

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

11 February 2014

Report of the Strategic Director – Economy, Transport and Environment

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

(1) **Purpose of the Report** To seek approval to expend Section 38 bond monies, up to the sum of £38,212.64, to carry out works to bring the cul-de-sac, known as Avonside Close, Barrow Hill (see attached plan) to adoption standard and adopt it as publicly maintainable highway.

(2) **Information and Analysis** The cul-de-sac, known as Avonside Close, a new road serving a residential development, is subject to an Agreement under Section 38 of the Highways Act 1980 dated 1 October 2007. Such an Agreement is subject to a two year time clause by which time all works should be completed and adopted.

In this case, the two year time clause has been exceeded without the works having been completed to the point that adoption as highway maintainable at public expense can be considered. In addition, 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 £38,300.00 against failure of the developer to complete the works to an acceptable standard. Under the terms of the Bond, the Bondsman (the organisation providing the guarantee) has the opportunity to arrange completion of the outstanding works itself. However, the Bondsman has indicated that it is not pursuing this option and the Bond monies have subsequently been received by the Authority. The expenditure of a small amount of the funds was agreed previously with the Bondsman to enable 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 of arranging completion of the outstanding works, to be funded by the remaining Bond monies. Any unused monies will be returned to the Bondsman 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 Bondsman.

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 has agreed to bring the road up to an adoptable standard using the Bond monies as the developer has failed to complete the works and the Bondsman has declined to arrange completion of the works. Thereafter the road will be adopted.

(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 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 approval be given:

9.1 To expend the Bond monies in relation to Avonside Close, Barrow Hill to bring the road up to an adoptable standard and to adopt the road which will then be maintained as publicly maintainable highway.

9.2 For the scheme to be included in the 2014-2015 Capital Programme for the outstanding street works to be completed.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

Mr M Ashworth Strategic Director Economy, Transport and Environment Depart Dev at Station Road, Barrow Hill, Chesterfield



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