

## **WHO LOOKS AFTER SWARLANDS ROADS?**

### **Background.**

The current poor state of many of the roads in Swarland is an ongoing concern for local residents. Who is responsible for their maintenance and to what standard they have to be maintained at to ensure public safety is a question often asked.

Swarland's situation is unique in many ways and this paper seeks to explain what the background to this issue is and what options may be available to improve matters both at a community or individual household level. The information provided is based on a meeting Councillors Brotherton and Ryan held with Northumberland County Council senior managers in February 2017.

Swarland as we know it today was very much shaped by the establishment in 1934 of the Fountain's Abbey Settlers Association. However, the Association ended around 1950 when it went into administration and was wound up. The network of tracks that were constructed to service the distinctive flat topped settlement houses, each with its own 1.5 acres of land, form the basis of the villages current road network. When the Fountain Abbey Settlers Association was wound up much of the property was sold to the existing tenants and the Parish Council purchased Vyner Park on behalf of the community. The service tracks however reverted back to the Crown Estates as nobody wished to purchase these areas.

Since 1950 the village has steadily expanded and continues to do so. Almost all the land that surrounded each of the small settlement houses has been developed and the road network expanded to service these new homes. In general planning conditions placed on new developments required them to construct new access roads to an agreed standard, often referred to as an "adoptable" standard. Swarland's development has taken place in a piece meal way with a number of individual developers involved, and in many cases original planning conditions have not been complied with by developers or enforced by the planning authority.

In 2008 Northumberland County Council, purchased the land which comprises the roadways in the village from the Crown Estates and dedicated them as highways. The County Council then entered into a Section 38 Agreement with the local highway authority (also The Council) so that when improvement works were completed which brought the highways up to an adoptable standard the highways could be adopted as maintainable at public expense.

### **Adopted and unadopted roads.**

The Parish Council now have a map from the County Council that indicates which roads in Swarland are adopted and which are not. This can be downloaded from the Parish Council web site. The map also shows which roads although not adopted are owned by Northumberland County Council. An adopted road is one that the

Highway Authority (Northumberland County Council) have agreed to maintain at public expense. These roads are maintained to common standards across the County depending on their type and usage. If a road is not adopted then it falls to the landowner to carry out required maintenance to ensure the road remains safe. In Swarland's case the local authority is responsible as the Highway Authority for those roads adopted, but also as the landowner for those roads it owns which are not adopted. One issue affecting whether or not roads are of an adoptable standard is their width, clearly this is an important factor to consider in Swarland's case.

In terms of having roads adopted there are a number of principals to consider.

- The Highway Authority is not obligated to adopt any road
- Planning conditions associated with developments will require that any roads are constructed to an adoptable standard. This does not mean adoption is automatic
- Any agreement to adopt roads associated with a development needs to be agreed with the Highway Authority prior to the development taking place at the planning stage.
- The Highway Authority will consider adopting roads that are up to standard on a case by case basis.

## **Road Conditions, Standards and Potholes.**

### **What standard does an “adopted road” need to be maintained to?**

Some of our roads appear to be in a very poor state of repair, even though they are adopted roads. Kenmore Road is a good example of this (although it should be noted that not all of Kenmore Road is adopted). NCC have examined this road and whilst they accept it is in a poor condition they state that it is not in a dangerous condition and does not have any potholes that meet their repair standard for immediate repair. Therefore, the road is being considered for repair within their normal roads budget alongside other roads, but when it is repaired will be subject to a further assessment based on priority and funds available. At the moment, Kenmore Road is unlikely to feature highly in the repair schedule as it is not a major road or one that has a significant traffic flow.

Potholes are defects in the highway surface, which are surrounded by surfacing material on all sides. They can develop suddenly and NCC's response depends on the size, depth and location of the pothole, and the risk it presents to the public. The size of a pothole that is currently seen as a repairable standard by NCC is 40mm in depth x 300mm in width.

If damage is considered a serious risk to road users, NCC will repair the defect within 24 hours. Other potholes, which aren't a serious risk, will be repaired within 14 or 28 days.

Whilst NCC inspect and maintain all our adopted roads, pavements and grass verges to make sure they're safe and accessible, reports from the public are vital in maintaining our roads effectively, because damage and potholes can appear at any time. Potholes and damage to roads can be reported to Northumberland County Council on 0345 600 6400.

### **What is the County Council doing as the landowner?**

The County Council recognises that it has some responsibility for the roads that are not adopted but where it is the landowner. The unadopted roads have been put on the Highway Inspection Schedule and the roads will be inspected on an annual basis. Any defects that do pose a significant safety risk will be addressed.

### **Can we have our road adopted?**

If you are considering asking the Highway Authority to adopt the road that services your house, early contact with the Highway Authority is recommended to discuss the prospect of this. The person to contact initially by letter or email is the Highways Development Manager at the County Council.

Many householders in Swarland live off roads that are not adopted and shared with a number of houses. Responsibility for maintaining those roads rests with the landowner, so who that is the first thing to establish. The next thing to consider is if the road been constructed to an adoptable standard. If it has not, then it would need to be brought up to an adoptable standard before the Highway Authority could even consider adoption. The original planning conditions attached to the development should have indicated what was intended and if there are any outstanding planning conditions which the developer could be asked to comply with. Unfortunately, many developers are no longer in business so conditions are no longer enforceable. Planning records may also indicate if there was any prior agreement by the Highway Authority to adopt the road.

In most cases, it is likely to be up to groups of households co-operating together to consider the maintenance and possible adoption of the road that services their houses.

### **What is the Parish Council planning to do next?**

How any improvements to the roads in Swarland could be funded is at the centre of the issue. Possible funding options are the local authority, contributions from landowners / householders either individually or collectively or the wider local community via the precept. The latter option is likely to be impractical as it is in effect asking everyone to contribute for the benefit of a few.

The Community Infrastructure Levy is a mechanism by which new development

contributes to a fund that can then be used to improve local infrastructure. However, use of this option is discretionary and Northumberland County Council have chosen not to use it. This needs to be taken further with our local County Councillor.

We need to ensure any new developments deal with the question of adoption of roads within the initial planning process before the development takes place, and that suitable conditions are included in planning consents. Where needed the local planning authority should ensure these conditions are complied with / enforced.

The condition of Swarland's roads will not be sorted out quickly, but as a start the Parish Council has asked Northumberland County Council to initially look at what is required to get the following currently unadopted roads adopted:

- Percy Drive
- Nelson Drive
- The part of Kenmore Road that remains unadopted
- The part of Studley Drive that remains unadopted
- The part of Coast View that runs down to the Village Club

These are all roads that are owned by Northumberland County Council. In addition, the Parish Council will be pressing to ensure the maintenance of existing adopted roads is given a priority.

It is important that the Parish Council continues to work with Northumberland County Council to resolve the issue of road maintenance in Swarland.

If you have any further questions, please contact:

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