

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee – 30 January 2013

**STOPPING UP OF SECTIONS
OF THE A93/B951 AT LAIR JUNCTION****Report by Depute Director (Environment)**

The construction of the new road at Lair Junction will leave redundant sections of the A93 and B951. These sections require to be stopped up so that they can be returned to the adjacent landowner once the road works are complete. Access for pedestrians and cyclists will be retained over these sections.

1. RECOMMENDATIONS

1.1 The Committee is asked to agree:

- (i) To the promotion of an Order, with a right of passage retained for pedestrians and cyclists, to stop up sections of the A93 and B951 at Lair Junction as a result of realignment works. The road will then be removed from the List of Public Roads, and the land on which it sits returned to the adjacent landowner.

2. BACKGROUND

- 2.1 In January 2012 this Committee approved proposals (report 12/35) to realign the A93 and B951 at Lair Junction and the promotion of the appropriate Order to stop up and re-determine the 'redundant' sections of the A93 and B951. This report seeks the necessary approvals to promote the Order.
- 2.2 In 2013, construction will start on the works to realign the A93 and B951 on the approaches to the junction. Each A93 approach to the junction form acute bends, with the junction located at the bottom of a steep hill. Once the road works are complete sections of the A93 and B551 will become redundant as roads and will require to be stopped up.
- 2.3. Although the majority of adopted roads are managed and maintained by the Council, the Council does not hold the title of the land on which these roads sit. The Council can promote a stopping up Order, under the terms of Section 68 of the Roads (Scotland) Act 1984, to extinguish the vehicular right of access over a road. This then allows the road in question to be removed from the Council's List of Public Roads. Control of the road would revert to the owner of the solum of the road who would then be responsible for its future maintenance. If required, a right of access can be retained for specific types of users such as pedestrians and cyclists.

- 2.4. In this case the adjacent landowner has indicated that he would like to take control over the 'redundant' sections of the A93 and the B951 which he owns once the realignment works are complete. To achieve this, the Council will promote a 'Stopping Up Order' on the basis that the sections of road are no longer required.

3. PROPOSALS

- 3.1 It is proposed to promote a Stopping Up Order for the redundant sections of the A93 and B951, but with a right of access retained for pedestrians and cyclists. This will allow the sections of road to be removed from the List of Public Roads and returned to the adjacent landowner. Details are shown on the plan at Appendix 1.
- 3.2 As part of the works it is necessary to extend the existing single access to the three properties at Lair from the A93. The access will be extended over part of the existing A93 that is proposed to be stopped up.
- 3.3 There is a public right of way and a footpath to Kirkmichael on the west side of the A93. It is important to maintain access to this footpath as it links walkers to the nearby Catean Trail. As a result, it is considered that it would not be appropriate for the Council to extinguish all rights of access over this section of road and over the old bridge. Hence, access will be retained for pedestrians and cyclists.
- 3.4 A right of access to any statutory undertakers' plant in the affected sections of road will be retained in the Order promoted.

4. CONSULTATION

- 4.1 The Head of Legal Services, the Head of Democratic Services, the Head of Finance, the Local Members, the local Community Council and Tayside Police have been consulted in the preparation of this report.

5. RESOURCE IMPLICATIONS

5.1 Capital

- 5.1.1 There are no Capital resource implications arising directly from the recommendations in this report.

5.2. Revenue

- 5.2.1 There will be costs for advertising the necessary Order in the press. These are estimated at £500 and will be met from the budget for the project in 2012/2013.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:-

- (i) A Safe, Secure and Welcoming Environment
- (ii) Healthy, Caring Communities

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as relevant but no further actions are required as the proposals summarised in the committee report do not require further assessment as they do not have an impact on people's wellbeing or equality protected characteristics, other than improving the general safety of the road network and all the benefits this brings to everyone.

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

8.2 However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

9. CONCLUSION

9.1 This report details the proposals to promote a Stopping Up Order over sections of the A93 and B951 which will become redundant following the Lair Junction realignment works. It is proposed that these sections of road will be removed from the Council's List of Public Roads. It is recommended that an Order be promoted to allow one section to be stopped up and returned to the adjacent land owner(s), albeit with pedestrian and cycle access retained.

**BARBARA RENTON
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The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report; (list papers concerned)

- Report to Enterprise and Infrastructure Committee - 25 January 2012, A93/B951 Junction Improvement North of Blairgowrie at Lair Bridge (12/35)

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