

**Report to:** Executive  
**Date:** 24 February 2009  
**Report of:** Executive Member for Regeneration  
**Subject:** Highway Works at Victoria Mews, Easington Village  
**Ward:** Easington Village and South Hetton

## **1.0 Purpose of Report**

1.1 The purpose of the report is to seek authority to purchase land and to complete the highway and drainage works at Victoria Mews, Easington Village to an adoptable standard.

## **2.0 Consultation**

2.1 The Director of Regeneration, Head of Asset and Property Management, Council's Monitoring Officer and Durham County Council have been previously consulted on this matter.

## **3.0 Background**

3.1 Victoria Mews is a development of nine homes at the centre of Easington Village, built by Ashwood Homes Ltd on land sold by the District Council in 2000. At that time, the sale of Council land did not include the entire development site and the Council retains ownership of a significant proportion of the road required to service the development.

3.2 One of the conditions of sale to Ashwood Homes Ltd was that the access road and associated footpaths should be constructed to an adoptable standard. The planning permission for the development also required the completion of the access road.

3.3 Whilst some works within the highway have been undertaken, notably the drainage works, the highway is still incomplete. The Head of Asset and Property Management and Durham County Council as the Highway Authority have both attempted to resolve the matter but without success.

3.4 The developer's failure to complete the highway works is now a significant source of public complaint from local residents as well as an outstanding Local Government Ombudsman inquiry. It should also be noted that the site is within the Easington Village Conservation Area. The attached location plan shows the extent of the required highway works including land in Council ownership (edged red) and formally owned by Ashwood Homes (edged blue).

3.5 Attempts to contact the Company failed and investigations subsequently revealed that the Company was dissolved in 2006. In these circumstances and under the terms of Section 1012 of the Companies Act 2006, any property retained by the company transfers to the Crown. The Asset and Property Manager has therefore carried out lengthy negotiations with the Treasury to secure 'in principle' agreement to acquire the

land, which has now been offered to the Council for approximately £5,000 (includes fees etc).

## **4.0 Securing the Construction of the Roadway and Footpaths**

- 4.1 To complete the highway and drainage works, the Council would need to directly commission and fund the necessary works to an adoptable standard. The estimated cost would be in the region of £40,000.
- 4.2 To ensure that the final highway and footpath scheme is built to an adoptable standard it would also be necessary for the Council to secure the agreement of the Council County to design the road scheme and undertake the necessary works.

## **5.0 Conclusions**

- 5.1 Clearly, it is unfortunate that the legal powers available as a consequence of; the land transaction; the planning permission; and, the highway requirements have not been effective in securing the completion of the highway. Local residents remain dissatisfied and have little prospect of redress or improvement without direct intervention by the Council.
- 5.1 Following lengthy negotiations, the Council is now in a position to purchase the land from the Crown to complete the necessary works. The total cost of the scheme including land purchase, is estimated to be £50,000, which includes a contingency fee. The cost would be met from the 2008/9 capital programme.

## **6 Implications**

- 6.1 Financial : The scheme costs of £50,000 will be financed from the contingency sum in the 2008/9 capital programme.
- 6.2 Legal : The Council will acquire title to the additional area of land and together with the existing title, will be offered up for adoption once the works are complete.
- 6.3 Policy : There are no policy implications.
- 6.4 Risk : A full risk assessment has been completed.
- 6.5 Communication : The Local Government Ombudsman has indicated that he would consider the proposed approach to be a 'local settlement', i.e. that the Council funds the cost of bringing the road up to an adoptable standard, and that this would resolve the outstanding investigation. The residents will be advised of the Councils intentions and would be consulted on the proposals contained in this report.
- 6.6 Corporate : There are no corporate implications.
- 6.7 Equality and Diversity : There are no equality and diversity implications.
- 6.8 Procurement : There are no direct implications. The physical works would be procured through Durham County Council.

6.9 LGR Implications : The County Council have previously been consulted as the Highway Authority and would complete the works to the appropriate standard.

## **7 Recommendation**

7.1 It is recommended that the Executive agree to:

- 1) Acquire of the land as outlined in the report.
- 2) Fund the cost of bringing the estate road up to adoptable standard at an estimated cost of £50,000.
- 3) That the costs be met from the 2008/9 capital programme.

### **Background Papers/Documents referred to in the preparation of this report.**

- (i) District of Easington Standing Orders
- (ii) District of Easington Risk Assessment