

Portfolio Holder Decisions/Leader Decisions

Date: Thursday 27 May 2021

Time: 3.00 pm

Membership

Councillor Isobel Seccombe OBE

Items on the agenda: -

1. **S278 Developer-funded Improvement Scheme at Shottery Link Road, Stratford-upon-Avon**

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Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web <https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

Decision to be made by the Leader of the Council – S278 Developer – funded Improvement Scheme at Shottery Link Road, Stratford-upon-Avon

Portfolio Holder	Councillor I Seccombe (Leader of the Council)
Date of decision	27 May 2021
	Signed

Decision taken

That the Leader of the Council gives approval to the award of the S278 Fully developer-funded highway improvement scheme at the Shottery Link Road, Stratford upon Avon.

Reasons for decisions

- 1.1 At the Council meeting on the 21 March 2017 approval was given to add the Shottery Link Road, Stratford upon Avon fully funded developer highways scheme to the capital programme at an estimated cost of £1.5M. Since this submission the scope of the scheme has increased and the estimate for the schemes cost has been increased in the quarterly capital reporting to £3.5m.
- 1.2 Under Warwickshire County Council's Framework Contract for the Provision of Construction Works 2019, a developer nominated supplier was invited to submit their quotation for this scheme under the Package Order Call Off Contract (POCOC). The evaluation and checking of this return is currently underway and the I works price including contingencies is expected to be finalised at a value in the region of £3.8M
- 1.3 Approval is requested to Award this contract to the supplier following the conclusion of the assessment of tender

Background information

- 2.1 A planning application was submitted to Stratford-on-Avon District Council by J S Bloor (Tewkesbury) Ltd and Hallam Land Management Ltd for a development of up to 800 dwellings and community facilities. Planning permission was granted on appeal on 24 October 2012 (ref: 09/02196/OUT and APP/J3720/A/11/2163206) and this requires the Developers to provide a link road from A422 Alcester Road to B439 Evesham Road.

2.2 There are three highway improvement schemes which are proposed to be delivered by the County Council:

- A new access with ghost right turn lane on A422 Alcester Road;
- A Puffin crossing on A422 Alcester Road; and
- A new roundabout on B439 Evesham Road.

2.3 The implementation of a Puffin crossing on Alcester Road will be subject to a separate statutory notice and consultation procedure and any objections will be reported to the Portfolio Holder for Transport and Planning.

2.4 The link road will connect to the A46/A422 at the Wildmoor roundabout and the Developers will enter into an agreement with Highways England regarding the delivery of these works. The link road itself will be delivered by the Developers who will both enter into a S38 agreement with the County Council. The link road will be offered for adoption as highway once it has been completed to the satisfaction of the County Council. Plans showing the proposed highway improvements are included in Appendix A.

2.5 Subject to the recommendation being agreed, the County Council will enter into a Section 278 agreement with the Developers to undertake the works at an estimated cost of £3,800,000 including fees. Under the agreement the costs will be fully funded by the Developers.

Financial implications

As the new highway assets which are being created through these schemes will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.

Section 278 schemes are fully funded by developer contributions which are ring-fenced for the schemes described in the sections above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.

The Developer has already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the s278 agreement being signed.

Procurement and subsequent award of construction contracts will only take place subject to the applicable Section 278 agreements being signed, which will provide 100% of the funding. The commencement of the works is dependent on the completion of the technical review, procurement and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

Environmental implications

The environmental impacts of developer-funded highway schemes are considered through the planning approval process.

The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works (WCC 6012) have all demonstrated that they hold a certificate of compliance with BS EN ISO 140001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues

Report Author	Helen Barnsley, Ian Stuart helenbarnsley@warwickshire.gov.uk, ianstuart@warwickshire.gov.uk
Assistant Director	
Lead Director	Strategic Director for Communities
Lead Member	Leader of the Council

Urgent matter?	YES
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

n/a

Members and officers consulted and informed

Portfolio Holder – Leader of the Council

Corporate Board –

Legal – Ian Marriott

Finance – Andrew Felton

Equality –

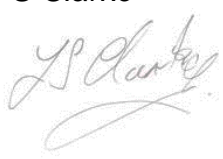
Democratic Services – Helen Barnsley

Councillors – Councillor Jeff Clarke (for urgency consent)

Local Member(s): N/A

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CONSENT TO URGENT DECISION	PART 1 (to be completed by the person seeking consent)	
Proposed Decision Maker	Leader of the Council	Date for Decision
The Leader of the Council		ASAP
Title:		
S278 Developer-funded Improvement Scheme at Shottery Link Road, Stratford-upon-Avon		
Summary of matter		
<p>At the Council meeting on the 21 March 2017 approval was given to add the Shottery Link Road, Stratford upon Avon fully funded developer highways scheme to the capital programme at an estimated cost of £1.5M. Since this submission the scope of the scheme has increased and the estimate for the schemes cost has been increased in the quarterly capital reporting to £3.5m.</p> <p>Under Warwickshire County Council's Framework Contract for the Provision of Construction Works 2019, a developer nominated supplier was invited to submit their quotation for this scheme under the Package Order Call Off Contract (POCOC). The evaluation and checking of this return is currently underway and the I works price including contingencies is expected to be finalised at a value in the region of £3.8M</p> <p>Approval is requested to Award this contract to the supplier following the conclusion of the assessment of tender</p>		
Proposed Decision		
The Leader of the Council gives approval to the award of the S278 Fully developer-funded highway improvement scheme at the Shottery Link Road, Stratford upon Avon.		
Reasons for Urgency		
The s278 highway improvement works are required to facilitate access to the both the development site and for the to be built Shottery Link road. If the recommendation is not approved, it may be necessary to re-tender the works as the validity period of the submitted price will run out. Furthermore, delaying the works to complete a new tender will affect the developer's ability to meet their planning obligations.		
Would the recommended decision be contrary to the Budget and Policy Framework? <i>[please identify relevant plan/budget provision]</i>		
No		
PART 2 (to be completed by the person giving consent)		

Name	Councillor Jeff Clarke
Office Held	Chair of the Communities Overview and Scrutiny Committee
<i>Signed</i> <i>J S Clarke</i> 	
Date consent is given	26/5/21