

Delegated Decision Report

Decision below £250k



Subject:	Land adjacent to Rochdale Road/Middleton Road, Royton
Decision maker: Senior Officer	Nasir Dad, Director of Environment
Decision maker: Cabinet Member	Councillor C Goodwin, Portfolio Holder, Transport and Highways
Decision date:	20 August 2025
Report author:	Richard Tang, Principal Engineer
Ward (s):	Royton North

Reason for decision

For the Council to update its list of highways maintainable at the public expense to include land adjacent to Middleton Road and Rochdale Road, Royton, which the Council has constructed and been maintaining for many years. Inclusion of this important town centre parcel of land in the list of highways maintainable by the Council will allow for more effective management of the area.

Recommendation(s)

The Council updates its list of highways maintainable at the public expense to include the land as shaded pink on plan at end of report.

Background

The footway at the corner of Middleton Road and Rochdale Road in the northwest quadrant, and the west side footway between Rochdale Road and the supermarket car park have been used as public highway for over 20 years.

Due to recent schemes involving these footways, it has come to light that the Council's list of highways maintainable at the public expense does not cover these areas, and from a comparison of historic maps and plans, it is clear that highway improvements have been carried out at the junction of Middleton Road and Rochdale Road in the past. The areas have both been constructed and maintained as part of the public highway, both in maintaining the surfacing to standard, and cleaned as part of the Council's maintenance programme.

This report seeks approval for the formal inclusion of the land in the records maintained by the Council which show the extent of the public highway maintained at the public expense.

The proposed highway to be included in the list of highways maintainable at the public expense has always been assumed to be part of the Council's domain and maintained as such. The position of the highways to be included in the list of streets maintainable at the public expense makes no distinction to being outside of the Council's land.

The footway in the corner is approximately 6m x 5m in area and contains existing traffic signal infrastructure, with cable ducting underground, and tactile paving on its surface. This corner footway also contains the only accessible footway directly into the supermarket car park and entrance, as there is currently no other dropped kerb access into the premises.

Regarding the footway between the car park and Rochdale Road, the footway to be included in the list of streets maintainable at the public expense forms part of the assumed footway running along Rochdale Road, increasing the width of the footway by almost 1.2 metres for a distance of 6 metres.

Alternative option(s) to be considered

Option 1: Approve the recommendation

Option 2: Not to approve the recommendation

Consultation

The Ward Members have been consulted and the proposal is supported by Councillors Dave Arnott and Christine Adams.

Risks

The adoption of the highway(s) at this location by the Council will provide an ongoing financial liability to the Council for inspection and maintenance of the highway and street lighting equipment. The change in status of the highway will be recorded in the Council’s Local Street Gazetteer and in future the highway will still be inspected and maintained by Oldham Highways in line with current Council schedules and specifications.

Implications

Financial	<p>It is proposed that the land adjacent to Rochdale Road and Middleton Road in Royton be formally adopted. This area has been under the maintenance responsibility of the Highways Service for an extended period, during which routine upkeep and management have been consistently carried out.</p> <p>The adoption of this land will not result in any additional financial burden or costs to the Service.</p> <p>(John Edisbury)</p>
Legal	<p>Section 36(2)(a) of the Highways Act 1980 states that a highway constructed by a highway authority, otherwise than on behalf of some other person who is not a highway authority is considered to be a highway maintainable at the public expense and in accordance with section 36(6) of the Act, the Council is required to maintain and keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense.</p>

	<p>A recent comparison of the list of streets maintained under section 36(6) highlighted that previous highway works carried out by the Council at land adjacent to Middleton Road and Rochdale Road, Royton had not been incorporated into the list of streets ie the records showing the extent of the adopted highway at these locations were not up to date.</p> <p>This report is therefore seeking authorisation to update the list of streets which are highways maintainable at the public expense to include those areas of additional highway previously constructed by the Council which are maintainable at the public expense pursuant to section 36(2)(a) of the Highways Act 1980. (A Evans)</p>
Equality impact including implications for Children and Young People	None

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

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

Report author sign-off	Richard Tang
Role	Principal Highway Engineer
Date of sign-off	20 August 2025

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

