

# Cabinet

16 March 2023

## Developer- Funded Highway Scheme Approval - Eastboro Way / Crowhill Road

### Recommendations

That Cabinet

1. recommends to Council the addition of £4,409,900 to the Capital Programme in relation to the Section 278 highways improvement scheme (signalised junction works) at the A4254 Eastboro Way/Crowhill Road intersection; and
2. subject to the approval of Council to add the scheme to the Capital Programme, authorises the Strategic Director for Communities to procure and enter into any contracts and associated agreements required to implement the scheme on terms and conditions acceptable to the Strategic Director for Resources and subject to the requirements of the Section 278 Agreements with the Developer

### 1. Executive Summary

- 1.1 A planning application was submitted to Nuneaton and Bedworth Borough Council by Crest Nicholson Midlands in respect of Sketchley Gardens Nuneaton agricultural land to the East of Eastboro Way.
- 1.2 Planning consent was granted with conditions on 29 January 2019 (ref: 035918) for the development of 360 residential dwellings. The planning conditions require works to be carried out in the public highway and the Council will enter into an agreement under Section 278 of the Highways Act 1980 in order to facilitate these works. The s278 works required are the construction of a signalised T Intersection and improvements to junctions
- 1.3 The works are currently valued at approximately £4,409,900.
- 1.4 Pursuant to the constitution, a cabinet decision is required to commence a procurement of this value. In addition, as the scheme value is likely to exceed £2,000,000, a decision of Council will be required to add the project to the capital programme. For that reason, authorisation to commence procurement is requested subject to the decision of Council.
- 1.5 The addition of this scheme to the capital programme and its ultimate completion will enable the provision of new dwellings in line with the report

commissioned by the Borough Council “Towards a Housing Requirement for Nuneaton & Bedworth” and support the Coventry & Warwickshire Housing and Economic Development Needs Assessment (available on the Council web site).

## **2. Financial Implications**

- 2.1 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.
- 2.2 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 available to Council.
- 2.3 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 signed.
- 2.4 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. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes.

## **3. Environmental Implications**

- 3.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 3.2 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.

## **4. Appendices**

None

## **5. Background Papers**

None

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The report was circulated to the following members prior to publication:

Local Member(s): Cllr Jeff Clarke

Other members: Councillors – Warwick, Singh Birdi, Boad, Phillips, and W Roberts