

PROPOSED HIGHWAY IMPROVEMENT UNDER SECTION 278 OF THE HIGHWAYS  
ACT – MEADOWHALL WAY, VULCAN ROAD & SHEFFIELD ROAD

1. PURPOSE

- 1.1 To seek authority for the Council to sign the Highways Act section 278 agreement to allow the detailed design and construction of this scheme to proceed.

2. BACKGROUND

- 2.1 For many larger developments it is common for the development to include some form of improvement to the adjacent public highway to either allow access to the development site or improve the capacity of the adjacent highway to allow the additional trips generated by the development to be facilitated without detriment to existing highway users. These improvements are normally undertaken via an agreement with the Council under section 278 of the Highways Act.
- 2.2 Section 278 agreements are formalised by the Director of Legal Services and to comply with Council's standing orders as regards delegation the requirement for this type of agreement needs to be approved by the Council's Planning & Highways Committee to authorise Legal Services to sign the agreement.
- 2.3 Normally as part of the planning approval process the reports presented to this committee clearly indicate the extent of highway improvements that are required for any specific site and include a standard Grampian condition to cover these requirements. Where committee approve this type of report it has been accepted that this does give automatic approval for any necessary 278 agreement to be entered into by the Council.
- 2.4 In this particular instance the development which was presented to this committee under planning application number 12/01017/ful (which is the "Next" development adjacent to Meadowhall) was refused and therefore no formal consent to enter a 278 agreement exists. As members are aware this application was subsequently granted on appeal and it now necessary to obtain Committee approval to enter a 278 agreement as the developer is now hoping to commence very shortly.

### 3. LEGAL IMPLICATIONS

- 3.1 The Director of Legal Services has been consulted, and has advised that this committee's authority is required to complete this agreement.

### 4. HIGHWAY IMPLICATIONS

- 4.1 This report does not give rise to any additional highway implications as it is simply intended to obtain approval to enter into a section 278 agreement to comply with standing orders.

### 5. CONSULTATIONS

- 5.1 No additional consultation is required as regards this decision.
- 5.2 However, As part of the detailed design process once the section 278 agreement has been signed further consultation on the final design of these improvements will take place and the results of this consultation will be presented to Cabinet Highways as part of the final design sign off process.

### 6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

### 7. ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

### 8. FINANCIAL IMPLICATIONS

- 8.1 This report does not give rise to any financial implications. The developer is required as part of the 278 agreement to cover the Council's costs as regards any work we undertake on the improvement scheme including the Council's legal costs in preparing the 278 agreement.

### 9. CONCLUSION

- 9.1 Based on the above information, authority to enter into a section 278 agreement should now be given.

10. RECOMMENDATIONS

- 10.1 Authority be given to the Director of Legal Services to sign a Highways Act section 278 agreement for highway improvement works associated with planning application number 12/01017/ful (Next Development) on Meadowhall Way, Vulcan Road and Sheffield Road.

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