

Design & Cost Report for S278 Highway Works Associated with development at Barnsdale Road, Allerton Bywater, Leeds

Date: 11/07/2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 733734

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Planning permission (ref: 20/07999/FU) was granted in October 2021 for the installation and operation of a solar park with associated infrastructure and upgraded access off Barnsdale Road, Allerton Bywater.

To meet the requirements of the planning permission and deliver the highway improvements, outlined in paragraph 4 below, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highway works to be carried out.

The works are to be designed and constructed by the developer, overseen by the Council. This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the development, under the Highways Act 1980, to allow the works to be designed and carried out by the developer, overseen by the Council.

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 General Arrangement drawing no: NT14987-S278-002 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 £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

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 (ref. 20/07999/FU). The location of the development site is shown on a plan provided in **Appendix 2** of this report. General Arrangement (GA) Plan (drawing no: NT14987-S278-002) is provided in **Appendix 3** of this report.
- 3 The proposed works comprise:
 - Upgrading an existing vehicular access from Barnsdale Road into the development to accommodate the vehicular traffic for the development and safe pedestrian access to existing dwelling;
 - New footway construction;
 - Dropped kerb and tactile paving across the new access;
 - 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.
- 4 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.
- 5 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.
- 6 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?

- 7 The proposals will contribute to improved access to the new development for pedestrians and vehicles through the provision of an upgraded vehicular access. Such improvements will be made to accommodate the needs of all users. Further details of site specific considerations are set out in the Equality, Diversity, Cohesion and Integration (EDCI) at **Appendix 1**.
- 8 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

- 9 The proposals support objectives across the three pillars. The highway works will provide high quality infrastructure to support the development for low carbon, low pollution power generation and to enable safer pedestrian, vehicle movement to and from the site
- 10 The proposed highway works accord with Core Strategy policy T2 and West Yorkshire Local Transport Plan and other policies in that they provide safe means of access for all users.
- 11 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by facilitating the development and operation of solar power generation.

What consultation and engagement has taken place?

Wards affected: Kippax and Methley

Have ward members been consulted?

Yes

No

- 12 Kippax and Methley Ward Members were consulted by email dated 5th April 2023 and raised no concerns.
- 13 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 5th April 2023. No comments have been received at the time of writing this report.
- 14 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 5th April 2023. The consultations raised some minor questions regarding land ownership and drainage.
- 15 These and any other issues raised will be addressed in the in the detailed design.

What are the resource implications?

- 16 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.
- 17 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 18 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		733734				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £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 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £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	5.0	0.0			
OTHER COSTS (7)	0.0		0.0				
TOTALS	5.0	5.0	5.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2023/24 £000's	2024/25 £000's	2025/26 £000's	2026/27 £000's	2027 on £000's
LCC Supported Borrowing	0.0						
Revenue Contribution	0.0						
Capital Receipt	5.0	5.0	5.0	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	0.0						
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						

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.
- 20 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?

- 21 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 22 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 Equality Act 2010 (as amended).

Options, timescales and measuring success

What other options were considered?

- 23 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?

24 Success will be measured by the delivery of the highway works to support planning consent **20/07999/FU**, thereby achieving the stated social, environmental and economic benefits to the city.

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

25 Works for the proposed development will commence April 2024. The proposed highway works would be fully implemented by September 2024.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Planning Application Boundary drawing no: 335751
- Appendix 3 - General Arrangement drawing no: NT14987-S278-002

Background papers

- None