Lancashire County Council

Highways Asset Management Plan

Code of Practice - Retaining walls associated with the Highway

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1.0 Introduction

This Code of Practice relates to the inspection, and maintenance, of highway retaining walls that either support or abut the adopted highway within the Lancashire County Council area.

2.0 Scope

For the purposes of this code of practice, a highway retaining wall is defined as:-

- Any wall where the retained height is greater than 1.35m
- Is maintainable by the county council as the highway authority
- Includes any integral fence wall or parapet.

Walls which do not meet the above criteria fall outside the remit of this code of practice.

3.0 Inspections

We will maintain a register, including the location co-ordinates, of all retaining walls that are our responsibility as highway authority.

We will endeavour to inspect our highway retaining walls at least once every two years. There may be occasions where we will carry out inspections at other intervals, and where this happens it will be in accordance with a risk-based approach as advocated by the Well Managed Highway Infrastructure Code of Practice.

Upon completion of an inspection of a highway retaining wall, we will update our records to reflect its condition, along with any other details as deemed appropriate by the County Council.

If we have concerns about the deterioration or stability of a retaining wall, and further technical advice is required, then we will consult our Bridges Manager for further advice and guidance.

4.0 Maintenance

We will undertake all necessary works, to ensure that our retaining walls are safe. We will prioritise asset repairs in accordance with a risk-based approach.

Prior to undertaking work where there are safety implications, the public will be protected through a range of measures such as signing, coning and barriers, lane closures, road closures or any other means as considered appropriate.

5.0 Responsibility for Retaining walls

5.1 Determining the Responsibility for Maintenance

We will endeavour to keep up to date records for all retaining walls for which we have a maintenance responsibility.

Where there is evidence to suggest that a retaining wall for which there are no ownership details, may be the responsibility of the Highway Authority as defined in the code of practice, we will make robust investigations to determine ownership. We will utilise multiple sources, including land registry records, as ownership information may be recorded on the Deeds of Conveyance for the adjoining land (usually in the possession of the landowner), or in the form of an easement granted to the highway authority giving access for maintenance.

In some cases, responsibility may have been agreed in an exchange of letters between the county council and the landowner without any reference being incorporated in the Deeds of Conveyance.

Where ownership is in doubt, we will also research archive documents, legal documents, committee reports etc. and will not assume any maintenance responsibility for retaining walls of unknown ownership without first carrying out an extensive search of all available information.

In the absence of any unusual circumstances, and in cases where there is evidence to suggest that a wall is a highway retaining wall, unknown walls within the highway boundaries can generally be assumed to be a county council responsibility and will be acknowledged as such by us subject to approval by the Highway Asset Manager.

For other walls, where searches do not reveal any relevant evidence as to ownership, we may carry out investigations on site to determine the likely purposes for which the wall was built. This can often be determined by the digging of a trial hole, or by taking a borehole (possibly by hand auger), a short distance behind the wall.

If the retaining wall is found to be supporting the original ground, then for walls supporting property, this can be considered as constructed for highway purposes, and for walls supporting the highway this can be considered as constructed for the benefit of the property owner. If the retaining wall is found to be supporting filled ground, then the converse should be assumed to apply.

Where a retaining wall is of similar construction and vintage as the property it supports, boreholes or trial holes will often not be necessary since it can be assumed that the wall was constructed to support the property, and hence is the property owner’s responsibility.

5.2 Fence Walls

Retaining walls are often surmounted by integral or free-standing fence walls (or boundary walls). It should be noted that the county council as highway authority does not have any legal obligation to fence off a highway and hence most of the fence walls alongside the highway are not maintained by us.

We do however as the highway authority have a general duty of care to ensure the safety of the public, including highway users. Where the responsibility for the maintenance of a retaining wall rests (or is assumed to rest) with the county council a parapet may be provided on the top of the retaining walls in appropriate situations.

In the case of highway retaining walls, we will make a judgement as to whether a parapet is appropriate and the type of parapet which should be provided. Reference will be made to appropriate Standards and Advice Notes in place at the time when making this judgement. If the Standards and Advice Notes subsequently change, we are under no obligation to upgrade any works that were carried out at that time.

In the case of property retaining walls, a timber fence parapet will usually be adequate, but consideration should be given to likely planning requirements if subject to a planning application e.g. the need to provide a masonry wall to match adjoining boundary walls.

