

**Report to Chief Officer, Highways and Transportation**

**Date: 22 September 2020**

**Subject: Adoption of Mount Tabor Street, Pudsey**

Are specific electoral wards affected? If yes, name(s) of ward(s): Pudsey	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary**

**1. Main issues**

- Mount Tabor Street in Pudsey is currently vested with Leeds City Council Resources and Housing and Housing Leeds has current maintenance liability for the un-adopted land.
- The existing highway that interfaces this un-adopted area was in a poor state of repair, there were several areas of footway and carriageway deterioration making the area subject to pooling water after rainfall. The local housing office had received a number of complaints in relation to the condition of the highway.
- Through Leeds City Council Housing Environmental Capital Programme a scheme was developed and delivered in 2019/20 to improve Mount Tabor Street. Works included resurfacing of the highway, car parking areas and garage forecourt; and improvements to drainage systems and footways.
- This report seeks approval from the Chief Officer of Highways & Transportation to formally adopt the land and
- Approval to the advertise notices under the provisions of Section 228 of the Highways Act 1980 with a view to adopting Mount Tabor Street as a highway to be maintained at public expense.

**2. Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)

- The works that have been undertaken improves transport connections, makes the street safer to use and ensure better reliability of the council's infrastructure by improving and connecting two existing assets.
- The proposal makes the best use of the Council's resources by ensuring the asset is maintained to an approved standard and within an existing future maintenance programme.
- The proposal improves the street's resilience.
- The proposals supports the Age-Friendly Leeds ambition by creating a more accessible and safe streetscape.

### **3. Resource Implications**

- The area of land will form part of the adopted highway and become the responsibility of Leeds City Council Highways & Transportation and therefore will become an ongoing maintenance liability for Highways & Transportation.
- In terms of the project, there are no additional resource commitments beyond those already approved within the Leeds City Council Housing Environmental Capital Programme.
- Improvements to both the existing highway and the development of the private land are to be fully funded through Leeds City Council Housing Environmental Capital Programme.

### **Recommendations**

The Chief Officer (Highways and Transportation) is requested to:

- a) note the contents of the report;
- b) consider and approve the adoption of Mount Tabor Street, Pudsey detailed in appendix 2;
- c) take all necessary steps to under the provisions of Section 228 of the Highways Act 1980 to declare the area of highway shown in Appendix 2 to be highway maintainable at public expense;
- d) Instruct the City Solicitor to draft and advertise notices under the provisions of Section 228 of the Highways Act 1980 declaring the area of land shown in appendix 2 to be highway maintainable at public expense; and
- e) If objections are received from the majority of the owners of the land, request the City Solicitor to make immediate application to the Magistrates Court overruling the objections.

### **1. Purpose of this report**

- 1.1 This report seeks approval to adopt Mount Tabor Street, an area of land owned by Leeds City Council Housing, as public highway maintainable by Leeds City Council Highways & Transportation.
- 1.2 The report also requests approval to advertise notices under the provisions of section 288 of the Highways Act 1980.

## **2. Background information**

- 2.1 Mount Tabor Street in Pudsey is currently vested with Resources & Housing and was in poor state of repair prior to works undertaken by Highways & Transportation.
- 2.2 The existing adopted highway extents are shown in appendix 1.
- 2.3 Works to improve both Mount Tabor Street and its interface with the existing adopted highway on Waterloo Road were undertaken in November 2019.
- 2.4 Consultation was undertaken with the local housing office with regards to the loss of resident only parking and subsequent removal of resident only parking signs.
- 2.5 Construction work is now complete and the street has been uplifted to an adoptable standard. The work is still within a contract maintenance period.
- 2.6 Consultation was undertaken with Highways & Transportation Asset Management Team to gain approval in principle for the proposed adoption prior to the works been undertaken.
- 2.7 Leeds City Council Environment and Housing offered up the street for adoption through a report to the Chief Officer of Property and Contracts dated 25<sup>th</sup> October 2019.

## **3. Main issues**

- 3.1 The existing highway that interfaces this un-adopted area was in a poor state of repair. Inspections noted several areas of carriageway deterioration and the area was subject to pooling water after rainfall. The local housing office had received a number of complaints in relation to the condition of the highway.
- 3.2 Works have now been carried out to bring the street up to an adoptable standard and to ensure a safe interface between the existing highway and newly proposed highway.
- 3.3 Maintenance liability for Mount Tabor Street, the area of un-adopted land detailed in 299409-LCC-HWT-MTS-DR-CH-MISC\_05 will transfer to Leeds City Council Highways & Transportation.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Local Ward Members were consulted by email in September 2019 by Leeds City Council Housing and no objections were received.
- 4.1.2 The local housing office was consulted by email on in October 2019 as part of this process and no objections were received.
- 4.1.3 The proposals were developed as part of feedback from local residents who fully support the scheme.
- 4.1.4 Highways & Transportation Asset Management section were consulted as part of these works and agreed to adopt Mount Tabor Street.
- 4.1.5 Leeds City Council Environment and Housing offered up the street for adoption through a report to the Chief Officer of Property and Contracts dated 25<sup>th</sup> September 2019.

