

**Executive Member for Transport and
Planning Decision Session**

11 February 2016

Report of the Acting Director of City and Environmental Services

**Petitions: Langdale Avenue and Rydal Avenue Area – Highway
Condition and Nevinson Grove, Stirling Grove, Wilsthorpe Grove
(Heslington Lane) – request for inclusion in future resurfacing
plans**

Summary

1. Two petitions have been received by the Council relating to highway condition and adoption of private streets.
 - A petition was raised at the 8th October 2015 Council Meeting by Cllr Ayre on behalf of 49 residents in the Langdale Avenue and Rydal Avenue area regarding the condition of the areas highways.
 - A petition from Cllr. Aspden was received at Full Council on 26 March 2015 representing 24 residents on Nevinson Grove, Stirling Grove, Wilsthorpe Grove in the Heslington Lane area.
2. The Langdale Avenue petition relates to adopted and unadopted streets. A review of highway inspection records has been made and it has determined that none of the adopted roads detailed in the petition are in a condition that would raise enough concerns for them to be considered in the Council's annual maintenance programme.
3. Some of the roads in the Langdale Avenue petition and all of the streets in the Nevinson Grove petition are not part of the adopted highway and are therefore not maintainable at public expense and are not normally considered for any investment.
4. The Council has an existing policy, approved in 2005 (See Annex 3), which provides a process for the potential adoption of unadopted roads.

Progression of the adoption process is dependent on resources being available to undertake the necessary assessment work, an allocation being available in the Council's budget and funding being provided by the property owners in the area.

5. Whilst there have been no changes to the underlying legislation since the policy was approved there have been changes to the availability of resources and funding. It is therefore proposed to review the policy to check that it is still fit for purpose. It is proposed that an updated policy will be brought before a future Executive Member meeting for further consideration.

Recommendations

6. The Executive Member is asked to note the findings of the investigation surrounding the petitions and approve a review of the existing policy for the adoption of private streets.

Reason: To ensure that the most appropriate policy is in place relating to the adoption of private streets.

Background

7. The maintenance of unadopted streets is usually the responsibility of the frontages to the street. An unadopted section of highway would only usually be considered for adoption if it, and all of its associated assets, were in a good condition when an application is made to the highway authority for it to adopt and takeover maintenance responsibilities. This is often very difficult with significant costs being required to carry out such works. In principle these costs would be down to all of the residents fronting onto the highway on a pro-rata basis in accordance with their land ownership.
8. A policy detailing the process for the potential adoption of any of the approximate 100 private streets in the city by the Council was approved by the Executive in March 2005. See Annex 3. The following Ten Step guide summarises the process for streets which were prioritised through a ranking process.

Ten Steps Guide.

1. Report to the relevant Planning and Transport Area Sub Committee seeking a resolution to “execute the street works.”
2. Landowners are assisted to design a scheme and an estimate is prepared.
3. The scheme is submitted to the relevant Planning and Transport Area Sub Committee for a resolution to approve the scheme. At this point the highway would be designated ‘Prospectively maintainable at public expense’
4. Notices of the resolution to approve the scheme are published in local newspapers and on the street affected by the works and each landowner notified of the estimated cost they will have to pay. This cost is based upon the proportion of frontage each landowner has to the highway
5. Objections from landowners who do not accept the scheme can then be lodged. These need to be based upon 6 specific points set out in the Highways Act. (These grounds will be advised in the advertisement at 4 above)
6. Objections are then reported to the relevant Planning and Transport Area Sub Committee with recommendations for action. The Sub Committee does not have the power to overrule these objections but can modify the scheme so as to take into account objectors’ views. If the objections cannot be resolved then a magistrate’s court hearing is convened.
7. If the magistrate does not uphold the objections then the works can start and after it is finished the total final costs of the works are calculated. These are then divided between the landowners. In the event that the objections are upheld the process stops and the designation of the highway as ‘prospectively maintainable’ lapses. The road is then removed from the priority list
8. A notice is served on the householders stating the part of the total costs they have to pay.
9. Objections to payment can be made by those who do not wish to pay (based on the 6 points as before) and these objections are heard at the magistrate’s court for resolution.
10. The scheme can now be implemented, the highway brought up to standard and adopted.

