

# Portfolio Holder Decision – Developer-funded Scheme Approvals

<b>Portfolio Holder</b>	<b>LeadMember</b>
<b>Date of decision</b>	<b>Deputy Leader (Finance and Property)</b>
	<b>Meeting Date</b>
	<b>Signed</b>

## Decision taken

That the Deputy Leader (Finance and Property) gives approval to the addition of the following schemes to the Capital Programme for 2019/2020:

- A452 Europa Way, Warwick. Developer – Barwood Land. Approximate value £150,000
- A46 / C32 Birmingham Road, Stoneleigh. Developers – Coventry City Council and Coventry and Warwickshire Development Partnership LLP. Approximate value £100,000

## Reasons for decisions

On 21 May 2019 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 Deputy Leader (Finance and Property) is that nominated body.

## Background information

These schemes will be fully funded by developer contributions ring-fenced for the fees and works specified. In the case of Section 278 schemes there are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.

Where a highway scheme is considered and approved as part of the planning process, the courts have made it clear that the highway / traffic authority is expected to co-operate in its implementation unless some exceptional or changed circumstances call for a different approach.

It has not yet been determined how the construction contracts for these works will be procured. Subsequent reports may become necessary to seek approval to proceed, subject to the

applicable Section 278 agreements being signed which will provide 100% of the funding. However, as new highway assets will be created which will come on to the Council's balance sheet once completed, the costs incurred by the Council still need to be treated as capital expenditure from the outset.

### **A452 Europa Way, Warwick**

A planning application was submitted to Warwick District Council by Barwood Strategic Land in respect of a development on land at The Asps, Warwick. Planning permission was granted on appeal on 14 January 2016 (ref: W/14/0300 and APP/T3725/A/14/2221613). The planning permission requires the Developer to undertake a number of highway mitigation measures on A425 Banbury Road and A452 Europa Way.

On 15 October 2019 Council approved the addition to the capital programme of a scheme at the Banbury Road entrance to the site. This report specifically relates to the technical review of the designs for a scheme on Europa Way only.

The Council will undertake technical review of the highway designs and in due course will enter into a Section 278 agreement with the Developer. Under the terms of the Section 278 agreement all the costs and fees will be fully funded by the Developer.

The recommendation is to add this scheme to the Capital Programme at an estimated cost of **£150,000** in respect of the fees which have been and will be incurred for advice given, meetings attended and, in due course, the technical approval of the designs.

### **A46 / C32 Birmingham Road, Stoneleigh**

A planning application was submitted to Warwick District Council by Coventry City Council in respect of a development on land between A45 Stonebridge Highway and D2201 Rowley Road, Baginton, known as "Whitley South". Planning permission was granted on 10 July 2017 (ref: W/16/0239). The planning application includes the requirement for the technical approval of a scheme to install traffic signals at the junction of A46 / C32 Birmingham Road, Stoneleigh. It is expected, however, that this scheme will be superseded by Warwickshire County Council's A46 Stoneleigh Junction Improvements.

The Council is undertaking technical review of the highway designs and will enter into a Section 278 agreement with the Developer if it becomes necessary.

The recommendation is to add this scheme to the Capital Programme at an estimated cost of **£100,000** in respect of the fees which have been and will be incurred for advice given, meetings attended and, in due course, the technical approval of the designs.

## **Financial implications**

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.

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.

Some preliminary technical review work has already started and will continue into 2020/2021. The 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.

The procurement and commencement of any 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.

### Environmental implications

As this report regards fees rather than direct work its environmental implications are considered to be negligible

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<b>Assistant Director</b>	Scott Tompkins
<b>Lead Director</b>	Mark Ryder
<b>Lead Member</b>	Councillor Peter Butlin

<b>Urgent matter?</b>	<i>No</i>
<b>Confidential or exempt?</b>	<i>No</i>
<b>Is the decision contrary to the budget and policy framework?</b>	<i>No</i>

### List of background papers

None

### Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board

Legal – Ian Marriott

Finance – Virginia Rennie

Equality – Keira Rounsley

Democratic Services

Councillors

Local Member(s): Cllr Caborn – Budbrooke and Bishops Tachbrook

Cllr Redford – Cubbington and Leek Wootton

Cllr Shilton – Kenilworth Park Hill