

# Portfolio Holder Decision

## s278 Scheme Junction of Caesar Drive & Higham Lane - Top Farm

<b>Portfolio Holder</b>	<b>Portfolio Holder for Finance and Property</b>
<b>Date of decision</b>	<b>13 October 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 2023/24: C11 Higham Lane junction of Caesar Drive – Top Farm of approximate value £805,200

### 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 A planning application was submitted to Nuneaton and Bedworth Council by Countryside Partnerships North-West Midlands for the construction of a new vehicular access to accommodate a new residential development and proposed school. Planning consent was granted (Ref 035279) and subsequent permission on 25 May 2022 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 reconfiguration of Higham Lane junction of Caesar Drive.

#### 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 Developer has 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>	Chris Harris chrisharris@warwickshire.gov.uk,
<b>Director</b>	
<b>Executive Director</b>	Executive 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 – Amy Bridgewater-Carnal

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

Local Member(s): Cllr Robert Tromans (Weddington ED, Nuneaton and Bedworth Borough)