


Portfolio Holder Decision

Developer- Funded S278 Highway Schemes Approvals

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	18 June 2021
	Signed 

Decision taken

1) That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2021/22.

1. A4390 Seven Meadows Road (Shakespeare Marina), Stratford upon Avon of approximate value £244,000

2) That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement schemes to the Capital Programme for 2021/22, 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.

2. D7069 Glasshouse Lane (Kenilworth School Major Scheme), Kenilworth of approximate value £1,800,000
3. D1454 Gipsy Lane, Yew Tree Farm, Nuneaton of approximate value £1,930,000

Reasons for decisions

On 14th May 2021 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

D7069 Glasshouse Lane (Kenilworth School Major Scheme), Kenilworth

A planning application was submitted to Warwick District Council by Kenilworth Multi Academy Trust in respect of the erection of a secondary school and sixth form building. Planning permission was granted on 19 December 2019 (ref: W/19/0655). The planning permission requires the construction of site entrances and controlled crossings. The controlled crossings are subject to separate statutory notice and consultation procedures and any objections will be reported to the Portfolio Holder for Transport and Planning.

A4390 Seven Meadows Road (Shakespeare Marina), Stratford upon Avon

A planning application was submitted to Stratford District Council by Lingfield Properties Ltd in respect of the construction of a Marina. Planning permission was granted on 28 September 2012 (ref: 12/01527/VARY) for the variation of conditions from an initial planning permission 72/3/17 granted on the 28 March 1974. The planning permission requires the construction of a bell mouth entrance.

D1454 Gipsy Lane, Yew Tree Farm, Nuneaton

A planning application was submitted to Nuneaton & Bedworth Borough Council in respect of the erection of up to 575 houses including a mixed-use neighbourhood centre. Planning permission was granted on the 11 January 2021 (ref: 035037). The planning permission requires the construction of a new roundabout, a new bell mouth junction and the realignment of Gipsy Lane.

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 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.

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	Ian Stuart ianstuart@warwickshire.gov.uk,
Assistant Director	Scott Tompkins (Assistant Director – Environmental Services)
Lead Director	Mark Ryder - Strategic Director for Communities
Lead Member	Portfolio Holder for Finance and Property

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

List of background papers

None

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Legal – Ian Marriot

Finance – Andrew Felton

Equality – Keira Rounsley

Democratic Services – Isabelle Moorhouse

Local Member(s):

D7069 Glasshouse Lane (Kenilworth School Major Scheme), Kenilworth – Cllr Drew (Kenilworth Park Hill) and Cllr Spencer (Kenilworth St Johns)

A4390 Seven Meadows Road (Shakespeare Marina), Stratford upon Avon- Cllr Fradgley (Stratford West) and Cllr Rolfe (Stratford South)

D1454 Gipsy Lane, Yew Tree Farm, Nuneaton – Cllr Baxter- Payne (Attleborough), Cllr Golby (Arbury) and Cllr Markham (Bedworth North)