

## Record of officer decision

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| <b>Decision title:</b>                   | Decision to authorise re-payment of the balance of £10,155.65 of section 106 remaining transport monies to S&A Produce (UK) Ltd following implementation of a Traffic Regulation Order at Marden.   |
| <b>Date of decision:</b>                 | 10 <sup>th</sup> 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<br>Corporate Centre Directorate Scheme of Delegation line 59   |
| <b>Ward:</b>                             | Sutton Walls  |
| <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 C1120 highway adjacent to the land.</p>   |
| <b>Decision made:</b>                    | To authorise re-payment of the balance of £10,155.65 of remaining section 106 transport monies from planning application 163158 following implementation of Traffic Regulation Order at Marden (C1120).   |
| <b>Reasons for decision:</b>             | <p>Planning permission 170188 was approved for demolition and clearance of existing operational buildings and erection of new headquarters /administrative office building (UCO ClassB1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car parking and modifications to form two separate vehicular accesses (to the new offices and to the operational farmstead/packhouse). The permission was subject to a section 106 agreement dated 11 May 2018 that required a section 106 transport contribution.</p> <p>The section 106 agreement required the monies to be used towards a TRO (traffic regulation order) made pursuant to the Road Traffic Regulation Act 1984 (as amended) to regulate the speed of vehicles on the C1120 highway adjacent to the Land.</p> <p>A sum of £15,000 was received by Herefordshire Council from S&amp;A Produce (UK) Ltd on 4 April 2019. The Traffic regulation order has been implemented and there remains a balance of £10,155.65 which is to be paid back to the payer of the TRO contribution.</p> <p>Under the terms of the deed, fourth schedule point 4:</p> <ul style="list-style-type: none"> <li>- The Council agrees that if any part of the TRO contribution has not been expended or remains uncommitted following five years from the date of payment then such part of the TRO contribution as may remain unspent or uncommitted together with interest accrued on the balance shall be returned to the payer of the TRO contribution as soon as reasonably possible PROVIDED THAT if the outcome of the TRO process is that a TRO cannot be made then any unspent part of the TRO contribution plus any accrued interest shall be returned to the payer of the TRO contribution as soon as is reasonably possible.</li> </ul> |

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|  | <p>The traffic regulation order has been implemented therefore it is agreed to pay the remaining monies to S&amp;A Produce (UK) Ltd the following section 106 transport monies;</p> <p>163158 – Land at Brook Farm Marden Herefordshire HR1 3ET- £10,155.65 from account B03302 FIN1864 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 11 May 2018.   |
| <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