

# Design & Cost Report for S278 Highway Works Associated with the construction of a Sixth Form College at land West of Kent Road

Date: 21<sup>st</sup> August 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33904

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

Planning permission for the construction of a Sixth Form College at land west of Kent Road. The development requires a new access and traffic calming measures on Kent Road. This requires a Section 278 Agreement.

## Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 4 of this report and shown on plan 24-221-DE-001 Rev D 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 £7000 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 red on drawing number Plan 24-221-DE-S278-001 attached at Appendix 4, so that it can be added to the Council's maintenance regime.
- e. Approve with reference to the powers contained in Sections 66 (4) of the Highways Act 1980, that the relevant length of Kent Road verge shown on plan 24-221-DE-001 Rev D to be constructed as footway.
- f. Give authority to request the City Solicitor to draft and advertise a Notice under the provision of Section 90C of the Highways Act 1980 for the implementation of vertical traffic calming features.
- g. Give authority and request the City Solicitor to draft and advertise a Traffic Regulation Order as identified, and if no valid objections are received, to make, seal and implement the Orders as advertised.

- h. To receive further reports resulting from any objections which may be received to the advertised orders.

### **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 22/08014/FU. The location of the development site is provided on Plan PSFC-ENJ-ZO-SL-DR-A-90004 rev P02 at Appendix 2 of this report. A General Arrangement Plan (drawing ref: 24-221-DE-001 Rev D) is provided at Appendix 3 of this report.
- 3 Planning permission was granted in May 2024 (ref: 22/08014/FU) for Construction of a Sixth Form College at land West of Kent Road and associated highway improvements at Kent Road. 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 required highway works comprise:
  - a speed table junction at the school entrance,
  - a full width speed table at an existing informal crossing
  - 5No road humps
  - The footway on Kent Road to the north of the site access is to be increased in width to 3.0m;
  - Alterations to existing footways to accommodate the proposed junction;
  - 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 vehicular access in the local community.

### **What impact will this proposal have?**

- 8 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

- 9 The proposals support objectives across the three pillars. The highway works will reduce speeds on Kent Road which will improve road safety.
- 10 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies and T2 in that they provide a safe and sustainable means of access for all users.
- 11 A Stage 1 Road Safety Audit has been undertaken as part of the planning application and a Stage 2 Road Safety Audit was recently submitted. The issues identified by the audits will be addressed at detailed design stage.
- 12 The proposed speed tables and road humps complement the recently installed Zebra crossing and one committed Zebra crossing. Both Zebra crossings are being delivered through the Pedestrian Crossing Review.
- 13 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.
- 14 Delivery of the highways works supports the provision of the new 6<sup>th</sup> form college and the existing Crawshaw Academy 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, public transport and use of electric vehicles.

### What consultation and engagement has taken place?

Wards affected: Pudsey

Have ward members been consulted?

Yes

No

- 16 Pudsey Ward Members were consulted by email dated 16th June 2024. No comments were received about the permanent works.
- 17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 16th 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 16th June 2024. Issues raised have been passed to the Design Team for inclusion in the detailed design.

### What are the resource implications?

The developer will meet the Council's costs, estimated to be £7,000 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

- 19 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.
- 20 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?**

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

### **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 and raised speed tables and humps 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.

#### **How will success be measured?**

- 26 Success will be measured by the delivery of the highway works to support planning consent (ref: 22/08014/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 be installed prior to the school opening in September 2025.

### **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: PSFC-ENJ-ZO-SL-DR-A-90004 rev P02
- Appendix 3 - General Arrangement drawing no: 24-221-DE-001 Rev D
- Appendix 4 – Adoption Plan 24-221-DE-S278-001

### **Background papers**

- None