

# Portfolio Holder Decision

## S278 Application A423 Southam By Pass Aldi access

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

### 1. Decision taken

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following section 278, fully developer-funded, highway improvement scheme to the Capital Programme for 2023/24:

- a) A423 Southam Bypass access bellmouth, ghost island and associated works for Aldi Store. Approximate value estimated at £ 1,086,400.

### 2. Reasons for decisions

- 2.1 On 16<sup>th</sup> May 2023 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 **A423 Southam Bypass - Proposed Aldi Store bellmouth access and associated works**  
A planning application was submitted to Stratford-on-Avon District Council by Aldi Stores Limited for the demolition of existing buildings and the erection of a Class E (Formerly Class A1) Food Retail Store, with associated highways access, car parking, servicing and landscaping.
- 3.2 Planning consent was granted (Ref 21/00070/FUL) on 11<sup>th</sup> April 2023 which stipulates that the development shall not be brought into use until access for vehicles, cycles and pedestrians has been provided from the public highway at

A423 Southam Bypass, as illustrated in drawing 19030-SK20220825.1, and public highway at A425 Banbury Road and C21 Banbury Road have been improved so as to provide improved access to the site.

- 3.3 The applicant / developer must enter into a Highway Works Agreement made under the provisions of section 278 of the Highways Act 1980 for the purposes of completing the works.

#### 4. Financial implications

- 4.1 As the new highway assets which are being created through this scheme 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 scheme described in the above. There are no alternative uses for the contributions and the addition of this scheme will not affect the overall level of available capital resources.
- 4.3 The applicant/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 section 278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable section 278 agreement being signed, which will provide 100% of the funding. The section 278 agreement will also require the applicant / 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 are currently being evaluated. The new contract will demonstrate that all contractors hold a certificate of compliance with BS EN ISO 14001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

#### Report Author

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#### Director

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<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>

<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 – Amy Bridgewater-Carnall</p> <p>Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts</p> <p>Local Member(s): Cllr Andy Crump (Southam, Stockton &amp; Napton)</p>