

## Record of officer decision

<b>Decision title:</b>	Decision to authorise re-payment of the balance of £5,870.74 of section 106 remaining transport monies to H Vaughan Vaughan & Company following implementation of a Traffic Regulation Order at Kingsland.
<b>Date of decision:</b>	9 November 2021
<b>Decision maker:</b>	Phil Crossland - Interim Service Director for Highways, Environment and Waste
<b>Authority for delegated decision:</b>	Economy and Place scheme of delegation line 71 Corporate Centre Directorate Scheme of Delegation line 59
<b>Ward:</b>	Bircher
<b>Consultation:</b>	<p>The planning application and section 106 agreement were part of a statutory consultation process.</p> <p>Balfour Beatty have implemented a traffic regulation to regulate the speed of vehicles on the A4110 highway in the vicinity of the land.</p>
<b>Decision made:</b>	To authorise re-payment of the balance of £5,870.74 of remaining section 106 transport monies from planning application 162166 following implementation of Traffic Regulation Order on the A4110.
<b>Reasons for decision:</b>	<p>Planning permission 162166 - Outline planning application for residential development and associated works. The permission was subject to a section 106 agreement dated 16 March 2017 that required a section 106 transport contribution.</p> <p>The section 106 agreement required the monies to be for use as soon as practicable by or on behalf of the Council to fund an assessment of the need for a TRO that may be necessary as a consequence of the impact of the Development on the adjacent highway and such sum shall fund the cost of all reasonable advertising, consultation exercises, and any other statutory or non-statutory requirements and administrative and legal costs involved in the assessment and if necessary the making of a TRO. TRO means a traffic regulation order to regulate the speed on vehicles on the A4110 highway in the vicinity of the land.</p> <p>A sum of £10,000 was received by Herefordshire Council from H Vaughan Vaughan &amp; Company on 28 March 2017. The Traffic regulation order has been implemented and there remains a balance of £5,870.74 which is to be paid back to the payer of the TRO contribution.</p> <p>Under the terms of the deed, third schedule:</p> <p>To pay the TRO contribution to the Council on the date of this deed provided that following the fifth anniversary of the date of payment of the TRO contribution the payer shall be entitled to apply to the Council for the refund of the unexpended balance of the TRO contribution (if any) provided that the money shall be deemed to have been expended if the Council had properly entered into a contract for the expenditure of the money for the purpose which it is paid.</p> <p>The traffic regulation order has been implemented therefore it is agreed to</p>

	<p>pay the remaining monies to H Vaughan Vaughan &amp; Company the following section 106 transport monies;</p> <p>162166 - Land to the south of Martindale, Kingsland - £5,870.74 from account B03302 FIN1554/GT06</p> <p>The scheme has met the ambition in the Herefordshire County Plan 2020-2024 to strengthen communities to ensure everyone lives well and safely together.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	The monies have been spent in accordance with the obligations in the section 106 agreement dated 16 March 2017.
<b>Details of any alternative options considered and rejected:</b>	None.
<b>Details of any declarations of interest made:</b>	None.

I am an officer delegated to make the decision

Signed:

Print Name: Phil Crossland

Job Title: Interim Service Director for Highways, Environment and Waste