

Executive – 26 April 2007

TO APPROVE THE DESIGN OF A RETAINING WALL ADJACENT TO THE HIGHWAY AT 8 LEECHWELL STREET, TOTNES

Report of the Head of Planning and Building Control

Statutory Powers: Section 167 Highways Act 1980

Financial Implications: There are no identified significant financial implications. The number of cases should be low and the additional work will be carried out by existing staff.

Purpose

1. The Council has received a design for a proposed retaining wall adjacent to the highway at 8 Leechwell Street, Totnes. Section 167 of the Highways Act 1980 requires that the design for any wall to which the section applies are approved by the local authority after consultation with the Highways Authority. There is no provision within the Scheme of Delegations for this to be delegated to officers.
2. A consultation is being carried out with the Highways Authority and their comments are awaited.

Recommendations

1. That the Executive **RESOLVES** that the Council approves the design of the proposed wall adjoining the highway at 8 Leechwell street Totnes subject to a satisfactory response from the Highways Authority.
2. That the Council be **RECOMMENDED** that the Scheme of Delegations be revised to enable officers to approve the design of walls in accordance with section 167 of the Highways Act 1980, following consultation with the Highways Authority, and that the Monitoring Officer be authorised to make the necessary textual amendments.

Background

3. In January 2007 a section of retaining wall at 8 Leechwell Street, Totnes collapsed. The Council took steps under the Building Act 1984 section 78 to remove the danger to the public. These powers do not include approving the subsequent rebuilding of the wall.
4. The construction of a retaining wall adjacent the highway is covered by section 167 of the Highways Act 1980. Where the wall exceeds four foot six inches (1.35m) in height, as is the case in this instance, the power to approve the construction rests with the local authority in whose area the wall is situated.

Risk Assessment

Risk	Mitigation
The Council fails to carry out its statutory duty. This may result in the condition of the wall deteriorating, further increasing the risk to the public and increasing the cost of the works for the owner of the property.	Specific provision within the scheme of delegations will enable officers to respond to similar instances more quickly.

Conclusion

5. The approval of the design will allow the reconstruction work to be progressed to a satisfactory conclusion at the earliest opportunity thereby removing any potential risk to the public and giving peace of mind to the owner of the property.

Steve Sheppard
Building Control, Divisional Manager

Executive
26th April 2007

Stephen Munday
Head of Planning and Building Control

Background Documents:

None