

**REPORT TO:** CABINET MEMBER – TECHNICAL SERVICES

**DATE:** 17 NOVEMBER 2010

**SUBJECT:** HIGHWAYS ACT 1980, SECTION 228 ADOPTION.

**WARDS AFFECTED:** LINACRE

**REPORT OF:** Andy Wallis Director of Planning & Economic Development

**CONTACT OFFICER:** D. Marrin – Traffic Services Manager – Ext. 4295  
M. Hunter – Highways Development Control – Ext. 4240

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To seek approval for the Legal Director in conjunction with the Director of Planning and Economic Development to legally adopt an area of highway as detailed below, pursuant to s228 of the Highways Act 1980 on behalf of the Assistant Director Transportation and Spatial Development.

**REASON WHY DECISION REQUIRED:**

The decision is required in order to allow the Local Authority to legally maintain and adopt an area of highway, which does not form part of the adopted highway network at the present time.

**RECOMMENDATION(S):**

It is recommended that: -

The Director of Legal Services be authorised in conjunction with the Director of Planning and Economic Development to adopt an area of highway pursuant to Section 228 of the Highways Act, 1980 at the location as detailed within the report and shown upon the attached plan.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION DATE:** Following the expiry of the 'call in' period for the minutes of the meeting.

**ALTERNATIVE OPTIONS:**

There are no alternative options.

**IMPLICATIONS:**

**Budget/Policy Framework:** None

**Financial:** The applicants have met the legal and administrative cost of the adoption.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure	N/A			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE EXPENDITURE</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources	No			
Funded from External Sources	Yes			
Does external funding have an expiry date? Y/N	No			
How will the service be funded post expiry				

**Legal:**

**Risk Assessment:** None

**Asset Management:** None

**CONSULTATION UNDERTAKEN/VIEWS**

None

**CORPORATE OBJECTIVE MONITORING:**

<b><u>Corporate Objective</u></b>		<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community	✓		
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities	✓		
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People	✓		

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

None

## **1.0 BACKGROUND**

- 1.1 The Traffic Services Manager has processed an application as detailed below to dedicate land to be taken as adopted highway under s228 of the Highways Act 1980.
- 1.2 A new Asda superstore was constructed in 2007/8 which included landscaping improvements to the adjoining Council owned land.
- 1.3 A section 278 Highways Act 1980 agreement was entered into with the developer and the adoption of this land was agreed dependant upon the area of landscaping being constructed to adoptable standards.

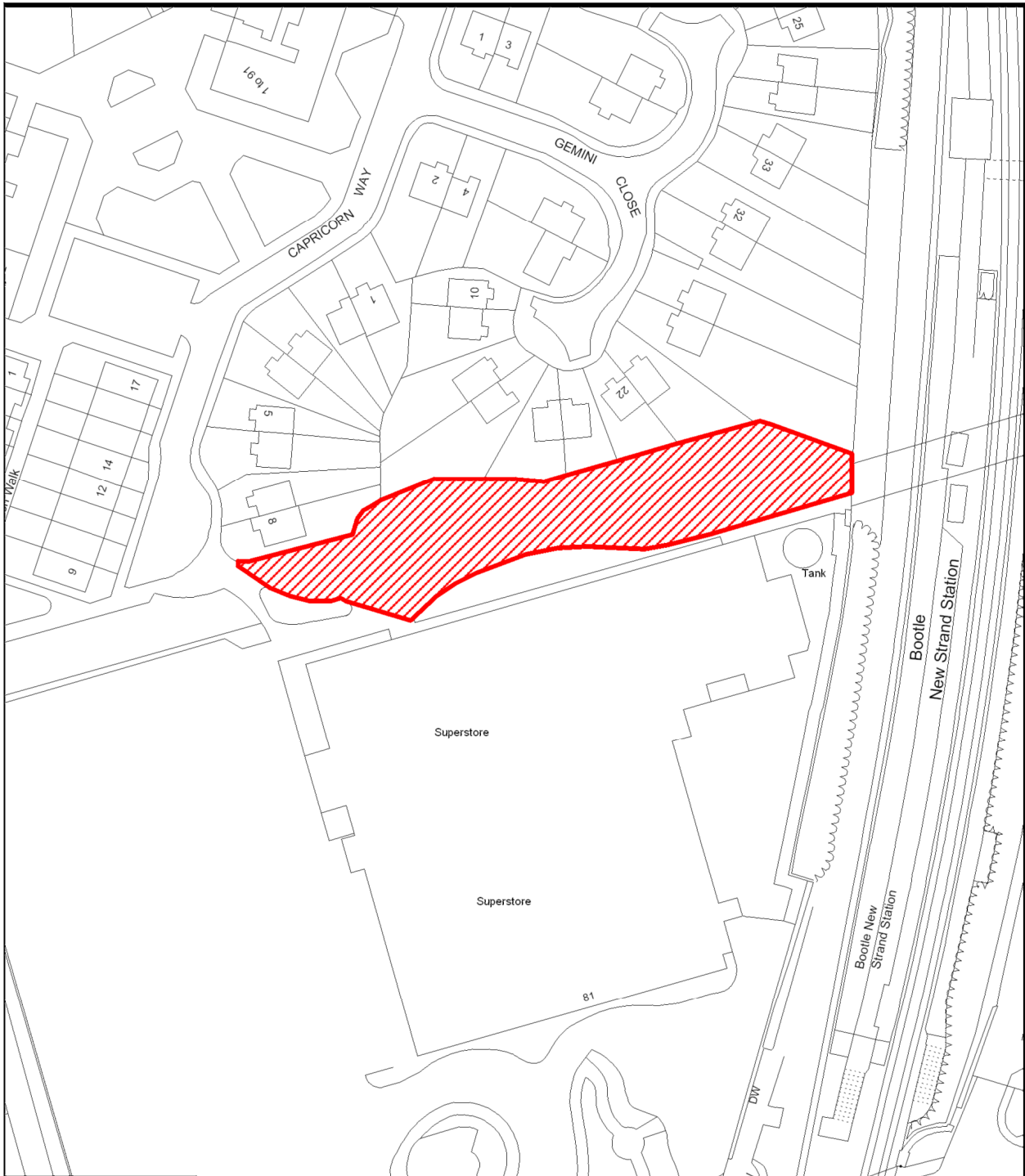
### **Areas of Landscaping adjoining Asda Superstore, 81 Strand Road, Bootle.**

- 1.4 The location of the proposed adoption is shown upon the attached plan numbered DC0686
- 1.5 The Ward Councillors have been informed of the application and have raised no concerns or objections to-date.

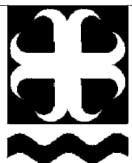
## **2.0 SUMMARY**

- 2.1 A Section 228 Highways Act 1980 application is essentially approved for the Local Highway Authority to adopt a piece of land which has been dedicated by a third party. Land of this nature will only be considered for adoption if it is brought up to adoption standard prior to the application.

**Andy Wallis**  
**Director of Planning and Economic Development**



SEFTON M.B.C.



HIGHWAYS DEVELOPMENT CONTROL

Andy Wallis  
 Director of Planning  
 & Economic Development  
 Magdalen House  
 30 Trinity Road  
 Bootle  
 L20 3NJ

**Section 228 Highways Act 1980  
 Landscaped Areas  
 Adjacent to Asda Superstore  
 81 Strand Road, Bootle.**



Area of adoption shown as: 

**Drawn By:** MAH    **Scale:** NTS    **Date:** 21/10/2010    **Checked:** BAM

**Ward:** Linacre    **OS:** n/a    **Plan:** DC0686

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