9. A potential contribution of 50% of the works cost (subject to funding being available) and the provision of an adoptions resource to progress applications is included in the policy. However funding for the adoptions work was removed from the budget several years ago partly due to the lack of demand for the adoption of streets under the policy. Funding would also need to be allocated within the Council's budget for the potential contribution to the main works. It should also be noted that it is considered likely that an alternative approval process would be needed as Planning and Transport Area sub committees no longer exist in the Council's constitution.
10. The cost of the necessary works is significant and dependent on the existing condition and construction of the highway. As an indication the cost for highway construction works alone could be over £1,000 per metre length of highway. Other elements of work to bring the highway up to standard (e.g. drainage, lighting and statutory undertakers apparatus) may introduce significant additional cost.

Langdale Avenue/Rydal Avenue Area Petition

11. The following roads were included in a petition raised by Cllr Ayre at the 8th October 2015 Council meeting: Burnholme Avenue, Kirkstone Drive, Langdale Avenue, Rydal Avenue, Thirlmere Drive, Meadow Way, Westlands Grove, Kirkstone Drive. 49 residents had signed the petition stating that they considered the state of the roads to be a hazard.
12. Of the listed roads only Langdale Avenue, Westlands Grove and part of Burnholme Avenue are adopted and are maintainable at public expense, the others are unadopted and are private with regard to maintenance works, it is not normal practice for public funds to be spent in their repair or upgrade.
13. We assess the condition of our adopted highways and all are given a condition score of 1 to 5 with 1 being good and 5 being poor, we consider all sections of highway that have a score of 4 and 5 and develop a needs based programme in accordance with this process.

14. All of the adopted sections of highway in the petition currently have a condition score of 3 meaning that they were not considered for any works in the forthcoming 2016/17 highways maintenance programme. Therefore no maintenance works are to be considered in our capital programmes in response to the petition.
15. Maintenance of the remaining streets on the petition which are private would only normally be considered if the streets were adopted and added to the list of streets to be maintained at public expense. The Council has an existing policy for the potential adoption of private streets. A recommendation is made in this report for the review of the existing policy to ensure that it remains fit for purpose.

Nevinson Grove Area Petition

16. The three streets (Nevinson Grove, Stirling Grove, Wilsthorpe Grove) included in the petition are not adopted as Public Highway. As these streets are private with regard to maintenance works, it is not normal practice for public funds to be spent in their repair or upgrade.
17. The Council has an existing policy for the potential adoption of private streets. A recommendation is made in this report for the review of the existing policy to ensure that it remains fit for purpose.

Consultation

18. Consultation has not been undertaken at this stage as the assessment of the condition of the highways is considered to be a technical matter. Consultation will be undertaken where appropriate during the review of the adoption policy.

Council Plan

19. The petition has been reviewed in line with the Council Plan:
 - **A Council That Listens To Residents –**
The review of the adoption policy will address residents concerns relating to the condition of their roads.

Implications

Financial

20. There are no financial implications relating to the response to the petition. The financial implications of any changes to the Council's policy on the adoption of private streets will be considered as part of the review of the policy.

Human Resources (HR)

21. There are no HR implications relating to the response to the petition. Resources would need to be recruited to undertake the potential adoption work if a revised policy was adopted by the Council following the review of the existing policy.

Equalities

22. There are no Equalities implications relating to the response to the petition.

Legal

23. There are no legal implications relating to the response to the petition. The legal implications of any changes to the Council's policy on the adoption of private streets will be considered as part of the review of the policy.

Crime and Disorder

24. There are no Crime and Disorder implications relating to the response to the petition.

Information Technology (IT)

25. There are no IT implications relating to the response to the petition.

Property

26. There are no Property implications relating to the response to the petition.

Other

27. There are no other implications relating to the response to the petition.

Contact Details

Authors:

Steve Wragg, Flood Risk
Manager and Tony Clarke,
Head of Transport

Chief Officer Responsible for the report:

Neil Ferris
Acting Director of City and
Environmental Services

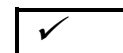
**Report
Approved**



Date 02.02.16

Wards Affected:

All



For further information please contact the authors of the report

Annex 1 - Details of Langdale Avenue Area Petition

Annex 2 – Details of Nevinson Grove, Stirling Grove, Wilsthorpe Grove
(Heslington Lane) Petition

Annex 3 – Existing Adoptions Policy Report – Executive March 2005.