

## **Guidelines for determining whether a road is 'reasonably required for general public use' within the meaning of section 17(3) of the Road Management Act 2004**

*Definition of "municipal road" (includes section 205 roads, which includes "public highways at common law")*

- The number and nature of the separately owned and occupied properties abutting onto the road or requiring the road for access purposes
- A range of planning and land use and development considerations, including whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use
- The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas
- Whether the road connects into and forms a part of the wider network of public roads
- The usage patterns of the road in relation to the nature and frequency of past, present and likely future use
- Whether the road is required for both vehicular and pedestrian use
- Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense
- Whether the Council has cared for, managed or controlled the road
- Whether the properties which enjoy an abuttal to the road or require the road for access purposes have alternative access rights
- Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road
- Whether the road has ever been required to be set aside for public use as a condition of any planning approval
- Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act or any predecessor legislation
- Whether the road has ever been constructed under a special charge scheme or a private street scheme
- Whether the use is occurring "as of right", in particular evidence of permission
- Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage, water
- Whether the road has fencing, barriers, signage etc