## **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An equality and diversity screening assessment was carried out by Leeds City Council Housing. The proposals have no differential impact for the different equality characteristics.

## **4.3 Council policies and the Best Council Plan**

- 4.3.1 The work that has been undertaken improves transport links, ensure the street is safer to use and assist with the Council's Age Friendly Leeds ambition by ensuring the street is more accessible.
- 4.3.2 The work has improved accessibility to the street and its interface with the adopted highway helping to encourage active travel opportunities within the area such as walking and cycling.

### Climate Emergency

- 4.3.3 The improvements and adoption of the street provides a safer routes for non-motorised users crossing the junction of Waterloo Road and Mount Tabor Street. This has specific benefits to user with mobility issues, parents supporting push chairs and young and old people.
- 4.3.4 It allows for greater independence and choice for housing tenants accessing the local amenities, making it more pleasant to walk or cycle encouraging a healthier lifestyle and active travel opportunities for the community.
- 4.3.5 Through adopting Mount Tabor Street, it will ensure the interface the existing interface of adopted/un-adopted elements is regularly inspected and maintained within an existing maintenance programme and continues to be safe to use.

## **4.4 Resources, procurement and value for money**

- 4.4.1 Improvements to both the existing highway and the development of the private land were fully funded through Leeds City Council Housing Environmental Capital Programme.
- 4.4.2 The cost of around £1000 associated with the drafting and advertising of the S228 notice will be fully funded through Leeds City Council Housing Environmental Capital Programme.

## **4.5 Legal implications, access to information, and call-in**

- 4.5.1 Leeds City Council will advertise notices on site and in the press under the provisions of Section 228 of the Highways Act 1980 declaring the area of highway shown on Appendix 2 to be highway maintainable at public expense. In the event that objections are received from the owners of the land, the City Solicitor will be requested to make immediate application to the Magistrates Court for an order overruling the objections.
- 4.5.2 The report is not eligible for call-in.
- 4.5.3 None of the content of this report is exempt from public display or contains confidential information.

## **4.6 Risk management**

- 4.6.1 Future maintenance of the currently un-adopted area will be undertaken by Highways & Transportation.
- 4.6.2 If the adoption recommendation is not approved, this area of land will have to be readopted by Leeds City Council Housing and not subject to the regular highway maintenance programme. This may result in increased future maintenance costs as minor, preventative repairs may not be identified as part of the highway inspection programme until significant deterioration has occurred.
- 4.6.3 There is a risk as part of the adoption process that it could be delayed due to objections received. If objects were received to the proposals the Council would need to apply for a Magistrates Court within a period of two months from the expiry of the notice for an Order overruling such objections. Consultation with Leeds City Council Housing should have mitigated this; to date the responses that have been received have been supportive.

## **5. Conclusions**

- 5.1.1 Work to improve both the existing adopted highway and Mount Tabor Street were completed successfully in November 2019, resolving a number of outstanding maintenance issues on both the adopted and un-adopted areas subject to complaints by local residents.
- 5.1.2 The adoption of the area identified would ensure that the interface between the existing adopted/un-adopted elements is more cost effectively inspected and maintained within an existing maintenance programme.
- 5.1.3 Future maintenance liability for Mount Tabor Street would be held by Highways & Transportation.

## **6. Recommendations**

The Chief Officer (Highways and Transportation) is requested to:

- 6.1.1 note the contents of the report;
- 6.1.2 consider and approve the adoption of Mount Tabor Street, Pudsey detailed in appendix 2;
- 6.1.3 take all necessary steps to under the provisions of Section 228 of the Highways Act 1980 to declare the area of highway shown in Appendix 2 to be highway maintainable at public expense;
- 6.1.4 Instruct the City Solicitor to draft and advertise notices under the provisions of Section 228 of the Highways Act 1980 declaring the area of land shown in appendix 2 to be highway maintainable at public expense; and
- 6.1.5 If objections are received from the majority of the owners of the land, request the City Solicitor to make immediate application to the Magistrates Court overruling the objections.

## **7. Background documents<sup>1</sup>**

- 7.1 Appendix 1 – Plan showing the area of land currently adopted highway in red.

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

- 7.2 Appendix 2 - Drawing Ref: 299409-LCC-HWT-MTS-DR-CH-MISC\_05 detailing the proposed extents of adoption.
- 7.3 Appendix 3 – Equality diversity screening Mount Tabor Street, Pudsey