

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****20 November 2013****WORKS TO PRIVATE/UNADOPTED ROADS AND FOOTWAYS****Report by Depute Director (Environment)**

This report outlines a recommended list of roads to be considered in bringing them to a standard where they can subsequently be adopted by Perth & Kinross Council and for assisting residents in meeting the cost of this work. This report follows on from previous reports (11/579 & 12/508) which outlined the policy and procedure which is followed in assessing applications for road adoption by the Council.

1. BACKGROUND

- 1.1. 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.
- 1.2. On 7 November 2012 the Enterprise and Infrastructure Committee approved a report which outlined the revised policy which included the method of processing and assessing requests to bring private roads/footways up to an adoptable standard (report 12/508). This report also outlined a number of roads to be brought to an adoptable standard should a full agreement of cost share be reached.
- 1.3. As the 7 November 2012 report (12/508) was the first approval for bringing roads up to an adoptable standard, funded through a cost share between Perth & Kinross Council (PKC) and willing frontagers it has taken a considerable amount of time to produce a legal agreement in the form of a 'Minute of Agreement'. For this reason, and that some groups have taken a considerable time to come to an agreement as to whether to proceed, the progress of bringing these roads to an adoptable standard has been delayed.
- 1.4. Of the roads approved in the 7 November 2013 report (12/508) for works to bring them to an adoptable standard the following update is available.

TABLE 1

Road	Status
Moness Lane, Aberfeldy	Works complete May 2013
Graham Court, Bankfoot	Group wish to proceed, legal agreement to be reached and works date to be set between 02/14-04/14.
Manson Village, Perth	Group wish to proceed, legal agreement to be reached and works date to be set between 02/14-04/14.
Kinnaird Castle Road, Kinnaird	Group wish to proceed, legal agreement to be reached and works date to be set between 02/14-04/14.
Den Road, Scone	Application withdrawn by resident group
Queens Road, Scone	Application withdrawn by resident group
Cottown, St Madoes	Currently no final decision made by residents group
Culic Brae, Pitlochry	Currently no final decision made by residents group
Brucefield Road, Blairgowrie	Contacted due to application withdrawals, next on priority list as outlined in report (12/508). Group wish to proceed, legal agreement to be reached and works date to be set between 02/14-04/14

- 1.5 Eleven new full applications have been received since the last report was presented (12/508 refers) and these have been assessed along with applicants which were not successful in being offered assistance through this policy last financial year. These were assessed in line with previously approved reports (11/579 & 12/508).

2. PROPOSALS

- 2.1. It is proposed that the projects which were approved in the 7 November 2012 report (12/508) and which residents wish to progress, as shown in Table 1, continue to be undertaken to the completion of works and subsequent adoption stage.
- 2.2. The following table shows the 2013/14 list of private roads which are recommended to be brought up to a standard where they can be adopted by Perth & Kinross Council. This financial year of the seven recommended private roads listed in Table 2, six have been received since the last report was seen in November 2012 (12/508 refers). The requested roads were processed and assessed in line with the existing policy as outlined in Appendix 1.

Table 2

Location	Points	Total estimated cost £	Council Cost £	Group Cost £	Ward
Connaught Terrace, Crieff	40	£68,432.56	£27,373.02	£41,059.54	6
Colenhaugh, Stormontfield	35	£4,000.00	£1,600.00	£2,400.00	2
Golf Course Road, Pitlochry	30	£47,162.09	£9,432.42	£37,729.67	4*
Graybank Road, Perth	25	£36,178.93	£14,471.57	£21,707.36	10
Strathearn Terrace, Perth	25	£34,489.31	£13,795.72	£20,693.59	10
Blairgowrie House Road, Blairgowrie	25	£42,560.00	£17,024.00	£25,536.00	3
Knock Road, Creiff	25	£26,408.67	£10,563.47	£15,845.20	6
Total Council Contribution			£94,260.20		

*** This property concerned is a commercial organisation and the Council consequently meets 20% of the cost under the approved policy (report 11/579 refers).**

- 2.3. 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 all agree to the work 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 the frontagers/proprietors who are willing to proceed.
- 2.4. A full list of applicants can be seen in Appendix 2. The list has been ranked in order of points agreed from the scoring mechanism.
- 2.5. It should be noted that each of the group costs will be subject to the addition of Value Added Tax (VAT) at the standard national rate at the time the work is undertaken.
- 2.6. 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. This is subject to the available budget remaining within the policy.
- 2.7. It is further recommended that consideration of the application for Murray Place, Pitlochry is deferred for another financial year. The reason for this deferral is that there are ongoing planning consent issues relating to this road which have been referred to the Procurator Fiscal.

- 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.

