

Actions by the Parish Council to Improve Roads in Swarland Brief Update – 20 June 2021

Swarland was originally conceived and laid-out in the 1930s as a model village to provide basic homes and one-acre smallholdings for disadvantaged families from Tyneside. The road network that was built at that time was little more than a grid of un-metalled tracks, which remained in the ownership of the Settlement company until its dissolution in the early 1950s. On dissolution of the Fountains Abbey Trust the ownership of the roads passed, by default, to the HM Treasury Solicitor, who accepted no responsibility for improvement or upkeep. Recently, the County Council acquired the freehold ownership of those roads that remained unadopted, in order to ensure access for residents. The County Council do not, however, currently accept liability for these unadopted roads and have no plans to formally adopt them as public highway.

During the 1980s the Local Planning Authority (originally Alnwick District Council (ADC), now Northumberland County Council (NCC)) allowed development to take place in the village, largely building on the one-acre plots belonging to the original houses. Development has taken place as a series of small projects involving only a few houses, rather than via large developments where road improvements could have been expected. The planning conditions for some developments have included provision for road improvements along parts of the unadopted internal roads, however, in many cases these conditions were not enforced by the Local Authority or the Developers went out of business before completion. As a result, a situation now exists where the lower part of Kenmore Road (Kenmore Road from entrance on to Leamington Lane to the junction with Lanton Close), Nelson Drive, Percy Drive, Coast view that runs to the Club and part of Studley Drive are not adopted and for the most part have not been built to an adoptable standard. A map indicating which roads are adopted can be found on the Parish Council's (PC) website under the 'Swarland's Roads' tab. In the 1990s documents from ADC indicated that it was the intention of the then Local Authority to adopt at least some of these roads. In some cases, residents have purchased their homes on the understanding that the County Council would be adopting the access roads to their properties. More recently, the PC is aware that some house owners have had difficulties selling their properties due to the state of the unadopted roads.

The PC has been working tirelessly throughout its history to improve the roads in Swarland. As a general rule we often try to get conditions included in relevant planning applications for road improvements. Although the PC is a statutory consultee on planning applications, NCC do not need to take our recommendations into account, and often do not. NCC has also not always enforced road improvement conditions on Developers or used a procedure to take the money upfront in case the company goes out of business.

Over the last 4 years the PC has spent significant time and effort in trying to improve the situation on the lower part of Kenmore Road and Nelson Drive, although we are always trying to get improvement generally. A summary of our approaches is given below:

1) Agreement between the PC and NCC on Maintaining the Roads

In 2017 the PC and NCC had a joint meeting to discuss the situation with roads in Swarland and, in particular, the maintenance of unadopted roads. It was agreed that NCC would inspect the roads twice yearly and carry out essential maintenance on health and safety grounds. A copy of a document summarising this discussion

can be found on the PC website under the 'Swarland's Roads' tab. This year as a result of a Freedom on Information request (FOI) by a resident, it has become apparent that NCC has reduced its inspection schedule to once a year but has continue to fill in large potholes when such issues are brought to their attention.

2) Follow-up on NCC's 1990s Commitment to Improve the Roads

Using documents the PC obtained from local residents and the NCC archive, there is clear evidence that the Local Highway and Local Planning Authorities in the 1990s had an intention to adopt the newly made-up roads including Nelson Drive and the lower section of Kenmore Road. One letter made it clear that the Kenmore Road section was already ready for adoption and that the County Council was pro-actively overseeing the road works on Nelson Drive, to ensure their completion to an adoptable standard. We wrote to NCC in June 2019 asking it to follow-up on its commitment, but it replied rejecting our request, citing the current unadoptable standards of the road. Following this the PC took preliminary legal advice on the matter and was advised that we did not have a strong case for legal action to force the work to be carried out. As stated in NCC's reply, NCC is not prepared to spend the money to bring the roads up to adoptable standard. More importantly, they do not accept the commitments made by previous administrations either to the PC or individual residents. In essence, as NCC own the roads they agree to deal with major issues (e.g. a big pothole that might cause injury), but will not carryout work to improve the situation and accept only a very limited liability for health and safety.

3) Pursuing Planning Conditions for Road Improvements

Recently, the PC has tried to force NCC to enforce a road improvement planning condition on an ongoing development. The planning approval had been in place for a number of years and originally included making part of Kenmore Road up to adoptable standards. We were informed that the condition was no longer enforceable, despite the fact that it had been part of the original planning conditions some years previously.

4) Road Improvements by Developers

Over the last 3 or 4 years the PC has asked developers to make improvements to the village as part of their planning conditions. For example, we were successful in asking Cussins to extend the pavement from the Park entrance on The Avenue to Old Park Road as part of the Rosetta Garden's development. For developments on the eastern side of the village NCC have not supported requests to contribute to improvements on lower Kenmore Road for a number of planning applications. We will continue to apply this strategy for future developments, but our recommendations are only advisory and usually not supported by NCC.

5) Priorities for Local Transport Plan

Each year the PC is asked for 3 priorities to be included in the local transport plan. For the last couple of years, we have put forward improvements to the lower part of Kenmore Road, but in all cases this has not been supported by NCC. The response we received from NCC is along similar lines to that in part 2: as the road is not adopted we are not prepared to make a contribution from public funds

6) Health and Safety Approach

Working from a FOI request from a resident living near Nelson Drive, we are currently looking at an approach for the need for improvement based on risk. It should be noted that the adopted part of Kenmore Road (Junction from The Avenue to Lanton Close) was only resurfaced after a resident was injured as a result of the poor uneven surface. This approach is ongoing but based on our previous history with NCC on related matters, success is not guaranteed.

NCC and its predecessor, ADC, have allowed development to take place in Swarland, with only limited concomitant increase in underlying road structure. Much of the housing development, particularly early developments, was on the condition that the roads would be improved and, in many cases, would be made up to adoptable standards. The Local Authority has, however, been very lax in enforcing road building conditions and only accepts very limited responsibility for the unadopted roads.

As NCC are unwilling to bring unadopted roads up to adoptable standards at taxpayers expense, it falls to the residents to provide the finance and carryout the necessary work. From documents available on the NCC website, NCC are able to help with this process, advise on standards and may even carryout the work subject to an agreement on the cost. The cost, however, would be prohibitively high and require a number of residents to work together to improve significant lengths of unadopted road. It should be noted that the PC does not accept the current situation and will continue to fight for improvement.

In conclusion, the village residents are going to have to persuade NCC to improve the unadopted internal roads or pay for the work to be carried out themselves. We would suggest that residents should write/email/call their local County Councillor (Trevor Thorne: Email – Trevor.Thorne@northumberland.gov.uk) and Cabinet portfolio holder for Local services (John Riddle: Email – John.Riddle@northumberland.gov.uk) to explain their unhappiness with the roads. Residents could also contact our MP, Anne Marie Trevelyan (annemarie.trevelyan.mp@parliament.uk). Finally, whilst the PC has no intention of mounting a legal challenge against NCC, we would be very interested in getting help from any residents who may have planning or legal experience and are prepared to work with the PC to enable more effective engagement with the County Council.