The provision of the layby provides a safe place for vehicles to park whilst unloading equipment for events in the Tetley Triangle. This ensures traffic on Waterloo Street is free flowing and maintains footways for pedestrian movement.

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 improve the pedestrian environment at the main entrance to Aire Park and the Tetley Triangle through creating more space for large groups of people walking between the application site and city centre.
- 13 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies CC3 and T2 in that they provide a safe and sustainable means of access for all users.
- 14 The raised table will slow vehicles down to create a safer environment for pedestrians.

- 15 The proposed raised table incorporates pedestrian crossing facilities which will enable pedestrian connections from the development towards the city centre.
- 16 Delivery of the highways works supports the provision of the wider Aire Park site which provides homes and jobs thereby supporting the Inclusive Growth of the city.
- 17 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: Hunslet & Riverside

Have ward members been consulted? Yes No

- 18 Hunslet & Riverside Ward Members were consulted by email dated 17th August 2022, no comments have been received at the time of writing this report.
- 19 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 17th August 2022. WYCA have expressed their support for the scheme and have confirmed they are happy for their land to be dedicated as adopted highway.

No responses have been received from the emergency services.
- 20 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 17th August 2022. Following comments made through internal consultation details on the flush granite kerbs have been amended and the construction detail of the raised table has been updated to provide a minimum of 150mm compacted sub base.

What are the resource implications?

- 21 The developer will meet the Council's costs, estimated to be £14,430 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 22 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 23 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £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 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	14.4			14.4			
OTHER COSTS (7)	10.0			10.0			
TOTALS	24.4	0.0	0.0	24.4	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 on £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	24.4			24.4			
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	24.4	0.0	0.0	24.4	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?

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

What are the legal implications?

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

26 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.

27 The proposals regarding the footway alterations and raised speed tables are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

28 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976.

Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

Options, timescales and measuring success

What other options were considered?

29 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?

30 Success will be measured by the delivery of the highway works to support planning consent 19/06625/RM, thereby achieving the stated social, environmental and economic benefits to the city.

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

31 Works for the proposed development are expected to commence October 2023. The proposed highway works are expected to be fully implemented by December 2023.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: LDS-SW-PLN-LAN-ZZ-DR-0001 Rev P00
- Appendix 3 - General Arrangement drawing no: LDS-CUR-SW-CIV-ZZ-DR-95002-P08 S278 Layout
- Appendix 4 – Adoption Plan drawing no: LDS-CUR-SW-CIV-ZZ-DR-95003-P04

Background papers

- None