

Portfolio Holder Decision

Developer - Funded S278 Highway Schemes

Approvals

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	9 December 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) A3400 Mill Lane, Newbold on Stour, Oldacre Gardens - Passing Bays of approximate value £80,000
 - b) The Belfry Hotel and Resort, Sutton Coldfield – junction improvement of approximate value £102,960

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.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- A3400 Mill Lane, Newbold on Stour, Oldacre Gardens***
- 3.1 A planning application was submitted to Stratford-Upon-Avon District Council by C.E Gilbert and Sons Developments Ltd in respect of a residential development of Oldacre Gardens, Mill Lane, Newbold -on- Stour, Stratford-upon-Avon. Planning consent was granted on 11 December 2020 (ref: 20/02661/FUL) for the erection of five number two storey dwellings. The s278 works required is the provision of three number passing bays on Mill Lane and widenings of Mill Lane and Stratford Road.

The Belfry Hotel and Resort, Sutton Coldfield

- 3.2 A planning application was submitted to North Warwickshire Borough Council by TB Operations Resort Limited in respect of land at The Belfry Hotel, Lichfield Road, Wishaw. Planning consent was granted on 7th August 2019 (ref: PAP/2019/0455.) for the remodelling of existing golf course, erection of new hotel and leisure buildings, car parking and access works. The s278 works required is the re-design of the existing junction with the A446 Lichfield Road.

4. 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.

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 (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	Kudzai Chengeta kudzaichengeta@warwickshire.gov.uk,
Assistant Director	Scott Tompkins - Assistant Director Environmental Services
Strategic Director	Mark Ryder - Strategic Director for Communities

Portfolio Holder	Portfolio Holder for Finance and Property
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Urgent matter?	<i>No</i>
Confidential or exempt?	<i>No</i>
Is the decision contrary to the budget and policy framework?	<i>No</i>

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 – Isabelle Moorhouse

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

Local Member(s):

A3400 Mill Lane, Newbold on Stour, Oldacre Gardens – Cllr Seccombe (Stour & the Vale)

The Belfry Hotel and Resort, Sutton Coldfield – Cllr Watson (Coleshill North & Water Orton)