

## PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee – 7 November 2012

**WORKS TO PRIVATE/UNADOPTED ROADS AND FOOTWAYS****Report by Executive Director (Environment)****Abstract**

This report recommends a revised policy and method of assessing requests to bring private roads/footways up to an adoptable standard, along with approval of the execution of works to bring recommended roads up to a standard where it is appropriate to adopt them.

**1. RECOMMENDATION(S)**

1.1 The Committee is asked to approve:

- (i) the revised policy on assessing requests to bring private roads and footways up to an adoptable standard.
- (ii) the execution of works to bring the eight roads highlighted in Table 1 up to a standard where it is appropriate for the Council to adopt these roads based upon the assessment of requests set out in Appendix 2.
- (iii) Should full agreement on cost sharing not be reached in relation to the schemes highlighted in Table 1, the Committee is requested to approve the execution of works for the next highest ranking schemes based upon the assessment of requests set out in Appendix 2 and within the budgeted resources of £200,000 in 2012/13.

**2. BACKGROUND**

- 2.1 In approving the 2011/12-2015/16 Capital Budget, £100,000 per annum for 5 years was allocated to enable the Council to assist residents and businesses to upgrade their private roads and footways to an adoptable standard. This would then permit the frontager/proprietor to pass responsibility for maintenance to the Council.
- 2.2 On 23 November 2011 the Enterprise and Infrastructure Committee approved a report which outlined the revised policy and method of processing and assessing requests to bring private roads/footways up to an adoptable standard (report 11/579 refers). The Committee also agreed the Council contribution to the cost of the works involved in bringing these up to a standard for adoption.
- 2.3 Due to the time required to develop the policy and assess requests, the original budget allocation has been re-phased with the approval of the Strategic Policy and Resources Committee resulting in a budget of £200,000 in 2012/13 and £100,000 in the subsequent three financial years (report 12/391, 19 September 2012 refers).

### 3. PROPOSALS

#### 3.1 Proposed Policy

3.1.1 It is proposed that the policy will remain largely unchanged from that outlined in the report submitted on 23 November 2011 (report 11/579 refers), however, from an analysis of the requests received, it is recommended that two changes are made to the policy. These are:

- (i) The condition that the road/footway must connect two sections of adopted road, or one section of adopted road to a facility with wider community use should be relaxed. Only 1 of the 27 requests proposed by frontage owners was for a road which connects two sections of adopted road, the remaining requests are either for cul-de-sacs or crescents which connect at both ends to the same adopted road.

This revised proposal will require only “that the road must connect to a road which is currently adopted and maintained by the Council”.

- (ii) Resulting from the inclusion of cul-de-sacs, in some cases the mechanism which attributes cost to individual frontagers within the group may not be appropriate in all cases. The revised proposal will instead require that if the requesting group “agree a different cost share internally within the group this will be acceptable on the condition that the full cost contribution by the group of frontage proprietors remains unchanged.”

#### 3.2 Recommended Roads to bring up to adoptable standard

3.2.1 The following table shows the initial list of private roads which are recommended to be brought up to a standard where they can be adopted. It should be noted that no footways adjacent to public roads were requested to be brought up to standard. The requested roads were processed and assessed in line with the existing policy as outlined in Appendix 1

**TABLE 1**

Location	Points	Total Estimated Cost £	Council Cost £	Group Cost £	Ward
Cottown, St Madoes	30	36,161	14,463	21,698	1
Den Road, Scone	30	38,112	15,244	22,868	2
Kinnaird Castle Road, Kinnaird	30	10,052	4,020	6,032	1
Queens Road, Scone	30	36,806	17,722	19,084	2
Aberfeldy Bowling Club, Moness Lane, Aberfeldy	30	50,615	50,615	3	4 *

Culic Brae, Pitlochry	25	28,722	11,489	17,233	4
Manson Village, Perth	25	73,280	29,312	43,968	12
Graham Court, Bankfoot	25	26,114	10,445	15,669	5
<b>Total Council Contribution</b>			<b>153,310</b>		

**\*The property concerned is a registered charitable organisation and the Council consequently meets 100% of the cost under the approved policy (report 11/579 refers).**

3.2.2 As outlined in the policy, a written agreement between the requesting group through the main contact and the Council will be required before works can commence. Where individual frontagers/proprietors do not agree to the works in advance, the Council will only proceed on the basis that the others have agreed that the full share of the costs be split equally between these frontagers/proprietors willing to proceed.

3.2.3 A full list of requests can be seen in Appendix 2. The list has been ranked in order of points agreed from the scoring mechanism.

3.2.4 If agreement of cost share cannot be reached between a requesting group on the initial list and the Council, the next requesting group on the list will be contacted to reach agreement on cost share.

3.2.5 It is further recommended that consideration of the following two applications be deferred until the next financial year for the reasons set out below:

3.2.6 Colenhaugh, Stormontfield: Due to the adoption of the road requiring the adoption of two bridges, a full structural assessment is required. It is recommended that this technical assessment takes place before further consideration of adoption takes place.

