

Adopted and Unadopted Highway



Version 2
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1. Highways Act 1980

The Highways Act 1980 places a duty on the local Highway Authority to maintain the public highway network from the public purse to ensure it is maintained to keep it safe for all users. The public highway is defined as all adopted roads, redway (for MK) footways and verges. It does not include unadopted roads. Section 38 of the Act outlines the legal process for an unadopted road to become an adopted road (see part 4).

2. What is the adopted highway?

Adopted highway (public highway), is a highway that was privately owned but has become a public road following a legal process. As a public road it will be maintained and managed by the highway authority. In Milton Keynes Borough the Highways Authority is MK City Council. Any costs will be be be paid through the public purse which may be Council tax (Capital spend) or from government grants and funding pots.

3. What is the unadopted highway?

An unadopted highway is a privately owned road that is not maintained or managed by the Highway Authority (MK City Council) at public expense. It is up to the owner to maintain the road including gritting or carrying out any repairs. An unadopted road may include a new development area or access roads to properties.

4. The adoption process (Section 38)

A section of the Highways Act 1980 sets out the process for an unadopted road to be offered by the owner to the highway authority (MK City Council) to become an adopted road which is then maintained at public expense.

A road may only be adopted if the owner/s offer it up to MKCC, we do not have any legal powers to make them offer it up or to speed up the process.

If a road is offered up for adoption, the council will check that it has been constructed to our set requirements, design and standards. For example, we would not adopt a road or footway that was in need of repairs or did not have gullies, street lighting or kerbs.

Any costs to construct a road to our standard must be fully covered by the owner/residents. MKCC does not have budget to carry out these works.

Modifications to the existing public highways to facilitate a new development are covered under Section 278 of the Highways Act and you can find out more about this on our Highways section on the website www.milton-keynes.gov.uk

5. How to check if a road is adopted

You can find out if a road is adopted using our interactive mapping tool on the website, www.milton-keynes.gov.uk

Type in the road you want to check and select 'Highways - Adopted Highways' on the category section on the left. Adopted highway is shaded in blue. You can also now see if there are Section 38 agreements or pending Section 38 agreements in place under this category too. These are shown in brown shaded areas or hatched markings in brown.



Adopted highway is shown in blue



Section 38 agreements shown in brown or hatched brown.

6. Reporting issues with unadopted roads

If you need to report an issue with an unadopted road, you will need to contact the owner/s who are responsible for the maintenance.

In a new estate, this is usually the developer so you should contact them directly. You can also check with the [Land Registry](#) to find out who owns the road.

Please note, in some new estates where the roads are likely to be adopted by MKCC, stickers are placed on the streetlights which display our logo however until the legal adoption process is complete, MKCC will not carry out any maintenance. We are aware this has caused some confusion so are working with developers to change the stickers to reflect this.

7. Contact details

To report an issue to us on the adopted highway, please get in touch by:

Phone

01908 252353

Monday to Friday 9am to 5:15pm.

Email

customerservices@milton-keynes.gov.uk

Online

Use the Report It section on www.milton-keynes.gov.uk

Emergencies

If you consider the issue to be an emergency, please call 01908 252353 during office hours (Monday to Friday 9am -5:15pm) or out of hours (including Bank Holidays) call 01908 226699.

Any life threatening emergency should be reported to the Police immediately on 999.