

## Delegated Decision Notice

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

<b>Decision type</b>	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
<b>Approximate value</b>	<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 checked="" 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 type="checkbox"/> £25,000 to £100,000
<b>Director<sup>1</sup></b>	Director of City Development		
<b>Contact person:</b>	Daniel Riley	Telephone number: 0113 378 8093	
<b>Subject<sup>2</sup>:</b>	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		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken?            The Chief Officer (Highways and Transportation) was requested to:</p> <p>a. <span style="float: right;">Note the</span>            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 <b>Appendix 3</b>;</p> <p>b. <span style="float: right;">Give</span>            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;</p> <p>c. <span style="float: right;">Give</span>            authority to incur expenditure of £5000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.</p> <p>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 <b>Appendix 4</b> so that it can be added to the Council's maintenance regime.</p> <p>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.</p>		

<sup>1</sup> Give title of Director with delegated responsibility for function to which decision relates.

<sup>2</sup> 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

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

A brief statement of the reasons for the decision


- 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.

	<p>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.</p> <p>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.</p> <p>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.</p> <p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>N/A</p>
<b>Affected wards:</b>	Hunslet & Riverside
<b>Details of consultation undertaken<sup>4</sup>:</b>	<p>Executive Member</p> <p>Ward Councillors</p> <p>Hunslet &amp; Riverside Ward Members were consulted by email dated 29<sup>th</sup> August 2023, no comments have been received at the time of writing this report.</p> <p>Chief Digital and Information Officer<sup>5</sup></p> <p>Chief Asset Management and Regeneration Officer<sup>6</sup></p> <p>Others</p> <p>Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 29<sup>th</sup> 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</p>

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

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

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

	adjacent to the new vehicular access is to be resurfaced and signage has been amended following comments from colleagues.	
<b>Implementation</b>	Officer accountable, and proposed timescales for implementation Works for the proposed development are expected to commence February 2024. The proposed highway works are expected to be fully implemented by May 2024.	
<b>List of Forthcoming Key Decisions<sup>7</sup></b>	Date Added to List:-	
	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision	
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
<b>Publication of report<sup>8</sup></b>	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 _____	
<b>Call In</b>	Is the decision available <sup>9</sup> for call-in?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:	
<b>Approval of Decision</b>	Authorised decision maker <sup>10</sup> Gary Bartlett, Chief Officer – Highways & Transportation	
	Signature  	Date 7 <sup>th</sup> February 2024

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

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

<sup>9</sup> 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.

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