

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

10 September 2013

Report of the Acting Strategic Director – Environmental Services

MAKING UP AND ADOPTION OF AVONSIDE CLOSE, BARROW HILL (JOBS, ECONOMY AND TRANSPORT)

(1) **Purpose of the Report** To seek approval to include works in the 2013/14 Capital Programme utilising Section 38 bond monies to bring Avonside Close, Barrow Hill, Chesterfield to adoption standard and adopt it as publicly maintainable highway.

(2) **Information and Analysis** Avonside Close, a new road serving a residential development in Barrow Hill, Chesterfield (shown on the attached plan), is subject to an agreement, dated 1 October 2007, under Section 38 of the Highways Act 1980. The Agreement is subject to a two year time clause in which all works should be completed and adopted.

The two year time clause has expired, in this case, without the works having been completed to a level to enable Avondale Close to be adopted as highway maintainable at public expense and the developer is no longer in a position to complete the outstanding works.

The Agreement was supported by a Guarantee Bond in the sum of £38,300 against failure of the developer to complete the works to an acceptable standard. Under the terms of the Bond, the Bond provider has the opportunity to arrange completion of the outstanding works. The Bond provider has indicated that it is not pursuing this option and the bond monies have been received by this Authority.

The amount of monies available are slightly less than the original Bond amount, as a small amount of the funds has already been paid to the Council to carry out some work in respect of the street lighting, following complaints from residents.

The Authority is now, therefore, in the position to arrange completion of the outstanding works, to be funded by the bond monies. Any unused monies will be returned to the Bond provider following adoption of the road as highway maintainable at public expense.

Public

Local Member Comment

Councillor Dean Collins has been consulted and raised no objection.

(3) **Financial Considerations** The cost of the works to bring the road up to an adoptable standard is to be met from the bond monies deposited with this Authority by the Bond provider.

This Authority will bear the cost of future maintenance of the road from its adoption as publicly maintainable highway.

(4) **Legal Considerations** Under the terms of the Section 38 Highways Act 1980 Agreement and Bond for this development, this Authority is obliged to bring the road up to an adoptable standard using the bond monies as the developer has failed to complete the works and the Bond provider has declined to arrange completion of the works. Thereafter, the road will be adopted as publicly maintainable highway.

(5) **Property Considerations** There are no property considerations associated with this report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** None. Officer contact details – Sue Long extension 38641.

(9) **OFFICER'S RECOMMENDATIONS** That Cabinet:

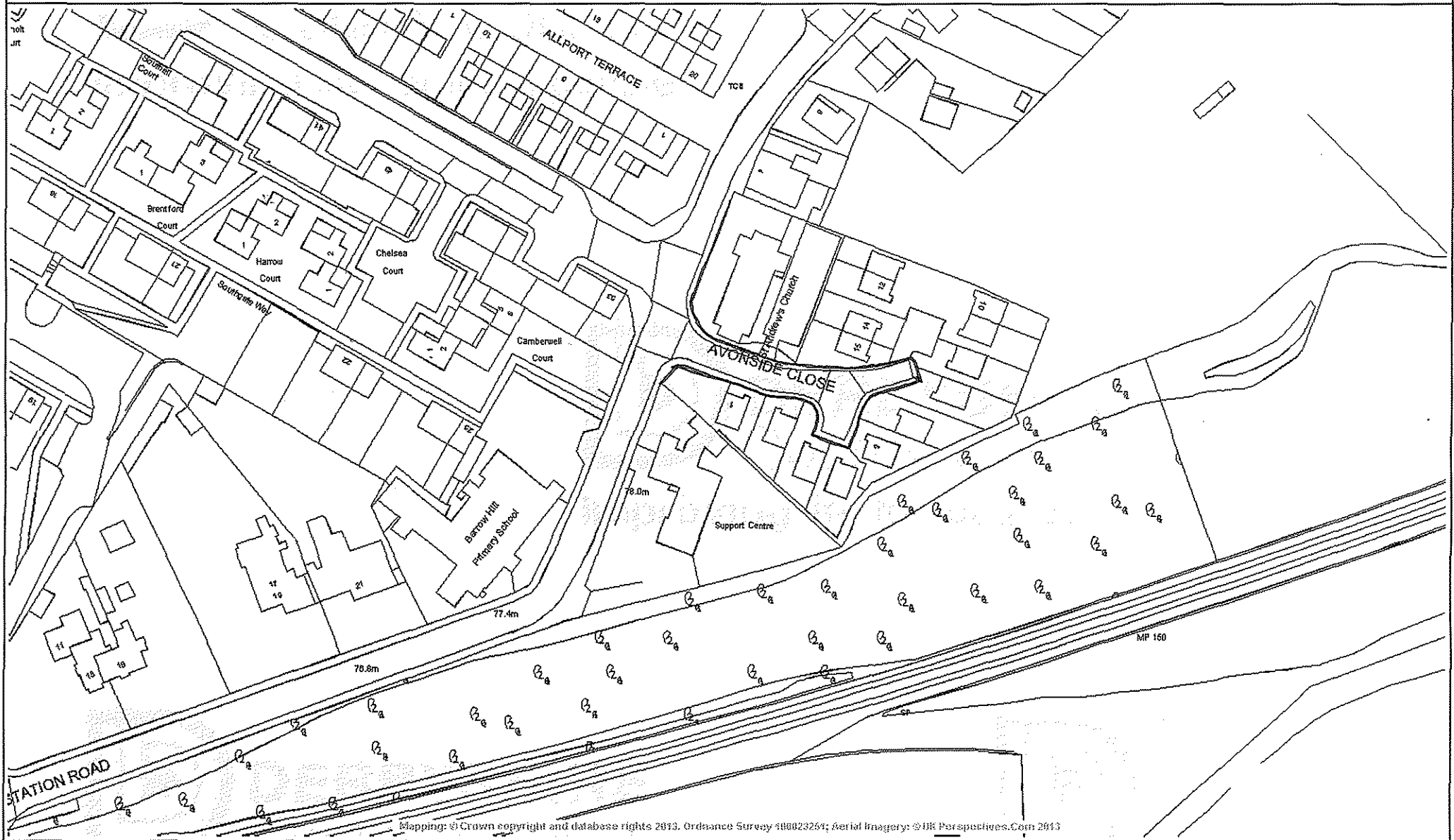
9.1 Agrees to the outstanding street works at Avonside Close, Barrow Hill being included in the 2013 - 2014 Capital Programme to be paid for from the Section 38 Bond monies deposited with the Council, in order to bring the road up to an adoptable standard.

9.2 Notes that on completion of the works Avonside Close, Barrow Hill will be adopted and thereafter maintained as publicly maintainable highway.

Mike Ashworth
Acting Strategic Director – Environmental Services

Title

Avonside Close, Off Station Road, Barrow Hill, Chesterfield



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