

## Decision under Delegated Powers

### Officer Requesting Decision

Regeneration and Economic Development Officer

### Officer Making the Decision

Head of Planning & Regeneration

### Recommendation

That an Addendum to an existing Section 278 Agreement be signed to enable works to commence in Bedford Square South, Loughborough, as part of the public realm improvements being undertaken by the Bedford Square Gateway Project.

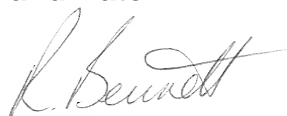
### Reason

The Addendum to an existing S278 Agreement is required to enable works to commence on Bedford Square South as part of the public realm improvements being undertaken by the Bedford Square Gateway Project. The Addendum to the S278 Agreement has to be signed both by the Borough Council and Leicestershire County Council, as the local Highway Authority.

### Authority for Decision

Cabinet Minute 101 2020/21 refers that authority be delegated to the Head of Planning and Regeneration to enter into a Section 278 Legal Agreement with Leicestershire County Council, along with any other legal obligations necessary, to prepare the Bedford Square Gateway scheme for implementation.

### Decision and Date



3 February 2022

### Background

A Section 278 Agreement (S278) is a section of the Highways Act 1980 that allows developers (in this case, Charnwood Borough Council) to enter into a legal agreement with the Highway Authority (in this case, Leicestershire County Council) to make permanent alterations or improvements to a public highway.

In the case of the Bedford Square Gateway Project, a Section 278 Agreement was sealed and signed on 12 February 2021 to enable improvements to the

public realm in Bedford Square North, Ward's End, Devonshire Square and Devonshire Lane in Loughborough. At that time, the proposed improvement works in Bedford Square South had been removed from the scope of works for budgetary reasons, pending the Borough Council securing additional funding. As a result, Bedford Square South was omitted from the original S278 legal agreement, however, the scheme designs for this area had received technical approval as part of the S278 process.

Leicestershire County Council has indicated it will not require any additional deposit to be paid by the Council nor any additional Inspection Fee associated with bringing Bedford Square South back into scope for the scheme. An additional Commuted Sum will be requested by the County Council to cover future maintenance and repair of the improvements undertaken in the Bedford Square South area. The County Council will confirm the amount of the additional Commuted Sum following the issuing of the Provisional Certificate, 12 months after the completion of the scheme.

### **Comments from HR**

N/A

### **Financial Implications**

There is already provision in the current Capital Plan for the scheme and therefore there are no further financial implications.

### **Risk Management**

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
That the Borough Council does not comply with the S278 Agreement.	Unlikely (2)	Significant (2)	Low (4)	Routine monitoring of the S278 Agreement.

### **Key Decision**

No

### **Background Papers**

S278 Agreement document, 12 February 2021