

# Hansard – Unadopted Roads

## Unadopted Roads

HC Deb 24 March 1953 vol 513 c629 [629](#)

§ 24. [Captain Pilkington](#)

asked the Minister of Housing and Local Government whether he is yet in a position to increase the rate at which unadopted roads can be made up by local authorities each year.

§ [Mr. H. Macmillan](#)

I am afraid that the Government must continue to limit the materials and labour which can be devoted to this work, but I have been doing my best to authorise any work which is urgently needed.

§ [Captain Pilkington](#)

Is the Minister aware that unadopted roads in my constituency have already caused broken limbs, and in one case a baby was tipped out of a pram? Can he not give a rather more hopeful answer?

§ [Mr. Macmillan](#)

I am afraid not.

§ [Captain Pilkington](#)

Owing to the unsatisfactory nature of the reply, I give notice that I shall raise the matter on the Adjournment.

## Unadopted Streets and Roads

*HC Deb 12 March 1957 vol 566 cc951-2* [951](#)

§ 14 and 15. [Mr. Hayman](#)

asked the Minister of Housing and Local Government (1) if he will call for a return from all local authorities showing how many miles of unadopted streets there are in England and how many have been in existence 10, 20, 30, 40, or 50 years or more, respectively; and if he will publish the figures in the OFFICIAL REPORT;

(2) if he will call for a return from all highway authorities showing how many miles of unadopted roads there are in the [952](#) rural districts of England; and if he will publish the figures in the OFFICIAL REPORT.

§ [Mr. Bevins](#)

My right hon. Friend does not feel justified in asking local authorities to undertake the work which would be involved in supplying this information.

§ [Mr. Hayman](#)

Will not the Minister reconsider this matter? There are literally hundreds of miles of unadopted streets and thousands of miles of unadopted roads. Parish councils throughout my constituency are very concerned about these roads in the countryside. Will the hon. Gentleman look into the question again?

§ [Mr. Bevins](#)

It is perfectly true that there is a very considerable amount of work remaining to be done in this respect, but at the moment we can see no good purpose being served by asking for this information. I think we know the size of the problem, and we shall certainly bear the suggestion of the hon. Member in mind.

## **Unadopted Roads (Upkeep)**

*HC Deb 01 November 1966 vol 735 c41W [41W](#)*

§ 34. [Mr. Loveys](#)

asked the Minister of Housing and Local Government whether he will make a statement following the consultations he has had with the Minister of Transport on the question of the upkeep of certain private or unadopted roads which are in a state of disrepair.

§ [Mr. MacColl](#)

My right hon. Friend's consultations have confirmed that the only satisfactory answer to this problem is for these roads to be made up and adopted by the street works authority.

## **Unadopted Roads**

*HC Deb 08 November 1966 vol 735 c271W [271W](#)*

§ [Mr. Loveys](#)

asked the Minister of Housing and Local Government if he will seek to give financial help for private or unadopted roads to be made up to a certain standard before being adopted by the street works authority.

§ [Mr. MacColl](#)

No. A local authority has means of mitigating any hardship to individual frontagers. My right hon. Friend sees no need for any further financial help.

## Unadopted Roads

*HC Deb 28 October 1970 vol 805 cc124-5W* [124W](#)  
[§ Mr. Golding](#)

asked the Secretary of State for the Environment whether he will give additional financial assistance towards the improvement of unadopted roads.

[125W](#)  
[§ Mr. Graham Page](#)

No. Local authorities already have power to contribute to the cost of private street works and also, in case of hardship, to allow a frontager to spread payment of his street works charges over a period of not more than 30 years.

## Unmade and Unadopted Roads

*HC Deb 16 December 1970 vol 808 c334W* [334W](#)  
[§ 50. Mr. Torney](#)

asked the Secretary of State for the Environment whether he will introduce legislation to take over responsibility for all unmade and unadopted roads.

[§ Mr. Michael Heseltine](#)

No.

