

Portfolio Holder Decisions

Wednesday 15 November 2023

Minutes

Attendance

Committee Members

Councillor Peter Butlin

1. S278 Application B4114 Midland Road Morrison Store

Resolved

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2023/24.

a) B4114 Midland Road, Nuneaton - Morrison Store access - of approximate value £357,300.

2. S278 Application B4453 Straight Mile Blue Boar Roundabout


Resolved

That the Portfolio Holder (Deputy Leader) - Finance and Property gives approval to the addition of the following section 278 fully developer-funded highway improvement scheme to the Capital Programme for 2023/24:

a) B4453 Straight Mile/A4071 junction - Proposed Blue Boar Roundabout - of approximate value £830,900.

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Portfolio Holder Decision S278 Application B4114 Midland Road Morrison Store

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	15 November 2023
	Signed 

1. Decision taken

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2023/24;

- a) B4114 Midland Road, Nuneaton - Morrison Store access - of approximate value £357,300.

2. Reasons for decisions

- 2.1 On 14th May 2023 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2.0 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

3.1 **B4114 Midland Road, Nuneaton - Morrison Store access**

A planning application was submitted to Nuneaton and Bedworth Borough Council by WM Morrison Supermarkets plc for the Erection of a food store, a six-pump petrol filling station with kiosk, external garden centre, substation and ATM pod and ancillary landscaping, customer parking and all other associated works.

- 3.2 Planning consent was granted (Ref 038512) on 27 July 2023 which stipulates that the development shall not be brought into use until the public highway, Midland Road, has been improved so as to provide for the proposed site access ghost right turn lane junction, signalised pedestrian crossing, relocated eastbound bus stop,

tactile paving across Stanley Road and any other associated works in general accordance with the approved plan (drawing no.T653_03F) received by the Council on 4th November 2022, and have been constructed in accordance with those details for the works to be carried out in the limits of the public highway, the developer is required to enter into a section 278 agreement with Warwickshire County Council.

- 3.3 The applicant / developer must enter into a Highway Works Agreement made under the provisions of section 278 of the Highways Act 1980 for the purposes of completing the works.

4. Financial implications

- 4.1 As the new highway assets which are being created through this scheme will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the scheme described in the section 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.
- 4.3 The applicant / 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 section 278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable section 278 agreement being signed, which will provide 100% of the funding. The section 278 agreement will also require the Developer to provide a bond or cash security. 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.

5. Environmental implications

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works are currently being evaluated. The new contract will demonstrate that all contractors hold a certificate of compliance with BS EN ISO 14001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author

Chris Harris, Paula Jobson

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Portfolio Holder	Councillor Peter Butlin Portfolio Holder for Finance and Property peterbutline@warwickshire.gov.uk

Urgent matter?	No
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 – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnall

Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts

Local Member(s):


Councillor Caroline Phillips - Nuneaton & Bedworth Borough

Councillor Brett Beetham – Nuneaton & Bedworth Borough

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Portfolio Holder Decision

S278 Application B4453 Straight Mile Blue Boar Roundabout

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	15 November 2023
	Signed 

1. Decision taken

That the Portfolio Holder (Deputy Leader) - Finance and Property gives approval to the addition of the following section 278 fully developer-funded highway improvement scheme to the Capital Programme for 2023/24:

- a) B4453 Straight Mile/A4071 junction - Proposed Blue Boar Roundabout - of approximate value £ 830,900.

2. Reasons for decisions

- 2.1 On 14th May 2023 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2.0 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- 3.1 **B4453 Straight Mile/A4071 junction - Proposed Blue Boar Roundabout**
A planning application was submitted to Rugby Borough Council by Tritax Symmetry for the construction of up to 186,500 sq m of buildings for Use Class B8 (Warehousing and Distribution), and including ancillary Use Class B1(a) (Offices with site infrastructure including an energy centre, vehicle parking, landscaping, and a sustainable drainage system).
- 3.2 Planning consent was granted (Ref R16/2569) on 29 November 2017 which stipulates in planning Condition 18 that approval is given subject to agreement and approval by the Local Planning Authority (in consultation with Warwickshire County

Council) upon highway improvements at Blue Boar (A4017/Straight Mile junction).

- 3.3 Warwickshire County Council, as the Highway Authority, has undertaken a full assessment of the application to discharge Condition 18 of R16/2569. The basis of the request for the discharge of both elements of Condition 18 of R16/2569 is set out in 332210819-100-TN02, Rev C, dated 3rd March 2023 (TN02). Drawing Number 332210819-5501-002, Rev B, dated 3rd March 2023.
- 3.4 The section 278 highway works required at Blue Boar South are to replace the existing priority junction with a roundabout. The delivery of the works shall then commence within six months of final section 278 Technical Approval, provided that a section 278 agreement has been entered into by the applicant / developer for the purpose of funding the highway works.

4. Financial implications

- 4.1 As the new highway assets which are being created through this scheme will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the scheme described above. There are no alternative uses for the contributions and the addition of this scheme will not affect the overall level of available capital resources.
- 4.3 The applicant / developer has already committed to funding the technical review work by accepting the Council's fee estimate. The Council's fees for technical review are always collected in advance of the section 278 agreement being signed.
- 4.4 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 Section 278 agreement will also require the applicant / developer to provide a bond or cash security. 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.

5. Environmental implications

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works are currently being evaluated. The new contract will demonstrate that all contractors hold a certificate of compliance with BS EN ISO 14001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

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Portfolio Holder	Councillor Peter Butlin Portfolio Holder for Finance and Property peterbutlin@warwickshire.gov.uk

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

List of background papers

221138 FINAL
332210819-5501-002 Rev B

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnall

Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts

Local Member(s):

Councillor Howard Roberts – Dunsmore & Leam Valley ED

Councillor Heather Timms – Earl Craven ED

Councillor Peter Butlin – Admirals & Cawston ED

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