

Committee: **Lead Cabinet Member for Transport and Environment**

Date: **20 June 2016**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Petition calling on the County Council to adopt Bancroft Road, Bexhill-on-Sea**

Purpose of Report: **To consider whether the adoption of Bancroft Road should take place**

RECOMMENDATIONS: The Lead Member is recommended to advise the petitioners that:

- (1) Bancroft Road cannot be adopted at public expense at this time due to its condition;**
 - (2) Funding the works to bring Bancroft Road up to an adoptable standard is not a County Council priority at this time; and**
 - (3) The Transport Development Control Team will work with residents to facilitate the adoption of Bancroft Road, including investigating ways of achieving funding.**
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1. Background Information

1.1 At the County Council meeting in March 2015, Councillor Ensor presented a petition to the Chairman. The petition asks East Sussex County Council to adopt and maintain Bancroft Road, Bexhill-on-Sea as public highway. The full text of the petition can be found in Appendix 1.

1.2 A copy of the petition is available in the Members Room. Standing Orders provide that where the Chairman considers it appropriate, petitions are considered by the relevant Committee or Lead Member. A spokesperson for the petitioners is invited to address the Committee or Lead Member. The Chairman has referred this petition to the Lead Member for Transport and Environment.

1.3 The section of Bancroft Road in question (shaded blue on the plan in Appendix 2) is approximately 115 metres long, running from the junction with Newlands Avenue to Woodsgate Park, both of which are adopted public highway. It is a residential road serving approximately 30 dwellings and is also the main walking route to access the King Offa Primary school, as well as the walking route between Sidley and Bexhill town centre.

1.4 The road in its current form was constructed in the 1960's, but historic evidence suggests that a private road or track was already present here before this date, possibly as early as the 1920's. The land on which the road is situated is registered to the original builder, Larkin Holdings Limited. A Companies House search indicated that this company has been dissolved and they are therefore no longer in existence.

1.5 Following dissolution of the Company the land would have passed to the Crown as Bona Vacantia. In the absence of a landowner which would undertake maintenance of the road, the frontagers appear to have carried out maintenance on an ad-hoc basis. In practice, this means that little organised maintenance appears to have been carried out on this part of Bancroft Road.

1.6 Despite being an unadopted road, the County Council has already assumed responsibility for two street lights located here, which it is understood will be maintained for the remainder of their working life, but will not be replaced if Bancroft Road retains its current status.

2. Supporting Information

2.1 The section of Bancroft Road under consideration is considered to have the current highway status of an unadopted public highway or private street. This means that the public have full highway rights to pass and re-pass over it, but that it is not maintained at public expense. It has obtained this status through prescriptive rights, whereby a road has been privately constructed and the public have

then used the road for a substantial period of time. In the absence of any signage, notice or gate declaring that the road is private, highway rights are automatically acquired through public usage over time.

2.2 In most cases like this, it is the owner of the road or the frontagers onto that road who are responsible for its maintenance and upkeep. Unless the state of repair of the road poses a danger to the public there is no responsibility upon the County Council, as the Highway Authority, to maintain an unadopted public highway, nor is there any evidence that an adoption agreement was ever entered into.

2.3 In order to establish Bancroft Road's current condition, site investigation, surveys and materials testing was carried out on behalf of the County Council. This work has demonstrated that although mainly in acceptable condition, certain elements are not. It is considered that both footways, including the verges, would require complete reconstruction. Sections of the concrete carriageway would also need reconstructing along with sealing of any cracks. A number of kerbs would also need to be replaced and overgrown vegetation removed.

3. Comments/Appraisal

3.1 In order for the County Council to consider any road for adoption, it is first necessary to establish if its adoption will be of sufficient public benefit, have a suitable layout and be constructed to an adoptable standard.

3.2 In this case Bancroft Road acts as a through route for local traffic and forms a key local link for pedestrians to and from the town centre. It is also used by school children/parents coming to and from the nearby King Offa Primary School and provides the sole means of vehicular and pedestrian access to 30 dwellings. Taking this into account it is considered that there is sufficient public benefit to adopt this road.

3.3 The road layout is also considered suitable for adoption as the carriageway and footways widths are adequate, appropriate surface water drainage is in place as is street lighting.

3.4 Although the adoption would provide a public benefit and is suitable in terms of its layout, it is not constructed to a suitable standard in its current form. As mentioned in section 2.3, the footways need to be completely reconstructed; repairs to the carriageway and kerbs are also required.

3.5 The cost of the works required to bring Bancroft Road up to an adoptable standard is estimated at £45,000.

3.6 The County Council does not have any funding currently identified to bring unadopted roads/private streets up to an appropriate standard with a view to their subsequent adoption. The County Council also has no maintenance responsibility for this area. It is therefore considered that this is not a priority for the Council.

3.7 The frontagers, in the absence of a landowner to undertake maintenance of the road, would need to organise and fund these works themselves and the County Council could provide details of the work required to them to help facilitate this.

3.8 The Transport Development Control Team will work with residents of Bancroft Road to enable them to understand the scope of work that is required, as well as assisting them with identifying opportunities for part-funding the works.

3.9 Subject to these works being carried out, the adoption of Bancroft Road could proceed under Section 228 of the Highways Act, 1980.

4. Conclusion and Reason for Recommendation

4.1 The Lead Member is therefore recommended to advise the Petitioners that although suitable in terms of sufficiency of public benefit and of layout, in its current condition Bancroft Road is not suitable for adoption as public highway and funding for works on unadopted roads/private streets is not a priority for the County Council at this time. However, should the frontagers wish to organise and fund the works themselves the County Council will facilitate the adoption.

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LOCAL MEMBERS

Councillors Ensor and Phillips

BACKGROUND DOCUMENTS

None