

# Portfolio Holder Decision

## Developer - Funded S278 Highway Scheme Approvals

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>10 March 2023</b>
	<b>Signed</b>

### 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) C5 Orton Road, Warton (Warton Allotments) – widening and realignment of Orton Road, new footways, culverting of existing ditch and new drainage infrastructure of approximate value £839,600
  - b) B4113 Longford Road, Exhall (Wilsons Lane) - Ghost Island and footway - Construction of a right turn lane into the Longford Road and widening of the footway of approximate value £212,900
  - c) B4113 Longford Road, Exhall (Wilsons Lane) – Temporary and minor access – Construction of a temporary access in a form of a dropped kerb vehicle of approximate value £40,000

### 2. Reasons for decisions

- 2.1 On 14<sup>th</sup> 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

### **C5 Orton Road, Warton (Warton Allotments)**

3.1 A planning application was submitted to North Warwickshire District Council by Countryside Partnerships in respect of Warton Allotments. Planning consent was granted with conditions on 28 June 2019 (ref: PAP/2016/0289) for the development of 71 residential no dwellings. 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 and realignment of Orton Road, construction of new footways, culverting of existing ditch and new drainage.

### **B4113 Longford Road, Exhall (Wilsons Lane) Ghost Island and footway**

3.2 A planning application was submitted to Nuneaton and Bedworth Borough Council by IREEF-UK Logistics Propco Ltd in respect of Land Southeast of Wilsons Lane, Longford Road, Exhall, Coventry. Planning consent was granted with conditions on 24 December 2021 (ref: 037021) for the development of 6,953sqm of B1 light industry for parking, access, and landscaping. 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 right turn lane and widening of the footway.

### **B4113 Longford Road, Exhall (Wilsons Lane) – Temporary and minor access**

3.3 A planning application was submitted to Nuneaton and Bedworth Borough Council by IREEF-UK Logistics Propco Ltd in respect of Land Southeast of Wilsons Lane Longford Road, Exhall, Coventry. Planning consent was granted with conditions on 24 December 2021 (ref: 037021) for the development of 6,953sqm of B1 light industry for parking, access, and landscaping. 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 temporary access in the form of a dropped kerb vehicle crossover.

## **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.

<b>Report Author</b>	Kudzai Chengeta kudzaichengeta@warwickshire.gov.uk,
<b>Assistant Director</b>	Scott Tompkins - Assistant Director Environmental Services
<b>Strategic Director</b>	Mark Ryder - Strategic Director for Communities
<b>Portfolio Holder</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

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):

C5 Orton Road, Warton (Warton Allotments) - Cllr Andrew Wright (Warton Polesworth)

B4113 Longford Road, Exhall (Wilson's Lane) - Ghost Island and footway -Cllr Bhagwant Singh Pandler (Bedworth)

B4113 Longford Road, Exhall (Wilson's Lane) – Temporary and minor access – Cllr Bhagwant Singh Pandler (Bedworth)