

# S278 Highway Works Associated with Construction of An Access to the Neville Hill South Sidings, Newmarket Approach, Cross Green, Leeds, LS9 9RJ

Date: 29/06/2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33885/NEW/000

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 alterations to the existing bridleway NCN 66 at the proposed new access to the Neville Hill South Sidings. The works include widening of the bridleway, construction of a raised table and installation of a chicane barrier. The works are associated with the TransPennine Route Upgrade (TRU), the objective for which is to upgrade the railway infrastructure between Manchester Victoria and York.

## Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 3 of this report and shown on plan 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3 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.
- c. Give authority to incur expenditure of £10000 TRO costs and £5000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- d. Approve with reference to powers contained in Section 65 (1) and (2) of the Highways Act alterations to the existing bridleway track for shared use by pedestrians, pedal cycles, and horses including widening and a raised table crossing, maintaining its bridleway status with appropriate signage as shown on drawing no. 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3.

- e. Approve with reference to powers contained in Section 66 (3) of the Highways Act construction of a chicane barrier on bridleway NCN 66 as shown on drawing no. 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3.
- f. Authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980 in order to inform the public of the new raised table on bridleway NCN 66 and if no valid objections are received, to continue with the works as advertised,
- g. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to introduce waiting restrictions as shown on 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3; 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.

### **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 23/03522/FU. The location of the development site is provided on drawing no. 151666-TRA-E2-NHM-DRG-D-HW-001131 Rev P04.1 at **Appendix 2** of this report. A General Arrangement Plan drawing no. 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3 is provided at **Appendix 3** of this report.
- 3 Planning permission was granted in April / 2024 (ref: 23/03522/FU) for a new vehicular access and shared-use footpath/cycleway off the existing Newmarket Approach to Neville Hill South Sidings and associated highway improvements at Newmarket Approach and bridleway NCN 66. The site location is as shown on the Location Plan 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 23/03522/FU. The proposed works comprise:
  - Tie in of the new access to the end of Newmarket Approach and removal of existing A-frame on the shared-use footway/cycleway;
  - Widening and resurfacing of the existing bridleway NCN route 66;
  - A new raised table crossing on the bridleway NCN route 66;
  - Installation of new chicane barrier on bridleway NCN route 66;
  - 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 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 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.

- 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 horse rider access in the local community.

### What impact will this proposal have?

- 8 Site specific issues raised in EDCI - The proposals will contribute to improved environment for pedestrians, cyclists, and horse riders through the provision of a widened bridleway and a raised table crossing. Such improvements will enhance health and wellbeing for all users.
- 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 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

- 10 The proposals support objectives across the three pillars. The highway works will improve the environment for pedestrians, cyclists, and horse riders.
- 11 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.
- 12 A Stage 1 Road Safety Audit has been undertaken as part of the planning application and the issues identified by the audit will be addressed at detailed design stage.
- 13 The proposed raised table crossing enhances the pedestrian, cycle, and horse rider environment.
- 14 Delivery of the highways works supports the railway infrastructure improvements aimed at improving connectivity and economic growth in the north and in addition, the delivery of the highways works support provision of jobs thereby supporting the Inclusive Growth of the city.
- 15 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 horse riding.

### What consultation and engagement has taken place?

Wards affected: Burmantofts & Richmond Hill

Have ward members been consulted?

Yes

No

- 16 Burmantofts & Richmond Hill Ward Members were consulted by email dated 21st June 2024 no comments have been received at the time of writing this report.
- 17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 21<sup>st</sup> June 2024, no comments have been received at the time of writing this report.
- 18 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 21<sup>st</sup> June 2024. Any issues raised will be passed to the Design Team for inclusion in the detailed design.

### What are the resource implications?

- 19 The developer will meet the Council's costs, estimated to be £10,000 for Traffic Regulation Order costs and £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement. The S278 agreements will include commuted sums for future maintenance.
- 20 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.
- 21 Staffing: The design and checking of the works can be carried out within the existing staff resources.

<b>Funding Approval :</b>	<b>Capital Section Reference Number :-</b>							
<b>Previous total Authority to Spend on this scheme</b>	<b>TOTAL</b>	<b>TO MARCH 2024</b>	<b>FORECAST</b>					
			<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028 on</b>	
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
LAND (1)	0.0							
CONSTRUCTION (3)	0.0							
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	0.0							
OTHER COSTS (7)	0.0							
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Authority to Spend required for this Approval</b>	<b>TOTAL</b>	<b>TO MARCH 2024</b>	<b>FORECAST</b>					
	<b>£000's</b>	<b>£000's</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028 on</b>	
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	
LAND (1)	0.0							
CONSTRUCTION (3)	0.0							
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	6.0		5.0					
OTHER COSTS (7)	0.0		10.0					
<b>TOTALS</b>	<b>6.0</b>	<b>0.0</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>Total overall Funding (As per latest Capital Programme)</b>	<b>TOTAL</b>	<b>TO MARCH 2024</b>	<b>FORECAST</b>					
	<b>£000's</b>	<b>£000's</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028 on</b>	
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	
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	6.0		15.0					
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							
<b>Total Funding</b>	<b>6.0</b>	<b>0.0</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

### 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.
- 23 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?

- 24 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 25 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 Equalities Act.
- 26 The proposals regarding the bridleway widening, raised table crossing and installation of chicane barrier are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.
- 27 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 28 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?**

- 29 Success will be measured by the delivery of the highway works to support planning consent 23/03522/FU, thereby achieving the stated social, environmental, and economic benefits to the city.

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

- 30 Works for the proposed development will commence August 2024. The proposed highway works would be fully implemented by November 2024.

## **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: 151666-TRA-E2-NHM-DRG-D-HW-001131 Rev P04.1
- Appendix 3 - General Arrangement drawing no: 151666-TRA-E2-NHM-DRG-D-HW-001132 Rev P04.3

## **Background papers**

None.