

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

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

7 February 2017

Report of the Strategic Director – Economy, Transport and Communities

**HIGHWAYS ACT 1980, SECTION 278 AGREEMENT- DOWNLANDS,
BRIMINGTON**

(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 the works under Section 278 Agreement of the Highways Act 1980.

(2) **Information and Analysis** Chesterfield Borough Council has funding available to hard surface an existing verge and widen an existing turning head along Downlands, Brimington. (see attached plan CC4638.01-Downlands.01) The highway works will consist of the widening of an existing turning head to Downloads.

The Borough Council 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 the Borough Council, the County Council is able to waive the requirement for a guarantee 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, the Borough Council will be obliged to enter into a Section 278 Agreement for the Downlands Road highway works and to pay the County Council's legal and inspection fees.

(5) **Social Value and Transport Considerations** The proposal is to undertake improvements to the public highway and therefore infrastructure considerations are inherent in the considerations applied by officers, such improvements also provide a social benefit to the residents of Downlands.

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 and property considerations.

(6) **Key Decision** No.

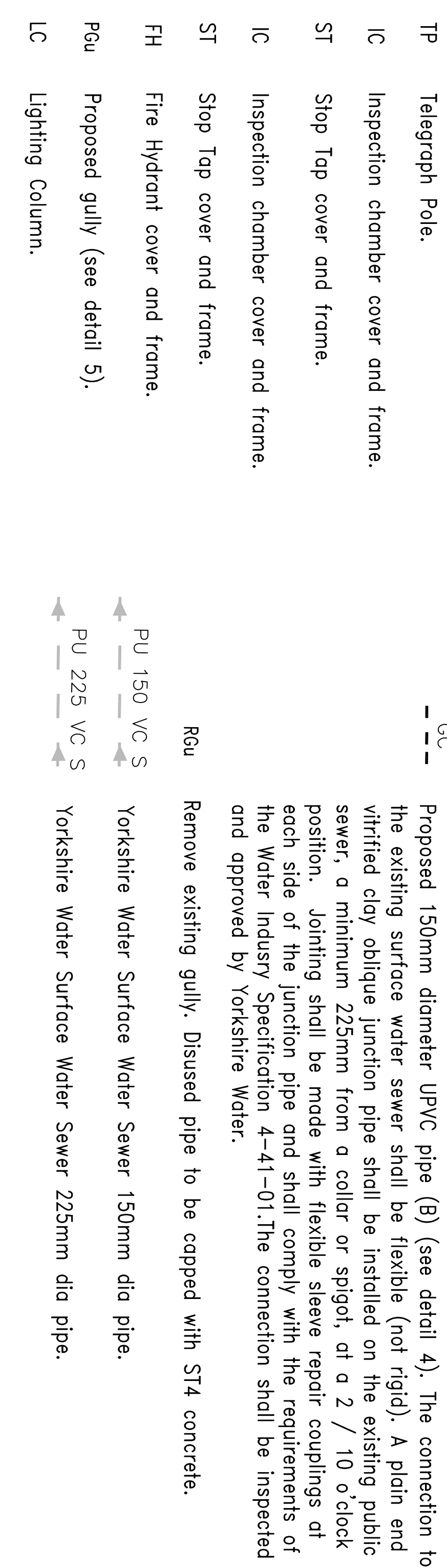
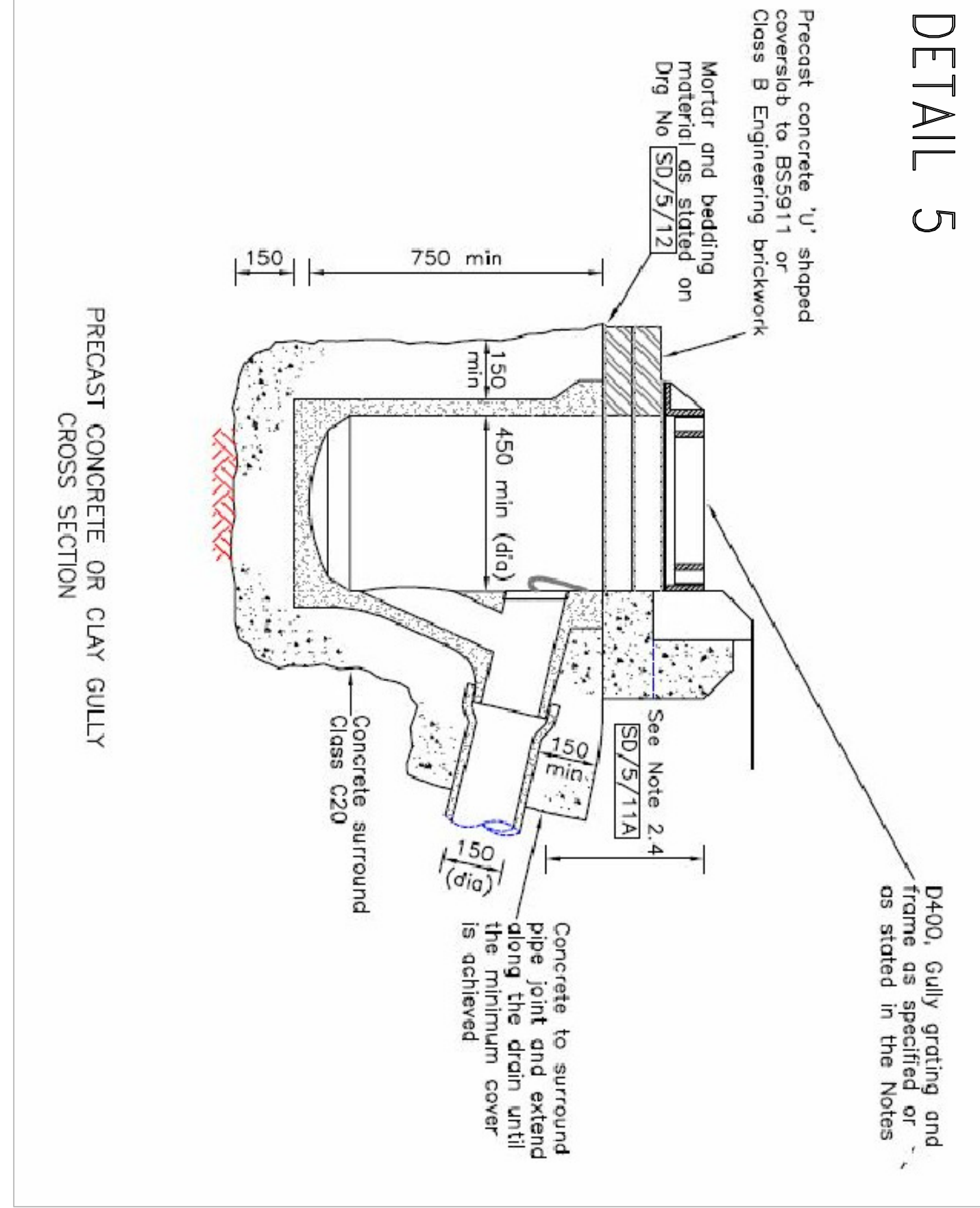
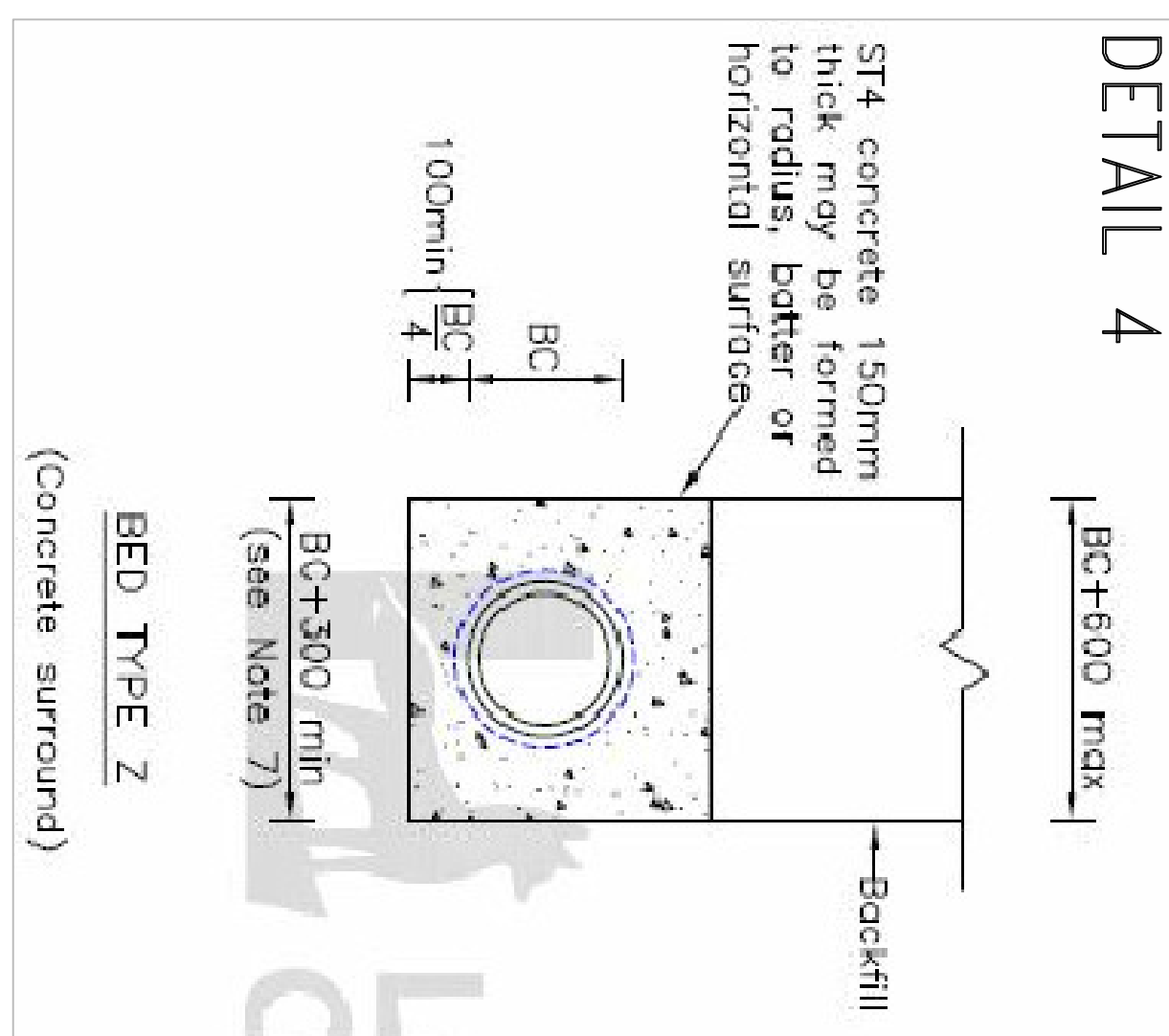
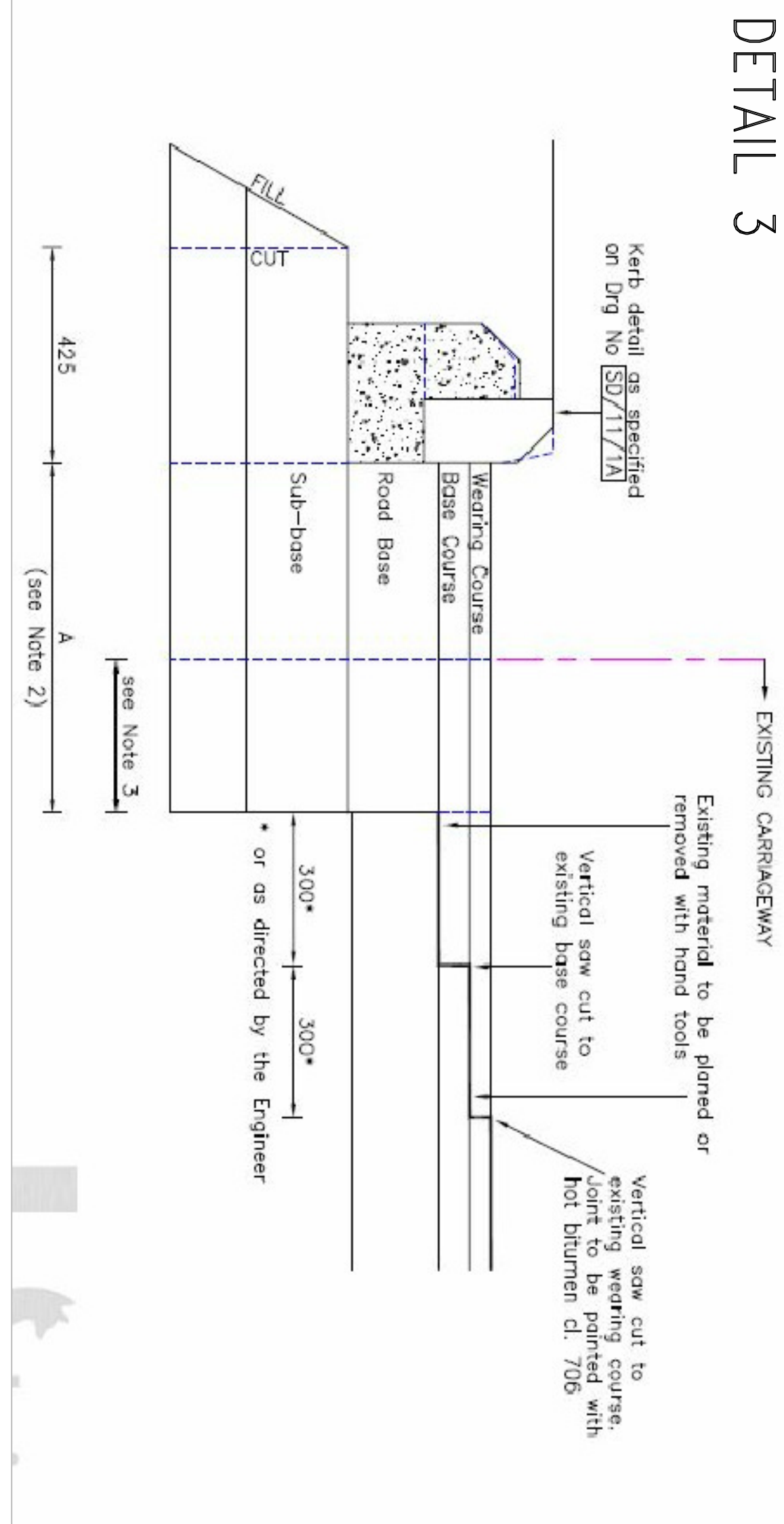
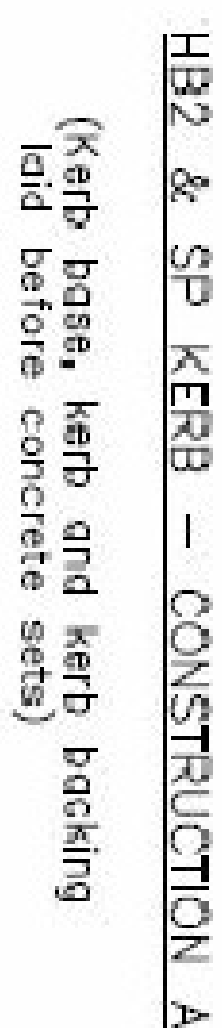
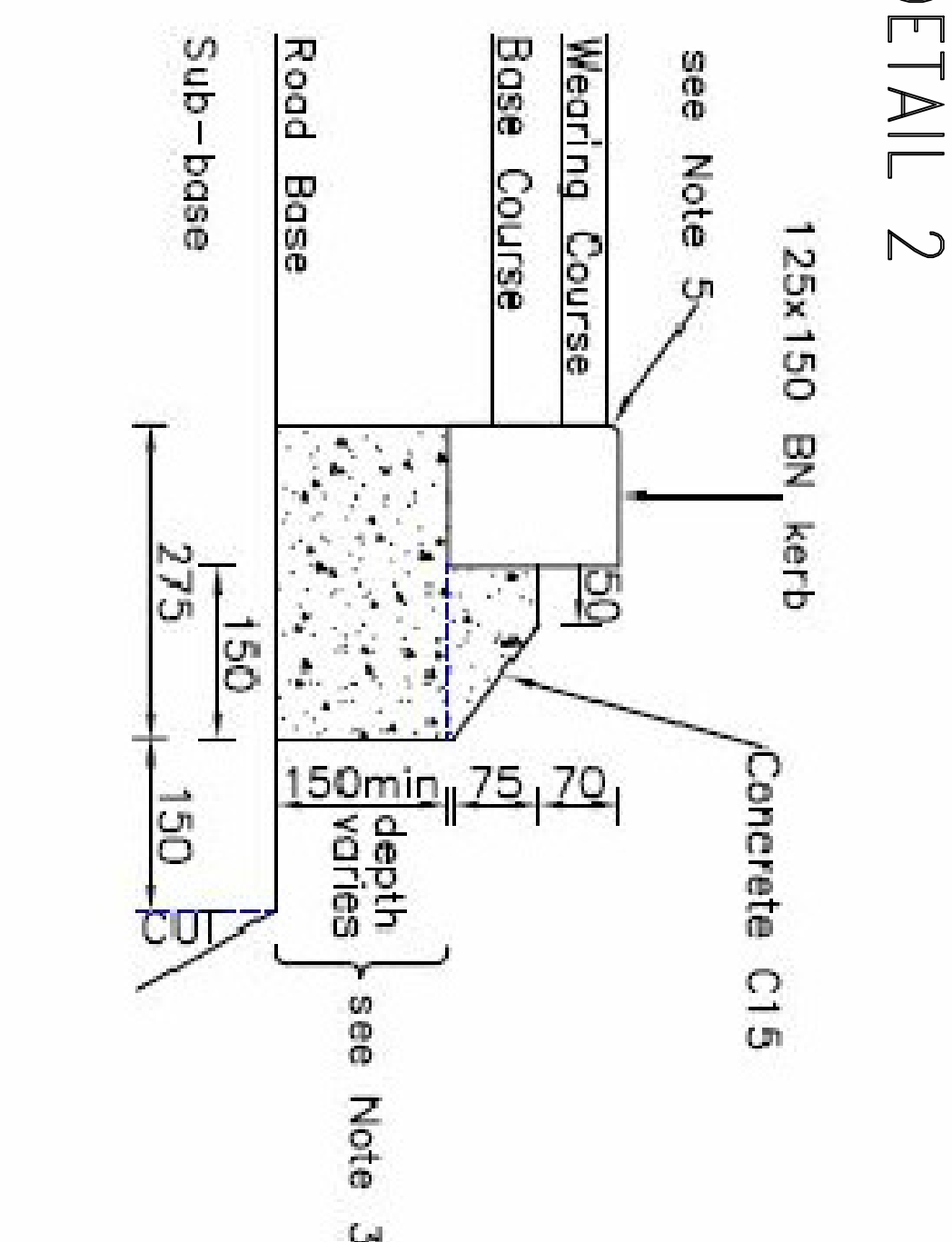
