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| Date of Meeting         | 7th November 2019              |
| Portfolio               | Cabinet Member for Environment |
| Report Author           | John Gillighan                 |
| Public/Private Document | Public                         |

## Adoption of Trub Road under S228 of Highways Act 1980

### Executive Summary

1. The Whippe & Bourne Development at Trub Road 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 the access road for the 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 to facilitate the development of the Whippe and Bourne Site and Trub Farm made significant improvements to Trub Road at its junction with Manchester Road. At the time no formal adoption agreement was undertaken. 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 access road has been designed and constructed to the required standard to be considered for adoption.

Construction has progressed on the adjacent developments on the understanding that the Council would adopt the highway known as Trub Road at the junction with Manchester Road.

Until the site is adopted routine maintenance of the highway will not commence and the Highways beyond may not be adopted either. Construction of the Site has been supervised by Rochdale BC Engineers and Clerk of Works.

### **Alternatives Considered**

- 4.1 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.

In any event, Barratt Homes can force the Local Authority to adopt the Highway under S37 of the Highways Act.

## **Costs and Budget Summary**

5. The improvements to the Highway have already been undertaken and costs have been met.
- 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 an adoptable standard
- 5.2 We do not expect any maintenance work to be required for 25 years.

## **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 for which the local authority would be liable,
- 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.

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| <b>Consultation</b> |
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- 7. Barratt Homes wish for the highway access to be adopted to facilitate further adoptions under S38 of the Highways Act.
- 7.1 The adjacent development has been built on the principle that the highways would become adopted.

| <b>Background Papers</b>           | <b>Place of Inspection</b>             |
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| 8. Plan Showing extent of Adoption | Number one Riverside Desk 3278 Floor 2 |

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