

REPORT TO: CABINET MEMBER – TECHNICAL SERVICES

DATE: 16th DECEMBER 2009

SUBJECT: HIGHWAYS ACT 1980, SECTION 228 ADOPTIONS.

WARDS AFFECTED: MOLYNEUX, LITHERLAND, DERBY.

REPORT OF: R S WALDRON – ASSISTANT DIRECTOR
TRANSPORTATION AND 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 Regeneration to legally adopt three areas of highway as detailed below, pursuant to s228 of the Highways Act 1980 on behalf of the organisations listed within the report.

1)

REASON WHY DECISION REQUIRED:

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

RECOMMENDATION(S):

That : -

The Director of Legal Services be authorised in conjunction with the Director of Planning and Economic Regeneration to adopt three areas of highway pursuant to Section 228 of the Highways Act, 1980 at the locations as detailed within the report and shown upon the attached plans subject to the applicants bearing all costs associated with the proposal.

- 1) **Two areas of highway adjoining new scout hall and community centre, Captains Lane, Bootle – Capita Symmonds – Plan No DC0495**
- 2) **Area of highway off Prescott Road, Melling – Traffic Services Section – Plan No DC0494**
- 3) **Area of Highway at Junction of Hawthorne Road and Linacre Road, Bootle – Capita Symmonds – plan No DC0493**

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.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	N/A			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE EXPENDITURE</u>				
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:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
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 received applications as detailed below to formally adopt as highway under s228 of the Highways Act 1980.

1.1.1 **Capita Symmonds, Magdalen House, Trinity Road, Bootle – PLAN NO. DC0494 and DC0495**

1.1.2 **Traffic Services Section, Magdalen house, Trinity Road, Bootle– PLAN NO. DC0493**

1.2 The location of the proposed adoption is shown upon the attached plans numbered DC0493, DC0494 and DC0495.


1.3 The Ward Councillors have been informed of the applications and have raised no concerns or objections to-date.

2.0 SUMMARY

2.1 A Section 228 Highways Act 1980 application is essentially approval for the Local Highway Authority to adopt a piece of land as a highway at public expense. Land of this nature will only be considered for adoption if it is brought up to adoption standard previously.



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HIGHWAYS DEVELOPMENT CONTROL
 Andy Wallis
 Director of Planning & Economic Regeneration
 Magdalen House
 30 Trinity Road
 Bootle, L20 3NJ

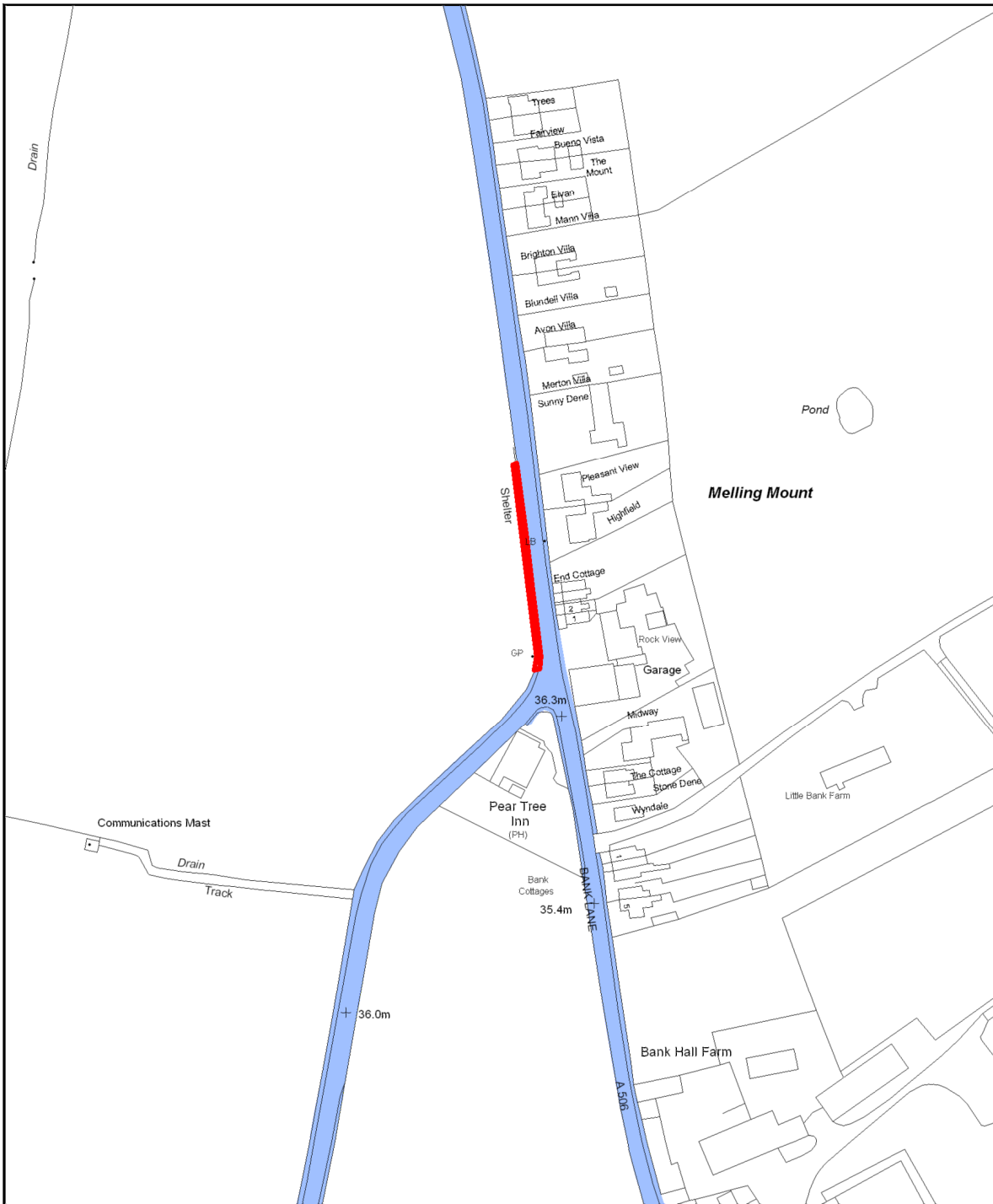
Section 228 Location Plan
Proposed Adoption
Area of highway at Hawthorne Road
J/O Linacre Lane, Bootle.

