

Registering our White roads update :

DfT and Geoplace LLP maintain that the Street Register and Local Street Gazetteer are not the same data sets under different names, with it being the Register that is the public record, and public not even entitled to view the Gazetteer.

Whilst I would question that, it none the less follows that there is a technical error in SWG proposal 25, with section 53 of the 1991 New Roads and Street Works Act referencing the Register, section 4 of the Street Works Regulations 2007 referencing the Register, and chapter 3 of the DfT 2012 Code of Practice referencing the Register, so the Deregulation Act Regulations ought also reference the Register, not the Gazetteer.

It then follows that is DfT who have failed to raise guidance for our authorities to follow. The House of Commons Library Standard Note SN/BT/402 of 18 October 2010 titled 'Roads, Unadopted' saying "A Department of Transport survey in 1972 found that there were then approximately 40,000 unadopted roads in England and Wales". The 2012 DfT 'Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters' saying "3.5 Content of registers - The register must record details of every street, of which the local highway authority is aware, which is a highway, but for which it is not the street authority", but with no guidance regarding the identification and procedures to be followed. With these roads not being shown on the Street Register, they are not getting recorded on the Local Street Gazetteer as highways, so not on the National Street Gazetteer, and with them not being on the National Street Gazetteer as highways they are being shown by Ordnance Survey on its Integrated Transport Network Maps as 'Private road – restricted access'. So we need to seek this guidance from DfT.

Public interest in the Gazetteer then becomes limited to ensuring that due to lack of DfT guidance regarding the recording of our unadopted roads on the Register, our local authorities do not use highway dedication code 12 in the Gazetteer data in default of knowing what other code applies, which as I read DTF 8.1 is a private street without any public rights, as this could expose them to a Henley High Court case situation (see <http://www.henleyherald.com/2015/08/28/occ-found-negligent-on-bell-street-and-bell-lane-development/>) should it be determined that public rights do exist and that they had no evidence that they did not. Losing High Court cases and paying out court costs and compensation is contrary to the public interest, we need to be aware of this risk and ask what safeguards are provided regarding this aspect of the use of highway dedication code 12 in the Gazetteer that should protect the public interest ?

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