## Unadopted Roads

*HC Deb 27 November 1979 vol 974 cc616-7W [616W](#)*

[§ Mr. Alton](#)

asked the Minister of Transport how many unadopted roads there are in the United Kingdom; and if he will consider making funds available for local authorities to mount joint schemes with residents wishing their roads to be adopted.

[§ Mr. Kenneth Clarke](#)

The Government do not have these figures. The local authorities in England, Wales and Scotland have to decide whether to contribute to making up private streets [617W](#) for adoption in determining their spending priorities within the total funds available to them for transport. There are no extra funds available for this purpose.

## Unadopted Roads

*HC Deb 12 May 1980 vol 984 cc342-3W [343W](#)*

[§ Mr. Alton](#)

asked the Minister of Transport if he will consider giving grants to householders in unadopted roads to enable their roads to be adopted.

[§ Mr. Kenneth Clarke](#)

No. The adoption of private streets and the extent to which the costs should be borne by householders or public funds are matters for local authority decision.

## **Unadopted Roads and Passages**

*HC Deb 22 November 1982 vol 32 cc330-1W* [331W](#)

[§ Mr. Allan Roberts](#)

asked the Secretary of State for Transport if he will introduce legislation to oblige local authorities to adopt unadopted roads and passages where residents are at the moment required to pay themselves for sewer collapses under these roads and passages.

[§ Mrs. Chalker](#)

Such legislation would impose a costly burden upon local authorities and their ratepayers. We have no plans to introduce the suggested legislation.

## **Unadopted Roads**

*HC Deb 23 April 1991 vol 189 cc415-6W* [415W](#)

[§ Mr. Barry Field](#)

To ask the Secretary of State for Transport what plans he has to reform the legislation on unadopted roads.

[§ Mr. Chope](#)

None, at present.

[416W](#)

Following a review in 1983, it was decided that the basic principles of private street works law should remain unchanged.

## **Unadopted Roads**

*HC Deb 16 October 1991 vol 196 c163W [163W](#)*

[§ Mr. Rathbone](#)

To ask the Secretary of State for Transport if he will estimate the cost of adopting currently unadopted roads in residential areas in England.

[§ Mr. Chope](#)

About £3,000 million.

## Unadopted Roads

*HC Deb 15 July 1992 vol 211 c767W [767W](#)*

[§ Mr. Harvey](#)

To ask the Secretary of State for Transport if he will seek to amend relevant legislation so as to compel local highway authorities to adopt and maintain currently unadopted roads which provide sole access to adopted public roads.

[§ Mr. Kenneth Carlisle](#)

I have no plans to do so. Local highway authorities' discretion enables all relevant considerations to be taken into account in decisions on adoption of private streets. A highway authority may, by virtue of section 236 of the [Highways Act 1980](#), contribute towards the costs of a private street works scheme it has resolved to carry out if it considers that the wider public benefit warrants it.

[§ Mr. Harvey](#)

To ask the Secretary of State for Transport if he will seek to amend relevant legislation so as to compel local authorities to adopt and maintain currently unadopted roads before granting planning permission for the construction of new roads to which the unadopted roads in question will provide the only access.

[§ Mr. Kenneth Carlisle](#)

No. It is for the local planning authority, in considering whether to grant planning permission, to take account of whether access arrangements are acceptable. The question whether any unadopted road giving access to the development should become a publicly maintainable highway is for the highway authority to decide.

## Unadopted Roads

*HC Deb 07 July 1992 vol 211 c103W [103W](#)*

[§ Mr. Harvey](#)

To ask the Secretary of State for Transport what plans he has to extend local authorities' duties and powers to adopt currently unadopted roads.

[§ Mr. Kenneth Carlisle](#)

I have no such plans.

[§ Mr. Harvey](#)

To ask the Secretary of State for Transport what assessment he has made of the obligations on local authorities to maintain those unadopted roads which have operated as public tracks for over 20 years.

