

**Report to:** Cabinet

**Date:** 21 August 2008

**Subject:** Private Streets Strategy –  
Access to Pennington Park, Leigh

**Report of:** Executive Director of Environmental Services  
Deputy Chief Executive  
Executive Director Business Support Services

**Contact officer:** Mark Tilley 01942 404341

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**Purpose / summary:** As part of a private streets strategy, to propose an assessment criteria which will assist in the development of a prioritised programme of reconstruction works and supports the strategic aspirations of the Council.

**Alternative options considered and reason for selecting the one recommended:** A range of alternative options with associated costs are contained within the report.

**Recommendation / decision:** Members are asked to:

- (a) endorse the proposed assessment criteria to assist in the prioritisation of private street works;
- (b) consider the outcomes of the application of the prioritisation criteria;
- (c) authorise the Executive Director of Environmental Services and the Service Director – Borough Solicitor to enter into discussions with residents to ascertain the feasibility of implementing options c to e at paragraph 2.1;
- (d) consider the most appropriate mechanism to fund a maximum sum of £132,000 for the works to be completed upon the conclusion of satisfactory discussions with the residents;
- (e) authorise the Executive Directors of Environmental and Support Services to investigate other funding sources as a potential contribution to this scheme;

(f) agree that the three other roads which score 80 marks be prioritised for investment if alternative sources of funding become available.

**Key Decision:**

This report does not involve a key decision. The decision made as a result of this report will be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, i.e. before 2 September 2008.

**Risks / Implications:**

Financial:	Depending on which option, if any is selected the maximum cost would be £132,000. There is no specific funding identified. The alternative is to seek funding or use balances, or a combination of both.
Staffing:	There are no implications.
Policy:	A report was submitted to Environment Panel on 11 October 2000, restating Council policy appertaining to Unadopted Roads.
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	Not applicable.
Wards affected:	Ashton, Leigh South, Astley, Mosley Common

**Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**Does this proposal have significant implications for the Council and the local population?**

No.

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

Yes.

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Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?

**Yes \***

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget?

**Yes \***

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

**Yes \***

\* delete which applicable

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**For Cabinet reports only :**

Categorisation of the report:	
Discussion leading to a decision	<b>x</b>
Monitoring	
Sharing for corporate understanding	

Discussion	
Decision	
Information	

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**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
		21 August 2008	

Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Report to Environment Panel 11 October 2000 – Council Policy on Unadopted Roads.

Proper Officer Martin Kimber

Date 1 August 2008

## 1.0 Background:

- 1.1 A private street or unadopted road is one which is not maintained by the Council. This means that the Council, as Highway Authority, is under no obligation to carry out repairs to the street, even though it may be a named street which serves a number of properties. Private streets exist because they have generally been constructed to a poor standard and Highway Authorities have not accepted them as publicly maintainable. This particularly, but not completely, applies to roads built before the enactment of the Highways Act 1959.
- 1.2 The Council can use statutory powers to make up private streets under the Private Street Works Code contained within the Highways Act 1980. Using this Code the Council can recover its costs from those who own properties fronting onto the highway. This process is quite lengthy and because residents prefer not to contribute any objections need to be referred to Magistrates Court for resolution. It is because of these difficulties that Wigan along with most other authorities has placed a moratorium on using the Code.
- 1.3 Following a recent update of our list of private streets in the borough we currently have a total of 680 streets which is more than 12% of our total number. Current estimates for the construction of a residential road are in the region of £800 per metre, but the costs of improving a typical private street would be more because of possible service diversion/lowering costs and increased traffic management costs. A recent report in May 2008, commissioned by the Department of Communities and Local Government calculated costs as being in the region of £1,000 per metre and this figure is perhaps a more accurate assessment.
- 1.4 Wigan has almost 90 kilometres of unadopted roads so a current estimate to upgrade these streets would be £90 million. However a more realistic approach would be to consider only those streets which serve existing properties which is approximately 57 kilometres, giving a cost of £57 million.
- 1.5 However, there are a number of streets within the borough where the Council is a frontager and on that basis could be seen to have a legal responsibility to contribute towards the maintenance of a private street because of its activities. For example, if we have a park or recreation venue, public amenity or depot. Alternatively, by upgrading a particular private street significant disproportional benefit can be afforded not only to those residents which the street serves directly, but more importantly, the broader local community, if not the borough as a whole.
- 1.6 In order to provide a means of assessing and developing a meaningful priority list of private streets an 8-point criteria as been developed. This consisted of the following weighted criteria:
  - Proportion of Council frontage (20 marks maximum);
  - Council vehicle usage (10 marks maximum);
  - Non resident use (10 marks maximum);
  - Number of properties served (15 marks maximum);
  - Length of road and costs associated with upgrading (20 marks maximum);
  - Creates a through route (10 marks maximum);

- Additional land purchase required (5 marks maximum);
- Contribution to public realm (10 marks maximum).

1.7 By applying the 8-point criteria to a pool of 30 private streets where the Council is known to be a significant frontager, four scored 80 marks out of a maximum of 100. They include:

- Millingford Grove, Ashton (length 75 metres, upgrade costs £75,000);
- Pennington Avenue, Leigh (length 132 metres, upgrade costs £132,000);
- Commonsides Road, Tyldesley (length 175 metres, upgrade costs £175,000);
- The Strand, Ashton (length 110 metres, upgrade costs £110,000).

The total cost estimate for these four streets is £492,000.

1.8 Cabinet are advised that the residents of Commonsides Road have recently spent £60,000 resurfacing this road, but it does not meet adoptable standards.

