



Notice of Non-key Executive Decision

Subject Heading:	89-101 NEW ROAD (S278) Authority to enter into an agreement made under S278 Highways Act 1980
Cabinet Member:	Cllr. Barry Mugglestone Environment
SLT Lead:	Tony Galloway Assistant Director for Environment
Report Author and contact details:	Gareth Nunn Highways Engineer Schemes 01708 433139 Gareth.nunn@havering.gov.uk
Policy context:	National Planning Policy Framework (2019) London Plan (2019) Havering Local Implementation Plan 2018/19 Delivery Plan
Financial summary:	<p>The full costs of s278, legal fees, technical fees, maintenance contributions and implementation of the works will be met by the respective developers.</p> <p>Income to be received by the council from the aforementioned totals £0.022m of which £0.011m will be held for future maintenance.</p> <p>The council will also hold a deposit of £0.056m to cover costs of making good possible works in default.</p>
Relevant OSC:	Places OSSC
Is this decision exempt from being called-in?	Yes, it is a Non key Decision by Officer

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision authorises the Council entering into a highway agreement made under S278 of the Highways Act 1980 allow changes to the highway to be made to create a new and amend existing accesses on New Road and Askwith Road in pursuance following planning consent:

Location: 89 New Road RAINHAM RM13 8EX

Planning Application Ref: P0251.17 (The demolition of all existing buildings and redevelopment of the site to provide 3 new buildings, ranging from 2 to 5 storeys, comprising 56no. self-contained flats (14 x 1-bedroom, 23 x 2-bedroom, 19 x 3-bedroom), and 3no. 4-bedroom houses, a small commercial unit to ground floor and associated landscaping, vehicle access, cycle and car parking)

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.

STATEMENT OF THE REASONS FOR THE DECISION

A development has been granted planning consent under P0251.17 which includes access works and general footway works on the A1306 New Road and Askwith Road, Rainham.

Where works are required to make changes to the existing highway (new junctions, accesses or related works), developers are 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.

New Road and Askwith Road are adopted highways and maintained by public expense. s278 of the Highways Act 1980 makes further provisions so that the costs associated with making the agreement for the highway works, meeting other highway authority costs, maintenance contribution and deposit payment to cover costs of making good for possible works in default are recoverable from the developer through the agreement.

The proposals are shown on the following drawing numbers:

12543-TDA-XX-XX-DR-C-46001

OTHER OPTIONS CONSIDERED AND REJECTED

For S278 works, 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 in terms of providing new access.

PRE-DECISION CONSULTATION

None.

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

Name: Gareth Nunn

Designation: Schemes Engineer

Signature:

Date: 17/01/2024

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

All costs associated with the works will be secured with the s278 agreement to ensure the Council's reasonable costs are met.

The full costs for the implementation of the works totalling to £0.056m will be met by the developer.

Income to be received by the Council from the development totals £0.022m which comprises of £0.007m for Technical Fees, Maintenance contribution of £0.011m and Legal and Finance fees of £0.004m. This sum will be held under project code (**QU 002**) and monitored through the road adoptions revenue budget.

Technical fees are calculated as 12.5% of the full project cost subject to a minimum fee of £6,500 per project which equates to £0.007m. The technical fee allows for at least 72 hours of staff time per project with larger schemes providing a larger fee and therefore more hours of staff time. In all cases it is anticipated that this work will be contained within the allowed hours.

As part of the agreements, the developer will pay a maintenance contribution fixed at 20% of the total which equals £0.011m to the Council to help cover future maintenance costs. 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 deposit for the making good works defaults, set at 100% works cost. Assuming the projects are completed without defects the deposit value will be returned to the developer(s). In the case of the agreement set out in this report, the developer will provide a deposit to the value of £0.056m. The deposit will be held on the balance sheet.

The income generated from the developer through the agreement is set out below:

<u>Item</u>	<u>£m</u>
Technical Fees - A01.A24020.516460.0000.000000.604183.000000	£0.007
Maintenance Contribution - A01.A24020.516460.0000.000000.604183.000000	£0.011
Legal Fees: Flat rate of £0.004m to legal cost code	£0.004
Finance Admin Fee – rate of £250 to finance cost code	£0.000
Total	£0.022

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. 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 (often, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

The Technical Approval process which leads to the drawings supporting the s278 agreements will give consideration to ensuring the Council's duties are met.

BACKGROUND PAPERS

None.