[§ Mr. Kenneth Carlisle](#)

Section 31 of the [Highways Act 1980](#) provides that a way over land which has been enjoyed by the public as of right and uninterruptedly for fully 20 years shall be deemed to be dedicated as a highway. But of itself this imposes no obligation for such a highway to be maintained at public expense.

## Street Furniture

*HC Deb 07 July 1992 vol 211 c106W [106W](#)*

[§ Mr. Harvey](#)

To ask the Secretary of State for Transport what street furniture local authorities can add to unadopted roads (a) with and (b) without permission of the road owners.

[§ Mr. Kenneth Carlisle](#)

Local authorities may place any street furniture in unadopted roads that they may in adopted roads unless the power to do so says otherwise

## Road Traffic Offences

*HC Deb 19 July 2002 vol 389 cc687-8W [687W](#)*

[§ Mr. Love](#)

To ask the Secretary of State for the Home Department when he expects to publish the Government's response to the consultation on road traffic penalties; what plans he has to introduce an offence of negligent driving; what will constitute negligent driving for the purposes of the offence; and if he will make a statement. [69785]

[688W](#)

[§ Mr. Bob Ainsworth](#)

We aim to publish the Government's response to the consultation exercise on road traffic penalties before the summer recess.

There are no plans to introduce a negligent driving charge. However, one of the recommendations in the research report "Dangerous Driving and the Law" (Road Safety Research Report No. 26) commissioned by the Department for Transport, is that the Government should consult on the creation of an intermediate offence to deal with driving behaviour not amounting to Dangerous Driving but significantly more serious than Careless Driving, with more severe penalties than the lesser offence, including imprisonment.

We are currently considering this recommendation and whether changes in the law or its administration are needed.

[§ Mark Tami](#)

To ask the Secretary of State for the Home Department what powers police forces have in respect of road traffic offences carried out on unadopted roads. [70400]

[§ Mr. Bob Ainsworth](#)

Road traffic legislation applies to all roads, defined as any highway or other road to which the public has access. It would be for the courts to decide whether any particular unadopted road was one to which the public had access. Where the public does have access to such a road, the police are able to use their full range of powers to enforce road traffic legislation.

## **Unadopted Roads**

*HC Deb 19 January 1993 vol 217 cc177-8W [177W](#)*

[§ Mr. Waterson](#)

To ask the Secretary of State for Transport what plans he has to legislate on the subject of unadopted roads; and if he will make a statement.

[§ Mr. Kenneth Carlisle](#)

None.

Private street works law was reviewed in 1983. Subsequently it was decided that there should be no [178W](#) change either in the arrangements for the adoption of unadopted roads or the principle of frontager liability for the expense of making up such roads. Some minor amendments to private street works law may be brought forward if a suitable opportunity arises.

## **Unadopted Roads**

*HC Deb 19 December 1994 vol 251 cc879-80W [879W](#)*

[§ Mr. Gordon Prentice](#)

To ask the Secretary of State for Transport what estimate he has made of the cost of adopting currently unadopted roads in residential areas in England.

[880W](#)

[§ Mr. Norris](#)

We have made no estimate of the cost.

[§ Mr. Gordon Prentice](#)

To ask the Secretary of State for Transport what estimate he has made of the number of miles of unadopted roads in Lancashire.

[§ Mr. Norris](#)

We have made no such estimates.

## **Unadopted Roads**

*HC Deb 19 June 1995 vol 262 cc6-7W* [7W](#)

[§ Mr. Kaufman](#)

To ask the Secretary of State for Transport what action he intends to take to end the system of unadopted roads and pathways and to incorporate such thoroughfares within the responsibilities of local authorities. [29018]

[§ Mr. Norris](#)

None.

