

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

5 October 2017

Report of the Strategic Director – Economy, Transport and Communities

**HIGHWAYS ACT 1980, SECTION 278 AGREEMENT- CIVIC WAY,
SWADLINCOTE**

(1) **Purpose of Report** To seek the Cabinet Member's approval to waive the requirement for a guaranteed Bond to safeguard public funds with regard to the works under Section 278 Agreement of the Highways Act 1980.

(2) **Information and Analysis** Derbyshire Fire and Rescue Service has funding available to widen the existing vehicular access to Swadlincote Fire Station and widen the existing footway to the northern side of Civic Way, Swadlincote.

The highway works will consist of the widening of an existing vehicular access, providing additional tactile paving, together with the widening and resurfacing of the existing footway fronting the Swadlincote Fire Station.

The works are as shown on the attached plan (Ref: 7664/101/C).

Derbyshire Fire and Rescue Service will need the County Council's formal permission to fund or carry out improvement works within the public highway using a legal Agreement under Section 278 of the Highways Act 1980.

(3) **Financial Considerations** It is normal policy and practice for the County Council to require commercial developers to provide financial security prior to commencing work to protect the County Council against the cost of having to complete the work in the event the developer fails to complete it in accordance with the Agreement or ceases to trade.

In this instance, as the developer is Derbyshire Fire and Rescue Service, a public funded body which has agreed to complete the works at their expense, the County Council is able to waive the requirement for a guaranteed Bond as the risk of default or financial insolvency is considered negligible.

(4) **Legal Considerations** Section 278 of the Highways Act 1980 empowers the County Council to allow third parties to fund or carry out highway improvement works. In this case Derbyshire Fire and Rescue Service will be obliged to enter into a Section 278 Agreement for the Civic Way highway works and to pay the County Council's legal and inspection fees.

Other Considerations

In preparing this report the relevance of the following factors have also been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Robert Smith, extension 38651.



(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

- 8.1 Notes the intention to enter into a Section 278 Agreement under the Highways Act 1980 with Derbyshire Fire and Rescue Service, for works at Civic Way, Swadlincote.
- 8.2 Approves the proposals that, in this case, Derbyshire Fire and Rescue Service, as developer, be exempt from having to provide a bond or pay financial security to support the Section 278 Agreement for these highway improvement works.

Mike Ashworth
Strategic Director – Economy, Transport and Communities



Constraints Notes	
1.	For details of ground conditions refer to ground investigation report. The Engineer shall be immediately notified of any variations to the reported ground conditions.
2.	The Contractor is to supply a full method statement for the traffic management and control of pedestrian routes, to be submitted and approved by the Highway Authority.
3.	The Contractor shall undertake a condition survey of the existing highway, footpaths and boundaries. Any damage caused by the contractor to be made good to the Engineers and Highway Authority requirements.
4.	Services locations shown are approximate, additional services may be located within the vicinity of the works in addition to those shown on this drawing.
5.	The Contractor shall locate, identify and protect all existing services prior to the commencement of the Works. Protective measures shall be undertaken in accordance with the utility providers requirements.
6.	The Contractor is to ensure that the site is secure at all times to prevent unauthorised access by travelers and the general public.
7.	The contractor shall work within any Planning or Highway Authority restriction with regard to working hours, noise regulations and any other limitations that may apply.
8.	The contractor shall allow full and free access to the works for Local Authority, Highway Authority and Drainage Authority personnel for the purpose of inspecting the works.
9.	Temporary works required for the construction of the works shall be the responsibility of the Contractor.
10.	The Contractor is to undertake a site visit to assess all works required for site clearance
Notes	
1.	The drawings, design and all information contained therein are the sole copyright of Norder Design Associates (NDA) and reproduction in any form is forbidden unless permission is obtained in writing.
2.	This drawing is to be read in conjunction with all other relevant Architects, Engineers and specialists drawings, details and specifications.
3.	Conflicting information shown on the NDA drawings or discrepancies between the information given by NDA and that provided by others must be referred to NDA before work proceeds.
4.	Dimensions must not be scaled from this drawing.
5.	Dimensions marked 'dimension to be site checked' are subject to confirmation by site measurement before construction proceeds.
6.	Subcontractor surveys, such as for the purposes of steelwork installation, take precedence over 'site dimensions' indicated on this drawing. All surveys should ensure an accurate fit of components.
7.	Temporary works associated with the construction of the project shall be the responsibility of the Principal Contractor.
8.	Where any temporary works or scaffolding are required the Principal Contractor shall appoint a competent and suitably experienced Temporary Works Coordinator (TWC). Refer to BS 5973 for guidance on temporary works and the role of a TWC.
9.	Calculations and drawings of all Contractor designed structural items associated with NDAs design responsibilities shall be submitted to the Engineer for comment at least 10 days prior to manufacture. Any comments made by NDA do not absolve the Contractor of this design responsibilities.

KEY		VEHICLE WHEEL TRACK	
		VEHICLE BODY TRACK	
		DB32 FIRE APPLANCE	
		STANDARD MPV CAR	
9800		CLIENT Derbyshire Fire and Rescue Service 	
PROJECT Swadlincote Fire Station			
9780		DRAWING TITLE S278 Highway Works General Arrangement	
9760		SCALE 1:200 DATE October 2016 JOB No. 7664	SHEET SIZE A1 DRAWN AF CHECKED RK DRAWING No. 101 REV. C