

Design & Cost Report for S278 Highway Works Associated with the Construction of Three Distribution Warehouses with Ancillary Offices at Former Container Base Site, Valley Farm Way, Stourton, Leeds, LS10 1SE

Date: 9th January 2024

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 erection of three distribution warehouses with ancillary offices, including the adoption of land as highway.

The highway works include; converting the existing turning head on Leodis Way into a vehicular access, extending the shared footway / cycleway on Leodis Way up to the Royal Mail site, and upgrading pedestrian crossings on Leodis Way. The widened area of footway will be dedicated as public highway by the developer.

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 the General Arrangement Plan ref: 21090-BGL-XX-XX-DR-C-00100 P7 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 £5000 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 red on drawing number 21090-BGL-XX-XX-DR-C-00113 P1 attached at **Appendix 4** so that it can be added to the Council's maintenance regime.
- e. Approve with reference to the powers contained in Section 65(1) of the Highways Act 1980, that the relevant lengths of footway on Leodis Way (shown on the General Arrangement Plan ref: 21090-BGL-XX-XX-DR-C-00100 P7) are constructed for shared joint use by pedal cyclists and pedestrians.

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 22/01842/FU. The location of the development site is provided on 5048-CA-00-XX-DR-A-01001-PL2 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: 21090-BGL-XX-XX-DR-C-00100 P7) is provided at **Appendix 3** of this report. An Adoption Plan is provided at **Appendix 4** of this report.
- 3 Planning permission was granted in May 2023 (ref: 22/01842/FU) for the erection of three distribution warehouses with ancillary offices and associated highway improvements on Leodis Way. The site location is as shown on the Location Plan (ref: 5048-CA-00-XX-DR-A-01001-PL2) 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 22/01842/FU. The proposed works comprise:
 - Realigning kerbs and formation of new carriageway to convert the existing turning head on Leodis Way into a vehicular access;
 - Extending the existing shared footway / cycleway on Leodis Way north of the existing 'End Of Cycle Route' sign up to the site access;
 - Adoption of land on Leodis Way to widen the existing footway to 3.5m to form the shared footway / cycleway;
 - Bollards around the perimeter of the turning head on Leodis Way to be removed;
 - Dropped kerbs and tactile paving on Leodis Way at the proposed site access and at the entrance to the Royal Mail site;
 - Tactile paving added to the existing dropped crossing on Leodis Way;
 - 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 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.
- 7 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?

- 8 Site specific issues raised in EDCI - The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of a new vehicular access and extending the existing shared footway / cycle way for the full length of Leodis Way.

An existing dropped crossing is being upgraded through adding tactile paving and new dropped crossings across the site access and Royal Mail site are being added. The addition of tactile paving to the existing crossing will assist visually impaired users to cross the road, and the provision of new dropped crossings provides a safe place to cross for all pedestrians, this will particularly assist those who require a level crossing such as the elderly.

These improvements not only benefit people accessing the application site, however also those accessing the Royal Mail site which is at the end of Leodis Way.

- 9 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

- 10 The proposals support objectives across the three pillars. The highway works will improve the environment for pedestrians and cyclists on Leodis way by extending the existing shared footway / cycleway up to the site access, this provides sufficient space for both pedestrians and cyclists for a longer section of Leodis Way.
- 11 Dropped kerbs and tactile paving are proposed across the new access point to provide a crossing point for pedestrians. Furthermore the existing dropped kerbs on Leodis Way are being upgraded through adding tactile paving, this improves the environment for pedestrians with sight impairment.
- 12 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy PolicyT2 in that they provide a safe and sustainable means of access for all users.
- 13 A combined Stage 1 & 2 Road Safety Audit has been undertaken as part of the Section 278 process and no issues were raised.
- 14 The development incorporates Electric Vehicle Charging Points, cycle parking provision and sustainable travel options will be promoted through a Travel Plan. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.

- 15 Delivery of the highways works supports the provision of jobs thereby supporting the Inclusive Growth of the city.
- 16 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, public transport and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Hunslet & Riverside

Have ward members been consulted? Yes No

- 17 Hunslet & Riverside Ward Members were consulted by email dated 29th August 2023, no comments have been received at the time of writing this report.
- 18 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 29th August 2023, no comments have been received at the time of writing this report.
- 19 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 29th August 2023. Following internal consultation the shared use footway was extended to full length of Leodis Way up to the Royal Mail site and an additional shared pedestrian / cyclist crossing provided at the access to the Royal Mail site. The full width of the adopted highway adjacent to the new vehicular access is to be resurfaced and signage has been amended following comments from colleagues.

What are the resource implications?

- 20 The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 21 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 22 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						
DESIGN FEES (6)	0.0						
DESIGN FEES (6)	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)	5.0			5.0			6.0
OTHER COSTS (7)	0.0						
TOTALS	5.0	0.0	0.0	5.0	0.0	0.0	6.0
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	5.0			5.0			
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	5.0	0.0	0.0	5.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	-6.0

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

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

24 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?

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 and cycleway alterations are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

Options, timescales and measuring success

What other options were considered?

28 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?

29 Success will be measured by the delivery of the highway works to support planning consent 22/01842/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

30 Works for the proposed development is expected to commence February 2024. The proposed highway works are expected to be fully implemented by May 2024.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: 5048-CA-00-XX-DR-A-01001-PL2
- Appendix 3 - General Arrangement drawing no: 21090-BGL-XX-XX-DR-C-00100 P7
- Appendix 4 – Adoption Plan drawing no: 21090-BGL-XX-XX-DR-C-00113 P1

Background papers

- None