

REPORT TO EXECUTIVE

**PORTFOLIO AREA: FINANCE & PERFORMANCE MANAGEMENT;
ENVIRONMENT & INFRASTRUCTURE;
ECONOMIC DEVELOPMENT & ENTERPRISE**

Date of Meeting: 18 December 2008

Public

Key Decision: No

Recorded in Forward Plan: No

Inside Policy Framework: Yes

Title: HIGHWAY ADOPTION – BRUNTHILL ROAD, KINGSTOWN
Report of: HEAD OF ECONOMY, PROPERTY & TOURISM
Report reference: DS 150/08

Summary:

This report informs the Executive about proposals financed by Cumbria County Council to bring Brunthill Road, Kingstown up to adoptable standards and link it into the Carlisle Northern Development Route (CNDR).

Recommendations: It is recommended that: -

The Executive approve the proposals by the County to undertake works of improvement to Brunthill Road bringing it up to adoptable standard maintainable at public expense.

Contact Officer: Raymond Simmons

Ext: 7421

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION & OPTIONS

- 1.1** Kingstown Industrial Estate is owned freehold by the City Council. All the Estate roads, apart from Grearshill Road and a section of the Broadway from Kingstown Road to Brunthill Road, shown shaded on the attached plan, are unadopted and maintainable by the City Council.
- 1.2** The Estate suffers from a maintenance backlog last estimated to be in the region of £1.5M, which is mainly attributable to the condition of the highways and footways. The City Council is currently undertaking a Capital Investment Programme of circa £600,000 to reduce this and bring Blackdyke Road, Bankend Road and parts of the Broadway up to adoptable standards. This work, extending over the area shown cross hatched on the plan, is due for completion by 1 April 2009.
- 1.3** Brunthill Road also provides a secondary access into Kingmoor Park. The City lease the access to Kingmoor Park Properties Ltd (KPPL) for a term of 99 years at a fixed rent of £15,000 pa. KPPL have the ability to surrender this lease at any time without penalty. The leased area is shown on the attached plan in hatching.
- 1.4** Construction of the delayed CNDR is planned to commence early in summer 2009, Brunthill Road and the continuation into Kingmoor Park, provides a link into the CNDR. The County wish, for the benefit of the CNDR Scheme and the operation of the road network in the area, to bring Brunthill Road up to an adoptable standard.
- 1.5** In order to bring Brunthill Road to adoptable standard repairs and improvements to the highway, paths and junctions are required which will cost an estimated £250,000. Preliminary drawings outlining the works required have been prepared by the County. The extent of the proposed works are shown on the plan edged black and stippled.
- 1.6** The works and adoption process will be facilitated under Section 228 of the Highways Act 1980. The City will be required to dedicate the highway land to the County for the purposes of the public road, and also obtain a surrender of KPPL's lease. The County have indicated they will meet all the construction and improvement costs.
- 1.7** Although the proposals will result in a loss of rental income to the Council (which as mentioned above is not guaranteed) it is considered this disadvantage is far outweighed by the benefits which will accrue to the City Council, Kingstown Industrial Estate and the public at large in the north of the City. These benefits include:-
 - ◆ Reduced future maintenance liability for the City.
 - ◆ A reduction to the backlog maintenance liability for the Kingstown Estate.
 - ◆ Improvements to the highway network.
 - ◆ Physical improvements to the road structures in Brunthill Road.

- ◆ A public highway link between Kingstown and the CNDR which will benefit the Estate businesses and residents north of Carlisle generally.

1.8 Officers have concluded in view of the advantages the proposals should be pursued with the County but this will be subject to:-

- ◆ Agreement on the terms of dedication.
- ◆ Agreement on the suite of works which are undertaken to bring the road up to adoptable standard.
- ◆ The cost of adoption is wholly financed by Cumbria County Council.
- ◆ The City is able to secure the surrender of KPPL's lease.

2. CONSULTATION

2.1 Consultation to date: None

2.2 Consultation proposed: None proposed although the works will require any necessary statutory and planning consents. Consultation with the affected businesses will be required when the construction work is implemented.

3. RECOMMENDATIONS: It is recommended that:

3.1 The Executive approve the proposals by the County to undertake works of improvement to Brunthill Road bringing it up to adoptable standard maintainable at public expense.

4. REASONS FOR RECOMMENDATIONS

4.1 To advise Members of the proposals to improve and bring up to adoptable standard Brunthill Road for the benefit of Kingstown Industrial Estate, the businesses on the Estate, and the improvements which will result to the road network with the linkage into the new CNDR.

5. IMPLICATIONS

- ◆ Staffing / Resources – The surveyor and legal work associated with the proposals and land dedication will be undertaken in-house.
- ◆ Financial – By allowing the County Council to bring the road up to the standards of an adopted highway, the Council lose income of £15,000 per annum from the lease to KPPL. The freehold to the land will remain with the Council as outlined below.

- ◆ Legal – The Council has power under the Local Government Act 2002 to enter into the Deed. A dedication does not transfer the freehold of the land. The ownership of the subsoil will remain with the Council subject to the County Council's rights to maintain the adopted highway. If at some time in the future the highway is stopped up, the land will revert to the Council.
- ◆ Corporate – None
- ◆ Risk Management – Upgrading the highway to adoptable standard will reduce the City's exposure to third party public liability claims arising from disrepair.
- ◆ Equality and Disability – None.
- ◆ Environmental – None.
- ◆ Crime and Disorder – None.
- ◆ Impact on Customers – This will benefit road users and businesses on the Industrial Estate.

- Carlisle Northern Development Route
- Adopted Highway
- County Council Proposed adoption
- Leased land
- City Council adoption works

Highway Adoption - Brunthill Road, Kingstown

