

Portfolio Holder Decision

Developer Funded S278 A425 Banbury Road Myton Road Highway Scheme

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	18 March 2024
	Signed 

1. Decision taken

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:

A425 Banbury Road/Myton Road Junction Mitigation Scheme - of approximate value £1.5m.

2. Reasons for decisions

- 2.1 On 16th May 2023 Council reconfirmed the delegated power, as set out in the Constitution, to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under Part 2(4) of the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- 3.1 A joint planning application was submitted to Warwick District Council by Taylor Wimpey Midlands and Bloor Homes Midlands in respect of land at Asps Farm, Warwick. Planning consent was granted on appeal on 14 January 2016 (ref W/14/0300) and APP/T3725/A/14/2221613) for a large residential development including the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces with vehicular access from Europa Way and Banbury Road.
- 3.2 Subsequent permission was granted for variation of conditions (ref W/20/1642) on

25 February 2021 which stipulates that the developers are required to enter into a Section 278 agreement with Warwickshire County Council for works to be carried out in the limits of the public highway to implement the Banbury Road/Myton Road Junction Mitigation Scheme.

- 3.3 The section 278 works will introduce a signalised junction to replace the existing roundabout at the junction between Banbury Road and Myton Road. The localised carriageway will be widened to introduce a dual lane exit onto Banbury Road south. Banbury Road and Myton Road will remain as two-lane entries into the signalised junction. Bridge End to be changed to entry only with a raised table. A general plan of the s278 works is included in this report.
- 3.4 The principle of the works has been agreed with the Council's signals and development control teams prior to the section 278 agreement being prepared.

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 complete, 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 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 section 278 agreement being completed.
- 4.4 Procurement and subsequent award of construction contracts will only take place once the section 278 agreement has been completed, which will provide 100% of the funding. The section 278 agreement will also require the Developer to provide a bond or cash security of at least 150% of the costs of the works to mitigate any financial risk to the Council. 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 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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Director	
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Portfolio Holder	Portfolio Holder for Finance and Property, Councillor Peter Butlin peterbutlin@warwickshire.gov.uk

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Planning consent letter from Warwick District Council. Application Reference: W/20/1642
TAYLOR WIMPEY / BLOOR HOMES General arrangement plan 332210634

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Lucy Adams & Sioned Harper

Finance – Caroline Jones

Equality – n/a

Democratic Services – Helen Barnsley, Amy Bridgewater-Carnall

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

Local Member: Councillor Parminder Singh Birdi – Warwick South

Councillor John Holland – Warwick West

Councillor Jan Matecki - Budbrooke & Bishop's Tachbrook