



Andover Town Council

Item No.

8

- To **receive** and **note** the following report:
Road Adoption
- To **consider** ways in which the Town Council may support the residents of Andover.

Produced for: Full Council

By: Deputy RFO

Date of Report: 04.03.2026

Purpose of the Report:

To note the report on road adoption and to consider ways in which the Council can support residents in Andover who live on unadopted roads.

Background:

A number of residential roads within Andover remain unadopted and are therefore not maintained at the public's expense. This can result in ongoing concerns for residents relating to road condition, drainage, lighting, safety and long-term maintenance responsibilities. Planning Committee members are periodically approached by residents seeking clarity on the adoption process and the Council's role in supporting such requests.

Consideration:

Key Aspects of Road Adoption

- **Process:** Often initiated by developers, a legally binding agreement is made to construct the road to a standard suitable for public use.
- **Benefits:** The council becomes responsible for repairs, cleaning, and lighting.
- **Requirements:** Roads must meet specific design, construction, and safety standards to be adopted.
- **Existing Roads:** Existing unadopted roads (private streets) can be adopted, but often only if brought up to current, compliant standards by the owners.
- **Unadopted Roads:** Until adopted, residents or homeowners' associations are responsible for maintenance, repairs, and liability insurance.
- **Bond:** A "bond" is usually required from developers to cover costs if they fail to finish the road to the required standard.

Key Adoption Routes (Highways Act 1980)

- **Section 38:** For new developments where a developer constructs roads to adoptable standards.
- **Section 37 / Section 228:** For existing private roads where residents seek adoption, often requiring remedial works.

- **Section 278 Agreement:** Specifically for works or improvements to *existing* public highways, often required for a new development's junction with a main road
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Typical Adoption Process

- **Status Check:** Confirm whether the road is unadopted and identify ownership.
 - **Technical Assessment:** Highway Authority inspects the road against current standards (construction, drainage, lighting, safety).
 - **Required Works:** Any necessary upgrades are identified.
 - **Funding & Legal Agreements:** Costs may fall to developers, landowners, or residents and include surveys, design, construction, legal fees.
 - **Adoption:** On completion, the road becomes publicly maintained.
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Key Issues for Residents

- Limited awareness of ownership and responsibilities.
 - Potentially high costs to reach adoptable standards.
 - Delays caused by multiple owners or lack of agreement.
 - Safety and access concerns where roads deteriorate.
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Implications of Unadopted Roads

- **Maintenance Responsibility:** For unadopted or "private" roads, the "frontagers" (property owners bordering the road) or a management company are legally responsible for repairs, cleaning, and drainage costs.
 - **Financial Risks:** If a road remains unadopted, residents may face large bills for future resurfacing. Mortgage lenders may also be cautious about properties on unadopted roads without a formal agreement and financial bond in place.
 - **Council Tax:** Living on an unadopted road does not typically exempt you from paying full Council Tax, even though the council won't sweep or repair the road.
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What can the parish council do?

The parish council may be able to:

- Share information and guidance

- Help residents communicate and meet
- Raise issues with other authorities
- Consider limited support for studies or minor works (subject to budgets and legal powers)
- The parish council **cannot** force residents to pay for works, adopt the road, or act as the highway authority.

Recommendations

- To **receive** and **note** the report:
- To **consider** ways in which the Town Council may support the residents of Andover.