

---

**From:** [REDACTED]

**To:** [REDACTED]

**Cc:** Housebuilding; [REDACTED]

**Subject:** FW: WLGA Reminder: consultation on private management of public amenities on housing estates

Dear [REDACTED],

[REDACTED] Unfortunately, we can only give a partial response and point to other sources within the time scale. The Senedd petitions committee has been looking at this issue and we gave evidence on the adoption of the maintenance of new housing estates by local authorities on the 23 October 2023: [Items at meetings - P-06-1307 The Welsh Government should commit to the adoption of the maintenance of new housing estates by local authorities \(senedd.wales\)](#)

This sets out some key issues that may be of relevance. In terms of SUDs the attached ARUP report that WLGA commissioned looked at similar issues) section 4 adoption and maintenance is the most pertinent.

Since 2018 the WLGA have led on work concerning unadopted roads – below is the submission to the Petitions committee on that matter which is relevant to your questions.

Other than that, at this stage we are unable to respond in any greater depth other than to suggest that each issue highlighted presents their own set of challenges and issues that suggest that whilst common standards are useful, and a means of mandatory adoption is another tool that might be beneficial it is clear that there is a no simple answer to this issue.

The Unadopted Roads Taskforce was established in 2018 to look at situation regarding unadopted roads (URs) in Wales, and in so doing quantifying the extent of URs and what are the issues caused by URs. Further work has been around estimating costs of upgrading the URs infrastructure to adoptable standards, and also about what Local Highway Authorities can do to avoid further URs being created now and in the future. A number of Welsh Government funded Pilot Schemes have been carried out to test the emerging understanding on costs and processes in terms of 'upgrading' URs.

Early on, it became clear that URs fall into 5 distinct types, one of which was unadopted housing estate roads. It is this element of the URs work that may be relevant and of interest to the committee. Therefore, the information presented here just deals with this aspect of URs and not the other four categories that we came across.

So on housing estate roads specifically, the Taskforce found issues around

- Developments proceeding without the necessary agreements between Highway Authorities and Developers having been completed
- Developers and Builders going into liquidation and insufficient bond monies set aside for completion of roads
- Developments taking place over decades in some examples
- Properties being purchased with homebuyers apparently not aware of potential ongoing Highway liabilities

- Also, there appeared to be a lack of consistency of expected standards across the 22 local authorities but also with the approach of Developers.

There were a few high profile ‘management company’ matters that the Taskforce was aware of at the time, but the focus of the work was to look at what could be done to prevent such situations arising in the future and also look at potential upgrading if possible.

The Highways Act does in fact empower Local Highway Authorities to take control of new estate road infrastructure through insisting on highway agreements being entered into before development works commence. The Taskforce drew together a Good Practice Guide for use by Local Authorities setting out how the relevant sections of the Highways Act and supporting legislation can be enacted to ensure that robust agreements are in place in a timely manner. Local Highway Authorities have the means to control this. Ideally, all new housing developments would have adoptable highways, but it was recognised that some developments such as high rise flats and gated cull de sacs may include access strips that would not be in the public realm, and so reasonably would be managed and maintained privately alongside the communal building costs.

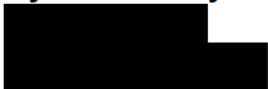
It may be important to recognise that as far as the writer is aware, general open spaces at developments do not enjoy the legislative underpinning that is in place for highway infrastructure. Also, the highway is important in terms of how utilities and services are provided to new developments, and there is close interaction between the Highways Act and the Utility Providers.

Another aspect of the work of the Taskforce was to manage the assembly of a set of Common Standards for use by Developers and Local Authorities. This was achieved by representatives of Local Authorities and Development Companies working together to agree a base set of standards that were reasonable and could commonly apply throughout Wales, thus improving the understanding and expectations of all parties leading to easier completion of highway agreements.

To conclude, the work of the Unadopted Roads Taskforce in this area has centred around ensuring that the tools are in place for better management and delivery of estate roads to adoptable standards that provide good and reasonable safe environments, and also avoiding the engagement and use of management companies. The assumption has always been that it is in the public interest that new highway infrastructure is publicly maintained as adopted highway. Clearly, there are always financial pressures in terms of the viability of developments and how highway standards impact here, and indeed the net cost to the public purse in future years for taking on further maintenance liabilities. However, the Taskforce’s work always set out to be ‘enabling’ and positive, and it is in this light that these comments are presented to the Committee.



**Cymdeithas Llywodraeth Leol Cymru / Welsh Local Government Association**



[www.wlga.cymru](http://www.wlga.cymru)  
[www.wlga.wales](http://www.wlga.wales)

 @WelshLGA

LLAIS CYNGHORAU CYMRU  
THE VOICE OF WELSH COUNCILS

*Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith. Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.*

*We welcome correspondence in Welsh and English and will respond to correspondence in the same language. Use of either language will not lead to a delay.*

