

# Delegated Decision Report

Decision below £250k



|   |   |
|---|---|
| <b>Subject:</b>                           | Adoption of Highways – Development at Keb Lane, Bardsley – Extension to Levington Drive |
| <b>Decision maker:<br/>Senior Officer</b> | Nasir Dad, Director of Environment  |
| <b>Cabinet Member</b>                     | Don't Trash Oldham, Councillor C Goodwin  |
| <b>Decision date:</b>                     | 31 January 2025   |
| <b>Report author:</b>                     | Nathan Bell   |
| <b>Ward</b>                               | Medlock Vale  |

## 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 highways at this development have 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

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| Financial  | <p>The maintenance cost for increasing the length of adopted road in Oldham by 160 linear metres (1530 square metres) as detailed in Schedule 1 of this report is estimated to be £3,060 annually and will be revenue expenditure.<br/>(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.</p> <p>Based on maintenance and electrical supply costs as detailed in schedule 2, this is expected to increase charges by an estimated £821.82 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>  |

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

#### Schedule 1

##### Development at Keb Lane, Bardsley – Extension to Levington Drive

|                              |   |
|------------------------------|---|
| Extension to Levington Drive | From the existing adopted highway at Levington Drive at the gables of nos. 27 and 29 and fronting nos. 22-30 Levington Drive and continuing in a north westerly then northerly direction for a distance of 54 metres. The highway then continues in an easterly direction for a distance of 81 metres to its cul-de-sac end with associated turning heads of 8, 14 and 3 metres, respectively.<br><br>Area = 1,530 m <sup>2</sup> |
|------------------------------|---|


#### 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)               | £96.12                        | 6        | £821.82                  |
| <b>Total</b>   |                                    |                               | £821.82  | <b>Total</b>             |

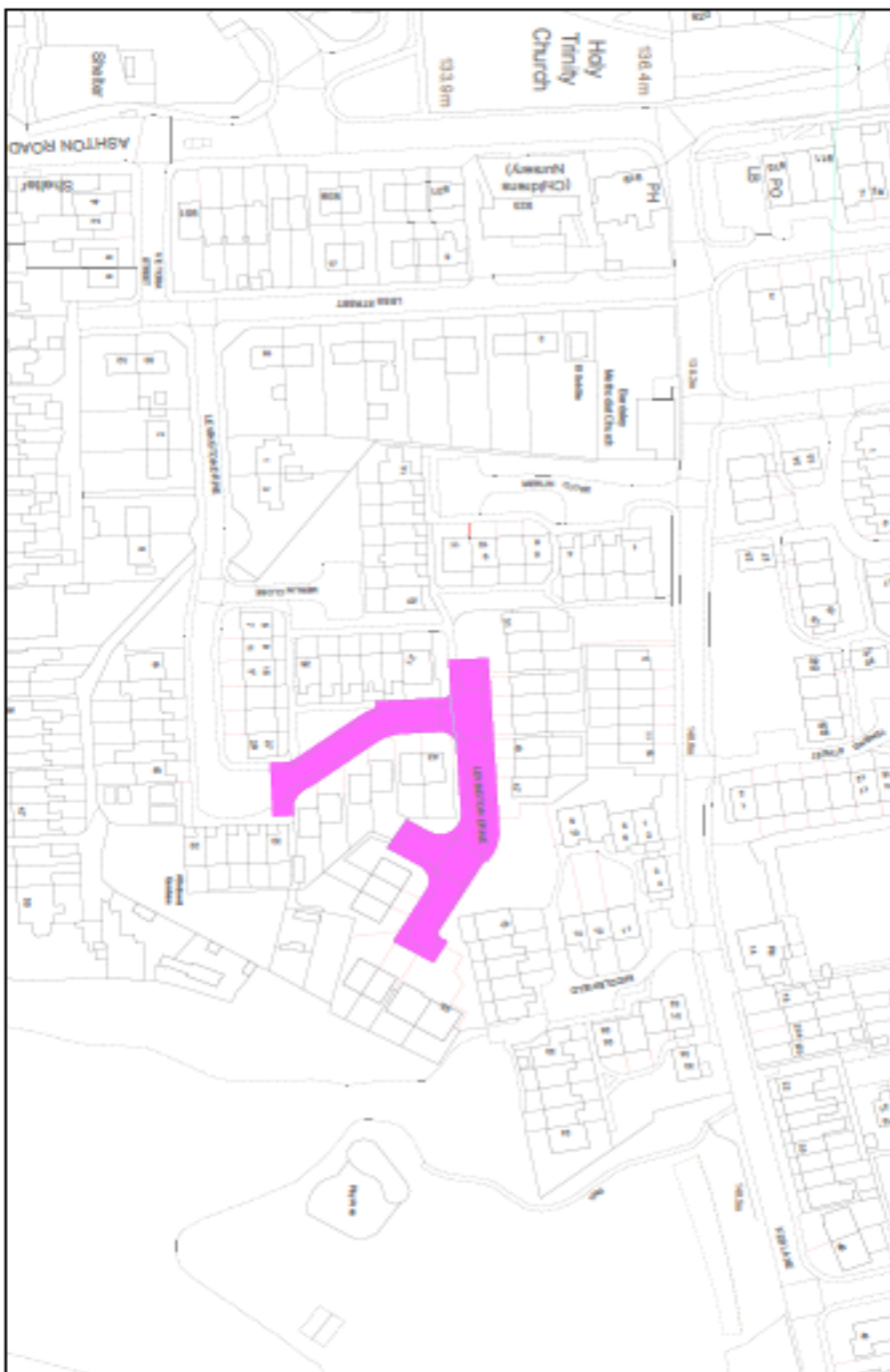
##### Background Papers under Section 100D of the Local Government Act 1972

There are no background papers for this report.

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

|                           |  |
|---------------------------|--|
| <b>Approval</b>           |  |
| Officer approval sign-off | <br>Nasir Dad |
| Role                      | Director of Environment  |
| Date of sign-off          | 03 February 2025   |

# LOCATION PLAN - ADOPTABLE HIGHWAY SHADED PINK



|             |          |
|-------------|----------|
| Drawn by:   | AD       |
| Checked:    | HIGHWAYS |
| Drawing no: | 409/226  |
| Date:       | 09/06/23 |
| Scale:      | 1:1500   |

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