

Delegated Decision Report

Decision below £250k



Subject:	Adoption of Highways – Development at Wellington Road, Werneth, Oldham – Cricketers Close
Decision maker: Senior Officer	Nasir Dad, Director of Environment
Cabinet Member	Councillor C Goodwin, Portfolio Holder for Don't Trash Oldham,
Decision date:	31 January 2025
Report author:	Nathan Bell, Engineer
Ward	Werneth

Reason for decision

To obtain approval for the adoption of highways as Highway Authority and to identify the likely associated revenue costs to the Council.

Recommendation(s)

To adopt, on behalf of the Council as Highway Authority, the highways specified in Schedule 1 at the end of this report as highways maintainable at public expense, effective immediately.

Background

The highway at this development has been constructed by the developer to the Council's currently approved specifications for new highways. The Developer and the Council entered into a Section 38 Agreement (Highways Act 1980) whereby the local authority agreed to adopt the new road and take over the responsibility for maintaining it once it was satisfied that the highway had been built to its specified standards and in accordance with the planning consents which were granted for the development.

This report is the conclusion of this process. The highway has been inspected throughout its construction and has been subject to a twelve-month maintenance period prior to its final inspection and approval for adoption.

Alternative option(s) to be considered

Option 1: To approve the recommendation.

Option 2: Not to approve the recommendation

Consultation

The Ward Members have been consulted and no comments have been received.

Risks

The adoption of the highway(s) at this location is under a completed Section 38 Agreement (Highways Act 1980) between the Council and the housing developer, and as such, even though the adoption will provide an ongoing financial liability to the Council for inspection and maintenance of the highway and street lighting equipment, there are financial/legal and reputation risks which could arise from legal action by the developer and residents if the adoption of the highways does not proceed. The change in status of the highway will be recorded in the Council's Local Street Gazetteer, and in future, the highway will be inspected and maintained by Oldham Highways in line with current Council schedules and specifications.

Implications

Financial	<p>The maintenance cost for increasing the length of adopted road in Oldham by 78 linear metres (648 square metres) as detailed in Schedule 1 of this report is estimated to be £1,296 annually and will be revenue expenditure. (Based on a maintenance estimate of £2.00 per square metre of highway).</p> <p>The adoption of the Highway will also result in growth in the Council's commitment for the maintenance of Street Lighting equipment as detailed in Schedule 2 of this report.</p> <p>Based on maintenance and electrical supply costs as detailed in schedule 2, this is expected to increase charges by an estimated £915.64 annually.</p> <p>(John Edisbury)</p>
Legal	<p>As there is a signed section 38 agreement in place, the Council is contractually obliged to adopt the highways at the end of the maintenance period. (A Evans)</p>
Equality impact including implications for Children and Young People	<p>None, the work is being undertaken to maintain access along the highway</p>
Co-operative Implications	<p>None (James Mulvaney, Policy Manager)</p>

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
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

Schedule 1

Development at Wellington Road, Werneth, Oldham – Cricketers Close

Cricketers Close	<p>From its junction with Wellington Road and continuing in a generally south easterly direction for a distance of 70 metres to its cul-de-sac end with an associated turning head at the gables of nos. 3 and 4 Cricketers Close of 8 metres.</p> <p>Area = 648 m²</p>
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Schedule 2

Equipment Type	Annual Maintenance Cost (Per Unit)	Annual Energy Cost (Per Unit)	Quantity	Total AMC + AEC (Annual)
6 metre column	£40.85 (Index linked)	£188.06	4	£915.64
			Total	£915.64

