

# Public Document Pack

**North Yorkshire County Council  
Business and Environmental Services - Executive Members & Corporate Director Meetings -  
Department**

**Monday, 12 April 2021 / 2.00 pm**

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## **A G E N D A**

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- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Exclusion of the public from the meeting during consideration of item(s) # on the grounds that it/they each involve the likely disclosure of exempt information as defined in the paragraph(s) # of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006**

### **Items for Executive Member decision**

### **Items for Corporate Director decision**

- 4 Highway Development Service - Procurement of Works at The Bailey (Pages 3 - 14)

### **Any Other Business**

- 5 Date of future formal meetings

### **Circulation:**

#### **Executive Members**

Don Mackenzie

#### **Officer attendees**

K Battersby

#### **Presenting Officers**

Jasmin Gibson

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## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

12 April 2021

#### Highway Development Service – Design and Construction Project

#### Report of the Assistant Director – Highways and Transportation

#### 1.0 Purpose of Report

- 1.1 The purpose of this report is to seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with the Executive Member for Access, for the procurement of S278 works on behalf of third parties through the Council's Highway Development Service (HDS).

#### 2.0 Background

- 2.1 The Council's HDS is a design and construction offer to the developer community for Section 278 works associated with their development. Section 278 of the Highways Act 1980 gives a local authority the ability to undertake the design and/or construction of works in the highway under a S278 Agreement.
- 2.2 The HDS is a project, which was established by the Council in May 2019 and until recently, has focused exclusively on design. It was always the intention to offer a construction service to sit alongside and the project under consideration here represents a good opportunity to do so, for both the Council and its teckal company, Align Property Partners (APP). NYCC commissions APP to provide the majority of the design function for the HDS and the expectation is that it would also take on the project supervision role as part of the construction offer. The reasons for having so far not offered a construction service, are set out further under Section four of this report. This is the second project that the Council is looking to deliver through the HDS.

#### 3.0 The Scheme

- 3.1 The companies, Stonebridge Homes and R N Wooler, have approached the Council, through its HDS, to construct two Ghost Island Right Turn Lanes arrangement on the A6131 The Bailey on the outskirts of Skipton.

#### 4.0 Financial Implications

- 4.1 Unlike schemes delivered through the highways capital works programme for example, which are funded by the Council from its Local Transport Plan (LTP) allocation, all construction costs associated with projects that come through the HDS are paid in advance of the works commencing by the developer in accordance with the S278 Agreement. Any construction fees including overspends will be paid by NYCC to the contractor in accordance with the works contract which NYCC will procure on behalf of the developer. In the event of any overspends NYCC shall seek to recover these from the developer through the S278. Further, NYCC fees, previously agreed through the HDS governance framework, are applied to projects in order to ensure all Council costs are covered.

- 4.2 There is a slight difference to this scheme and the previous HDS scheme (Ladycross) in that NYCC will be making a relatively small contribution towards the cost of the works. The works value is anticipated to be between £475-550,000. The NYCC contribution is to be 10% of the shared works elements, previously agreed by Corporate Director of BES. As such, best value is of particular importance hence the decision to procure through the surfacing framework rather than allow the developers to procure the works themselves.
- 4.3 The Council currently charge supervision fees on S278 Agreements. By using the HDS for this scheme there is a financial impact on the level of superintendence fees the Council is then able to charge on these projects as APP will be paid for NEC project management and supervision functions. The majority of the annual superintendence fees comes from S38 works (construction of a new estate road) rather than S278 schemes as is the case here, so the overall impact of a construction offer through the HDS on existing budgets is considered to be low.

## **5.0 Equalities Implications**

- 5.1 An Equality Impact Assessment screening has been completed (Appendix 1). It is considered an Equality Impact Assessment was not required and that there are no equality implications arising from this recommendation.

## **6.0 Climate Change Implications**

- 6.1 A Climate Change Impact Assessment is included as Appendix 2 of this report. No impacts are anticipated given the report seeks approval for the procurement of construction works, which are required anyway as part of an existing planning condition.

## **7.0 Legal Implications**

- 7.1 The Council has the power to undertake highway works on behalf of developers under Section 278 of the Highways Act 1980. A S278 Agreement will be entered into between the developers and NYCC which shall detail NYCC's responsibility to procure the works and the developer's financial contributions and obligations for these works.
- 7.2 The Council established a Framework agreement for resurfacing works, and the intention is to run a mini-competition under this Framework on behalf of itself and the developers, which is a compliant procurement route. NYCC will enter into the contract for the works.

