

S278 Highway Works Associated with residential Development at Old Lane, Drighlington, BD11 1LU

Date: 10/07/2024

Report of: Head of Development Services

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33624

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Planning permission was granted in August 2021 (ref: 17/02163/FU) for construction of 36 residential dwellings, landscaping and associated infrastructure. The planning consent requires a package of highway improvements described in detail in paragraph 4 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. The works are to be carried out by the developer and overseen by the Council.

This report seeks authority to negotiate terms and enter a S278 agreement for the highway works associated with the development.

Recommendations

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

- a) Note the detail of the highway works as outlined in section 4 of this report and shown on General Arrangement Plan 21-430 EW21 P02 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 with step in rights.
- 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.
- d) Approve the adoption of new highway construction on land shaded blue on Land Dedication Plan 21-430 EW24 P03 attached at **Appendix 4** so that it can be added to the Council's maintenance regime.
- e) Approve with reference to powers contained in Section 66 (1) and (4) of the Highways Act construction/ modification of footways as shown on General Arrangement Plan 21-430 EW21 P02 attached at **Appendix 3**.

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 have been considered and accepted as part of the planning process for planning consent 17/02163/FU. The location of the development site is provided on drawing 054-LP-010 Rev A at **Appendix 2** of this report. A General Arrangement Plan 21-430 EW21 P02 is provided at **Appendix 3** of this report. A Land Dedication Plan 21-430 EW24 P03 is attached at **Appendix 4** of this report.
- 3 Planning permission was granted in August 2021 (ref: 17/02163/FU) for the construction of 36 dwellings and associated highway improvements at Old Lane, Drighlington, BD11 1LU. 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 17/02163/FU. The proposed works comprise:
 - Alterations to footway on the north of Old Lane from Jubilee Croft to the existing bungalow to provide widened and resurfaced footway;
 - Carriageway widening and realignment along Old Lane;
 - New layby construction opposite No. 7-11 Old Lane;
 - 2m footway construction on Old Lane from the existing bungalow along the entire site frontage to the northeast;
 - Vehicle crossings at site frontage to provide driveways to new dwellings accessed via Old Lane;
 - Dropped pedestrian crossings and tactile paving at various locations between the site access and Whitehall Road;
 - New area of footway to be dedicated as adopted highway as shown shaded blue on Land Dedication Plan 21-430 EW24 P03;
 - 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
- 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 vehicular access in the local community.

What impact will this proposal have?

- 8 Site specific issues raised are included in the EDCI screening included at **Appendix 1**. The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of an improved site access, footways, dropped crossings and tactile paving at various locations. Such improvements will be made to accommodate the needs of all users.
- 9 An Equality, Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out on the Section 278 process and is available online as a background paper. A site specific EDCI Screening 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”. A site specific EDCI screening has been carried out and identified that the provision of widened footways and pedestrian crossings with dropped kerbs and tactile paving would assist those with visual and mobility impairments, including pregnant and elderly people. Improvements to street lighting along Old Lane would also create a safer walking route for those who may feel vulnerable due to their sexual orientation or gender.

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 provide high quality infrastructure to support the development and to enable improved, safer pedestrian, cyclist and vehicle movement to and from the site, thereby encouraging travel by more sustainable modes.
- 11 The proposed highway works accord with Core Strategy policy T2 and West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 12 The development incorporates electric vehicle charging points, disabled car parking, cycle parking provision. The proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint. This is in accordance with Policy EN8.
- 13 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, use of public transport and electric vehicles.

What consultation and engagement has taken place?

Wards affected: Morley North

Have ward members been consulted?

Yes

No

- 14 Morley North ward members were consulted by email dated 5th October 2023. No comments have been received at the time of writing this report.
- 15 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 5th October 2023, no comments have been received at the time of writing this report.
- 16 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 5th October 2023. Minor comments were received from Council officers and have been addressed.

What are the resource implications?

- 17 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. The S278 agreements will include commuted sums for future maintenance.
- 18 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.
- 19 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2024 £000's	FORECAST					
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2029 on £000's	
LAND (1)	0.0							
CONSTRUCTION (3)	0.0							
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	5.0		5.0					
OTHER COSTS (7)	0.0							
TOTALS	5.0	0.0	5.0	0.0	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					
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2029 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	5.0		5.0					
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							
Total Funding	5.0	0.0	5.0	0.0	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

- 20 The total cost of the highway works and staff fees are fully developer funded.
- 21 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?

- 22 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 23 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.
- 24 The proposals regarding the footway additions / alterations are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

Options, timescales and measuring success

What other options were considered?

- 25 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?

- 26 Success will be measured by the delivery of the highway works to support planning consent 17/02163/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

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

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 - Site Location Plan LP-010 Rev A
- Appendix 3 - General Arrangement Plan 21-430 EW21 P02
- Appendix 4 – Land Dedication Plan 21-430 EW24 P03

Background papers

- S278 Process Equality Impact Assessment