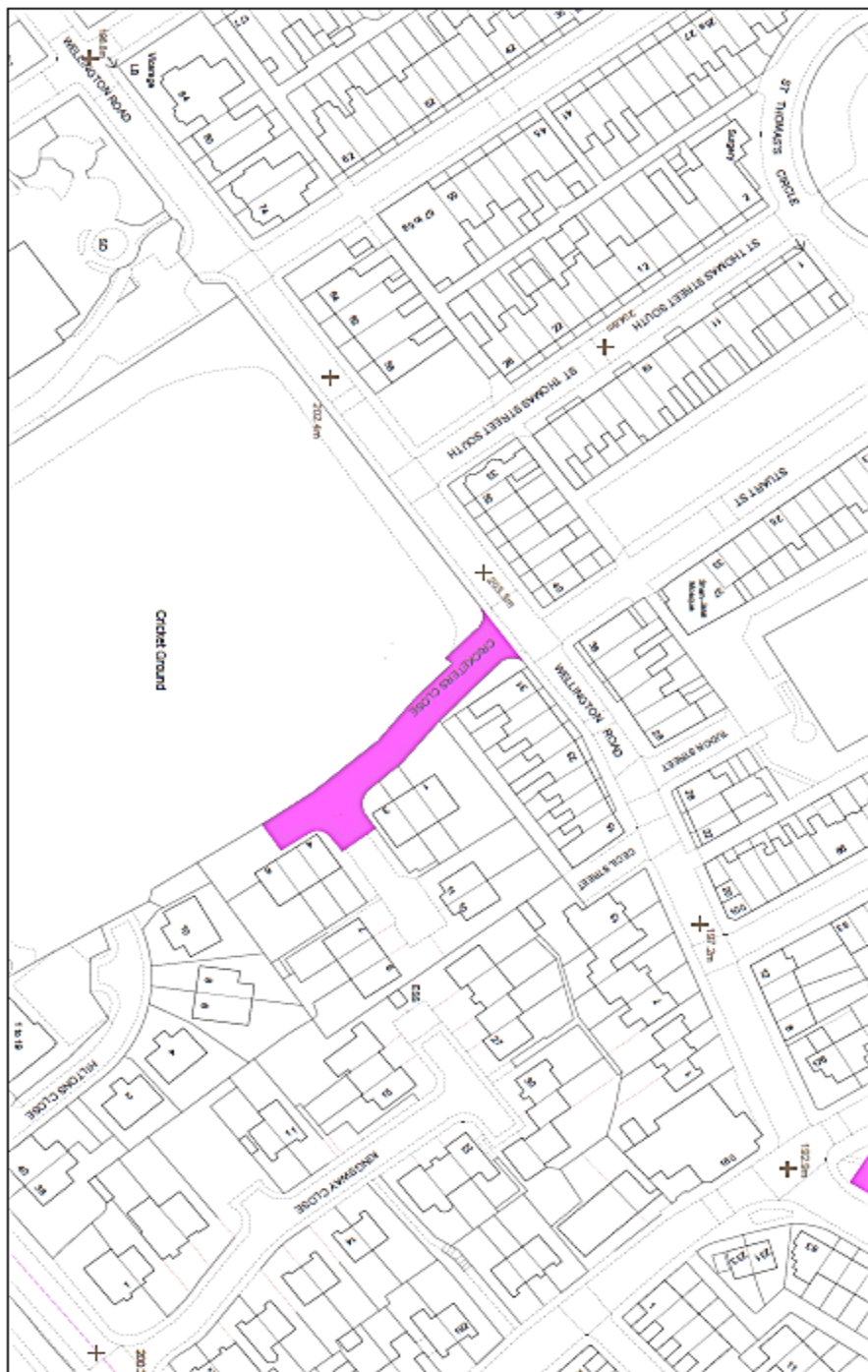
Background Papers under Section 100D of the Local Government Act 1972

There are no background papers for this report.

Report author sign-off	Nathan Bell
Role	Section 38 Engineer
Date of sign-off	31 January 2025

Approval	
Officer approval sign-off	 Nasir Dad
Role	Director of Environment
Date of sign-off	03 February 2025

LOCATION PLAN - ADOPTABLE HIGHWAY SHADED PINK



Drawn by:	AD
Division:	HIGHWAYS
Drawing no:	409/224
Date: 23-03-23	Scale: 1:1250

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