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



Name: **Tony Galloway**

Designation: Assistant Director for Environment

Date: 06/03/2024

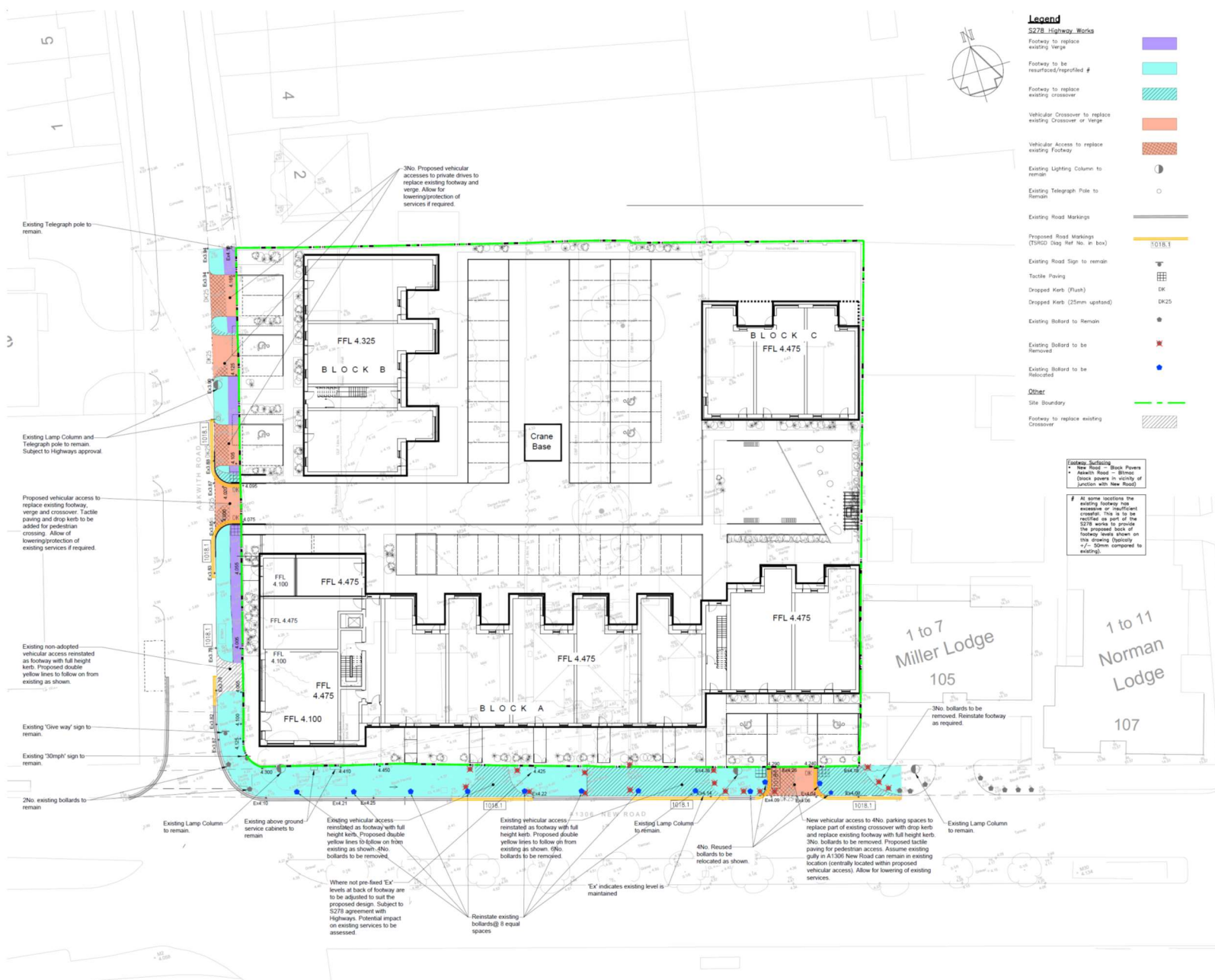
Lodging this notice

The signed decision notice must be delivered to Committee Services in the Town Hall.

For use by Committee Administration

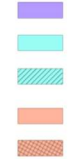
This notice was lodged with me on _____

Signed _____



Legend

- S278 Highway Works
- Footway to replace existing verge
- Footway to be resurfaced/reprofiled #
- Footway to replace existing crossover
- Vehicular Crossover to replace existing Crossover or Verge
- Vehicular Access to replace existing Footway
- Existing Lighting Column to remain
- Existing Telegraph Pole to remain
- Existing Road Markings
- Proposed Road Markings (TSRD Diag Ref No. in box)
- Existing Road Sign to remain
- Tactile Paving
- Dropped Kerb (Flush)
- Dropped Kerb (25mm upstand)
- Existing Bollard to remain
- Existing Bollard to be Removed
- Existing Bollard to be Relocated
- Other
- Site Boundary
- Footway to replace existing Crossover



Footway Surfacing
 New Road - Black Pavement
 Asphalt Road - Bitmac
 (Shoe areas in vicinity of Junction with New Road)

At some locations the existing footway has excessive or insufficient kerb. This is to be rectified as part of the S278 works to provide the proposed back of footway areas shown on this drawing (Typically 7.50m compared to existing).

General Notes

1. Any indication of site boundaries are to be considered diagrammatic. This Engineering Layout is based on layouts prepared by others and our details are in no way intended to be any definition of land ownership.
2. The contractor shall check all levels and dimensions, any errors or omissions are to be reported to the Engineer.
3. Levels at site boundary to match existing unless noted otherwise.

