

SURREY COUNTY COUNCIL

CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

DATE: 20 SEPTEMBER 2012

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

SUBJECT: REQUEST TO ADOPT NEW ROADS



KEY ISSUE/DECISION:

To agree the adoption of new roads at the following four locations:

- Hillbury Gardens, Warlingham (Annex 1)
- Tealby & Hillerton, Brighton Road, Lower Kingswood (Annex 2)
- Horley North West Sector (Annex 3)
- Land between Monument Way East and Albert Drive, Sheerwater (Annex 4)

DETAILS:

1. Transport Development Planning has received four requests to adopt new roads associated with developments in Surrey as set out in Annexes 1-4. In line with Surrey County Council's previous and current policy, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt the new road.
2. Surrey County Council, as highway authority, is responsible for the adoption and maintenance of public highways. It can also adopt private roads, streets or footpaths providing they meet Surrey County Council's adoption criteria. This policy is applied to requests for the adoption of roads as highways maintainable at public expense.
3. 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?

4. 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

5. The Council's current Road Adoption Policy applies to all development sites for which the planning application was registered after 21 December 2010. 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
6. 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.
7. 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
8. Attached as Annex 4 is a request for road adoption at land between Monument Way East and Albert Drive, Sheerwater. This relates to a proposed mixed-use development, that has planning permission. The planning application was registered after 21 December 2010 and meets the tests of the Council's current policy on road adoptions.

Previous Road Adoption Policy

9. The Council's previous Road Adoption Policy applies to any development site whereby the planning application was registered prior to 21 December 2010. Under the previous policy, all roads and streets are adoptable if they are constructed to a satisfactory standard and if they serve more than six homes and comprise carriageways, footways, verges, streetlights, etc.
10. The following are not normally adoptable:
- entrances and paved areas in garage or parking courts;
 - drives to flats and apartments;
 - amenity areas within a development site;
 - footpaths, unless they are a through pedestrian route;
 - roads and drives serving solely business and industrial areas.
11. Attached as Annex 1 is a request for road adoption at Hillbury Gardens, Warlingham. This relates to an existing development, pertaining to a planning application registered prior to 21 December 2010 and meets the tests of the Council's previous policy on road adoptions.
12. Attached as Annex 2 is a request for road adoption at Tealby and Hillerton, Brighton Road, Lower Kingswood. This relates to an existing development,

pertaining to a planning application registered prior to 21 December 2010 and meets the tests of the Council's previous policy on road adoptions.

13. Attached as Annex 3 is a request for road adoption at Horley North West Sector. This relates to a proposed development of approximately 1500 residential dwellings, that has planning permission subject to the signing of a Section 106 agreement. The planning application was registered prior to 21 December 2010 and meets the tests of the Council's previous policy on road adoptions.

Consultation

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

Financial and value for money implications

15. All costs associated with the proposed road adoptions will be fully met by the developers involved. This includes all construction costs, commuted sums where necessary and all Surrey County Council fees.
16. 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

17. There are no equalities implications in the adoption of the new road.

Risk management implications

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

Climate change/carbon emissions implications

19. 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

20. Surrey County Council's previous policy on road adoption allows for any road to be adopted that serves more than six dwellings and is built to an adoptable standard.
21. A refusal to adopt could be challenged and would have to be defended at a Magistrates' Court hearing.

Section 151 Officer commentary

22. 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 previous road adoption policy, authorise the adoption of roads at Hillbury Gardens, Warlingham (as set out in Annex 1), Tealby & Hillerton, Brighton Road, Lower Kingswood (as set out in Annex 2), Horley North East Sector (as set out in Annex 3) and land between Monument Way East and Albert Drive, Sheerwater (as set out in Annex 4).

REASONS FOR RECOMMENDATIONS:

The request to adopt the road at Hillbury Gardens, Warlingham 4-52 Florence Way, Knaphill, Woking, GU21 2FE fully meets Surrey County Council's previous policy on road adoption.

WHAT HAPPENS NEXT:

Adoption agreements will be progressed in order to adopt the new roads.

Contact Officer:

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Consulted:

Wide consultation as part of the planning process.

Sources/background papers:

Highways Act 1980 – Section 38
Road Adoption Policy
