

Committee(s): Planning & Transportation Committee	Dated: 10/01/2023
Subject: 40 Leadenhall Street S278 highway works – Amended Land Adoption Request	Public
What is the source of Funding?	Section 278 contribution
Report of: Executive Director Environment	For Decision
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Summary

As part of the Section 278 project at 40 Leadenhall Street, it is proposed that the City adopt a section of private highway at the corner of Fenchurch Street and Fenchurch Buildings to become public highway. Approval to alter the area of the previously agreed land adoption sits with Planning and Transportation Committee. This report seeks Members to consider this amended adoption as a late report as the timing of the next available Planning and Transportation Committee would delay the delivery of the Section 278 project and not meet the developers' timescales. The other elements of the Section 278 project are being considered by the Streets & Walkways and Operational Property & Projects Sub Committees in January 2023 so that the Section 278 agreement can be signed, and funding exchanged.

Recommendations

Members are requested to:

- Agree to adopt the amended area of private land highlighted in **Appendix 1** as public highway, as part of the Section 278 project for 40 Leadenhall Street.
- Note that maintenance costs for this additional area have been factored into the commuted Maintenance sum for the project with the Developer.

Main Report

Background

1. A Section 278 project is proposed around the new private development at 40 Leadenhall Street. An Options Appraisal and Authority to Start Work request (Gateway 3/4/5) has been submitted to the Streets & Walkways and Operational Property & Projects Sub Committee January 2023 meetings. This includes public realm improvements to Leadenhall Street, Billiter Street, Fenchurch Street and Fenchurch Buildings that accommodate the new development.
2. As part of the original 2014 planning permission for the development at 40 Leadenhall Street, the Planning & Transportation Committee agreed for the City to adopt a section of private highway at the corner of Fenchurch Street and Fenchurch Buildings to become public highway. This is shown in **Appendix 2**.

However, during the development of the associated S278 scheme, it was proposed by City Officers that this area be amended to be more rational and intuitive for those maintaining it in future.

Current Position

3. The purpose of this report is to seek Committee agreement to approve the amended area of adoption of private land to become public highway at the corner of Fenchurch Street and Fenchurch Buildings under a Section 38 agreement. The area in question can be seen highlighted in blue in **Appendix 1** with the previously approved area in **Appendix 2**. The decision to amend the area of land to be adopted requires Planning and Transportation Committee approval, rather than the Streets and Walkways Sub Committee. The programme for the S278 work to meet the developer's timeline cannot wait for a subsequent meeting of Planning and Transportation to consider the amended area for adoption, which is larger than originally agreed in 2014. Delay to the decision would delay the signing of the S278 and Section 38 agreements and the subsequent funding being received to be able to progress the construction, should the Gateway 3/4/5 report to Streets and Walkways and Operational Property Projects Sub Committee later this month be approved.

Proposals

4. The request is being made to rationalise the highway boundary on the new receding building line so it's more relevant to the new street layout. The proposed amendment will also help support the City in its Highway Authority duties as it will mean that this new piece of highway is maintained to the appropriate standards and will be easier to do so. Furthermore, the wider footway and raised table that would be built in the adopted area as part of the S278 scheme would improve pedestrian accessibility and comfort levels there.

Corporate & Strategic Implications –

Strategic implications – none regarding the adoption of the land.

Financial implications - There are no upfront costs associated with adopting this piece of land and the additional public highway maintenance costs arising from this adoption have been factored into the commuted maintenance sum chargeable to the developer as part of the associated S278 agreement.

Resource implications - none

Legal implications – The City would become liable for the maintenance and upkeep of this piece of land in perpetuity. To facilitate this, the associated costs have been included in the commuted maintenance sum chargeable to the developer.

Risk implications - As the Section 38 agreement is to form part of the associated Section 278 agreement (both having been negotiated at the same time), a delay to the Section 38 agreement would have consequential effects on the ability to deliver the Section 278 project to meet the developer's aspirations of a late Summer 2023 construction completion.

Equalities implications – As a Public Authority, the City must have due regard to equality considerations when exercising its functions (section 149 Equality Act 2010). Therefore, an independent Equalities Impact Assessment (EqIA) has been undertaken by WSP on the proposed S278 scheme design. Whilst it determined that some minor changes could be made to the overall scheme design (which have already been accounted for) and reported in the forthcoming gateway report to Streets and Walkways Sub Committee later this month, none of the report's findings related specifically to the land adoption.

Climate implications - none

Security implications - none

Conclusion

It is recommended that Members agree to adopt the amended area of private land under Section 38 as shown in **Appendix 1** of this report at the corner of Fenchurch Street and Fenchurch Buildings so that it forms part of the public highway and can be maintained to the same standard as the surrounding highway as part of the Section 278 project for 40 Leadenhall Street.

Appendices

- Appendix 1 – Proposed Land Adoption Plan
- Appendix 2 – Previous Land Adoption Plan

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