## Private Roads

HC Deb 14 July 1998 vol 316 c118W [118W](#)

[§ Mr. Barnes](#)

To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the number of private roads in England. [50184]

[§ Dr. Strang](#)

Separate figures for England are not readily available. Records show that in 1972—the latest year for which figures exist—there were some **40,000 private streets throughout England and Wales**, amounting to some 4,500 miles. The number will have declined since that time, but as records of streets made up for adoption are not held centrally it is not possible to say by how much.

[§ Mr. Barnes](#)

To ask the Secretary of State for the Environment, Transport and the Regions if he will list the statutory duties of the owners of private roads with regard to their upkeep and lighting. [50185]

[§ Dr. Strang](#)

In general, the responsibility of maintaining a private street falls to the owners of the adjoining properties (the "frontagers"). This is a matter of common law, rather than statute law, although under the [Highways Act 1980](#) when there is an urgent need for repairs to obviate danger to traffic the local highway authority may by notice require the owners of the premises fronting the street to carry out specified repairs. The authority may also from time to time resolve to execute street works in order to make up the street to a standard they consider satisfactory, and the works may include lighting.

The common law imposes no obligations on frontagers to light streets, and while local authorities have certain statutory powers in respect of lighting there is no duty to light a private street.

## Unadopted Roads

HC Deb 19 January 1999 vol 323 cc442-3W [442W](#)  
[§ Caroline Flint](#)

To ask the Secretary of State for the Environment, Transport and the Regions (1) what is his estimate of the number of unadopted roads in England; [65896]

(2) what is his current estimate of the number of unadopted roads made up in each of the last five years, excluding newly-built estates; [65897]

[443W](#)

(3) what estimate he has made of the number of people who live on unadopted roads in England. [65895]

[§ Ms Glenda Jackson](#)

I refer my hon. Friend to the answer to a written question on the same subject on [14 July 1998, Official Report, column 118](#), from my hon. Friend the Member for North-East Derbyshire (Mr. Barnes).

Given that no central records of unadopted roads exist, it is also not possible to give an overall estimate for England of the number of people who live in them.

[§ Caroline Flint](#)

To ask the Secretary of State for the Environment, Transport and the Regions what is the financial allocation made to local authorities for the making up of unadopted roads in the local government settlement 1999–2000. [65898]

[§ Ms Glenda Jackson](#)

Financial allocations to local authorities in the 1999–2000 Revenue Support Grant settlement are based on characteristics of local authorities including the lengths of adopted roads weighted to reflect their classifications. RSG is however an hypothecated grant. The settlement takes no account of unadopted roads, whose upkeep is, in the majority of cases, the responsibility of the frontagers.

## Unadopted Roads

*HL Deb 02 December 2003 vol 655 cc178-80* [178](#)

§ 2.54 p.m.

§ [Lord Beaumont of Whitley](#)

asked Her Majesty's Government:

**When they intend to legislate to abolish unadopted roads.**

§ [Lord Davies of Oldham](#)

My Lords, we have no plans to legislate to abolish unadopted roads. Whether a street should be adopted is for individual local authorities, which have the power to adopt or to contribute to the cost of making the street up to an adoptable standard.

§ [Lord Beaumont of Whitley](#)

My Lords, I thank the Minister for that Answer. Is he aware that there are about 40,000 unadopted roads in England, although no one knows the exact number? I am sure it is about time they did. A great many such roads are sources of disease and pests and are dangerous to passers-by and people who live on them. There are not many votes per council, nor much leadership from the people living on unadopted roads so to expect councils to do much without carrots or sticks being provided by central government is quite ridiculous.

§ [Lord Davies of Oldham](#)

My Lords, the House will recognise that this is a local matter and the responsibility of local authorities. I have figures for the United Kingdom—not just for England—of 40,000 unadopted byways and roads. That is a very large number indeed. I can quote an astonishing figure to the House: if the Government made available the necessary resources for all such roads to be made up, the cost would be £3 billion. Inevitably that is why local authorities must judge their priorities.

*Baroness Sharpies*

My Lords, will the Minister explain how one can abolish something that is unadopted?

