

Hampshire County Council  
Highways Dept  
By Email: [road.agreements@hants.gov.uk](mailto:road.agreements@hants.gov.uk).

14 March 2019

Dear Sir/Madam

## **Response to the Consultation on HCC Highways Authority Road Adoption Policy**

### Current policy

Rowlands Castle Parish Council (RCPC) is concerned by the lack of clarity in the current adoption procedure for roads and drainage associated with new housing developments in the County.

All of the 5 new housing sites of 10 or more dwellings recently approved in Rowlands Castle Parish have been agreed on the basis that a Sustainable Drainage System (SuDS) be installed by the developer. Indeed RCPC understands that planning regulations have mandated this since 2014 unless the site is considered inappropriate.

RCPC expected that the road infrastructure be adopted by HCC pursuant to Section 38 of the 1980 Highways Act and the drainage by the relevant Water Authority (in our case Southern Water – “SW”) under a Section 104 Agreement of the 1991 Water Industry Act.

However RCPC’s investigations now appear to show that HCC has not adopted any SuDS across the County and may indeed be prevented from so doing as it is not a SuDS approval body. There also appears to be no obligation for the water authority to adopt such a scheme.

It is not clear to RCPC whether HCC can now adopt any public roads where an element of the drainage is reliant on a SuDS scheme. If adoption is feasible, would the road drainage only include lateral drains (for surface water) and not sewers (for foul water)? Is this adoption process then agreed by Highways and / or the Flood and Water Management team at HCC? At the moment, this process is far from clear to RCPC and therefore to local residents and prospective purchasers.

### Implications

1. New developments are completing / being progressed where the public roads and drainage systems are not being or will not be adopted by HCC.
2. Responsibility for future maintenance and repair will then fall to a private management company set up by the developer. Such a company may have multiple responsibilities across a significant number of developments where the absence of precise mapping makes it very difficult to establish accountability. Charges imposed on new residents and involvement by these residents in the running of the management companies are not considered as part of the planning process and may be unclear to some purchasers. Who is responsible for ensuring that the management company has met its responsibilities and what sanctions can be applied if it has failed?

3. The number of such management companies owned by different developers operating in a reasonably small geographical area means that it becomes much more difficult to coordinate a response to drainage or flooding issues which may well affect adjoining housing / commercial areas. Developments on the Keyline and Land East of College Close sites in Rowlands Castle provide an example.
4. There could be significant implications for residents should a developer cease trading or be part of a corporate restructuring where management companies may be absorbed by an acquiring party. Insolvency of the developer could question the future viability of their management companies. Road or drainage problems will probably then be referred to HCC or SW for resolution albeit legally they would have no ongoing liability or responsibility.
5. Road and drainage maintenance / repair costs can rapidly escalate. How will local residents remain confident that their management company has sufficient financial resources for such work when that company's responsibilities may well stretch to a significant number of such developments? Who would pick up the cost in the event of their failure?
6. It should always be feasible for HCC to adopt roads at a later stage assuming that meet minimum standards although the costs associated with such an adoption process will escalate over time.

#### RCPC recommendations

1. RCPC wholeheartedly endorses the policy statement in the consultation document relating to developments of 10 dwellings or more that HCC "adopt and maintain at the public expense all new residential estate roads and associated essential infrastructure". RCPC also supports the recommendation set out for developments of between 6 and 10 units. It is appreciated of course that minimum technical standards must be met but RCPC suggests that it is for HCC to ensure that the developer meets this requirement calling in all or part of the advance payment surety to achieve this.
2. RCPC recognises that there may for some reason be a specific desire for some new development roads to remain private. This wish should be respected so long as this does not impact adversely on the residents of any affordable / low cost housing in the development.
3. RCPC supports the processes set out for the Advance Payment Code, Adoption Process & Agreements under Section 38.
4. Proper drainage facilities are essential to the satisfactory completion of any new housing development. As SuDS appear to be a standard planning condition, it is essential that a means be found to ensure that they are properly maintained by a public authority. This is especially important in an area like ours where ground water levels are normally high in the winter with an attendant flooding risk. Repeated road surface flooding of course damages the surface increasing maintenance costs.
5. The Local Planning Authority (EHDC in our case) should strictly oversee planning conditions and have the closest of relationships with HCC. This would ensure developers comply with HCC's requirements for the adoption of roads and related infrastructure to include drainage, with meaningful enforcement provisions perhaps under a S106 agreement.
6. As new developments are necessarily infilling land around existing housing estates or occupying green / brown land adjacent to existing properties, it must be to both the public

authorities' and residents' benefit for there to be clear accountability for potentially damaging problems like flooding or seriously deteriorating road surfaces. Our fear is that tackling such issues will become ever more difficult as responsibility splinters between a number of private management companies with limited public visibility and accountability.

### Summary

***RCPC endorses the HCC consultation document but urges that its scope be widened to ensure that the expectation be that both roads and drainage systems be publicly adopted, the developers having been tasked with the responsibility of meeting required minimum standards to the satisfaction of HCC and the Water Authority.***

Thank you for the opportunity to comment on this Consultation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lisa Walker', written in a cursive style.

Lisa Walker  
Clerk to Rowlands Castle Parish Council