

SURREY COUNTY COUNCIL

CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

DATE: 15 MAY 2012

**REPORT OF: IAIN REEVE - ASSISTANT DIRECTOR
STRATEGY, TRANSPORT AND PLANNING**

**SUBJECT: REQUEST TO ADOPT A LAYBY ON A SECTION OF EXISTING
ROAD: FRENHAM ROAD, FARNHAM**



KEY ISSUE/DECISION:

Transport Development Planning has received one request to adopt a section of road associated with a development in Surrey as set out in Annex 1.

In line with Surrey County Council's current policy on adoption of new roads, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt the new section of road as set out in Annex 1.

DETAILS:

1. The highway authority has considerable discretion in exercising its powers to adopt through a section 38 Agreement under the Highways Act 1980, but there are other mechanisms contained in the Act which help to define the legal tests for adoption.

What is adoptable?

2. The key adoption tests for roads and streets are that they:
 - must be of sufficient public utility;
 - be constructed (made-up) satisfactorily;
 - be kept in repair for a period of 12 months;
 - be used as a highway during that period.

Current Road Adoption Policy

3. On the 21 December 2010 a new policy was adopted for all of those development sites whereby the planning application has been registered following this date. Surrey County Council's natural presumption is to not adopt roads, streets, footpaths and cycleways unless they are constructed to a satisfactory standard, connect to an existing public maintainable highway, pay commuted sums to provide for ongoing maintenance and provided they meet the tests set out below. This will include roads that:
 - have a wider use than simply providing access to residential or commercial properties
 - provide through route(s) (not cul-de-sacs) and that exceed 50 residential units (or mixed use equivalent in traffic generation terms)
 - are cul-de-sacs (no through roads) that lead to a county school
 - are bus routes

- otherwise have a wider public utility
4. A road with public utility is defined as a road that demonstrates a wider benefit to the general public and/or access to public services.
 5. The County Council will not adopt roads, streets, footpaths and cycleways that have no wider highway benefit and that:
 - are cul-de-sacs (no-through roads) serving only private dwellings, commercial or industrial premises
 - are entrances and drives to flats or apartments, garages or parking courts
 - otherwise have no public utility
 6. Attached as **Annex 1** is a request for road adoption at 44 Frensham Road, Farnham, GU10 3NY. This relates to a proposed residential development of 14 units, the planning application has not yet been determined. The proposal includes the provision of a new footway that requires the adoption of an existing layby that is unregistered. The proposals meet the tests of the Council's current policy on road adoptions.

Consultation

7. Full consultation has taken place as part of the planning process.

Financial and value for money implications

8. All costs associated with the proposed road adoption will be fully met by the developers involved. This includes all construction costs, commuted sums where necessary and all Surrey County Council fees.
9. The total length of adopted road within Surrey is currently included in the calculation of this authority's annual formula grant. In theory the Council's grant allocation should be adjusted to reflect increased road length from adoptions, however this will not happen while Surrey remains a "floor authority" in terms of formula grant.

Equalities implications

10. There are no equalities implications in the adopting the new roads.

Risk management implications

11. There are no risks attached as a result of the proposal within this report.

Implications for the Council's priorities or Community Strategy/Local Area Agreement targets

12. There are no implications.

Climate change/carbon emissions implications

13. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change. The proposal within this report will have no impact on carbon emissions.

Legal implications/legislative requirements

14. A refusal to adopt could be challenged and would have to be defended at a Magistrates' Court hearing.

Section 151 Officer commentary

15. The Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report.

RECOMMENDATIONS:

It is recommended that the Cabinet Member, under the Scheme of Delegation and in line with Surrey County Council's current road adoption policy, authorise the adoption of the section of road set out in Annex 1 of the submitted report.

REASONS FOR RECOMMENDATIONS:

The request set out in Annex 1 fully meets Surrey County Council's current policy on road adoption.

WHAT HAPPENS NEXT:

A Section 228 Notice will be issued in order to progress the adoption of this new section of road.

Contact Officer:

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Consulted:

Wide consultation as part of the planning process.

Sources/background papers:

Highways Act 1980 – Section 228
