

# Portfolio Holder Decision

## Developer - Funded S278 Highway Schemes

### Approvals

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>14 April 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) A4254 Eastboro Way/Avenue Road/B4114 Lutterworth Road Highfield Road Roundabout improvement - of approximate value £340,000.
  - b) D209 Carlyon Road Atherstone bus stop- of approximate value £80,000.

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

### 3. Background information

- 3.1 **A4254 Eastboro Way - Highfield Road Roundabout improvements**  
A planning application was submitted to Nuneaton and Bedworth Borough Council by Crest Nicholson Midlands for the construction of residential dwellings of up to 360 dwellings with vehicular access. Planning consent was granted (Ref 033926) and subsequent permission granted for variations of conditions on 29 January 2019 (ref: 035918) which stipulates that for the works to be carried out in the limits of the public highway, the developer is required to enter into a s278 agreement with Warwickshire County Council. The s278 works required are roundabout

improvements on the Highfield Road.

### **3.2 D209 Carlyon Road, Atherstone - Bus stops**

A planning application was submitted to North Warwickshire Borough Council by Total Developments UK Limited for the erection of an industrial use/distribution facility. Planning consent was granted on 5 December 2019 (ref: PAP/2019/0228) which stipulates that for the works to be carried out in the limits of the public highway the developer is required to enter into a s278 agreement with Warwickshire County Council. The s278 works required are the construction of two bus stops on Carlyon 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 s278 agreements will also require the Developer to provide a bond or cash security. 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>	Councillor Peter Butlin 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

<b>List of background papers</b>
N/A

<b>Members and officers consulted and informed</b>
<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, Boad, Philipps and W Roberts</p> <p>Local Member(s): A4254 Eastboro Way -Cllr Jeff Clarke (Nuneaton and Bedworth)</p> <p>Carlyon Road Atherstone – Cllr Mejar Singh (Atherstone)</p>