



Date of Meeting	MeetingDateLegal
Portfolio	Cabinet Member for Environment
Report Author	John Gillighan
Public/Private Document	

## Adoption of development at Kingsway under S228 of the Highways Act

### Executive Summary

1. The Development at Kingsway Business Park in Rochdale has been built to an Adoptable Standard with works supervised by Rochdale Borough Council Engineers and Clerk of Works. This report puts forward this site for adoption.

### Recommendation

2. That Committee sees fit to approve the adoption of the highways identified in the attached plans.

That Committee authorise the Assistant Director, Legal, Governance & Workforce to take necessary steps to secure the making, confirmation and implementation of the adoption orders including the service of all notices and the presentation of the Councils case at any public inquiry (if necessary);

That Committee authorise, subject to there being no objections to the statutory notices, the Council as Highway Authority to adopt the highways.

### Reason for Recommendation

3. The Council and Rochdale Development Agency entered into a Collaboration Agreement with Wilson Bowden Developments. The purpose of the Collaboration Agreement was to ensure the comprehensive development of a high quality business park in accordance with the Rochdale Unitary Development Plan and the Planning Permissions. Whilst the intention has always been for the Council as the Highway Authority to adopt these areas as highways the Collaboration Agreement made no reference to a process for the formal adoption of the highways. The Council must therefore retrospectively adopt such highways under Section 228 of the Highways Act 1980. Section 228 Highways Act 1980, provides that the Council, as Highway Authority, is able to declare a route to be a highway

maintainable at public expense provided that works are carried out to a satisfactory standard.

### **Key Points for Consideration**

4. The business park together with the highways have been designed and constructed to the required standard to be considered for adoption.

Construction has progressed on the understanding that the Council would adopt the highways within the business park and that units onsite have now been occupied.

Until the site is adopted routine maintenance of the highways will not commence.

Construction of the Site has been supervised by Rochdale BC Engineers and Clerk of Works.

#### 4.1

#### **Alternatives Considered**

Alternatively we do not adopt the Highways. The highway will not be subject to routine maintenance and will degrade at a quicker rate endangering users.

- 4.2 In any event, Wilson Bowden Developments can force the Local Authority to adopt the Highway under S37 of the Highways Act.

### **Costs and Budget Summary**

5. Wilson Bowden Developments have met all the reasonable costs of the Local Authority including supervision and legal fees.
- 5.1 Going forward the Highways become maintainable at the expense of the local authority as would happen with any other new highway, constructed to adoptable standard.

### **Risk and Policy Implications**

6. No Policy Implications for this Adoption.
- 6.1 Should the highway have been built to a poor standard the Local Authority will have the responsibility of maintaining it going forward. As we have however supervised the construction of the highway the chances of this are very low.
- 6.2 If we refuse to adopt the highway, the highway will not be maintained. The highway is likely to become dangerous more quickly and users could be put at risk.

- 6.3 Following the carrying out of satisfactory works to a highway, under s228 of the Highways Act 1980, the Highway Authority may by notice declare the highway to be a highway maintainable at public expense and on the expiration of one month from the day on which the notice was first displayed it shall become a public highway unless the owner of the highway or, if more than one, the majority in number of the owners of the highway, object. If objections are received the Highway Authority may apply to a Magistrates' Court for an order overruling the objection.

<b>Consultation</b>
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7. Wilson Bowden wish for the highways within the business park to be adopted.

The business park has been built on the principle that the highways would become adopted.

<b>Background Papers</b>	<b>Place of Inspection</b>
8. Highways Layout	Floor 2 Number 1 Riverside Desk 3262

<b>For Further Information Contact:</b>	John Gillighan, Tel: 01706 924607, john.gillighan@rochdale.gov.uk
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