

Agenda Item No.4(a)

DERBYSHIRE COUNTY COUNCIL

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

9 July 2020

Report of the Executive Director – Economy, Transport and Environment

SECTION 278 AGREEMENT – ELDER WAY, CHESTERFIELD

(1) **Purpose of Report** To seek the Cabinet Member's approval to waive the requirement for a Guarantee Bond with regard to proposed works at Elder Way, Chesterfield, undertaken by Chesterfield Borough Council under Section 278 Agreement of the Highways Act 1980.

(2) **Information and Analysis** Chesterfield Borough Council has secured funding to undertake public realm improvements at Elder Way, Chesterfield. The works include new paving and surfacing along with new traffic signal equipment and street furniture. The works are shown indicatively on drawing number PL1684-VW-115 (Appendix 1) and would carry a bond requirement of £1,317,236.45.

The Borough Council is aware that it needs the County Council's formal permission, as Highway Authority, to fund or carry out works in the public highway using an 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 in order to indemnify the County Council against the cost of having to complete the work in the event that the developer defaults or ceases to trade.

In this instance, as the developer is a local authority, the County Council is able to waive the requirement for a Guarantee Bond as the risks of default or financial insolvency are 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 Elder Way highway works and to pay Derbyshire County Council's Legal and Inspection fees.

Other Considerations

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, 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 Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves to waive the requirement for a Guarantee Bond with regard to proposed works at Elder Way, Chesterfield, undertaken by Chesterfield Borough Council under a Section 278 Agreement of the Highways Act 1980.

Mike Ashworth
Executive Director - Economy, Transport and Environment




PHASE 1 WORKS

ADOPTED HIGHWAYS LAND

23	01.06.20	Topo adjusted	HT	GB
22	03.03.20	Fill amended	HT	GB
21	27.02.20	Kerbline amended	HT	GB
20	26.02.20	Minor amends	HT	GB
19	26.11.19	Minor amends	HT	AT
18	27.11.19	Coordination with MJM	HT	AT
17	20.09.19	Red and blue line remove from Enterprise	AT	AT
16	16.08.19	Elderway bus kerb extended to 4m	HT	GB
15	01.08.19	Minor amends	HT	GB
14	24.07.19	Updated Stage 4	HT	AT
13	18.07.19	Updated Stage 4	HT	GB
12	15.07.19	Updated Stage 4	HT	GB
11	10.06.19	Updated Stage 4	AT	GB
10	22.01.19	Tender	AT	GB
09	21.11.18	Cycle stands added	AT	GB
08	30.08.18	Stage 3 update	AT	GB
07	17.08.18	Stage 3 update	AT	GB
06	20.07.18	Stage 3 update	AT	GB
05	12.10.17	STAGE 3	AT	GB
04	29.09.17	STAGE 3	AT	GB
03	21.09.17	STAGE 3	AT	GB
02	01.09.17	STAGE 3	AT	GB
01	24.08.17	FOR INFORMATION	AT	GB
00	01.08.17	FOR PRICING	AT	GB
Issue	Date	Status	Drawn	Apprvd.

Client	Chesterfield Council		
Project	Northern Gateway, Chesterfield		
Org Title	Phase 1 Masterplan Elderway and Holywell		
Created on	Created by	Approved by	
07.04.2017	AT	GB	
Scale	Size	Status	
1:400	A1	TENDER	
Org No.	PL1684-VW-115		

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- All setting out, levels and dimensions to be agreed on site.
- The dimensions of all materials must be checked on site before being laid out.
- This drawing must be read with the relevant specification clauses and detail drawings.
- Order of construction and setting out to be agreed on site.

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