Area of Section 228 shown as: ▬

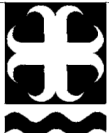
Drawn By: MAH	Scale: nts	Date: 25/11/09	Checked: BAM
Ward: Derby	OS: na	Plan: DC0493	

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Section 228 Location Plan

**Proposed Adoption
 Area of highway at Prescott Road
 J/O Bank Lane, Melling.**



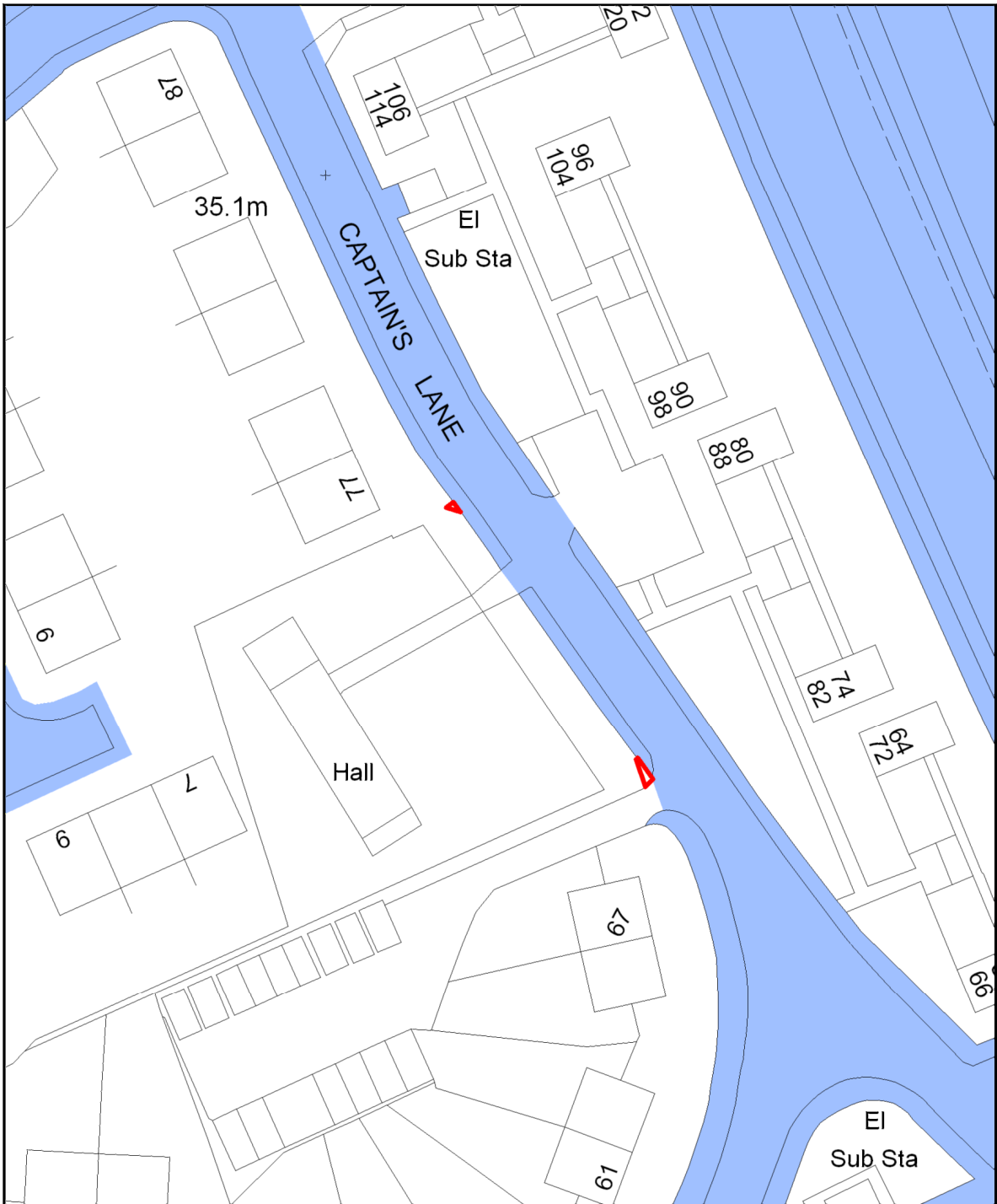
Area of Section 228 shown as: —

Drawn By: MAH | **Scale: nts** | **Date: 25/11/09** | **Checked: BAM**

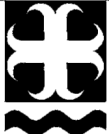
Ward: Molyneux | **OS: na** | **Plan: DC0494**

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Section 228 Location Plan

**Proposed Adoption
 Areas of highway at
 Captains Lane, Litherland.**



Area of Section 228 shown as: ———

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Ward: Litherland | **OS: na** | **Plan: DC0495**

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