**HAMPSHIRE COUNTY COUNCIL**

**Officer Decision Record**

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| ***Decision Maker:*** | Ben Clifton – Team Leader, Strategic Transport |
| ***Title:*** | Fareham College –Deed of Variation under S278 Highways Act 1980 (Legal Reference 101290/LTR) |
| ***Reference:*** | |

***Tel:*** 01962 84846761 ***Email:*** Ben.clifton@hants.gov.uk

**1. The decision:**

1.1. That authority be given to the Chief Executive's Department in accordance with Paragraph 1.23 of the Economy, Transport and Environment Department's Scheme of Delegation to enter into an agreement under Section 278 of the Highways Act 1980 with Fareham College relating to Land at Fareham College.

**2. Reason(s) for the decision:**

2.1. Planning consent for development of the Land at Fareham College was obtained from Fareham Borough Council under reference P/13/1055/FP

2.2. The original Section 278 Agreement dated 11 August 2014 will remain extant except where it is amended and the definitions will be the same as contained in the original Section 278 Deed except for the following:

"Revised Temporary Works Security Deposit" – Means the sum of £10,000 being a cash deposit in the sum of the tender price of the Temporary Works plus 10% thereof.

2.3 The Deed replaces the following clauses of the original Agreement in their entirety, as follows:

- Clause 5.5 to be removed in its entirety.
- Clause 6 and the definition of the Temporary Works Security Deposit to be amended to reflect that the Temporary Works will not require the re-instatement and maintenance in respect of clause 1.1 and1.3 of Schedule 1 so that the definition will be as per the Revised Temporary Works Security Deposit.
- Clause 9.3 to be removed in its entirety.
- Schedule 1 to be amended to remove those parts of the works identified in paragraph 1.1 and 1.3 essentially removing the requirement to re-instate the highway at the Temporary Works access.
- For the avoidance of doubt clause 1.2 of Schedule 1 to remain the same and worded as follows: The construction of a new egress from the land to Bishopfield Road layby being a public highway maintainable at public expense for use by heavy or other construction vehicles to the satisfaction of the County Council.
- The dedication of land shown on drawing number EC/CJ1008212/900 Revision C as public highway. The dedication to take place with effect from the date of the issue of the Certificate of Completion.

## 3. Other options considered and rejected:

*Not to agree to enter into the agreement*

3.1. This option was considered but dismissed on the basis that the approved dedication of land and the requirement not to reinstate the temporary access by the developer was of financial benefit to both the developer and the Highway Authority whilst not compromising highway user safety.

## 4. Conflicts of interest:

4.1. Conflict of interest declared by an Executive Member who is consulted by the officer which relates to the decision: None

## 5. Dispensation granted by the Head of Paid Service:

5.1. None

## 6. Supporting information:

6.1. Final signed legal agreement

6.2 Plan showing dedication and accommodation works in the form of fencing and a gate (drawing AC/CJ008212/909 Revision C)

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| **Approved by:** | **Date:** |
| **----------** | **22 November 2016** |
| **Ben Clifton – Team Leader, Strategic Transport** | |
| **On behalf of the Director of Economy, Transport and Environment** | |