

The (Unmade) Avenue (BR3) Road Association Limited

Company Number 11959831

Resident Update July 2022 to February 2023

1. Road Maintenance

We continue to work with our contractor for the best surfacing material mix particularly for pothole fill, to try and achieve a longer period between each repair. The last repair was carried out in March 2022 and helped by the hot summer conditions the road had held up better than anticipated.

In November 2022 we entered into a dialogue with the contractor to review the condition of the road, the mix of surface materials used, together with a quote for the upcoming road repair.

After much discussion with the contractor, we have accepted his quote for the next repair. The weather plays an important role in the laying of the material to ensure maximum adhesion and stability. We are currently waiting for confirmation from the Contractor the date when the repair will take place. We are hopeful subject to weather conditions that the repair will be carried out within the next two/three weeks.

As indicated in our last update, material costs have increased, and as you know we can only carry out repairs if funds available. For the repair we are using all funds available currently held in our account.

As soon as we have a date we will inform you and, we will also place flyers on parked cars.

2. Road Funding Levels

In our last update we advised that we would be sending out 2022 request for road contributions. At that time a number of properties had not paid their 2021 contributions which we highlighted. The update prompted receipts being received for 2021 contributions from a few of the outstanding properties mentioned in our last update.

For 2021 contributions 23% of properties were non-payers. Although appreciated a further 12% of properties only made a contribution rather than the requested amount.

The 2022 request for payment was sent out during September 2022. At the moment the receipt of payments is slow. We will give a fuller update on the position in our next communication.

We would appreciate it if you could kindly check and chase as appropriate that your Managing Companies/Agents have made the 2022 Road Contribution to the Association..

We would like to remind residents that the road repairs can only continue if there are funds available.

We thank all those who have continued to support the Association and road maintenance programme through payment of their road contributions.

3. Frontagers Liabilities

In our last update we quoted the Council's legal powers under the Highway Act section X1 203-237, whereby the Council has the power, if the road became unsafe to repair private/unadopted roads and charge back the costs to the frontagers.

We would like to take the opportunity to remind the property owners that liability may arise resulting from an accident and the Courts will take account of the 1980 Highways Act in any subsequent action..

1980 Highways Act- Maintenance of Unadopted Highways

Maintenance for unadopted Highways not maintained by the public purse is set out in part 1V, and X1 of the 1980 Highways Act. This covers the maintenance responsibilities by the frontagers

This Highways Act does not make an allowance whether or not you have an entrance onto the road. If you have a boundary fronting the road, then it is the freeholder/frontagers responsibility to maintain.

Extract from Government Briefing Paper on Highway Act – Private and Unadopted Roads - Maintenance - General responsibility

The local highway authority (the county council or unitary authority) is not responsible for maintaining a private or unadopted road although it can intervene under existing legislation to repair it. Responsibility for the cost of maintenance of a private or unadopted road rests with the frontagers; that is, the owners of properties with frontages on such roads ("owners of the premises fronting the street").

It is interesting that under section 203 of the 1980 Act "fronting" also includes adjoining. Even if it is not the frontagers who 'own' the road but a third party such as a property company (as in the case of The (unmade) Avenue, it is the frontagers who are referred to in the legislation. The highway authority may therefore only deal with them and is not concerned with the owners of the road.

Extract from Barker Gote Solicitors, Suffolk article on unadopted roads – written in 2019

According to the Highway Authority, when a road is private or unadopted, the "frontagers" are responsible for maintenance and repairs. "Fronting" is defined in the Highways Act 1980 as "adjoining" and so a property need not specifically front the road in order for the owners to be deemed responsible. As long as one of the boundaries adjoins the road, that is sufficient. It is the frontagers of the road and not the owner who is referred to in the legislation and so the Highways Authority may not even need to deal with the owner when dealing with issues of maintenance. (full article can be provided

4. Walkway

We would like to remind you that the Frontagers are also responsible for the maintenance of the walkways outside their property including the trees as this is incorporated in the above legislation.

We would like to encourage property owners to keep the pathways clear and safe to minimise the risks of accidents. The public have a right of access. Also it would be a public benefit if frontagers kept their frontages clear of litter and empty cans and bottles and saw that refuse bins were removed off the footpath reserve area soon after being emptied.

However, as explained in the past, The Association was set up to raise funds to coordinate road repairs and maintenance. The Articles of the Association only covers this area, it does not cover the walkways/verges. Therefore the verges are excluded from the Association responsibilities.

5. Association Directorships

Mr Phillips resigned from the Board due to other work priorities. The Board would like to take this opportunity to thank Mr Phillips for his substantial contribution that he made during his period as Chairman and Director of the Association.

We are pleased to announce that on the 23rd September 2022 Mr John Luetchford of Aldwych Court was appointed Director of the Board. The Board consists of 4 Directors

This raises another reminder that we would welcome any resident who would like to become a Director and who lives in the unmade part of The Avenue to make contact with the Association by sending an email to;

info@theunmadeavenueassociationbr3.co.uk

6.. Other Issues

Developments - 76a/b The Avenue

Last year the Developer went to Appeal for his 5 story flat development. We understand that the Developer is anticipating a decision from the Appeal Planning Officer sometime in February.

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The issues detailed in our last update still remain.

Mr Lees R.V.P has again chased LBB planning with regard to the freehold boundary issues that is contravening the planning approval. This matter has now been referred to the head of the planning enforcement group.

Regarding the verge encroachment into the road, this is still will LBB.

Reminder

To communicate with the Association the email address is:

info@theunmadeavenueassociationbr3.co.uk

To view the website is:

<http://www.theunmadeavenueassociationbr3.co.uk/>