[§ Lord Davies of Oldham](#)

My Lords, the question put by the noble Baroness has thrown me. Local authorities can adopt three strategies with regard to unadopted roads: they can adopt such roads and take on the full costs; they can offer to help with deferment of interest payments when the frontages pay for the roads; or in the long term [179](#) they can pay for the capital costs and charge just the interest payments. Local authorities have a range of options but the issue falls disproportionately on local authorities across the country and that is why they struggle to meet the demands made on them.

[§ Lord Bradshaw](#)

My Lords, on the subject of pushing costs on to local authorities, what arrangements are there for enforcing the law on unadopted roads, byways and other rights of way? I have in mind the recent traffic regulation order, the first of its kind imposed on the Ridgeway, on Smeathe's Ridge, to which the motoring organisations have objected. We have a wretched situation in which people pass the matter around from pillar to post but nothing is done.

[§ Lord Davies of Oldham](#)

My Lords, I am in danger of engaging in just such an activity. As the noble Lord will recognise, matters of planning and land utilisation are not for the Department of Transport, but for Defra. In the House in the not too distant past we have dealt with mechanical vehicles using byways which in the past have been reserved for non-motorised activity. There is a great deal of public anxiety about the issue.

[§ Baroness Carnegy of Lour](#)

My Lords, the Minister has stated the three options that are open to local authorities in relation to unadopted roads in their areas. Does he agree that negotiating with the frontage holders on whether the roads are bad enough to require treatment and on who will pay (how much the frontage holders will pay and how much the local authorities will pay) are matters for local authorities? Surely that is what local

government is for.

[§ Lord Davies of Oldham](#)

My Lords, it is, as the noble Baroness has described. However, we should have some respect for the difficulties that face our colleagues in local government. Not all frontage holders on a road that may merit adoption in the eyes of some speak with one voice. There is the problem of defining a majority and imposing on a minority a cost to which they objected in the first instance.

[§ Lord Davies of Coity](#)

My Lords, will my noble friend advise the House of the extent of the problem by telling noble Lords how small the proportion of unadopted roads is as compared with all roads?

[§ Lord Davies of Oldham](#)

No, my Lords. I cannot do that as a percentage of the highways of Britain. What I can do—and as I sought to do when the noble Lord, Lord Beaumont, asked his Question—is to confirm the latest figure that we have for the United Kingdom of 40,000 unadopted roads. Of course in some local authorities there are few and in others, for all kinds of historical reasons, there are many. Any colleague from another place from a northern constituency will attest to the fact that many roads remain to be adopted where in the past small coalmines had very limited access and miners had their cottages built close to the [180](#) mines. For the local authority concerned, which often is not well endowed, this causes a great number of real problems.

[§ Lord Brooke of Sutton Mandeville](#)

My Lords, does the Minister recall those lines of Betjeman's poem: By roads 'not adopted', by woodlanded ways,

She drove ... [into Camberley] in the soft summer haze,...

We sat in the car park till twenty to one

And now I'm engaged to Miss Joan Hunter Dunn"? Those lines suggest that some good can come of the subject matter of the Question.

[§ Lord Davies of Oldham](#)

My Lords, the only response is "Follow that". I reassure the noble Lord that poetic inspiration will not be lacking for the absence of unadopted roads in the foreseeable future.

## Unadopted Roads

*HL Deb 11 November 2004 vol 666 cc1009-11* [1009](#)

§ 11.2 a.m.

§ Lord Beaumont of Whitley asked Her Majesty's Government:

**§ Whether, in the interest of local government, they will ensure that definitive lists of unadopted roads are compiled.**

§ [Lord Davies of Oldham](#)

My Lords, under the [Highways Act 1980](#) councils have a duty to keep lists of all maintainable highways in their area. There is no obligation to keep similar lists of unadopted roads. Clearly, an authority needs accurate information on maintainable highways so that it can fulfil its duties regarding such roads. While some authorities keep lists of private roads, we do not believe that there is sufficient benefit to be derived in making that obligatory.