## **8.0 Recommendation**

- 8.1 It is recommended that the Corporate Director, BES in consultation with the Executive Member for Access approves the Council commences a procurement process using the Council's Surfacing Framework for the S278 construction works for the Stonebridge/R N Wooler scheme as set out in sections 3.1 & 4 of this report.

BARRIE MASON  
Assistant Director - Highways and Transportation

Author of Report: Allan McVeigh  
Background Documents: None

<p><b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')</p> <p><b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b></p>	
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Highways and Transportation
<b>Proposal being screened</b>	Approval to commence tender for S278 construction works on A6131 The Bailey, on behalf of Stonebridge Homes and R N Wooler
<b>Officer(s) carrying out screening</b>	Emily Mellalieu
<b>What are you proposing to do?</b>	To put a tender package out for works of an estimated value of between £475k- £550k
<b>Why are you proposing this? What are the desired outcomes?</b>	Stonebridge Homes/R N Woolers have approached NYCC to deliver the works through its Highway Development Service
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	The value of the works is anticipated to be between £475k - £550k. This would be mostly funded by Stonebridge Homes/R N Wooler, but would be commissioned by NYCC through the HDS with a small contribution from NYCC.
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>• To what extent is this service used by particular groups of people with protected characteristics?</li> <li>• Does the proposal relate to functions that previous consultation has identified as important?</li> <li>• Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>	

<p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
<b>NYCC additional characteristic</b>			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No.		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	X	Continue to full EIA:

<b>Reason for decision</b>	The report relates to the commissioning of highway work by NYCC, on behalf of a third party, through the Highway Design Service. This is a financial decision based on the works value and therefore has no impact upon any protected characteristic. The design of the scheme is in line with Department for Transport guidance to ensure that people with reduced mobility needs have been considered. It has also undergone an audit by North Yorkshire County Council's road safety team.
<b>Signed (Assistant Director or equivalent)</b>	<i>Barrie Mason</i>
<b>Date</b>	11/1/2021

## Climate change impact assessment



The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	<b>The Bailey S278 Works – Potential Delivery through HDS</b>
<b>Brief description of proposal</b>	<b>To tender for high value works on behalf of third party, Anglo American, through the Highway Development Service.</b>
<b>Directorate</b>	<b>BES</b>
<b>Service area</b>	<b>Network Strategy</b>
<b>Lead officer</b>	<b>Emily Mellalieu</b>



<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Emily Mellalieu, Jasmin Gibson</b>
<b>Date impact assessment started</b>	<b>07/04/2021</b>

### **Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

**The work could be delivered through the more traditional S278 process. This would change the contractual mechanism for the undertaking of the works but would not change their need to be undertaken and therefore would not have any impact upon the climate change implications.**

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The works are valued at between £475k and £550k. The work will be put out to tender by NYCC, with the majority of costs covered by third parties and a small contribution by NYCC.

<p><b>How will this proposal impact on the environment?</b></p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>	
<p><b>Minimise greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		<b>X</b>		<p><b>The report seeks approval of the mechanism for the undertaking of third party construction works, it does not however impact upon the requirement for the works or the method of construction, as the works are required by existing planning condition.</b></p>		
	Emissions from construction		<b>X</b>		<p><b>As above</b></p>		
	Emissions from running of buildings		<b>X</b>		<p><b>As above</b></p>		
	Other		<b>X</b>		<p><b>As above</b></p>		

<p><b>How will this proposal impact on the environment?</b></p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>Changes over and above business as usual</li> <li>Evidence or measurement of effect</li> <li>Figures for CO<sub>2</sub>e</li> <li>Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		As above		
<p>Reduce <b>water</b> consumption</p>		X		As above		
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>		X		As above		
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X		As above		
<p>Enhance <b>conservation</b> and wildlife</p>		X		As above		

<p><b>How will this proposal impact on the environment?</b></p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X		As above		
<p>Other (please state below)</p>		X		As above		

<p><b>Are there any recognised good practice environmental standards in relation to this proposal?</b> If so, please detail how this proposal meets those standards.</p>
<p>n/a</p>

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The report relates to the commissioning of highway work by NYCC, on behalf of third parties, through the Highway Development Service. This is a financial decision based on the works value and therefore has no impact upon the environment or climate change. If the recommendation to proceed with the tender is approved, this will be undertaken, funded by a third parties with a small contribution from NYCC.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Emily Mellalieu</b>
<b>Job title</b>	<b>Development Management Team Leader</b>
<b>Service area</b>	<b>H&amp;T -Network Strategy</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>E Mellalieu</b>
<b>Completion date</b>	<b>7/04/2021</b>

**Authorised by relevant Assistant Director (signature):**

**Date:**

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