

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

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

23 August 2016

Report of the Strategic Director – Economy, Transport and Communities

**SECTION 278 AGREEMENT OF THE HIGHWAYS ACT 1980 – INFIRMARY
ROAD, CHESTERFIELD**

(1) **Purpose of Report** To seek the Cabinet Member's approval to waive the requirement for a guarantee bond to safeguard public funds with regard to Section 278 Agreement works and to replace this requirement with a letter of undertaking.

(2) **Information and Analysis** Chesterfield College has recently undertaken significant improvements to its facilities. As a result of these works, minor footway improvements were undertaken to the footway on Infirmary Road.

The area of footway concerned is shown on the attached plan (see Appendix 1). At the time of the works, the footway was closed off by hoardings to allow work on the adjacent buildings and footway resurfacing and to safeguard the public to be undertaken safely. This also had the benefit of facilitating the completion of the works prior to the opening of the College for students.

The College is still required to enter into a legal agreement under Section 278 of the Highways Act 1980 to cover any maintenance of the works for a period of 12 months.

(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. This protects the County Council against the cost of having to complete the work in the event the developer fails to do so, or ceases to trade.

In this instance, as the developer is Chesterfield College, a public body, the County Council is able to waive the requirement for a Guarantee Bond as the risk of default or financial insolvency is considered negligible. In addition, the College has provided a written undertaking (copy attached as Appendix 2) to underwrite the cost of any remedial work within the maintenance period.

(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, Chesterfield College will be obliged to enter into a Section 278 Agreement for the Infirmary Road highway works and to pay the County Council's Legal and Inspection fees.

(5) **Social Value Considerations** The works have improved the surface quality of the footway for all highway users, including visitors to Chesterfield College, and will extend its lifespan and reduce maintenance liabilities. The Agreement also secures funding to cover the Officer time involved in assessing and inspecting the works, thereby offsetting the Council's costs.

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

(6) **Key Decision** No.

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

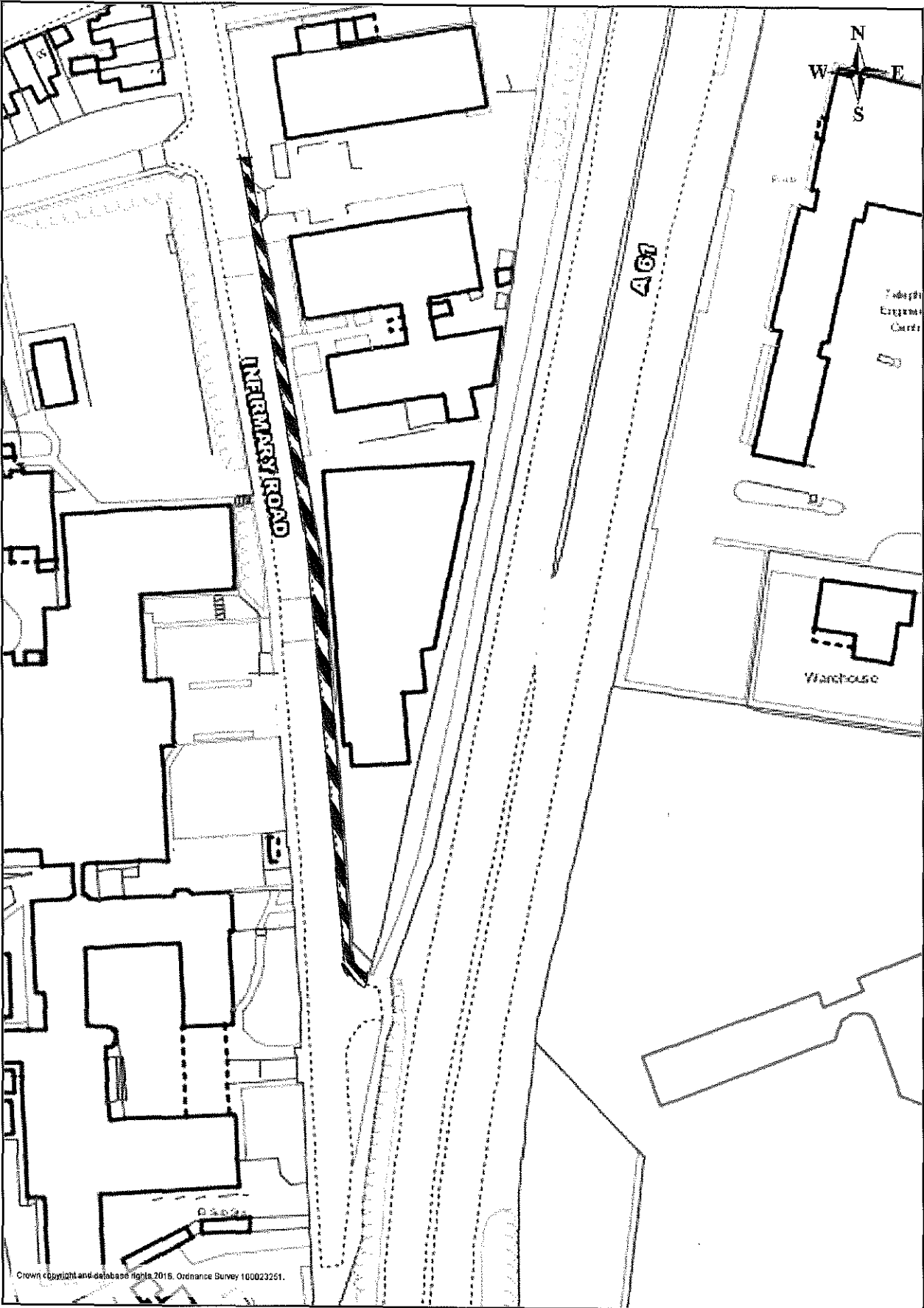
(8) **Background Papers** Held on file with Economy Transport and Communities Department. Officer contact details - Kevin Barton, extension 38658.

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

9.1 Notes the intention to enter into a Section 278 Agreement with Chesterfield College for Infirmary Road, Chesterfield.

9.2 Approves the proposals that, in this case, Chesterfield College, as developer, be exempted from having to provide a Guarantee Bond or pay financial security to support the Section 278 Agreement for these highway improvement works.

Mike Ashworth
Strategic Director – Economy, Transport and Communities



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20 July 2016

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20 June 2016

Mr Kevin Barton
Development Control
Economy, Transport and Communities
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

Dear Kevin

Ref: Chesterfield College – Section 278 Agreement – Letter of Undertaking

Further to your discussions with our representatives at Turner & Townsend, please accept this letter as Chesterfield College's commitment to undertake any repairs due to defects in relation to the recently completed pavement resurfacing works completed on Infirmary Road, adjacent to the newly constructed East Block One building.

As discussed and agreed between Derbyshire County Council and Turner & Townsend, this agreement will warrant any rectification works up to the value of £2,420.00 for 12 months from the date on which the S278 agreement is signed.

For clarity, the area of works undertaken and covered by the S278 are highlighted on the attached plan.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Thackery'.

Mike Thackery
Head of Facilities