


Portfolio Holder Decision

Developer -Funded S278 Highway Scheme

Approvals

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	17 February 2023
	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, Stratford Road, Shipston-on-Stour - Ellen Badger Hospital – widening access and relocation of pedestrian island of approximate value £80,000
 - b) C7 Tamworth Road, Wood End Land East of Islington Farm - construction of new access, footpath and road of approximate value £80,000

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, Stratford Road, Shipston-on-Stour - Ellen Badger Hospital

- 3.1 A planning application was submitted to Stratford-Upon-Avon District Council by South Warwickshire NHS Foundation in respect of Ellen Badger Hospital Stratford Road, Shipston-on-Stour. Planning consent was granted with conditions on 17 March 2022 (ref: 21/00004/FUL) for the erection of a replacement Hospital, Well Being Centre, Medical Centre and associated infrastructure. The conditions require works to be carried out in the public highway and the Council will enter into

an agreement under section 278 of the Highways Act 1980 in order to facilitate these works. The s278 works required are the widening of the access and the relocation of pedestrian refuge island.

C7 Tamworth Road, Wood End Land East of Islington Farm

- 3.2 A planning application was submitted to North Warwickshire Borough Council by Cameron Homes in respect of Land East of Islington Farm, Tamworth Road, Wood End. Planning consent was granted with conditions on 5th February 2021 (ref: PAP/2020/0420.) for the development of 34 residential no dwellings, associated works, and access. The conditions require works to be carried out in the public highway and the Council will enter into an agreement under section 278 of the Highways Act 1980 in order to facilitate these works. The s278 works required are the construction of a new access to the highway.

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 Section 278 agreements will also require both Developers to provide a bond or cash security at least 150% of the costs of the works. 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.

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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
<p>Portfolio Holder – Councillor Peter Butlin</p> <p>Corporate Board – Mark Ryder</p> <p>Legal – Caroline Gutteridge</p> <p>Finance – Andrew Felton</p> <p>Equality –n/a</p> <p>Democratic Services – Isabelle Moorhouse</p> <p>Councillors – Warwick, Singh Birdi, Board, Philipps and W Roberts</p> <p>Local Member(s): A3400, Stratford Road, Shipston-on-Stour - Ellen Badger Hospital - Cllr Jo Baker (Shipston) C7 Tamworth Road, Wood End Land East of Islington Farm - Cllr Marian Humphreys (Polesworth)</p>