

## HAMPSHIRE COUNTY COUNCIL

### Officer Decision Record

<b>Decision Maker:</b>	Ben Clifton – Team Leader, Strategic Transport
<b>Title:</b>	Merryfield Park, Derritt Lane, Sopley – S278 Agreement 100933/HJ
<b>Reference:</b>	

**Tel:** 01962 846761

**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 Bellway Homes Limited relating to Land at Merryfield Park, Derritt Lane, Sopley.

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

- 2.1. Planning consent for development of the Land at Merryfield Park, Derritt Lane, Sopley was obtained from New Forest District Council under reference 13/11408.
- 2.2. In order to access and mitigate the development, the existing site access requires improvement and widening together with wider highway improvement works. The developer has submitted and gained approval to a design for the works consisting of;
  - widening of the existing vehicular access (bellmouth); and,
  - construction of footpath along Derritt Lane with associated vehicular pinch point.
- 2.3. The completion of the Section 278 Agreement enables the developer to undertake the highway works, in accordance with the terms and conditions that the County Council has stipulated. The works are considered to provide public benefit.
- 2.4. The Agreement also provides for the dedication as public highway of the land necessary for the works, and the County Council has agreed that following completion of the works and a one-year maintenance period to thereafter maintain the works as public highway.
- 2.5. The full cost of the works, including any costs to the County Council in facilitating the works, will be met by the developer under the terms of the Agreement.

**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 applicant has demonstrated that the proposed works can be constructed in a safe manner and to an acceptable standard, that planning consent for the development including access exists, and that the works will provide essential access to the development site.

*To agree a different specification of works*

- 3.2. This was considered but dismissed. The access works as secured in the Agreement are considered to be satisfactory and appropriate to provide access to the development without unacceptably impacting on the safety of the public highway.

**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 draft legal agreement
- 6.2. Plans showing highway works 043.506.101 P5 and 043.5006.107 P5

**Approved by:**

**Date:**

-----

**26<sup>th</sup> April 2013**

**Ben Clifton – Team Leader, Strategic Transport**

**On behalf of the Director of Economy, Transport and Environment**