3.2.7 Murray Place, Pitlochry : Due to on going planning consent which places a requirement on a developer to improve the condition of certain areas of the road, it is recommended that full consideration does not take place until the development is complete.

3.2.8 A number of interested parties contacted the Council to enquire about the details of the policy. These parties were given copies of the guidance notes and it was requested that if they wished to proceed they complete a scoring mechanism and return it to the Council. Appendix 3 lists notes of interest in the policy where there is currently insufficient information to progress.

#### **4. CONSULTATION**

4.1 This report is an update to the previous report (11/579 refers) which consulted with the following: The Head of Legal Services, the Head of Democratic Services and the Head of Finance.

## **5. RESOURCE IMPLICATIONS**

### **5.1 Capital**

- 5.1.1 As noted in Section 2, the Capital budget available to deliver the policy has been re-phased with the approval of the Strategic Policy and Resources Committee resulting in a budget of £200,000 in 2012/13 and £100,000 per year in each of the subsequent three years. Staff costs equating to £20,000 per annum are required to manage this programme, therefore £180,000 is available for works in the current financial year.

### **5.2 Revenue**

- 5.2.1 The additional annual maintenance costs associated with adopting these roads is estimated at £9,000 per annum (as assumed in adoption reports). These costs will require to be prioritised within the existing Road Maintenance Revenue Budget.

### **5.3 Staff**

- 5.3.1 This policy will be implemented using existing staff resources.

## **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 supports the delivery of the following Corporate Plan objectives:

- (i) A Safe, Secure and Welcoming Environment
- (ii) A Prosperous, Sustainable and Inclusive Economy
- (iii) Confident, Active and Inclusive Communities

## **7. EQUALITIES IMPACT ASSESSMENT (EqIA)**

- i) Submission of the original report 11/579 considered that an EqIA was not relevant and this remains.

## **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 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and 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 The proposed revision of the policy reflects the consideration of issues identified in assessing requests for funding. The execution of works to the list of recommended roads in Table 1 is submitted for approval, subject to frontage proprietors written agreement to the sharing of costs.

**JIM VALENTINE**  
**EXECUTIVE DIRECTOR (ENVIROMENT)**

### **Note**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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### **Policy and Method of Processing and assessing requests to bring private roads/footways up to an adoptable standard**

Within the budget agreed the Council will enact its policy to facilitate the carrying out of works to private roads/footways to a standard which would allow them to be adopted, subject to the following conditions:

- a) There must be a public right of vehicular/pedestrian passage (this excludes private accesses). It must connect to a road which is currently adopted and maintained by the Council.
- b) Costs are to be shared by the Council and the frontage proprietors, with the Council making the following contributions:
  - 40% in respect of domestic premises
  - 25% in respect of non-domestic premises
  - 100% in respect of a religious or registered charitable organisation's premises
- c) Where such an agreement is requested by frontagers/proprietors they will enter into a written agreement with the Council, as a group, to meet the remaining costs of the works.
- d) The group shall appoint a main contact (applicant) for the Council and all communications will be via this applicant. He/she will be responsible for all contact with the other frontagers/proprietors and, other than notifying of the commencement of works and requesting payment, no individual contact will be made by the Council with the other frontagers/proprietors.
- e) Where individual frontagers/proprietors do not agree to the works in advance, the Council will only proceed on the basis that the others have agreed that the full share of the costs be split equally between these frontagers/proprietors willing to proceed
- f) In such circumstances as detailed in e) above, the applicant shall ensure that the others are fully aware and have agreed to pay this additional share of the cost. When invoicing for the works, the Council will apportion these costs equally across all agreed contributors.
- g) Where a scheme is to be progressed then frontagers must agree to the subsequent adoption of the completed works in accordance with Section 16 of the Roads (Scotland) Act 1984.

It will of course remain open to applicants whose road does not receive a high priority, to undertake the work at their own expense, to allow the road or footway to be adopted.

The following conditions are placed on the above proposals to protect both the frontagers/proprietors and the council from excessive individual costs:

- (i) The Council's contributions are available only if the Council acts as agent for the works;
- (ii) Local Elected Members will be notified of requests in their ward and their support sought with regard to progressing the application.
- (iii) With regard to the footway element, the Council's contributions apply only to footways up to 3 metres in width. (Footways of widths in excess of 3 metres to be referred to Committee for individual consideration);
- (iv) The frontager/proprietor's liability to be limited to the first 40 metres of the footway length. (the cost of making up any length in excess of 40 metres to be met in full by the Council);
- (v) The works are to be carried out in accordance with the Roads Service Specification for the appropriate type of road;
- (vi) On completion of the work and after a contractual maintenance period, the Council will add the road/footway to its List of Public Roads.

## **SCORING MECHANISM FOR PRIORITISING REQUESTS**

### **Criteria**

Is the section to be upgraded, the only direct route to a tourist attraction/community facility or other facility with a broader general use? Note for a tourist attraction which is not a frontager the applicant may wish to contact them to seek a contribution.

