

SURREY COUNTY COUNCIL

CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT

DATE: 10 APRIL 2013

**LEAD OFFICER: IAIN REEVE – ASSISTANT DIRECTOR STRATEGY,
TRANSPORT AND PLANNING**

**SUBJECT: REQUEST TO ADOPT NEW ROAD: WESTLEES CLOSE,
DORKING**



SUMMARY OF ISSUE:

Transport Development Planning has received one request to adopt a new road Westlees Close, associated with a development in Dorking, 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 road as set out in Annex 1.

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 the road, Westlees Close, Dorking as set out in Annex 1 of the submitted report.

REASON FOR RECOMMENDATIONS:

The request to adopt the road at Westlees Close, Dorking fully meets Surrey County Council's previous policy on road adoption.

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

Previous Road Adoption Policy

6. 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.
7. 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.
8. Attached as **Annex 1** is a request for road adoption at Westlees Close, Dorking. This relates to an existing development, pertaining to a planning application registered prior to 21 December 2010. The road comprises of carriageway, footway, grass verge, street lighting and serves a residential development of 14 dwellings. Therefore, Westlees Close meets the tests of the Council's previous policy on road adoptions.

CONSULTATION:

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

RISK MANAGEMENT AND IMPLICATIONS:

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

Financial and Value for Money Implications

11. 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.
12. 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.

Section 151 Officer Commentary

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

Legal Implications – Monitoring Officer

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

Equalities and Diversity

16. There are no equalities implications in adopting new roads.

Climate change/carbon emissions implications

17. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.

WHAT HAPPENS NEXT:

18. An adoption agreement will be progressed in order to adopt the new road.
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Contact Officer:

Kerry Cook, Principal Transport Development Planning Officer - 020 8541 9816

Consulted:

Wide consultation as part of the planning process.

Annexes:

Annex 1 – Location plan, Planning Decision Notice, Agreement Plan.

Sources/background papers:

Highways Act 1980 – Section 38
