


## Portfolio Holder Decision Developer -Funded S278 Highway Schemes Approvals

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>12 March 2021</b>
	<b>Signed</b>  

### Decision taken

That the Portfolio Holder for Finance and Property gives approval to:

1. the addition of the s278 fully funded developer-funded highway improvement scheme at B4438 Brinklow Road, Binley Heath to the Capital Programme for 2021/2022. Estimated value £120,000.
2. increase the capital programme provision for the s278 highway improvement scheme at B4632 (Freshfields Nursery), Clifford Chambers, to £710,000
3. increase the capital programme provision for the s278 highway improvement scheme at C43 Gallows Hill (Strawberry Fields), Warwick to £1,950,000 and authorises the Strategic Director for Communities to procure the construction contract and to enter into such contract on terms and conditions acceptable to the Strategic Director for Resources subject to the applicable Section 278 Agreement with the Developer being signed which will provide for 100% of the funding.

### Reasons for decisions

On 23 July 2020 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. The Portfolio Holder for Finance and Property is that nominated body.

## Background information

### **B4438 Brinklow Road, Binley Heath**

A planning application was submitted to Rugby Borough Council by Geoffrey Osbornes Ltd in respect of a proposed temporary construction access and footway to give access to a service yard as part of the major works being undertaken to improve the Coventry Eastern Bypass (A46) on behalf of Highways England. Planning permission was granted on 17th September 2020 (ref: R20/0462). This temporary access will be in use for the duration of the Coventry Eastern Bypass works and it is necessary for the contractor to enter into a s278 agreement with the County Council for its construction.

### **B4632 Campden Road (Freshfields Nursery), Clifford Chambers**

On 20 March 2020 the Portfolio Holder for Finance and Property approved the addition of this scheme to the Capital Programme with a value of £100,000 in respect of technical review work only whilst the scope of the scheme was being established. The purpose of this report is to increase that allocation to £710,000 to cover the cost of works and fees.

### **C43 Gallows Hill (Strawberry Fields), Warwick**

On 20 March 2020 the Portfolio Holder for Finance and Property approved the addition of this scheme to the Capital Programme with a value of £50,000 in respect of technical review work only whilst the scope of the scheme was being established. The purpose of this report is to increase that allocation to £1,950,000 to cover the cost of works and fees and to seek approval for the procurement and subsequent award of the construction contract.

## Financial implications

1. 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.
2. 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.
3. Some preliminary technical review work has already started for each of the named schemes and will continue into 2021/2022. The respective Developers have 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.
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 commencement of the works is dependent on the completion of the technical review, procurement and contractor mobilisation processes and may slip into 2021/2022. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

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### Environmental implications

1. The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
2. 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.

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<b>Assistant Director</b>	Scott Tompkins (Assistant Director – Environmental Services)
<b>Lead Director</b>	Mark Ryder - Strategic Director for Communities
<b>Lead Member</b>	Portfolio Holder for Finance and Property

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

### List of background papers

Not Applicable

### Members and officers consulted and informed

Portfolio Holder – Councillor Jeff Clarke

Corporate Board – n/a (if it didn't go to corporate board)

Legal –

Finance –

Equality –

Democratic Services – Isabelle Moorhouse

Councillors – Golby, Shilton, Fradgley, Holland and Kondakor

Local Member(s):

B4438 Brinklow Road, Binley Heath – Cllr Timms (Earl Craven)

B4632 Campden Road (Freshfields Nursery), Clifford Chambers - Cllr Brain (Bidford and Welford); Cllr Rolfe (Stratford South)

C43 Gallows Hill (Strawberry Fields), Warwick – Cllr Singh Birdi (Warwick South)