**Rowney Gardens Residents Road Association**

**Frequently Asked Questions – October 2021**

1. **Can the road be adopted by the Local Authority so that we do not need to maintain it?**

Technically private roads can be adopted by local Authorities under Part XI of the 1980 Highways Act, but in practice this now a rare event. If adoption was to proceed, the road would need to be brought up to a common standard laid down by the Local Authority and the cost shared between residents which would make the process prohibitive.

1. **What are the main benefits of having a Residents Road Association?**

There are many advantages for residents to collaborate in terms of:

Maintenance and repair – both minor repairs and periodic resurfacing are more economic if organised collectively

Value added – A well presented road will preserve and enhance the value of properties on it

Saleability – A seller may be compromised if their Private Road has no maintenance arrangements in place or they do not support them

Encroachment - An association can take unified action against parking or obstruction or any other nuisance

Risk and Safety – An association can take out public liability insurance to protect against claims from injury or damage incurred by a third party in a private road. RGRRA will put this cover in place for all its members once the project is completed. Prior to this each owner is liable for any claim occurring on their road section.

1. **Why chose an Unincorporated Association (UA) to manage the road?**

As responsibility for a private road rests with residents, some form of collective management is needed, usually through either a Company or an UA. The advantage of an UA is that it is not subject to regulatory framework in the same way that companies are required to be registered and file accounts. Members of a UA are merely bound together by a set of rules. A UA is not a legal entity and so just provides a framework for the collaboration of a number of members with a common interests without the complexity of unnecessary administration. Companies are only usually formed if the association has ownership of the road, which in our case it does not as each house retains ownership.

1. **Our Property Deeds say that we have the responsibility to maintain the road. Will this Deed need to be changed?**

No – under the management of an unincorporated association, the ownership of the road sections is retained by each household and no alteration to the Deeds is required. Rowney Gardens house Deeds contain a covenant(3) for the purchaser to *‘for himself and his successors in title that he will pay a proportionate part of any costs reasonably and properly incurred by the Vendors in making repairing and cleansing the service road upon which the property hereby conveyed abuts’.* An unincorporated association is a way in which all residents can collaborate to discharge the responsibility of this covenant.

1. **How much did it cost to repair the road in previous years?**

The road is now in excess of 85 years old and there is little evidence that a major resurface has been done previously. It is known that repairs were carried out in 1995 for £1100 (£2200/house at current prices). Most recently in 2008 pothole repair and a hot tar and chip surface was installed for £490 (£670/house at current prices). It should be noted that within 12 months of this latest repair there was significant degradation and potholes re-merged.

1. **How long will the resurfacing last?**

As this is not a new installation no contractor will provide a lifetime warranty for the road. However there is a realistic expectation that the road surface will have life expectancy of 10-15 years minimum. The contractor that the Association has chosen provides an extended defects liability period of 3 years in addition to allowing a retention period of 12 months from completion. This is an indication of the quality of materials and standard of work that can be expected.

1. **Can we install barriers or make the road one-way to stop people using it to bypass traffic on the main road?**

Rowney Gardens is a private road and is not classified by the Highways Authority as a Highway it is not maintainable at public expense. However the rights of the public to use the road to pass through and gain access to properties is complex and in law can be open to challenge by the public based upon precedent of previous use without interruption. This effectively means that the public are able to go to and fro and stop to load or unload, but not to park or use as a playground. Whether a road is a public ‘right of way’ is a complex issue, however even if not, the public may still have a right to pass through and therefore installing barriers and gates may well involve considerable legal complexity. The subject of barriers will continue to be investigated by the committee through wider consultation with members of the association but may not form part of the current works.

1. **Will speed humps be part of the resurfacing contract?**

Yes - it is proposed to replace the existing speed humps in their current positions and if funding allows within the contingency o the scheme, install a new hump at the North end to make it obvious that it is entrance to a controlled private road. The repositioning of the hump at the South end of the road nearer to the junction with Chaseways will be considered for the same reason. The speed humps will be modified so they allow water to funnel round their edges rather than dam up.

1. **Will drainage for the road be improved?**

Ideally the opportunity exists, whilst resurfacing the road, to address the issue improving the drainage at the top half of the road where run off exists in bad weather and also where the water pools at the lower end of the road. However this will add to the cost considerably as soak-away chambers would need to excavated and installed in the verge areas opposite a number of houses, as well as gulleys installed at the road edge. Clearly land owners permission would be required for such work. In addition such work may be classed as a ‘building or engineering operation’ and as such may not get automatic exemption from planning requirements that include resurfacing. Upon receiving quotations for the works detailed it is apparent that significant drainage works are unaffordable and so will not be included at this time.

1. **Will edging be installed to the road surface?**

Most of the current road structure especially at the South end already has an edging strip which will remain undisturbed. However the proposed scheme will include kerb edging on the West side between houses 15-28 to prevent the frequent storm flows scouring the new road edge.

1. **Great Crested Newts have been identified on our property, as road works will be within the 250m zone of their habitat, will measures be taken to consult about licences?**

The committee is mindful of the protected species status of great crested newts that inhabit our gardens however it is unlikely that licence provision will be required for our works which will be restricted to the dimensions of the road itself.

1. **How will the new road surface link to my driveway?**

As a general rule the new road tarmac finish will tie in to existing surfaces where there is a current tarmac finish or block drive. Where the current transition is made up of loose shingle this will be made up to the edge of the new road surface.

1. **What will the resurfacing finish look like?**

The surface finish will be standard dark tarmacadam which will weather to a light grey surface when dry after about 12 months and be of similar in appearance to Pishiobury Drive.

1. **Will there be an annual subscription for the association?**

Yes the committee has proposed it this stage that a minimal subscription of £20 is payable annually to cover both incidental expenses and to meet Public Liability insurance and Trustee insurance on behalf of committee members. This subscription will be due on anniversary of the Association being set up on I July. The call for funds from each property owner to fund the current resurfacing plans is an extraordinary one-off demand. The subject of whether a more substantial annual subscription should be levied to build up a fund to meet the cost of future works and maintenance will be a subject put to all members at the next AGM in June 2022.

1. **What happened to the £50 I contributed towards emergency repairs at the top of the road which have not been completed?**

The £50 was requested to allow the committee to have immediate funds available to organise the repair without delay if the main scheme was either delayed or did not progress. The money is being held on account and will contribute either towards the major scheme as it progresses or be used to effect a repair if needed before winter.