

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

9 September 2014

Report of the Strategic Director – Economy, Transport and Environment

**HIGHWAYS ACT 1980, SECTION 278 AGREEMENT – STATION
APPROACH, CORPORATION STREET, CHESTERFIELD**

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

(2) **Information and Analysis** Chesterfield Borough Council has funding available under the European Regional Development Fund (ERDF) and Percent for Art to undertake improvement works within the town centre at prominent 'gateways'.

Station Approach is one of the chosen 'gateways' and a scheme has been designed to provide an enhanced link for pedestrians and cyclists from the train station to the town centre, via Corporation Street, and the recently upgraded A61 pedestrian/cyclist overbridge.

The works consist of the resurfacing of the existing cycle and footway using two separate materials – Yorkstone paving and kerbing, and 'Mastertint' coloured surfacing, along with a kerb build-out and a potential drainage bio-retention feature.

These materials are not within the County Council's current specification and the Borough Council will therefore be expected to pay Commuted sums to cover future maintenance costs over and above standard materials. The design of the scheme will be to the County Council's satisfaction, as part of the Construction Approval process.

The proposed scheme is shown in Drawing No1 attached.

The Borough Council will need the County Council's formal permission to fund or carry out works in the public highway using a legal Agreement under Section 278 of the Highways Act 1980.

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(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 risks of default or financial insolvency are considered negligible.

The Authority will seek to recover the enhanced maintenance costs of specialist materials by use of Commuted sums.

(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 Station Approach highway works and to pay the County Council's Legal and Inspection fees.

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.

(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 Environment Department. Officer contact details – Cath Turkington, extension 38661.

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

8.1 Notes the intention to enter into a Section 278 Agreement with Chesterfield Borough Council.

8.2 Approves the proposals that, in this case, the Borough Council, 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 Environment

Title

Station Approach, Chesterfield - Drawing No. 1

