#### **DELEGATED DECISION**

## REGENERATION AND LOCAL SERVICES



8<sup>th</sup> November 2019

## SECTION 278 and 38 AGREEMENTS

# Report of Regeneration and Local Services Dave Wafer - Strategic Traffic Manager

#### **Electoral Division Affected**

Belmont

# Purpose of the Report

To consider those roads and footpaths, etc., which have been built by developers to County Council standards, to be converted to highway and become publicly maintained and to issue a Final Certificate and thereby end the Section 38 and 278 Agreements.

#### **Executive Summary**

#### **Durham City District**

Agreement Type: Section 278 and 38 Agreement

Developer: Able Construction (Northern) Ltd

Contact Address: Park Works,

Sunderland Road,

Felling Gateshead NE10 9LR

Location: Cuthbert Avenue, Sherburn

Details of Works: Construction of new access road and footpaths

Erection of new street lighting columns Installation of new surface water gullies

Associated civils works

#### Recommendation

The works have been inspected by Liam Jackson from the Highway Assets section of Regeneration & Local Services and Jon Hogarth from the Highway Adoptions Team and they are considered to be an acceptable standard. You are asked therefore to agree to the areas shown pink on the plan to be converted to highway and those areas shown purple reverting back to highway.

## **Background**

Planning permission for the residential development and associated access, landscaping and engineering works was granted 11<sup>th</sup> February 2016. The roads are subsequently being offered for adoption.

## **Main Implications**

When the adoption process is complete, Durham County Council will become responsible for the future maintenance of the new highway and street lighting and associated liability.

#### Conclusion

That the County Council accept the section of highway improved under 278 Agreement works revert to being publicly maintained highway and that a Final Certificate is issued.

#### **Background papers**

Planning application reference DM/15/02242

Section 38 and 278 Agreement Plan 13N244-110 rev C1

Contact: Jon Hogarth Tel: 03000 263581

# **Appendix 1: Implications**

**Legal Implications** - Once the works are complete, subject to them being satisfactory, they will be adopted. Once this happens Durham County Council will become responsible for the maintenance of the new highway and infrastructure (the new roads, footpaths, street lighting etc.)

**Finance -** Financed by private developers. Future maintenance will be carried out and financed by D.C.C, Regeneration and Local Services.

Consultation - None

**Equality and Diversity / Public Sector Equality Duty -** It is considered that there are no Equality and Diversity issues to be addressed.

Climate Change – No impact

**Human Rights -** No impact on human rights

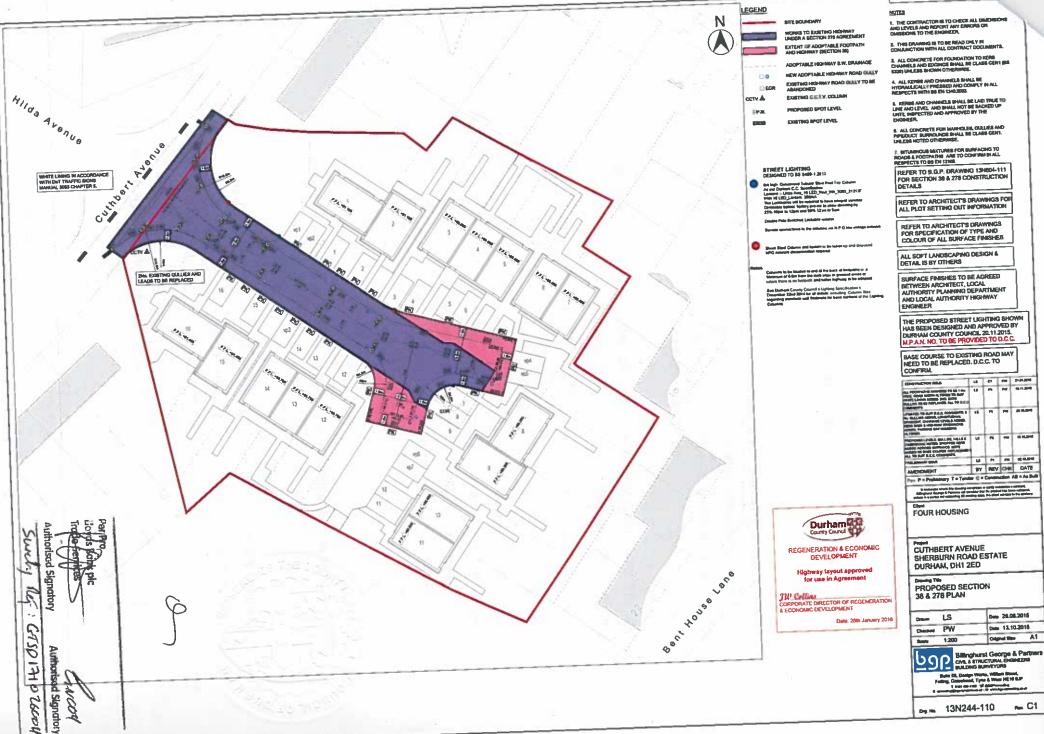
Crime and Disorder - Not affected

**Staffing** – No impact

**Accommodation –** No impact

Risk - Not applicable

**Procurement – Not applicable** 



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