

Delegated Decision Report

Decision below £250k



Subject:	Adoption of Highways – Development at Edge Lane Street, Royton – Parkside Gardens
Decision maker: Senior Officer	Nasir Dad, Director of Environment
Decision maker: Cabinet Member	Councillor C Goodwin, Portfolio Holder, Don't Trash Oldham
Decision date:	13 May 2025
Report author:	Nathan Bell, Engineer
Ward	Royton South

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 Councillor J Hughes has no comments to add to the report.

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 102 linear metres (1517 square metres) as detailed in Schedule 1 of this report is estimated to be £3,034 annually and will be revenue expenditure. (Based on a maintenance estimate of £2.00 per square metre of highway, extracted from the Spon's Civil Engineering and Highway Works Price Book). This will be funded from within the Highway Operations Service.</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 £684.85 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>

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
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Schedule 1

Development at Edge Lane Street, Royton – Parkside Gardens

Parkside Gardens	<p>From its junction with Edge Lane Street and continuing for a distance of 32 metres in a south westerly direction the continuing in (a) a generally north westerly direction to its cul-de-sac end with turning heads of 9 and 9 metres respectively and (b) continuing in a generally south easterly direction to its cul-de-sac end for a distance of 32 metres with associated turning heads of 9 and 11 metres respectively.</p> <p>Area = 1,517m²</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)	£96.12	5	£684.85
			Total	£684.85

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	13 May 2025

Approval	
Officer approval sign-off	 Nasir Dad
Role	Director of Environment
Date of sign-off	15 May 2025

