

Notice of Non-key Executive Decision

Subject Heading:	LAND AT WENNINGTON FARM LAND AT GOOSHAYS DRIVE Authority to enter into agreements made under S278 Highways Act 1980
Cabinet Member:	Cllr. Osman Dervish Environment
SLT Lead:	Dipti Patel Assistant Director for Environment
Report Author and contact details:	Mark Philpotts Principal Engineer Street Management mark.philpotts@havering.gov.uk
Policy context:	Havering Local Development Framework (2008) Havering Local Implementation Plan 2018/19 Delivery Plan.
Financial summary:	The full costs of the legal agreements, technical fees, and implementation of the works and maintenance contributions will be met by the respective developers. Income to be received by the council from the aforementioned totals £0.037m of which £0.020m will be held for future maintenance. The council will also hold a bond £0.045m and deposit £0.055m to cover costs of making good possible works in default.

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Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[]
Connections making Havering	[X]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision authorises the Council entering into two agreements made under S278 of the Highways Act 1980 (as amended) to allow changes to the highway to be made in pursuance of the following planning consents to create new site accesses;

- Wennington Farm, Wennington Road – PINS on appeal
App/B5480/W/16/3159082
- 131-133 Gooshays Drive – P1905.15

AUTHORITY UNDER WHICH DECISION IS MADE

Council's Constitution

Part 3, Section 3.8.3, paragraphs (b) and (v);

(b) Other than in those matters delegated to the Lead Member following consideration by the Highways Advisory Committee, to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980;

(v) To exercise all powers and duties under the Highways Act 1980 that are not delegated to the Leader or Cabinet Member.

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STATEMENT OF THE REASONS FOR THE DECISION

The development at Wennington Farm at Wennington Road has a planning consent which includes the creation of a new junction access from the site to Wennington Road and the development at 131-133 Gooshays Drive has a planning consent for the creation of a new junction access from the site to Gooshays Drive.

In both cases, the developer is required to enter into an agreement made under S278 of the Highways Act 1980 in order for the works to be able to take place.

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OTHER OPTIONS CONSIDERED AND REJECTED

The alternative option of doing nothing is not considered appropriate given the developments have planning consent and the Council cannot use its highway powers to frustrate the lawful implementation of a planning consent.

PRE-DECISION CONSULTATION

None.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Mark Philpotts

Designation: Principal Engineer

Signature:



Date: 7th August 2018

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council's Constitution requires a formal decision to be taken before an agreement made under S278 of the Highways Act 1980 can be entered into and the authority for such is delegated to the Assistant Director for Environment. S278 of the Highways Act 1980 provides for "Agreements as to the execution of works" if the highway authority is satisfied that they will be of benefit to the public.

Where a development has been granted planning consent which includes physical changes to the existing highway network, it is deemed that the works will be of benefit to the public given the principles and details of the changes have been examined through the planning process.

S278 of the Highways Act 1980 makes further provisions so that the costs associated with making the agreement, the works, other highway authority costs and maintenance payments are recoverable from the developer through the agreement.

FINANCIAL IMPLICATIONS AND RISKS

The legal and technical fees associated with the works will be secured with the S278 agreements to ensure the Council's reasonable costs are met.

Technical fees are calculated as 12.5% of the full project cost capped at a minimum of £6,500 per project. The technical fee allows for a maximum of 72 hours per project, it is anticipated that this work will be contained within the allowed hours.

The full costs for the scheme implementation of £0.100m will also be met by the developer through the S278 agreement. As part of the S278 the developer will pay a maintenance contribution fixed at (20% of the full project cost) to the London Borough of Havering to cover future maintenance cost. This sum will be held under a specified project code and monitored through the road adoptions revenue budget.

Provisions will be made by way of Bond and Deposit for the making good works defaults. Assuming the projects are completed without defects both deposit and bond value will be returned to the developer(s). The Wennington project developer will enter into a bond of £0.045m. The Gooshays project developer will provide a deposit c£0.056m to be held and monitored through the councils balance sheet.

The income generated from the developers is set out below:

<u>Item</u>	<u>£m</u>
Technical Fees: Land at Wennington Farm £6,500	£0.007
Technical Fees: Land at Gooshays Drive £6,500	£0.007
Maintenance Contribution: Land at Wennington Farm (20% of	£0.009

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£0.045m)	
Maintenance Contribution: Land at Gooshays Drive (20% of £0.055m)	£0.011
Legal Fees: Flat rate	£0.004
Total income to the council from Developers	£0.037

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

None arising from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all users. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (mainly, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

BACKGROUND PAPERS

None.

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Ollie Miller
Ollie
16-8-18

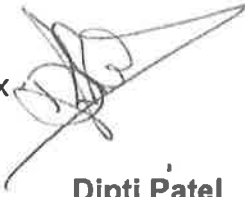
Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed.

Signed x



Name: **Dipti Patel**

Designation: Assistant Director for Environment

Date: x 17/08/18

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 22/8/2018

Signed 