

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

RE17 0079

Box 1

DIRECTORATE:

Regeneration and Environment

DATE: 26th April 2017

Contact Name:

David Snell

Senior Engineer Highways Maintenance

Tel. No.: 735142

Subject Matter:

The Old Rocket Site, Misson Springs, Doncaster DN10 6ET –
Section 106 Agreement

Box 2

DECISION TAKEN:

To authorise Doncaster Council as Highway Authority to enter into a joint legal agreement between Nottinghamshire County Council and Island Gas Limited and L. Jackson and Co Limited in respect of highway maintenance issues

Box 3

REASON FOR THE DECISION:

Give relevant background information

Island Gas Limited has applied to Nottinghamshire County Council for exploratory drilling for Shale Gas at Mission Springs. Whilst this site lies entirely within Nottinghamshire's County Councils area, the vehicle routing scheme includes highways within Doncaster MBC's administrative area.

The agreement provides for the:

Pre start baseline dilapidation survey,
Regular highway inspections
Engineers detailed inspection at key stages
Course for recovery of incurred costs

As a consultee to the planning application, the Council commented that:

Doncaster MBC needs to be a party to the agreement so that it can enforce the terms of the agreement related to its statutory functions, with regards to protecting their own highway assets in so far as extraordinary use and Dilapidation Surveys and Dilapidation Payments.

By entering into this agreement it will provide both an audit trail and documented evidence of the actions Doncaster Council has considered and taken to protect its highway infrastructure from potential damage resulting from an increase in HGV traffic movements for a significantly high profile development using Doncaster's roads.

If damage is caused to Doncaster's roads then the conditions contained within the signed agreement will provide ourselves with the methodology for protecting our position and recovering any costs that maybe incurred in maintaining the highway due to the increase in HGV movements as a direct result development site.

Box 4

OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:

If other options were considered, please specify and give reasons for recommended option

1. Option One – Not to enter the agreement

In this instance, development traffic would still access Doncaster roads, but the Council's ability to recover costs incurred as a result of the increased use would be based on statutory rights of recovery solely. .

2. Option Two - To enter into the agreement

Entering into the agreement provides a mechanism whereby the Council are able to recover any costs/carry out repairs as a result of the development in an efficient and effective manner and provides for the obligations of the developer to be planning obligations and enforceable against both the developer and the land owner without having to resort to individual enforcement action for each and every repair/dilapidation.

Box 5

LEGAL IMPLICATIONS:

Section 59 of the Highways Act 1980 allows for a local highway authority for a highway to recover expenses where there is damage caused by excessive weight passing along the highway, or other extraordinary traffic thereon, against the operator. The proposed section 106 agreement which creates planning obligations on the part of the developer and land owner incorporates a mechanism where, in addition to relying on individual action in respect of each repair, also provides a process where there is a regular inspection of the roads enabling prompt action to be taken in respect of repairs. The obligations will be registered as local land charges enabling more effective enforcement.

Name: _Karen Winnard **Signature:** _____ **Date:** 9th May 2017
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6

FINANCIAL IMPLICATIONS:

Signing up to this agreement will ensure that Island Gas Limited and L Jackson and Co Limited reimburse the Council for any costs related to restoring the highway to the condition as per the Baseline Survey.

Name: Richard Taylor Signature: R Taylor

Date: 24/05/17

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 7

HUMAN RESOURCE IMPLICATIONS:

There are no HR implications to entering the agreement.

Name: David Knapp Signature: D Knapp Date: 24/05/2017

Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

The proposal contained within this ODR do not require a procurement exercise to be undertaken as such there are no procurement implications

Name: D Bann Signature: D Bann Date: 23/5/17

**Signature of Assistant Director of Finance & Performance
(or representative)**

Box 9

ICT IMPLICATIONS:

There are no ICT implications associated with this decision.

Name: Peter Ward (ICT Strategy Programme Manager)

Signature Date: 24/05/17

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

no implications arising from the recommendations of this report that impact on the use of DMBC land or property assets, only Highway assets.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)

Signature: By email **Date:** 23rd May, 2017

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11**PLANNING IMPLICATIONS:**

This is a planning decision taken by Nottinghamshire CC with implications on the DMBC highway network. DMBC Highways have advised on the matter as far as the planning decision will impact on the DMBC area. There are no other planning issues relating to the signing of this legal agreement.

Name: R Purcell _____ **Signature:** _____ **Date:** 23 May 2017 _____

**Signature of Assistant Director of Regeneration and Environment
(or representative)**

Box 12**RISK IMPLICATIONS:**

If this decision is not approved then Doncaster Council - as the highway authority responsible for maintaining part of the network that the HGV's will be routed along - will be exposed to the increased risk of being unable to recover any costs incurred in maintaining or repairing their highway as a direct result of the increased traffic associated with the proposed development.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Name: David Snell **Signature:** D Snell **Date:** 26th April 2017
(Report author)

Box 13**EQUALITY IMPLICATIONS:**

To be completed by the report author

There are no equality issues associated with this decision.

Name: David Snell **Signature:** D Snell **Date:** 26th April 2017
(Report author)

Box 14
CONSULTATION

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Box 15
INFORMATION NOT FOR PUBLICATION:

In accordance with the Freedom of Information Act 2000, it is in the public's interest for this decision record to be published in full, redacting only the signatures.

Name: S Greaves Signature: By E-mail Date: 24/05/17
Signature of FOI Lead Officer for service area where ODR originates

Box 16

Signed: Scott Cardwell **Date:** 24.05.17
Assistant Director, Development

Signed: Peter Dale **Date:** 24.05.17
Director of Regeneration and Environment

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox