

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Ben Clifton – Team Leader, Strategic Transport
Title:	Units 1-4, 18 & 19 Castle Trading Estate, Portchester, Fareham PO16 9SF – S278 Agreement (Legal Reference 105310/SH)]
Reference:	

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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 LIDL UK GMBH relating to Land at Units 1-4, 18 & 19 Castle Trading Estate, Portchester, Fareham PO16 9SF.

2. Reason(s) for the decision:

- 2.1. Planning consent for development of the Land at Units 1-4, 18 & 19 Castle Trading Estate, Portchester, Fareham PO16 9SF was obtained from Fareham Borough Council under reference P/15/1093/FP.
- 2.2. In order to access and mitigate] the development, [a new vehicular access is required and highway improvements are required]. The developer has submitted and gained approval to a design for the works consisting of;
 - Improvements to the A27/Castle Trading Estate traffic signal controlled junction including (but not limited to) the provision of a pedestrian refuge on the Castle Trading Estate approach at the junction,
 - A new site access (from Castle Trading Estate road and stopping up of the existing access to the site, and
 - The widening of the existing footway along the A27 to 3 metres (including a dedication of highway rights) to enable the provision of a shared use footway/cycleway.
- 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. Plan showing highway works (drawing number 1250-UA08832-LND)

Approved by:

Date:

18TH November 2016

Ben Clifton – Team Leader, Strategic Transport

On behalf of the Director of Economy, Transport and Environment