

Design & Cost Report for S278 Highway Works Associated with the construction of a Special Education Needs and Disabilities (SEND) Primary and Secondary Free School on Land South of Cross Green Lane, Cross Green, Leeds, LS9 OBB

Date: 28th May 2024

Report of: Transport Development Services

Report to: Chief Officer (Highways and Transportation)

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 construction of a Special Education Needs and Disabilities (SEND) Primary and Secondary Free School on Land South of Cross Green Lane, Cross Green, Leeds, LS9 OBB.

The highway works include the construction of a new bell mouth created at one existing access for two-way movements into the site, improvements to the existing footway with widening to 3m, formalising the other existing access for one-way entry into the site and creation of TRO including No Waiting At Any Time and School Keep Clear markings to accommodate these works.

Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- a. Note the details of the highway works described in paragraph 4 of this report and as shown on plan ref: VN232540-VEC-HGA-XX-DR-C-100_P05 General Arrangement attached at **Appendix 2**;
- 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 £9,580 staff checking and inspection fees which is to be fully covered by the developer through the Section 278 Agreement.

- d. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order including No Waiting At Any Time (NWAAT) and School Keep Clear markings 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: and
- e. Approve with reference to the powers contained in Sections 66(4) of the Highways Act 1980, that the relevant lengths of footway shown on S278 Works Plan ref: VN232540-VEC-HGA-XX-DR-C-100_P05 General Arrangement are widened and the verges removed.

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 highway works to serve the development, the principle of these works having been considered and accepted as part of the planning consent.
- 3 The planning application 22/08237/FU was granted planning approval on 23rd June 2023. The approval is for the Construction of a Special Education Needs and Disabilities (SEND) Primary and Secondary Free School together with associated hard/soft landscaping, including Multi-Use Games Area (MUGA) and All-Weather Pitch (AWP), car/cycle parking, secure line fence/boundary enclosures, associated means of access off Cross Green Lane, including widening of footway along the site frontage. The location of the development site is provided on the Location Plan, ref: SITE_LOCATION_PLAN-4616453 at **Appendix 3** of this report.
- 4 The highway works that are required for planning permission 22/08237/FU are as follows:
 - Construction of a new bell mouth created at the existing access for two-way movements into the site including tactile paving;
 - Improvements to the existing footway with widening to 3m;
 - Formalise the existing access for one-way entry into the site;
 - The creation of a TRO including NWAAT and School Keep Clear markings;
 - 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 Section 278 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 The proposals will provide safe access to the site for pedestrians, cyclists and drivers, through improvements to an existing access and the provision of a new access, tactile paving and NWAAT/School Keep Clear markings.
- 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 the design 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) criteria, 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”.
- 10 The proposed dropped kerb pedestrian crossing with tactile paving will assist people who have impaired sight and mobility as well as people with pushchairs.
- 11 As part of the design and construction process further equality screenings and impact assessments will be undertaken as required. For instance, equality screenings prior to commencement of the access works to ensure that a footway crossing is maintained for disabled people, including an access ramp.

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 environment for pedestrians and site users.
- 13 Dropped kerbs and tactile paving are proposed across the new access point to provide a crossing point for pedestrians.
- 14 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policy T2 in that they provide a safe and sustainable means of access for all users.
- 15 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.
- 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 and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Burmantofts and Richmond Hill

Have ward members been consulted? Yes No

17 Burmantofts and Richmond Hill Members were consulted by email dated 30th October 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 30th October 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 30th October 2023. The Detailed Design comments have been forwarded to the developer for inclusion in a revised plan. These include consideration of the parking restrictions fronting the site and resurfacing of the carriageway in front of the junction bell mouth.

What are the resource implications?

20 The developer will meet the Council's costs, through the Section 278 Agreement. The costs are £9,580 for checking the design and inspecting the works, and £10,000 for TRO costs. The S278 agreements will include commuted sums for future maintenance.

21 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees. The S278 agreements will include commuted sums for future maintenance.

22 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

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

Funding Approval :	Capital Section Reference Number		33840			
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2025 £000's	Forecast			
			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
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2025 £000's	Forecast			
			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)	9.6			9.6		
OTHER COSTS (7)	0.0					
TOTALS	9.6	0.0	0.0	9.6	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2025 £000's	Forecast			
			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	9.6			9.6		
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	9.6	0.0	0.0	9.6	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0

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.

What are the legal implications?

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

25 The approved highway works are tied to a condition as part of the planning approval. The planning condition requires the highway works to be fully delivered prior to first use of the development.

Options, timescales and measuring success

What other options were considered?

26 The scope of the highway works were assessed and agreed at Planning Application stage therefore no other options formed part of this proposal.

How will success be measured?

27 Success will be measured by the delivery of the highway works to enable the development of the industrial unit approved under planning ref 22/08237/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

28 Works for the proposed development is expected to commence Summer 2024. The proposed highway works are expected to be fully implemented by Winter 2024, with occupation in anticipated in September 2024

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – S278 Works Plan ref: VN232540-VEC-HGA-XX-DR-C-100_P05 General Arrangement
- Appendix 3 – SITE_LOCATION_PLAN-4616453

Background papers

- None