3. CONCLUSION AND RECOMMENDATION(S)

- 3.1. Table 1 outlines the progress of the work already approved under the works to private/unadopted roads and footways policy.
- 3.2. This report seeks approval of the commencement of works on the roads outlined within Table 2, subject to the frontage proprietors written agreement to the sharing of costs within the approved financial budget.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Plan/Single Outcome Agreement sets out a number of priorities. By assisting resident groups in bringing their private roads up to an adoptable standard and subsequently adopting the roads, which also releases the direct burden of maintenance from the residents and improves the quality of access to residential, community and commercial premises delivers the following priorities:

- (i) Promoting a prosperous, inclusive and sustainable economy
- (ii) Supporting people to lead independent, healthy and active lives
- (iii) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 The Council's Corporate Plan lays out five Objectives which provide clear strategic directions, inform decisions at a corporate and service level and shape resources allocation. This report supports the delivery of the following Corporate Plan objectives:

- (i). Promoting a prosperous, inclusive and sustainable economy;
- (ii). Supporting people to lead independent, healthy and active lives; and

(iii). Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

2.1 Capital

As noted in Section 1, a total Capital budget of £500,000 was approved by The Strategic Policy and Resources Committee to deliver this policy. This budget has been reprofiled to 2012/13 £20,000, 2013/14 £220,000, 2014/15 £130,000 and 2015/16 £130,000. After allowing for staff costs, there is £209,000 available for works this financial year to progress the proposed schemes.

Revenue

- 2.2 The additional annual maintenance costs associated with adopting these roads is estimated at £8,000 per annum (as assumed in adoption report). These costs will require to be prioritised within the existing Road Maintenance Revenue Budget.

Workforce

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

3. Assessments

Equality Impact Assessment

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

Strategic Environmental Assessment

- 3.2 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).
- 3.3 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.

Legal and Governance

- 3.4 The Head of Legal Services has been consulted in preparing the Minute of Agreement required to be signed by applicants to approve the cost share and works to their private/unadopted road.

Risk

- 3.5 There is a risk applicants will not pay their contribution when works are approved. To protect the Council and mitigate the risk payment will be required in advance of works.

4. Consultation

Internal

- 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. Communication

- 5.1 Should this report be approved the main contacts of each recommended road will be contacted to inform them of the estimate and that their road has been successful in gaining approval for a cost share in bringing their road to an adoptable standard. The main contacts will then have to disseminate this information within their group of frontagers and should they wish to proceed and can agree on the cost share the works will commence following a completed legal “minute of agreement” between the frontagers and Perth & Kinross Council.

2. Background Papers

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1983 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

3. Appendices

- Appendix 1 - Policy and Method of Processing and assessing requests to bring private roads/footways up to an adoptable standard
- Appendix 2 – List of applicants to works to private/unadopted roads and footways
- Appendix 3 – List of interested parties with insufficient information to be processed
- Appendix 4 – location plans

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 a scoring mechanism after receiving the policy guidance notes.

Date of 1st contact	Street	Town	Points claimed	Points agreed	Reason for difference	Est cost	Ward	Predicted council Contribution
23/08/2013	Connaught Terrace	Crieff	40	40	n/a	£68,432.56	6	£27,373.02
09/01/2011	Colenhaugh	Stormontfield	35	35	n/a	£4,000.00	2	£1,600.00
05/02/2013	Golf Course Road	Pitlochry	40	30	Not Core path	£47,162.09	4	£9,432.42
10/10/2012	Graybank Road	Perth	25	25	n/a	£36,178.93	10	£14,471.57
10/06/2013	Strathearn Terrace	Perth	25	25	n/a	£34,489.31	10	£13,795.72
25/10/2012	Blairgowrie House Road	Blairgowrie	40	25	No points for connecting public roads and not footway adjacent to adopted carriageway	£42,560.00	3	£17,024.00
02/05/2013	Knock Road	Creiff	50	25	Not footway adjacent to adopted carriageway, Not community facility, not linking 2 public roads	£26,408.67	6	£10,563.47
21/03/2012	St Mary's Church Road	Pitcairn	20	20	n/a	£34,758.78	4	£13,903.51

Date of 1st contact	Street	Town	Points claimed	Points agreed	Reason for difference	Est cost	Ward	Predicted council Contribution
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	£43,510.45	5	£17,404.18
23/11/2012	Manse Lane	St Fillans	30	20	Not footway adjacent to public road	£9,486.00	6	£3,794.40
No date on letter	The Crescent	Luncarty	30	20	Not footway adjacent to public road	£105,915.00	5	£42,366.00
05/01/2012	Murie Cemetery Road	Errol	40	20	Not footway adjacent to public road, Not main road within settlement	£73,319.00	1	£29,327.60
06/08/2012	Murray Place	Pitlochry	30	20	Not footway adjacent to public road	tbc	4	n/a
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	£56,162.33	1	£22,464.93
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	£44,677.21	3	£17,870.88
10/08/2013	Hays Court	Milnathort	25	15	Not footway adjacent to adopted carriageway	£10,902.80	8	£4,361.12
10/09/2013	Templehall	Longforgan	25	15	Not footway adjacent to adopted carriageway	£42,675.86	1	£17,070.34

Roads which are recommended to be brought up to an adoptable standard are highlighted in green. This is work which can be done within current budgetary restrictions. If written agreement of cost share between the requesting group 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 a scoring mechanism after receiving policy guidance notes.

Date of 1st contact	Street	Town	Comments	Ward
01/12/2012	Bonahard Road	Scone	No reply to reminder email for application sent 2/8/13	2
25/01/2013	Station Road	Abernethy	Email to say application not supported by sufficient residents	9
26/09/2013	Back Street	Bridge of Earn	No reply to reminder email for application sent 2/8/13	9
05/07/2013	Grey Row	Ruthvenfield Perth	No reply after application information sent 19/7/13	9