

Portfolio Holder Decision

Developer- Funded S278 Highway Schemes

Approvals

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	9 September 2022
	Signed 

1. Decision taken

1.1 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 2022/23.

- a) A 452 Leamington Road, Kenilworth - Thickthorn – Minor temporary access of approximate value £60,000.00 (fees only)
- b) A452 Leamington Road, Kenilworth - Thickthorn LILO of approximate value £307,200.00
- c) A452 Leamington Road, Kenilworth – Thickthorn signalised junction of approximate value £1,529,760.00
- d) D7069 Glasshouse Lane, Kenilworth - Thickthorn priority junction of approximate value £1,228,320.00
- e) A422 Banbury Road, Stratford - Stratford Business & Technology Park of approximate value £500,000.00
- f) B4100 Gaydon Service Station, Banbury Road, Gaydon of approximate value £77,400.00
- g) B4114 Lutterworth Road, Golf Drive, Whitestone, Nuneaton - Traffic signal junction of approximate value £1,300,000.00
- h) D2201 West Midlands Gigafactory, Coventry Airport, Rowley Road - Access 1 of approximate value £30,000.00 (fees only)
- i) D2201 West Midlands Gigafactory, Coventry Airport, Rowley Road - Access 2 & 3 of approximate value £1,123,080.00
- j) D2201 West Midlands Gigafactory, Coventry Airport, Rowley Road - Access 4,5 & 6 of approximate value £1,145,400.00

2. Reasons for decisions

2.1 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

3. Background information

- 3.1 A452 Leamington Road Kenilworth – Thickthorn.
A planning application was submitted to Warwick District Council by Persimmon Homes Central in respect of a development on land adjacent to Thickthorn, Kenilworth bound by Glasshouse Lane to the North and the A452 Leamington Road to the South. Planning permission was granted on 7 December 2021 (ref: W/20/2020) for 98 dwellings as phase 1 with outline planning for up to 452 dwellings, primary school, community centre etc.
The planning permission requires the construction of site entrances and controlled crossings, the latter are subject to a separate statutory notice and consultation and any objections will be reported to the Portfolio Holder. The Thickthorn scheme is comprised of a number of different s278 agreements. This has been done at the request of the developer to allow each of the individual schemes construction to best fit themselves to maintain flexibility and cost effectiveness. There is no additional financial risk to this approach from the County Council's perspective and the different elements will be managed as different schemes.
The four separate s278 agreement schemes required are:
a) Minor temporary access to development
b) Left in Left out (LILO) junction
c) Signalised junction – Major access to the development
d) Priority Junction – between Glasshouse Lane and the new development spine road
- 3.2 A422 Banbury Road, Stratford - Stratford Business & Technology Park.
A planning application was submitted to Stratford upon Avon District Council which has since been to appeal by Persimmons Homes South Midlands in respect of a development on land at the Stratford Business and Technology Park, Banbury Road, Stratford upon Avon. Planning consent was granted on 18 February 2022 (ref: APP/J3720/W/21/3272934) for the erection of 62 dwellings. The s278 works required are a junction improvement and the provision of a bus turning facility.
- 3.3 B4100 Gaydon Service Station, Banbury Road, Gaydon.
A planning application was submitted to Stratford upon Avon District Council by Euro Garages Limited in respect of the land occupying the Gaydon service station, Banbury Road, Gaydon. Planning permission was granted on the 24 September 2021 for the demolition of the existing petrol filling station and the erection of a replacement forecourt, canopy, pump islands underground tanks and associated carparking and landscaping. The s278 works will include minor kerb and footway alterations including relocation of an existing pedestrian refuge.
- 3.4 B4114 Lutterworth Road, Golf Drive, Whitestone, Nuneaton - Traffic signal junction
A planning application was submitted to Nuneaton and Bedworth Borough Council in respect of a residential development off Golf Drive. Planning consent was granted on the 20 April 2021 (ref: 037112). The s278 improvement works consist of the removal of a mini roundabout and construction of a signalised junction, the latter is subject to a separate statutory notice and consultation and any objections will be reported to the Portfolio Holder .
- 3.5 D2201 West Midlands Gigafactory, Coventry Airport, Rowley Road.
A planning application was submitted to Warwick District Council in respect of the development of the existing Coventry airport site for a battery manufacturing facility

with ancillary battery recycling capability and includes landscaping, car parking and ancillary works. Planning consent was granted on the 30 March 2022 (WDC ref: W/21/1370; CCC ref OMES/2021/2268).

The planning permission requires the construction of site entrances and controlled crossings, the latter are subject to a separate statutory notice and consultation and any objections will be reported to the Portfolio Holder. The Gigafactory scheme is comprised of a number of different s278 agreements. This has been done at the request of the developer to allow each of the individual schemes construction to best fit themselves to maintain flexibility and cost effectiveness. There is no additional financial risk to this approach from the County Council's perspective and the different elements will be managed as different schemes.

The three separate s278 agreement schemes required are:

f) Access 1 is at the Eastern end of Rowley Road and is predominately in Coventry City jurisdiction as such this request for an addition to the Capital Programme is required for the fees generated in the interaction between the two authorities as Coventry will lead on construction.

g) Accesses 2 & 3 are junction improvement works including a signalised junction for access 3 and footway /cycleway improvements and crossings.

h) Accesses 4, 5 & 6 are junction improvements including traffic signals as well as improved and new footway / cycleway including crossings.

Financial implications

4.1 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.

4.2 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.

4.3 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.

4.4 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. 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

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 (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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Assistant Director	Scott Tompkins - Assistant Director – Environmental Services
Strategic Director	Mark Ryder - Strategic Director for Communities
Portfolio Holder	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

N/A

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Ian Marriott

Finance – Andrew Felton

Equality – n/a

Democratic Services – Isabelle Moorhouse

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

Local Member(s):

A452 Leamington Road Kenilworth – Thickthorn – Cllr Spencer (Kenilworth St John’s)
A422 Banbury Road, Stratford - Stratford Business & Technology Park – Cllr Rolfe
(Stratford South)

B4100 Gaydon Service Station, Banbury Road, Gaydon – Cllr Mills (Kineton & Red House) and Cllr Kettle (Feldon)

B4114 Lutterworth Road, Golf Drive, Whitestone, Nuneaton – Cllr Clarke (Nuneaton East)

D2201 West Midlands Gigafactory, Coventry Airport, Rowley Road – Cllr Redford
(Cubbington & Leek Wooton)