Works to existing adopted highway must only be carried out by Highways appointed Contractor

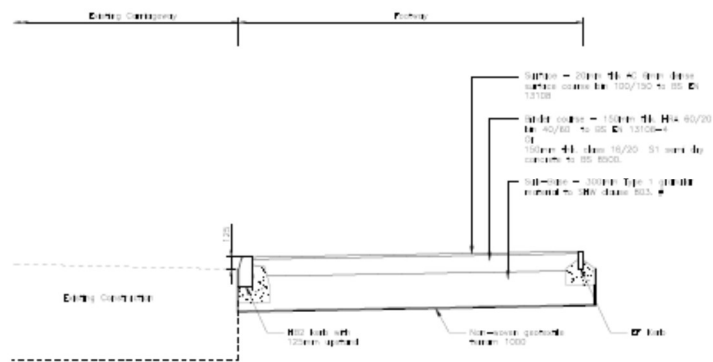
- C 01.12.23 Space between relocated existing ASSCFALT bollards on New Road updated to install 1no additional relocated existing bollard to close up gap on pavement.
- B 27.11.23 Proposed double yellow lines over reinstated crossover on Ashwell Road amended to match existing on opposite side of road. Relocated existing bollards added at equal spaces on New Road.
- A 17.11.23 Existing double yellow lines added. ASSCFALT increased extent of proposed double yellow markings in Ashwell Road. Note added to relocated bollards. Note for 2No bollards on south-west junction amended. Legend updated.
- 19.02.21 Drawing removed from 12453-DV-4508 PAUT.

REV DATE DESCRIPTION BY: CMO

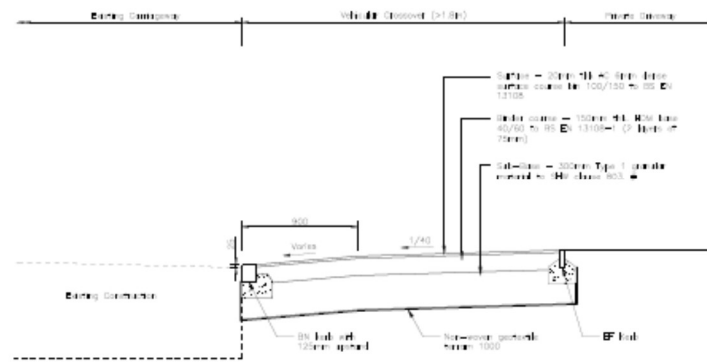
PRELIMINARY
 ASH PROPERTIES

TITLE:
S278 Highway Works
 PROJECT:
89-101 New Road Rainham
 SCALE: 1:20000 DATE: FEB 21 DRAWN: CS CHECKED: PAUT
 DWG NO:
12453-TDA-XX-XX-DR-C-46001
 REV: C TSA PROJECT NUMBER:
12453

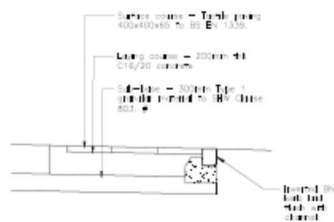
Tully De'Ath consultants
 Engineering at its Best
 T: 01843 428100 E: info@tda.co.uk W: www.tda.co.uk



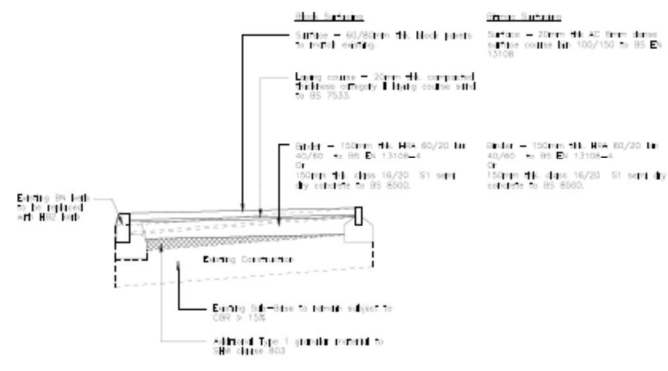
Footway Construction - Bitmac



Crossover Construction (>1.8m)



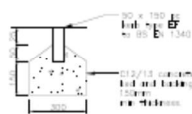
Tactile Paving Detail



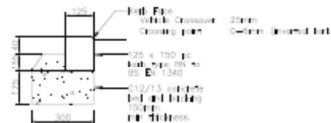
Footway to Replace Existing Crossover



Kerb Type HB2 Scale 1:10



Kerb Type EF Scale 1:10



Kerb Type RN Scale 1:10

Sub-base can be reduced to 200mm subject to Havering's approval and CBR testing.

- General Notes**
1. All works to be carried out in accordance with the Highway Act 1980 and the Highways Act 1996.
 2. All works to be carried out in accordance with the Highway Act 1980 and the Highways Act 1996.
 3. All works to be carried out in accordance with the Highway Act 1980 and the Highways Act 1996.

Works to existing adopted Highway must only be carried out by Highways appointed Contractor

PRELIMINARY

ASH PROPERTIES

Adoptable Road Construction Details
 89-101 New Road Rainham
 12453-TDA-XX-XX-DR-C-46201
 12453

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 Engineering at its Best
 12453-001 TullyDeAth.com www.tullydeath.com