



Report of the Head of Civil Engineering

Report to the Chief Officer (Highways & Transportation)

Date: 18 September 2020

Subject: Adoption of Braine Road, Wetherby

Are specific electoral wards affected? If yes, name(s) of ward(s): Wetherby	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- Braine Road is a residential street in Wetherby and forms part of a post war housing development where the roads are un-adopted by the Highway Authority, and remain in multiple private ownerships tied to the individual private home or land owners' holdings.
- This report seeks approval of the Chief Officer (Highways & Transportation) through means of Section 228 (Highways Act 1980) to adopt and reconstruct Braine Road making good the road and adopting the private street as a highway asset, to then be maintained at public expense.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The Best Council Plan 2019-20 outlines how the Council will achieve its ambition to become the Best City in the UK and Leeds City Council the best local authority. Accordingly the ambitions are to support healthy lifestyles, building strong cohesive communities, keeping children safe and connecting people and places. This report proposes physical improvements and legal status changes to a street which contributes to these objectives by improving resilience of the city's infrastructure.

3. Resource Implications

- Reconstruction engineering works and the associated legal costs of the highway adoption brought about by these proposals shall be fully funded by the Wetherby Town Council.
- The estimated cost of these works is some £35,000.
- The continued revenue cost of maintaining Braine Road shall be fully funded at public expense by the Highway Authority from its allocated annual highway maintenance budgets and associated programmes.

Recommendations

The Chief Officer (Highways & Transportation) is requested to;

- a) Approve advertisement under Section 228 of the Highways Act 1980 and the subsequent adoption of Braine Road as a publicly owned asset subject to no valid objections being received.
- b) Inject £35,000 into the Highway Maintenance Capital Programme to be fully funded by the private owners of the street via monies contributed from Wetherby Town Council.
- c) Give authority to incur expenditure for the adoption and reconstruction of Braine Road at a total cost of £35,000.

1. Purpose of this report

- 1.1 This report seeks to endorse the adoption of Braine Road, Wetherby into the Highway Authority's responsibility.

2. Background information

- 2.1.1 In the case of a public or private organisation being the owner (legal title) of a street it is accepted that the condition and maintenance of the street is the responsibility of that organisation. The total number of such private (or un-adopted) streets within the city is unknown but is believed there may be as many as 1800.
- 2.1.2 Highway Authorities have the power to adopt ("make up") private streets under various Sections of the Highways Act 1980.
- 2.1.3 Wetherby Town Council are making funds available to the multiple private title owners of Braine Road, who may otherwise find the cost of making up their street to adoptable standards prohibitively expensive.
- 2.1.4 The contribution of these funds to the private owners and subsequent injection of those monies into the Highway Maintenance Capital Programme affords capacity for the Highway Authority to "make up" and adopt the street into its highway asset register. Removing all liabilities from the current private owners and subsequently maintaining the asset at public expense.

3. Corporate considerations

3.1 Consultation and engagement

- 3.1.1 The Members of the City Council Ward of Wetherby are the promoters of these proposals.
- 3.1.2 Wetherby Town Council have agreed to fully fund the costs of the adoption and reconstruction of the private street via the private owners.

3.2 Equality and diversity / cohesion and integration

- 3.2.1 Improvements to the quality of streetscape, running surface and associated footways provide all users an enhanced and positive offer, easing the passage of local journeys.

3.3 Council policies and the Best Council Plan

- 3.3.1 The Best City Ambition is to improve life for the people of Leeds and make our city a better place. Measures such as these proposals to improve the highway network will contribute to making the roads and footways safer influencing the Best City for Communities.

Climate Emergency

- 3.3.2 Works of this nature ensure existing materials used in the original construction are recycled or reused where possible on the site. All material surplus to those needed to rebuild the street are appropriately disposed of in accordance with relevant codes of practice.
- 3.3.3 Building a resilient network of appropriately safe, modern and metalled streets promotes opportunities for less harmful environments for non-motorised users, encouraging consistent and low traffic speeds, helping to reduce exhaust emission levels and encouraging more local travel-mode options for residents.

3.4 Resources, procurement and value for money

- 3.4.1 The estimated cost of these works is some £35,000 to be fully funded by Wetherby Town Council.
- 3.4.2 The Highway Authority's Direct Labour Organisation will make good the street on completion of the adoption process. Subject to the process highlighted above, work on site is expected to be completed by the end of the financial year 2020/21.

3.5 Legal implications, access to information, and call-in

- 3.5.1 Should a significant proportion of unresolved objections to the adoption of Braine Road be received during the one month period of advertising the Section 228 (Highways Act 1980) Notice. These challenges would then be heard and considered by Magistrates Court.
- 3.5.2 Under Section 317 (Highways Act there is ability of appeal to any Magistrate decisions on private street adoptions to the Crown Court.

3.6 Risk management

- 3.6.1 As with all other publicly maintained adopted highway the risk of adding Braine Road into the asset register of the city make the Highway Authority liable for all ongoing maintenance costs and public expense.
- 3.6.2 Adopting Braine Road conveys the possibility of any potential accident liability or obligation claims where responsibility is found to lay with the Authority.

4. Conclusions

- 4.1 Making use of monies made available from Wetherby Town Council to make good and adopt a private asset at the cost of £35,000 will bring Braine Road up to modern Highway Authority standards resolving private ownership concerns and ensuring the street will be maintained to an appropriate standard.

5. Recommendations

The Chief Officer (Highways & Transportation) is requested to;

- a) Approve advertisement under Section 228 of the Highways Act 1980 and the subsequent adoption of Braine Road as a publicly owned asset subject to no valid objections being received.
- b) Inject £35,000 into the Highway Maintenance Capital Programme to be fully funded by the private owners of the street via monies contributed from Wetherby Town Council.
- c) Give authority to incur expenditure for the adoption and reconstruction of Braine Road at a total cost of £35,000.

6. Background documents

- 6.1 None