Y     10  
N     5

Is the section to be upgraded, a link section between existing publicly maintained roads?

Y     10  
N     0

Is the section to be upgraded, a Council promoted recreational route such as core path, cycle route or safer route to school? (recreational routes will be as advertised on a Council leaflet/publication)

Y     10  
N     0

Is the section to be upgraded adjacent to a public road (eg unadopted footway)?

Y     10  
N     0

Does the section add benefit to the greater good in some other way eg main road within settlement?

Y     10  
N     0

Note – Points can be scored for more than one criterion



## APPENDIX 2

### Full List of applicants which responded with scoring mechanism after receiving policy guidance notes.

Date of 1st contact	Street	Town	Points claimed	Points agreed	Reason for difference	Est cost	Comments	Ward
09/01/2011	Colenhaugh	Stormontfield	35	35	n/a	tbc	Required full structural assessment so will be rolled into next years review	2
May-11	Cottown	Cottown	40	30	Not footway adjacent to public road.	£36,161		1
08/02/2012	Den Road	Scone	40	30	Does not link adopted roads	£38,112	Only up to footbridge considered, not full road considered. After request from applicant.	2
15/08/2012	Kinnaird Castle road	Kinnaird	40	30	Not footway adjacent to public road	£10,052	Only 50 m of road alongside car park considered not full road	1
11/01/2012	Queens Road	Scone	30	30	n/a	£36,806		2
	Moness Lane	Aberfeldy	30	30	n/a	£50,615		4

30/11/2011	Cuilc Brae	Pitlochry	35	25	Does not link adopted roads	£28,722	4
	Manson Village = Manson Terrace, Manson Crescent, Masnon Avenue	Perth	25	25	n/a	£73,280	12
30/12/2011	Graham Court	Bankfoot	35	25	Does not link adopted roads	£26,114	5
13/01/2012	Brucefeild Road	Blairgowrie	35	25	Does not link adopted roads	£41,041	3
05/01/2012	Murie Cemetery Road	Errol	40	20	Not footway adjacent to public road, Not main road within settlement	£73,319	1
21/12/2011	Chapelhill Village Hall	Logiealmond	50	20	Does not link publicly maintained roads, is not foot way adjacent to public road, is not a core path	£43,510	5
No date on letter	The Crescent	Luncarty	30	20	Not footway adjacent to public road	£105,915	5

23/11/2012	Manse Lane	St Fillans	30	20	Not footway adjacent to public road	£9,486		6
06/08/2012	Murray Place	Pitlochry	30	20	Not footway adjacent to public road	tbc	Recommended to be rolled into next years review as current work to be carried out by developer on road (level of work is uncertain)	4
21/03/2012	St Mary's Church Road	Pitcairn	20	20	n/a	£34,758		4
19/10/2011	St Fink Drovers Road	Rattray	45	15	Does not link adopted roads & is not footway adjacent to public maintained road, Farm Road	£44,677		2
05/03/2012	Cairnie Crescent	St Madoes	40	15	Is not core path, does not directly lead to community facility, does not link publicly maintained roads	£56,162		1

Roads which are recommended to be brought up to an adoptable standard within the initial list are in highlighted boxes. This is work which can be done within current budgetary restrictions. If written agreement of cost share between the requesting groups and the Council is not reached the next road in the order shown will be considered and the main applicant of the requesting group contacted to reach agreement of cost share when the work can be completed within the remaining budget available.



## APPENDIX 3

### List of interested parties who did not return scoring mechanism after receiving policy guidance notes.

Date of 1st contact	Street	Town	Reason for no further action	Political Contact (where applicable)
07/12/2011	Bof E Sealsbridge, various	BofE	No frontage spokesperson at this time. May proceed when person comes forward	Cllr Alan Jack
25/11/2011	Spoutwells Road	Scone	Did not move forward due to no reply from applicant	
2010	Connaught Terrace (Footways only, Carriageway adopted)	Crieff	Did not move forward due to no reply from applicant	Roseanna Cunningham MSP
06/11/2011	Myrtle Road	Scone	Did not move forward due to no reply from applicant, Applicant may apply next year	
07/12/2011	Melville Lane	Comrie	Did not move forward due to no reply from applicant	
06/02/2012	Old School Lane	Aberuthven	Applicant no longer resident on street, information passed to current owner no contact has been made with Council	
22/03/2012	Graybank Rd	Perth	Did not move forward due to no reply from applicant	Cllr Willie Wilson
30/01/2012	Craiglunie Gardens, Moulin	Pitlochry	Did not move forward due to no reply from applicant	
February 2012	Innerpefrey Library Road	Crieff	Did not move forward due to no reply from applicant	Cllr Ann Cowan
06/02/2012	Stirling Street (Footways only, Carriageway adopted)	Blackford	Did not move forward due to no reply from applicant	Cllr Ann Gaunt

