

Section 278 highway works associated with a residential development on land off Railway Street, Leeds LS9 8HB

Date: 10th July 2024

Report of: Head of Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33868

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Planning Permission was granted in April for a residential development (ref. **21/08380/FU**) on land at Railway Street, Leeds, LS9 8HB. The development requires highway works on Railway St described in detail in paragraph 5 below.

To meet the requirements of the planning permission the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the development to allow the works to be carried out by the developer, overseen by the Council.

Brief summary

Recommendations

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

- a) Note the details of the highway works provided in paragraph 5 of this report and as shown on the plan 700192-HEX-XX-XX-DR-C-6000 P02 included 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 with step in rights.
- c) Approve the adoption of new highway construction on LCC land shaded blue and development land shaded red on Plan 700192-HEX-XX-XX-DR-C-6004-P2, included at **Appendix 4**, so that both can be added to the Council's maintenance regime and in accordance with the powers available in Section 278/38 of the Highways Act 1980.

- d) Approve with reference to powers contained in Section 66 (1) of the Highways Act 1980 construction of new footway as shown on plan 700192-HEX-XX-XX-DR-C-6000 P02 in Appendix 3
- e) Give authority to incur capital expenditure of circa £5,000 associated with staff checking and inspection costs. These costs will be fully funded by the developer through the Section 278 Agreement.

What is this report about?

- 1 Section 278 of the Highways Act 1980 allows Highway 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 21/08380/FU. The location of the development site is provided on Location Plan: 235-41(02)001 at **Appendix 2** of this report. A General Arrangement Plan 700192-HEX-XX-XX-DR-C-6000 P02 is provided at **Appendix 3** of this report.
- 3 Planning permission was granted on 24 April 2023 (ref: 21/08380/FU) for Development comprising 58 apartments for affordable rent, including communal and ancillary spaces at Railway Street. The site location is as shown on the plan at Appendix 2. The planning consent requires a package of highway improvements described in detail in paragraph 5 below.
- 4 The highway works are required to provide adequate servicing arrangements for the development and implement new footway provision. The proposed works are shown on plan 700192-HEX-XX-XX-DR-C-6000 P02 and comprise:
 - 136m of 2.0m wide footway will be created along the frontage of the site and adjacent to the public open space. A gated maintenance access will be created for the park,
 - An improved vehicle access to the site,
 - The relocation of three existing lampposts,
 - The public open space is currently protected from vehicular access by a line of steel bollards and concrete bollards. These will be relocated behind the new footway.
 - 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 works, the developer has requested Leeds City Council to enter a minor Section 278 Agreement under the provisions of the Highways Act 1980.

- 6 This report seeks authority to negotiate the terms and enter a minor Section 278 Agreement (Highways Act 1980) for the highway works to allow the developer to complete the detailed design and construction of the works under the supervision of the Council.
- 7 There is land to be dedicated as highway for these works; the extent of the land within the development site to be dedicated is shown in red on Plan 700192-HEX-XX-XX-DR-C-6004-P2. This is in accordance with the Council's ability under S278/S38 of the Highways Act 1980 to adopt land by agreement for such purposes.
- 8 In addition, LCC land currently vested with Parks is proposed to become adopted highway as shown in blue on Plan 700192-HEX-XX-XX-DR-C-6004-P2; agreement has been sought from the Parks Chief Officer and details agreed with officers.
- 9 The planned highway works will contribute to the 'Best Council Plan' by maintaining and improving the safety of Leeds residents and enabling safe access to the property.

What impact will this proposal have?

- 10 The proposals will contribute to improved access to the site and the public open space for pedestrians by providing a continuous footway.
- 11 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) 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". 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?

Inclusive Growth Health and Wellbeing Climate Emergency

- 12 The proposals support objectives across the three pillars. The highway works will provide improved pedestrian facilities along Railway Street.
- 13 The proposed highway works also accord with the core strategy policies, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access.

What consultation and engagement has taken place?

Wards Affected: Burmantofts & Richmond Hill.

Have ward members been consulted? Yes No

The scheme is within Burmantofts & Richmond Hill.

- 14 Burmantofts & Richmond Hill ward members were consulted by email on Thursday 16th May 2024. No comments have been received from the ward members.
- 15 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on Thursday 16th May 2024. No comments have been received.

- 16 Internal consultations have also been undertaken with colleagues in Highways and Transportation Services by email on Thursday 16th May 2023. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage.
- 17 The Council's Traffic Engineering Manager requested that further investigations be undertaken about the rationale for the bollards. Parks and Countryside requested the park to be protected from unauthorised access. The proposal is to relocate the existing bollards behind the line of the proposed footway. This would therefore ensure the park is protected. A gap would also be provided for grass cutting machinery access.
- 18 The extent of the adoption will be the back of footway. However, it would not include the bollards which would be retained as Parks and Countryside asset.

What are the resource implications?

- 19 The developer will meet the Council's costs, estimated to be £5,000 staff checking and inspection costs and all of which will be fully funded through the Section 278 agreement.
- 20 Funding: The developer will fund the total cost of the scheme, including the highways works, any statutory undertakers works and staff fees.
- 21 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?

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

What are the legal implications?

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

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

How will success be measured?

- 26 It is considered that success will be measured by the delivery of the highway works to standards, thereby achieving the social, environmental and economic benefits of the planning permission.

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

- 27 The developer will be responsible for implementing the works in accordance with the approved plan, under the inspection and supervision of the Council.

Appendices

- Appendix 1 – Equality, Diversity, Inclusion and Cohesion screening form
- Appendix 2 – Location Plan - 3955882
- Appendix 3 – S278 Plan - 700192-HEX-XX-XX-DR-C-6000 P02
- Appendix 4 – Dedication and Adoption Plan- 700192-HEX-XX-XX-DR-C-6004_S2_P2

Background papers

- None.