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**Delegated Officer Report**  
**(Non Key and Contracts up to a value of £100k)**

**Decision Maker:** Carol Brown – Director of Environmental Services

**Date of Decision:** 15 July 2021

**Subject:** Proposal to allocate S106 resources from DB386 – Land at Brick Hall Fark, Failsworth Road, Woodhouses for the re-instatement of the footway outside Brick Hall Farm

**Report Author:** Joanne Robinson

**Ward (s):** Failsworth East

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**Reason for the decision:** To seek approval for the allocation of resources secured through Section 106 planning obligations to fund the reinstatement of the footway outside Brick Hall Farm, Failsworth Road, Woodhouses.

**Summary:** Planning permission for the development at (PA/336586) was granted subject to the developer first entering a Section 106 planning obligation. This obligation was signed on 18/02/2016, whereby the developer agreed to pay £6,000 to the Council towards the provision of a footway outside Brick Hall Farm, Failsworth Road.

However, the developer constructed a footway themselves outside Brick Hall Farm as part of the development, which was contrary to the terms of the S106 agreement. Unity Partnership have confirmed that the footway has not been built to an acceptable standard, and needs to be reconstructed, in order to bring it up to the Council's required standards.

The Council therefore requested the commuted sum was paid. As the sum was significantly overdue, when it was paid to the Council on 21/03/2021, it also included penalty and interest charges for the late payment. The contribution with interest now totals £7,062.16.

Unity Partnership have provided costs for the works which involve removing the existing footway surface including 6 no uplighter spotlights, regulate sub base, reinstate footway surface, install 1 x K2 kerb and 450x450 quadrant kerb. All works will be in line with Oldham Councils specification.

Costs for these works, including fees, totals £7,062.16

All works to be undertaken in house by Oldham Council Highway Operations Team.

***What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):***

Option 1 - do nothing. This is not an option. The provisions of the S106 agreement specifically require the construction of a footway outside Brick Hall Farm. The current footpath provided by the developer is not of an acceptable standard. To not to carry out this scheme would go against the obligations of the agreement, and risk the Council having to return the money unspent to the developer.

Option 2: To allocate the S106 funding as set out in the report to enable the construction of a footway outside Brick Hall Farm in line with the Council's specifications. This is the preferred option.

***Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.***

Consultation was carried out as part of the planning process prior to the approval of the development. This process resulted in the requirement for the developer to enter a S106 agreement and pay a commuted sum for the construction of a footway outside Brick Hall Farm

***Recommendation(s):***

To approve the allocation of £7,062.16 Section 106 resources including the interest accrued from DB386 – Land at Brick Hall Farm,

Failsworth Road, Woodhouses for the re-instatement of the footway outside Brick Hall Farm.

**Implications:**

*What are the **financial** implications?*

The proposal is to reconstruct a footpath outside Brick Hall Farm at a cost of £7,062.16. The work will be completed by Highways Operations.

This will be funded by an equivalent s106 balance held against line 386 – Land at Brick Hall, Failsworth.

Once utilised, the balance on this s106 line (DB 386) will be zero.

Future maintenance of this footpath will be met from within an existing Highways Operations budget.

(Nigel Howard)

*What are the **legal** implications?*

The proposals are an appropriate use of the section 106 funding. (A Evans)

*What are the **procurement** implications?*

All works to be undertaken in house by Oldham Council Highway Operations Team.

*What are the **Human Resources** implications?*

N/A

*What are the **Children and Young People Implications?**  
**Equality and Diversity Impact Assessment** attached or not required because (please give reason)*

None.

N/A

*What are the **property** implications*

None.

**Risks:**

The footway will be reconstructed to the Council's specification.

**Co-operative agenda**

In respect of this proposal there are no Co operative issues or opportunities arising and the

proposals are in line with the Council's Ethical Framework

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes/No

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

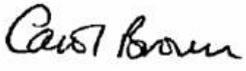
Yes/No

**There are no background papers for this report**

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<b>Report Author Sign-off:</b>	
	
<b>Date:</b>	14.07.21

In consultation with Director

Signed :  . Date: 15 July 2021