§ [Lord Beaumont of Whitley](#)

My Lords, while almost thanking, the noble Lord for that Answer, does he realise that when a large number of citizens are without basic services, for whatever reason, at least the size of the problem should be known to both central government and the people at large?

§ [Lord Davies of Oldham](#)

My Lords, the authority which properly needs to have information is the local authority. Power is vested in the local authority in those terms. Some local authorities keep such records with a great deal of diligence; others fulfil their duties quite adequately without being so precise. It is not a matter for central government. Central government have no role at all in relation to those private roads and that is why we do not keep information centrally.

§ [Baroness Miller of Chilthorne Damer](#)

My Lords, the noble Lord, Lord Beaumont, makes a point. The results of unadopted sewers being improperly maintained can be quite severe and I know that many local authorities have a problem with them. If one were to take that as the example, would the Minister give the

same reply?

[§ Lord Davies of Oldham](#)

My Lords, the issue of unadopted roads would still remain. Local authorities have responsibility. They know their locality and they know the problems, if any, that emerge from private roads. In the vast majority of cases there are no issues at [1010](#) all, but when from time to time they arise, the local authority is obliged to take some action on the frontages or, on occasions, it will adopt a road, particularly if frontages ask for that to be done. Such a decision is made locally and is not one for central government.

[§ Baroness Carnegy of Lour](#)

My Lords, does the noble Lord agree with me that it is highly unlikely that a local authority would not know about its unadopted roads? They are a subject of constant discussion between councillors and their constituents and a constant source of anxiety to a number of people, so local authorities know very well what unadopted roads they have.

[§ Lord Davies of Oldham](#)

My Lords, the noble Baroness is quite right: where unadopted roads cause problems, local councils, and particularly the councillors who represent those areas, are all too well aware of the situation. The concept of unadopted roads covers a wide category. Some unadopted roads do not affect local authorities at all. Although local authorities know of their existence because they have accurate maps of the area for which they are responsible, that does not mean that they are involved in any quantitative or qualitative analysis of any potential problems.

[§ Earl Attlee](#)

My Lords, are there agreed civil engineering standards for the adoptability of such roads?

[§ Lord Davies of Oldham](#)

My Lords, local authorities are issued with guidelines from central government on the process that they need to follow when adopting a road and that relates to the issue of incurring public costs and of the standard of the highway. On occasions, a local authority can insist that

frontages make up a road to a proper standard because of the dangers of a road being so derelict that people who are not fully aware of the dereliction suffer difficulties. So standards are applied. Of course, in the vast majority of cases, those issues are solved by frontages and not by the local authority.

[§ Lord Beaumont of Whitley](#)

My Lords, is the Minister aware that he has not even touched on the basis of my Question, which is that it is the duty of the state as a whole to know, not necessarily about roads, but about citizens who are deprived of essential services and, therefore, it should know about unadopted roads? The central point is that the Government should know about the problems of citizens.

[§ Lord Davies of Oldham](#)

My Lords, the noble Lord may be making a case for the all-intrusive state, where the state interferes with regard to private roads when the frontages value their privacy and want to keep all public authorities at a reasonable distance. That is their right; they live on the road; it is their property and their responsibility.

[§ Lord Boston of Faversham](#)

My Lords, is the Minister aware that many unadopted roads are also unmade roads? Many years ago when I was in another [1011](#) place, a constituent telephoned my home in the constituency at half-past three one morning to say that his car was stuck on an unmade road and what was I going to do about it. My wife answered the telephone, explained that I was in the Palace of Westminster, and with great presence of mind, said, "He hasn't got his digger available at the moment".

[§ Lord Davies of Oldham](#)

My Lords, nevertheless, such a solicitous response only goes to show how helpful Members of Parliament can be in almost every circumstance.