

## 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 checked="" type="checkbox"/> below £25,000 <input 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>	Andrew Fosbueary	Telephone number: 0113 378 5179	
<b>Subject<sup>2</sup>:</b>	Design & Cost Report for S278 Highway Works Associated with development at Barnsdale Road, Allerton Bywater, Leeds		
<b>Decision details<sup>3</sup>:</b>	What decision has been taken?  The Chief Officer (Highways and Transportation) was requested to: <ul style="list-style-type: none"> <li>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 <b>Appendix 3</b>;</li> <li>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</li> <li>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.</li> </ul>		
	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 (ref. 20/07999/FU). The location of		

<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.

	<p>the development site is shown on a plan provided in <b>Appendix 2</b> of this report. General Arrangement (GA) Plan (drawing no: NT14987-S278-002) is provided in <b>Appendix 3</b> of this report.</p> <p>3 The proposed works comprise:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• New footway construction;</li> <li>• Dropped kerb and tactile paving across the new access;</li> <li>• All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing; lighting, signing, drainage and lining works etc;</li> <li>• Any associated statutory undertakers' works resulting from the works; and</li> <li>• Any works reasonably required following safety audits of the design and construction of the highway works.</li> </ul> <p>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.</p> <p>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.</p> <p>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.</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>
<p><b>Affected wards:</b></p>	<p>Kippax and Methley</p>
<p><b>Details of consultation undertaken<sup>4</sup>:</b></p>	<p>Executive Member</p> <hr/> <p>Ward Councillors</p> <p>Kippax and Methley Ward Members were consulted by email dated 5<sup>th</sup> April 2023 and raised no concerns.</p> <hr/> <p>Chief Digital and Information Officer<sup>5</sup></p> <hr/> <p>Chief Asset Management and Regeneration Officer<sup>6</sup></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.

	<p><b>Others</b></p> <p>The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 5<sup>th</sup> April 2023, no comments have been received at the time of writing the Design and Cost report.</p> <p>Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 5<sup>th</sup> April 2023.</p> <p>Internal consultations have highlighted issues with regards to land ownership and drainage. Issues raised have been passed to the Design Team and will be incorporated into the detailed design stage.</p>		
<b>Implementation</b>	<p>Officer accountable, and proposed timescales for implementation</p> <p>Works for the proposed development will commence in April 2024. The proposed highway works would be fully implemented by September 2024.</p>		
<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	

<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.

	G J Bartlett.	16 <sup>th</sup> May 2024
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