

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**Environment and Highways Cabinet Board**

**28 January 2016**

**Report of the Head of Corporate Strategy and Democratic Services -  
K.Jones**

**Matter for Information**

**Wards Affected: All**

**Officer Urgency Action 1272 re:  
To serve Notice under Sections 289 and 290 of the Highways Act 1980**

**Details of the above Urgency Action taken by the Head of Engineering and Transport in consultation with the requisite Members, for immediate implementation.**

**There is no call-in of this matter.**

**The report was dated 17 November 2015 and is attached below for Members' Information.**

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## Environment and Highways Cabinet Board

**Joint Report of the Head of Engineering & Transport - D. W. Griffiths  
and the Head of Streetcare - M. Roberts**

### **Matter for Decision**

**Wards Affected:** Baglan

**To service Notice under Sections 289 & 290 of the Highways Act 1980 to gain access to undertake Inspection Surveys and Testing at Rowantree Avenue, Baglan**

### **Purpose of Report**

To obtain Members' approval to exercise power under Sections 289 and 290 of the Highways Act 1980 for Officers to enter Rowantree Avenue, Baglan, to undertake surveys, inspections and testing to establish the asset condition of the highway.

### **Executive Summary**

The Authority need to gain access to Rowantree Avenue, which is private and under the control of the developer Mullberry Homes Ltd, to carry out surveys, inspections and testing to establish the condition status of the street lighting, highway drainage, footpaths and roadways following concerns raised by residents with the elected Local Members.

### **Background**

Members will be aware that Officers have previously undertaken a visual inspection of the public street lighting as detailed in Urgency Action No. 1267 dated 17<sup>th</sup> November 2014.

Following these visual inspections, it is now deemed necessary to undertake extensive electrical tests and inspections of the highway drainage, footpaths and roadways.

Rowantree Avenue is subject to an Advance Payment Code Notice.

The additional surveys, inspections and testing will enable faults to be identified, itemised and costed to bring the highway up to a standard that may be adopted by the Council.

## **Financial Impact**

The surveys and inspections will identify the potential costs of remedial works. The estate is the subject of a small Advance Payment Code Notice which can be used to contribute to the costs of any works necessary for adoption.

## **Equality Impact Assessment**

An Equality Screening Assessment has been undertaken and there is no requirement for a full EIA.

## **Workforce Impact**

There are no workforce implications.

## **Legal Impact**

There is a requirement to serve a Legal Notice on the landowner and residents in advance of the survey and inspections being undertaken.

## **Risk Management**

At this stage of the process, there are minimal risks. The surveys will establish the works necessary, which will be costed to inform the financial risks involved in considering the possible adoption of the highway.

## **Consultation**

A formal notice must be served upon Mullberry Homes Ltd and private residents and subject to there being no objections, the surveys, testing and inspections can be undertaken.

## **Recommendation**

I recommend that authority is delegated to the Director of Environment, Head of Engineering and Transport and Head of Streetcare, and such other officers as they may authorise, to enter private streets/roads in accordance with Sections 289 and 290 of the Highways Act 1980 in order to undertake the Council's statutory duties.

## **Reason for proposed decision**

To ensure that inspection surveys and testing can be undertaken to determine any faults that require remedial works to ensure the safety and welfare of residents.

## **Implementation of Decision**

The decision is intended for immediate implementation.

## **Appendices**

Appendix 1 – Plan identifying the extent of highway to be surveyed.

## **List of Background Papers**

Officer Urgency Action No. 1267.

## **Officer Contact**

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# Appendix 1



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