

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****DATE: 7 JULY 2015****LEAD OFFICER: MR TREVOR PUGH, STRATEGIC DIRECTOR ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: MINOR CHANGE TO POLICY OF ADOPTION OF ROADS AS HIGHWAYS MAINTAINABLE AT PUBLIC EXPENSE****SUMMARY OF ISSUE:**

This report proposes changing the policy introduced in September 2014 for the adoption of roads and streets as highways maintainable at public expense. It recommends that revised criteria for those roads that are adopted be introduced from 1 August 2015. The revised criteria allows only the adoption of roads that serve the equivalent of six or more residential curtilages or that are of a wider public utility. This takes account of the fact that Surrey County Council (SCC) will not now be the Sustainable Drainage Approval Body (SAB) as was envisaged at the time of the September 2014 decision.

**RECOMMENDATION:**

It is recommended that the Cabinet Member for Highways, Transport and Flooding authorise the minor change to the policy of adoption of roads as highways maintainable at public expense as set out in Part B of Annex 1.

**REASON FOR RECOMMENDATIONS:**

One of the reasons for introducing the new policy on adopting roads was to prepare for the County's then intended role as the SAB. Had this role been introduced, SCC would have been responsible for adopting and maintaining networks of drainage systems. As this role has not now passed to SCC, there is no need to adopt the more minor areas of public and private realm.

**DETAILS:**

1. On 23 September 2014 Cabinet approved a policy for adopting roads and streets as highways maintainable at Public Expense. This is set out in Part A of Annex 1.
2. Since the introduction of the Flood and Water Management Act 2010, there have been discussions amongst the various stakeholders about the implementation of Schedule 3 of that Act, which in recent years has included the establishment of a SAB within each Lead Local Flood Authority (LLFA). However, on 18 December 2014, Government announced that Sustainable Drainage Systems (SuDS) will be delivered for all major developments through the planning system as of 6 April 2015. SABS were not therefore going to be set up.

3. As part of this change, the Town and Country Planning (Development Management Procedure) (England) Order 2015 has been amended making SCC in its capacity as the LLFA, a statutory consultee on surface water management drainage issues for all new major developments. Those changes came into effect on 15 April 2015.
4. One of the reasons for introducing the policy was to prepare for SCC's then intended role as the SAB. Had this role been imposed upon the County as the LLFA, there would have been a requirement to adopt and maintain drainage systems in a much broader range of new developments than previously required.
5. As SCC will not now be the SAB, there is no need to adopt more minor areas such as parking courts for drainage purposes. As there is otherwise no need to adopt these areas which serve no wider public utility, the policy needs to be changed to reflect this minor change. The revised policy wording is set out in Part B of Annex 1.

#### **CONSULTATION:**

6. The Principal Planning and Highways Solicitor and the Director of Environment and Infrastructure have both been consulted on this minor revision to the policy.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

7. There are no assessed risks associated with the implementation of this minor revision.

#### **Financial and Value for Money Implications**

8. The Section 38 process is self-financing.

#### **Section 151 Officer Commentary**

9. Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report. The Section 38 policy remains self-financing with SCC's costs, both in terms of administration and future maintenance, being met by the developer for a reasonable period.

#### **Legal Implications – Monitoring Officer**

10. S38 of the Highways Act 1980 provides a power to highway authorities to enter into agreements with developers of land to maintain highways. They will, on adoption, become highways maintainable at the public expense. The County has an approved policy which addresses the relevant criteria whereby highway is judged suitable to be adopted by the highway authority. The Flood and Water Management Act 2010 anticipated the establishment of SABs within each LLFA (SCC in this case) to approve SuDS and subsequently adopt them. The change of mind by Government described in preceding parts of this report means that SuDS are no longer required to be adopted by SCC. It is therefore appropriate to remove this element from the policy.

## **Equalities and Diversity**

11. These are as set out in the 23 September 2014 Cabinet report and do not change as a result of this minor alteration.

## **WHAT HAPPENS NEXT:**

- Implement the revised Highway Adoption of Roads and Streets Policy from 1 August 2015 as set out in part B of Annex 1 to all new requests to enter into Section 38 Agreements.
- Amend the appropriate web site page on Transport Development Planning's section of the County Web site.

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### **Contact Officer:**

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### **Annexes:**

Annex 1 – Policy to be applied to requests for adoption of roads as highways maintainable at public expense – 1 August 2015

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