

HIGHWAYS

AD 214 - Highways: Highway Maintenance

Whilst the local highway authority, is responsible for the maintenance of highways to a standard such that they are reasonably passable for the ordinary traffic of the neighbourhood throughout the year, the district council has the right to undertake the maintenance of certain highways which are maintainable at the public expense (s. 42, Highways Act 1980). It may also enter into agency arrangements with the county council in respect of the exercise of other powers.

Where a highway authority considers that a highway maintainable at public expense is unnecessary for public use and therefore ought not to be so maintained, it may apply to the Magistrates' Court for an order declaring that the highway shall cease to be maintained at public expense. However, no such application can be made in respect of a trunk road, motorway, footpath, bridleway or restricted byway (s. 47, 1980 Act).

Furthermore, where a highway the subject of a proposed application under s. 47 is situated within a parish or community, the highway authority must give notice of the proposal to the local council. The local council may, within two months of the date of service of that notice, notify in writing to the highway authority that it does not consent to the making of the application; and, if and when that occurs the highway authority is unable to proceed with the matter (s.47, 1980 Act). A similar provision requires notice to be given to the district council which may also refuse consent to the making of an application.

Winter gritting or salting of roads or of the footways alongside roads is not a function of local councils, although they may make arrangements with the highway authority to provide or re-fill roadside salt bins etc.