



**DECISION
OF DIRECTOR OF DEVELOPMENT AND
ENVIRONMENT**

DECISION NO. 16/17 DE /17 - 34

**SUBJECT: SECTION 228 AGREEMENT WOLVERSHILL ROAD
WESTON SUPER MARE.**

DECISION: That the Director approves a section 228 of the Highways Act 1990 is progressed.

Reason: Outline Planning Permission 12/P/1266/OT2 was granted to Mead Realisations Ltd dated 8th April 2015 for the construction of 1150 residential dwellings and a 60 bed care home with access from Wolverhill Road, During the design / legal process in progressing the section 38 agreement (Highways Act 1980) it was found that not all the land was under the control of the developer and therefore a section 38 could not be entered into at this stage. On further investigation it was found that the missing land ownership is 'unregistered'.

Section 228 of the Highway Act 1980 gives the highway authority the power to adopt a private street following the execution of any streetworks. The procedure involves posting notices declaring the street a public highway following the execution of the streetworks. After a period of one month without any objections the land is adopted as public highway.

All costs involved with the works and the agreement are with the developer.

Once the section 228 process has been completed and the land adopted the Council can then enter into a section 38 agreement with the developer, thus allowing the development to proceed.

Other Alternatives Considered: The Developer would need to obtain Possessory title by applying to the Land Registry, providing suitable evidence regarding use and occupation of the land, there is a 12 year period for objections to come forward, there is an obvious risk to both the Developer and the development should any objectors come forward.

Signed..........Director of Development and Environment

Dated.....15/6/16.....