## 2.0 Proposals:

2.1 By the application of the 8-point criteria we have four streets with a tied score, which we will clearly need to differentiate between. After further consideration Pennington Avenue is considered to be the most important. This is based on the following:

- The Wigan Leisure and Culture Trust have a depot sited within Pennington Hall Park, (previously operated and still owned by the Council), which is accessed from the end of Pennington Avenue. Furthermore, the volume and size of vehicles and plant to and from the depot results in a high percentage of damage to the road surface. Consequently, the Wigan Leisure and Culture Trust are currently spending £3,000 per annum on temporary repairs. The poor road surface and accompanying flooding causes frequent and vociferous complaints from residents.
- Pennington Hall Park was awarded Green Flag status on Thursday 17 July, 2008. This is one of the first two awards in the Borough. The Green Flag Standard is a national scheme administered by the Civic Trust. It is a quality accreditation for good management practice, awarded across a wide range of criteria - community engagement, management planning, maintenance, accessibility and so on – all contributing to the park being *Clean, Safe and Welcoming*.

It is an annual award and the condition of the road, and in particular the residents/community's perception of the park's poor accessibility, may make future awards problematic.

- The Council is a major frontager on Pennington Avenue and needs to manage its reputation well.
- Pennington Avenue is in close proximity to a major community development at Leigh Sports Village.

There are a number of engineering solutions available to the Council with associated costs and consequences. These options include:

- (a) **Do nothing option** and the road will deteriorate to a point that would deter visitors to the park and ultimately affect the green flag status. Local residents would continue to be critical of the Council and our reputation would suffer. There would be no repair costs to the Council as highway authority but the Council as landowner could have a liability for any damage to vehicles or accidents arising from the condition of the road. Effectively the Council could as frontager and landowner be said to be responsible for up to 75% of the road.
- (b) **Patch and mend option** which basically is what happens now, Wigan Leisure and Cultural Trust accept that their traffic causes damage to the surface and as a result fill pot-holes on a needs basis. This is only a makeshift system of repair and will only provide short term relief. This leads to ill feeling with residents and also could affect the number of visitors to the park. Current annual costs associated with this practice are £3,000.
- (c) **Short term option** would be to scrape off 150mm of the existing surface and then to relay the whole surface using recycled planed-off materials. Generally, in areas of low/medium usage, this gives a good surface that may last for several years and it allows surface water to drain since no constructed drains are present. However the high level of usage may be such that regular attention may be required. Again this option may not be well received by local residents and over a relatively short period of time, end up where we are now. Estimated costs to scrape off 150mm and replace with planed-off material are £15,000.
- (d) **Medium term option** relies on removing 250mm of the existing top surface and replacing with 150mm of stone and 100mm of bituminous surfacing and this would appear to be to a conventional road surface standard. This depth of excavation may also necessitate service utility diversions particularly the gas supply, which reside within the excavated area. In addition, a highway drainage system would be required and this would entail construction of road gullies and a connection into the St Helens Road sewerage network. We anticipate that existing service-utility diversions/alterations would be modest. Estimated cost for this work is £86,000.
- (e) **Long term option** relies on removing 455mm of surface and replacing it with 300mm of stone and 155mm of bituminous surfacing. In addition, a highway drainage system would be required and this would entail construction of road gullies and a connection into the St Helens Road sewerage network. The provision of street lighting upgrading would be promoted also. Due to the extensive depth of excavation it is envisaged that there would be significant service utility diversions/alterations. This option has the potential to provide the highest level of resident satisfaction because it would meet their needs and also meet the needs of the depot and visitors to the park equally well. Estimated cost for this work is £132,000.

It is important to note that Pennington Avenue, due to its restricted width does not afford a dedicated pedestrian footpath and therefore any of the proposed improvements do not allow for this provision. As a consequence, it is not

intended for Pennington Avenue to become an adopted highway and maintainable at public expense in the future.

### **3.0 Funding Arrangements:**

- 3.1 The Capital Strategy Management Group has evaluated the scheme based on a capital appraisal framework, the result of which has determined that the scheme is extremely low priority in terms of obtaining funds from a declining overall capital pot. As such for the scheme to progress alternative funding would be required.
- 3.2 With respect to revenue funding the budget monitoring report for Quarter 1 2008/09 presented separately on this agenda details that currently there is a projected year end overspend of £150,000 on those services that come under the Environment Panel. Given this, if the scheme should progress without specific funding being identified then the Environment Panel year end overspend will increase with the consequent impact on General Fund balances.
- 3.3 Whilst this projection will be modified as the financial year progresses, it cannot be assumed at this stage that there will be compensatory underspends in other service areas to fund the scheme. One alternative could be to utilise a portion of the £762,000 highway maintenance underspend from the 2007/08 financial year, the approval of which is sought within a separate report on the agenda. This would result in the specified amount coming back out of balances to supplement the existing 2008/09 original budget for highway maintenance work. It has not been previous practice to utilise this resource to fund expenditure on unadopted roads, however in the absence of any alternative funding it may be felt that an exception could be made for this particular scheme.

### **4.0 Alternative options considered and reason for the recommended option:**

- 4.1 A range of alternative options with associated costs are contained within the report.

### **5.0 Conclusions:**

- 5.1 There is a range of options open for Cabinet to consider with cost estimates proportionate to the construction method offered.

Prior to any works progressing consultation with the residents will need to be undertaken and their full agreement will be needed, or no works will be carried out.