

**Report to the Cabinet Member for Highways and Transport**  
**Report submitted by:** Director of Corporate Commissioning  
**Date Monday, 13 March 2017**

**Part I**

Electoral Division affected:  
Chorley West;

**S278 Highway Works, Euxton Lane, Chorley**  
(Appendix 'A' refers)

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**Executive Summary**

It is proposed to undertake highway design work following planning conditions established by Chorley Borough Council for a mixed use development north of Euxton Lane, Chorley. The design is for the creation of a new signalised T junction for access and the establishment of new cycle track with right of way on foot on the existing verge and footway on the north side of Euxton Lane. The eventual works will be funded by a Section 278 Agreement under the Highways Act 1980 with full payment by the developer and the design work fee is paid early ahead of the agreement being finalised. This early payment will be acknowledged in the Agreement. The design fee estimate is £21,903 and further funding will be secured from the developer in the case of any design fee increase or a need to make third party payments to statutory undertakers or similar.

**Recommendation**

The Cabinet Member for Highways and Transport is asked to give approval for design work to be undertaken as shown on the plan attached at Appendix 'A' and approve the addition of the design fees to the highways block of the County Council's 2016/17 capital programme at an estimated total cost of £21,903, funding having already been received.

**Background and Advice**

The District Planning Authority, Chorley Borough Council, has imposed conditions on the development to the north of Euxton Lane that require modification to the highway network to meet increased traffic flows, including pedestrian, cyclist and vehicle movements. The scheme would be solely funded by a Section 278 Agreement with payment from the developer. It has been agreed that design cost fees will be paid ahead of the Section 278 agreement being finalised.

## **Consultations**

Chorley Borough Council, as the Planning Authority, has imposed these conditions on the development and is fully aware of the scope and extent of the works proposed.

## **Implications:**

This item has the following implications, as indicated:

## **Financial**

The estimated cost of the County Council's design element is £21,903. The advance payment of the design fee estimate has been received from the developer. The County Council may have to commission advance design work by utility companies to enable the diversion or protection of their services during the construction phase, but this will only become clear as design proposals are developed. Payment for this work will be received from the developer before the County Council authorises third party design. The design fee estimate is £21,903 and further funding will be secured from the developer in the case of any design fee increase or a need to make third party payments to statutory undertakers or similar.

## **Risk management**

The advance payment of design fees and the Section 278 Agreement provides a robust mechanism for the County Council to ensure it is at no financial risk from carrying out the design, construction and supervision of these works.

## **Legal**

The decision sought is in respect of estimated design fees. The full agreement under S278 is not yet in place although the estimated design fees have already been paid in advance. There may be several issues before the agreement is finalised, in particular the construction of the new junction and access road will require the developer to acquire the freehold of extra land and the land be dedicated for highway use. The Agreement will need to include this dedication element. The change to highway alignment and construction of new highway will need to wait until the necessary land can be dedicated. Even if the final agreement is never reached the advance payment for design will not be refundable.

The works have been promoted through conditions imposed by the planning system.

## **List of Background Papers**

| Paper   | Date | Contact/Tel |
|---|------|-------------|
| N/A   |      |             |
| Reason for inclusion in Part II, if appropriate |      |             |
| N/A   |      |             |