

Street Lighting Unadopted Roads

Unadopted roads are those roads not maintained by a highway authority as defined by Highways Act 1980. The description of such roads covers a wide range of circumstances.

For most unadopted residential roads the duty to maintain it falls to the frontagers, i.e. the owners of the property fronting that road, which may include those where the side, or length, of their property fronts the unadopted road. Under the Highways Act 1980, local highway authorities may adopt streets that they are not currently responsible for maintaining, but this is purely a matter for local decision.

Horseshoe Lane has not been adopted by Surrey County Council and there are no footpaths or bridleways across the land. A land registry search shows it is owned by the properties of Pentland Dell, Firgrove, Redfern and The Cedars.

House of Commons Library research service. BRIEFING PAPER Number CBP 402 - Private or unadopted roads in England and Wales: 10 April 2018: (Paragraph 5.2: Street lighting)

Local highways authorities have the power to provide street lights (either themselves or by virtue of a contract with another body) under section 97 of the 1980 Act. However, this only covers highways for which they are the highway authority and so would exclude private or unadopted roads.

There is a supplementary power under section 161 of the Public Health Act 1875 for any “urban authority” to “contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp posts, and other materials and apparatus as they may think necessary for lighting the same”.

Barsby states that ‘street’ here “has a wide meaning and would include a private road, whether or not subject to public use or public rights of way”. However, while this power exists there is no duty on any local highway authority to provide lighting, whether on highways maintainable at public expense or on private or unadopted roads.

Consideration

In the past Ash Parish Council has provided street lighting on various unadopted roads around the parish which also include Balmoral Road and Woollards Road. A request for additional lighting in Horseshoe Lane at a cost of £1,260.30 + £252.05 VAT = £1,512.35 has been made to the Council from the Horseshoe Lane Residents Association.