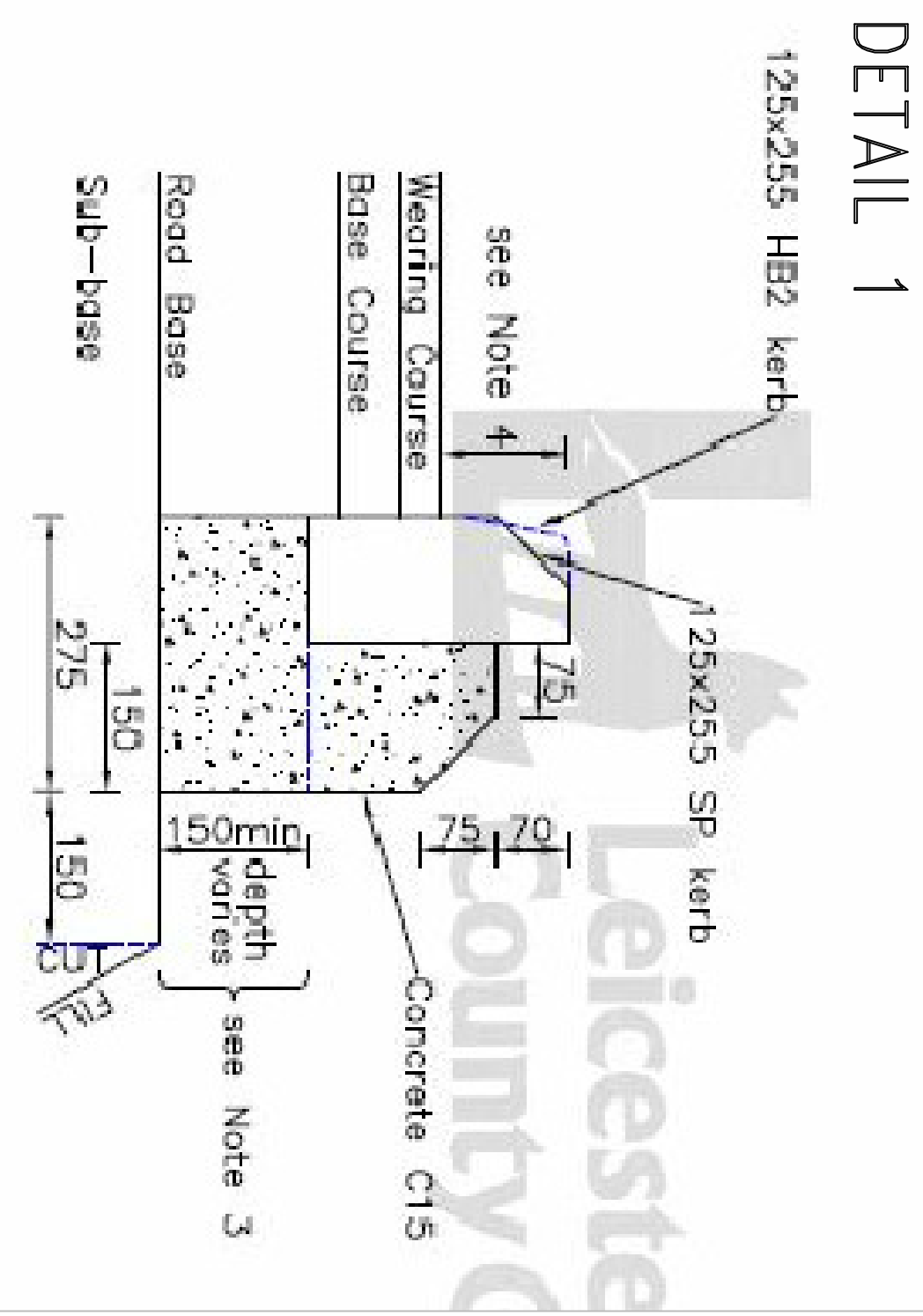
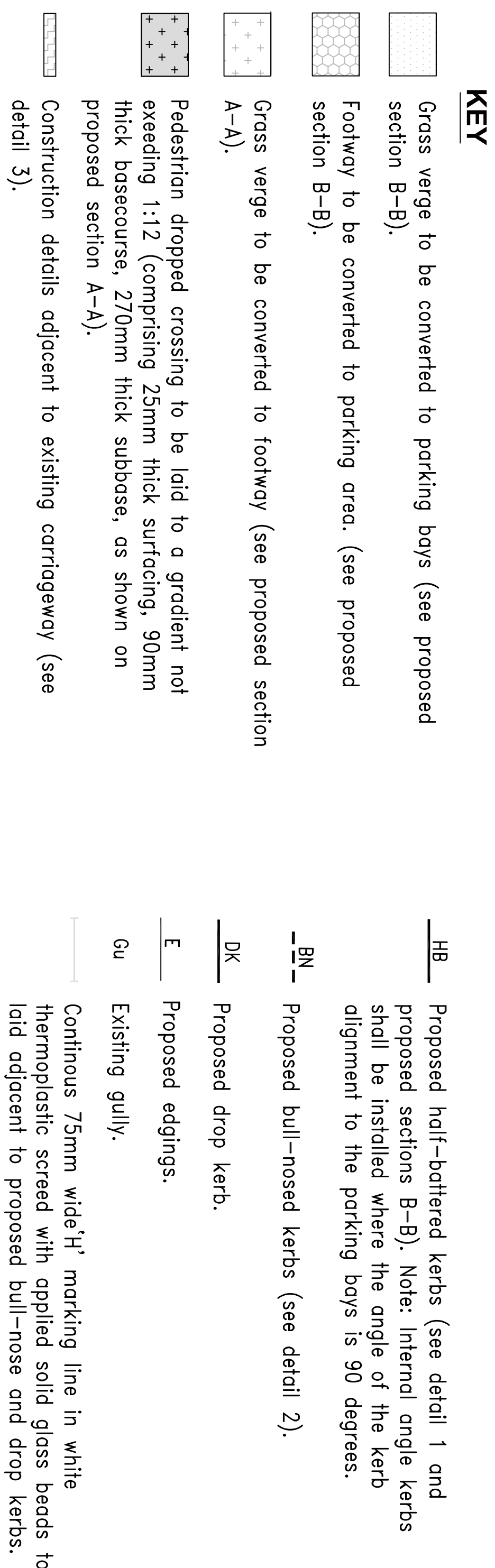
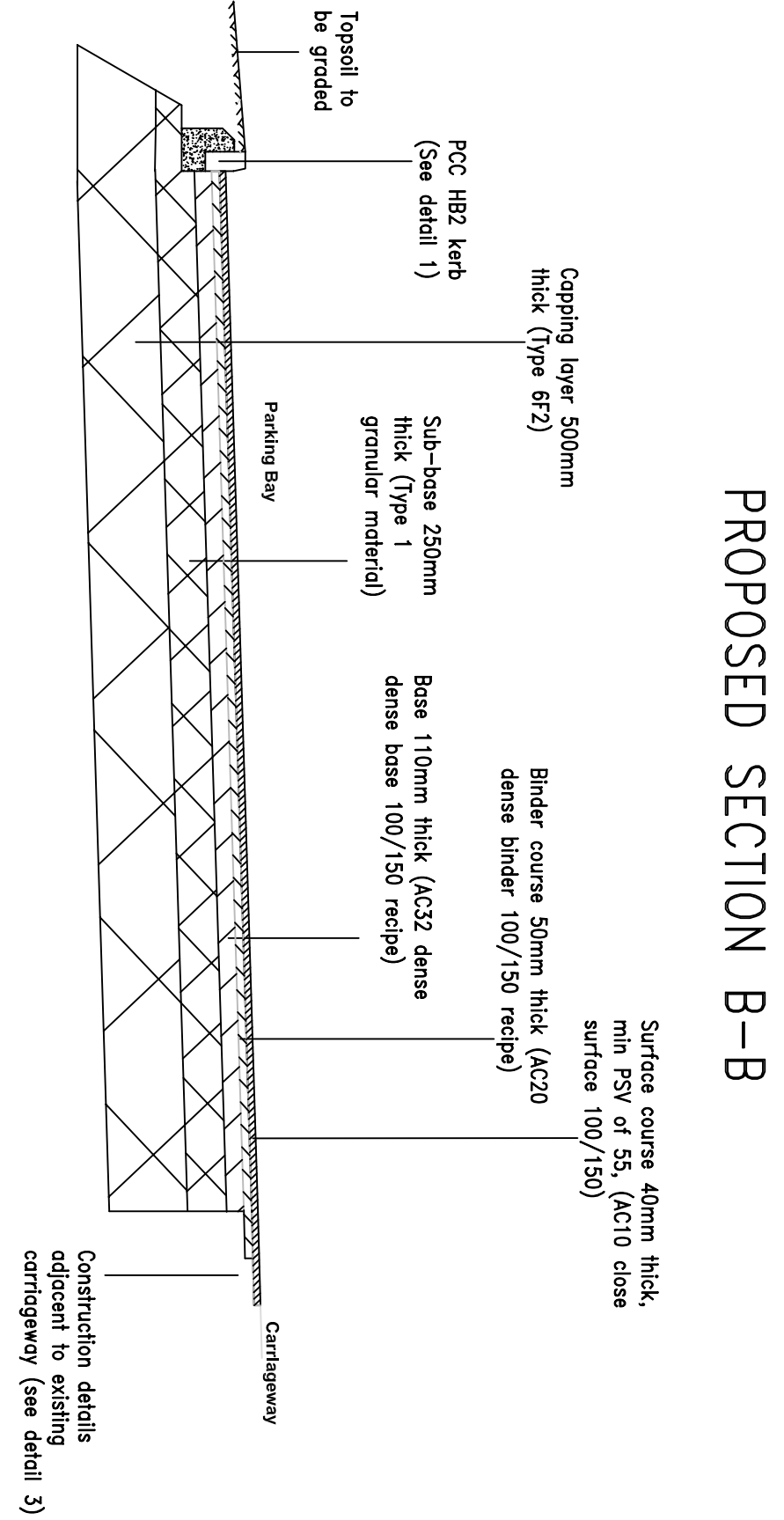
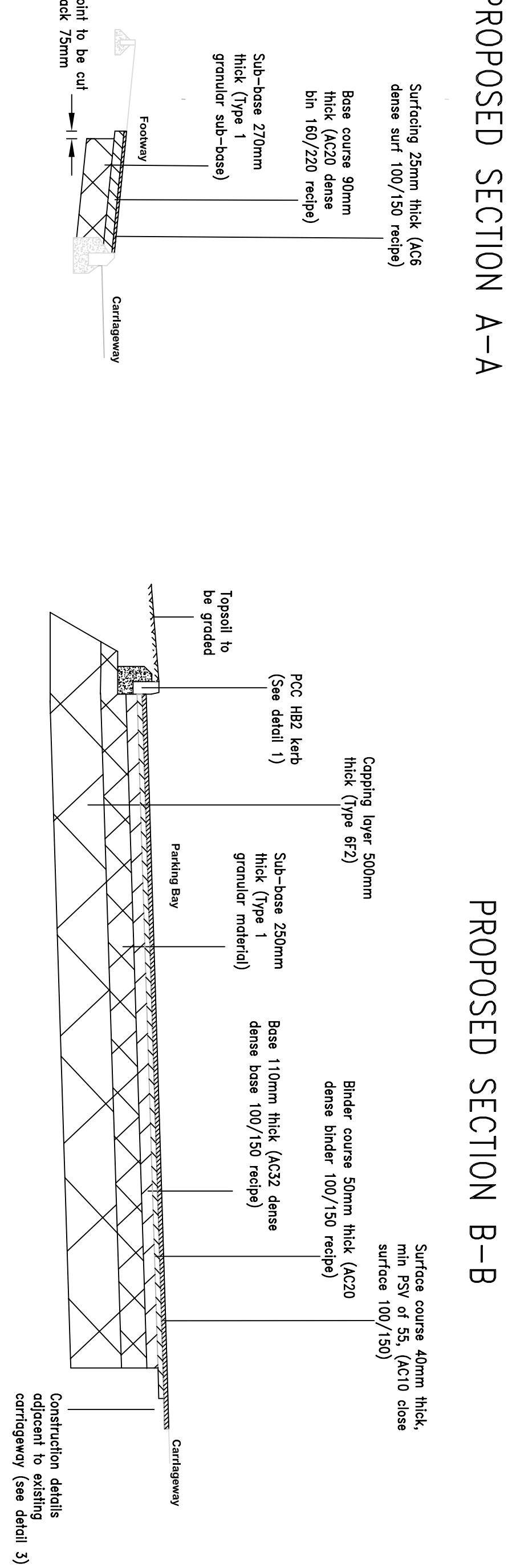
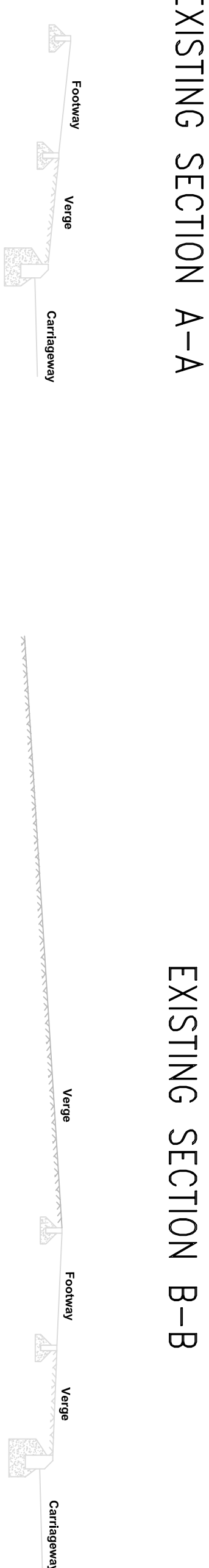
(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Highways Development Control Section of the Economy, Transport and Communities Department. Officer contact details – Robert Smith, extension 38651

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

- 9.1 Notes the intention to enter into a Section 278 Agreement under the Highways Act 1980 with Chesterfield Borough Council for works at Downlands, Brimington.
- 9.2 Approves the proposal that Chesterfield Borough Council, as developer of the scheme, be exempt from providing a bond or paying financial security to support the Section 278 Agreement for these highway improvement works in this instance.

Mike Ashworth
Strategic Director – Economy, Transport and Communities



NOTE

The notes and SD drawings that are referred to in each detail relate to the 6CS Design Guide standard drawings.

[illegible]