5.3 Contributions to the Cost of Maintenance

Contributions to the cost of maintenance should be sought:-

i. where a boundary wall is provided at the request of a property owner in lieu of a timber fence or other less costly parapet which would be adequate for highway and planning approval purposes

ii. for betterment or deferment of renewal where a boundary wall needs to be rebuilt even where the rebuilding has been as a result of the collapse of the retaining wall beneath, and a less costly parapet would suffice for highway purposes

iii. where a property owner derives a substantial benefit from the presence of a property retaining wall, for the support of development which has taken place after the wall was constructed.

5.4 Arrangements for Maintenance/Reconstruction

Normally this work shall be carried out by the county council as highway authority. However, where property retaining walls are of modest height it may often be appropriate for the adjoining property owner to arrange for the repairs or reconstruction. If so, details to be agreed and works carried out to our satisfaction.

5.5 Summary

	TYPE OF WALL	RESPONSIBILITY	OTHER COMMENTS
A.	**Walls Supporting the Highway**		
1	Provided when the highway was constructed.	Highway Authority (HA) unless other agreement.	
2	Provided when the road was altered in line or level for private needs – canal, railway, etc.	Private.	HA may have to take action if responsibility not accepted by others.
3	Originally not retaining but now retaining due to increase in height of highway through resurfacing, etc.	HA (for maintenance only) if repair is necessary for the support of the highway or attributable to the effect of the highway.	Avoid this possibility by making highway self-supporting.
4	Originally not retaining but now retaining due to decrease in level of land through farming, etc.	Private.	HA may have to take action to support the highway. It may be difficult to prove an obligation on the landowner to provide support.
5	Walls formerly incorporated in a building and remaining after demolition or walls provided for private benefit, e.g. to provide a level area on sloping ground.	Private.	Any wall adjoining land owned by LCC should be incorporated in the sale of any plot.
B.	**Walls Supporting Adjacent Land**		
1	Provided when the highway was constructed.	HA unless other agreement.	HA to accept responsibility if the landowner does not.
2	Provided when the road or land was altered in line or level for private needs.	Private.	HA may need to remove debris or otherwise take action and recharge the owner.
3	The factors surrounding the construction of the wall not determined.	Depending on results of site investigation (See point B2 above).	Each case to be determined on questions of fact. HA initially need to remove debris or otherwise take action
C.	**Fence Walls**		
1	Fence wall integral with and of monolithic construction with a retaining wall.	Same as for retaining portion – but only over the length of retaining wall.	In event of repair being necessary HA to determine if there is an obligation or a highway need for the wall.
2	Fence wall not connected with a retaining wall.	Private unless other agreement.	Problems may arise if it now retains fill (see pint A4 above).

6.0 Damage and Routine Maintenance

The county council as highway authority shall undertake works required for the repair of accident, vandal damages and the routine maintenance of adopted highway retaining walls. We will seek advice from the Bridges Manager if the structural stability of the wall or parapet is affected. We will endeavour to carry out repairs as soon as possible after a damage occurs if the structural stability of the wall is affected or the safety of the travelling public is being jeopardised.

Any defects to parapets (including damages) which represent an immediate or imminent hazard shall be corrected or made safe as soon as is possible. If it is not practicable to correct them or make them safe at the time of inspection, then the aim will be to provide protection by displaying notices warning of the hazardous conditions and repairs of a temporary or permanent nature shall be carried out within a reasonable period.

7.0 Structural Maintenance

The capital allocations available for all structural maintenance activities across the Lancashire County Council area will be determined annually by the Highways Asset Manager in conjunction with Commissioning staff, with reference to the priorities set out in the Transport Asset Management Plan.

Structural maintenance of bridges and retaining walls will be carried out by county council according to relative priorities, service standards, available budgets and risk.

7.1 Design of New Retaining Walls

Similar procedures to those given for Structural Maintenance above shall apply.

7.2 Private Street Works and Private Developments

The Developer Support Team shall liaise with the Bridges Manager regarding these if they affect an existing retaining wall or involve the provision of a new wall.

7.3 Traffic Management Act 2004

The county council as highway authority shall deal with any notices affecting streets with Special Engineering Difficulties, which have been so designated because of the presence of retaining walls.