

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****9 November 2016****Works to Private/Unadopted Roads and Footways****Report by Director (Environment)**

This report outlines a recommended list of roads to be considered for bringing 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, 13/552, 14/493 and 15/528) outlining 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 20 November 2013, the Enterprise and Infrastructure Committee approved a report which outlined the revised policy from 7 November 2012 (Report No12/508 refers). This policy is attached as Appendix 1. It also included the method of processing and assessing requests to bring private roads/footways up to an adoptable standard (Report No 13/552 refers). 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 Table 1 provides an update on the previously approved roads between 2012 and 2015.

TABLE 1

Roads approved in 7 November 2012 report (12/508)

Road	Status
Moness Lane, Aberfeldy	Works complete May 2013
Graham Court, Bankfoot	Works complete March 2014
Manson Village, Perth	Works complete October 2014
Kinnaird Castle Road, Kinnaird	Works complete September 2014
Den Road, Scone	Application withdrawn by residents group
Queens Road, Scone	Application withdrawn by residents group
Cottown, St Madoes	Currently on hold awaiting the installation of a new surface water drain by the National Trust for Scotland
Culic Brae, Pitlochry	Application withdrawn by residents group
Brucefield Road, Blairgowrie	Works complete September 2014

Roads approved in 20 November 2013 report (13/552)

Road	Status
Connaught Terrace, Crieff	Application withdrawn by residents group
Colenhaugh, Stormontfield	Works complete November 2015
Golf Course Road, Pitlochry	Application withdrawn by residents group
Graybank Road, Perth	Application withdrawn by residents group
Strathearn Terrace, Perth	Works complete December 2015
Blairgowrie House Road, Blairgowrie	Application withdrawn by residents group
Knock Road, Crieff	Works complete September 2015
The Crescent, Luncarty	Application withdrawn by residents group
Murray Place, Pitlochry	Currently awaiting a final decision to be made by residents group

Roads approved in 15 November 2014 report (14/493)

Road	Status
Back Street, Dark Walk, Riverside, Bridge of Earn	Application withdrawn by residents group
Station Road, Crook of Devon	Currently on hold due to objections by residents
Huntly Wood, Longforan	Works complete July 2015
St Mary's Church Road, Pitcairn	Works complete December 2015
Chapelhill Village Hall access road, Logiealmond	Currently no final decision made by residents group
Manse Lane, St Fillans	Application withdrawn by residents group
Muirie Cemetery access road, Errol	Original application withdrawn following problems with ownership of road
Dalcroy Crescent, Tummel Bridge	Works complete July 2015

Roads approved in 12 November 2015 report (15/528)

Road	Status
Loyal Road, Alyth	Works complete June 2016
Templehall Road, Longforgan	Works complete February 2016
Birchview Place, Errol	Works scheduled January 2017
Littleblair Drive, Blairgowrie	Works schedule January 2017
Cairnie Crescent / Cairnie Terrace, St Madoes	Currently on hold due to objections by residents but anticipated to proceed 2016

2. PROPOSALS

- 2.1 It is proposed that the projects which were approved previously, as shown in Table 1, remain live. This is until such time as the frontagers request to withdraw their applications or the remaining funding is exhausted by the other projects which have reached an agreement and been completed. Appendix 2 shows the works that are planned for the current financial year.
- 2.2 As outlined in the policy, a written agreement between the requesting group through the main contact and the Council is required before works can commence. Where individual frontagers/proprietors do not agree to the work in advance, the Council will only proceed on the basis that those frontagers/proprietors willing to proceed have agreed that the full share of the costs be split equally between them.
- 2.3 It should be noted that finance colleagues have confirmed in 2016 that no Value Added Tax (VAT) should be applied to the projects.
- 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. This is subject to budget availability.
- 2.5 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. 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 RECOMMENDATIONS

- 3.1 Table 1 outlines the progress of the work already approved under the works to private/unadopted roads and footways policy. This report seeks approval for the continuation of these works. These will be subject to the frontage proprietors' written agreement to the sharing of costs and within the approved financial budget associated to this policy within the 2016/17 financial year and any subsequent years, until the budget is exhausted.

3.2 It is recommended that the Committee:-

- (i) approves the execution of works to bring roads in Appendix 2 up to a standard where it is appropriate to adopt these roads; and
- (ii) approves the execution of works to bring requested roads which are not within the funding available on the recommended list, starting with the next highest points score from the full list up to standard, as shown in Appendix 3. This will be invoked when full agreement of cost share cannot be reached with the initially recommended listed roads.

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Approved

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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 improved 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

Capital

2.1 As noted in Section 1, a total Capital budget of £500,000 was approved by the Council in 2011/12 to deliver this policy. This budget has been reprofiled due to delays in the project, with a net budget of £245,000 remaining this financial year.

Revenue

2.2 The additional annual maintenance costs associated with adopting these roads is estimated at £10,000 per annum. 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 and Governance Services has been consulted in preparing the Minute of Agreement documentation 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 (14/493 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

- 2.1 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 – Works to unadopted roads scheduled for current financial year 2016/17.
- Appendix 3 - Notes of interest from applicants for assessment of unadopted roads

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

Works to unadopted roads scheduled for current financial year 2016/17

Location of unadopted road	Proposed works
Birchview Place, Errol	Carriageway and footway patching and resurfacing
Cairnie Crescent, St Madoes	Carriageway and footway patching and resurfacing
Cairnie Terrace, St Madoes	Carriageway and footway patching and resurfacing
Station Road, Crook of Devon	Carriageway resurfacing
Littleblair Drive, Blairgowrie	Carriageway patching and kerbing and drainage works

Notes of interest from applicants for assessment of unadopted roads

Location of unadopted road	Current status
Clashburn Way, Kinross	Assessment carried out and PKC have proposed to adopt the road subject to clarification on the ownership of the surface water drain
Haddon Road, Perth	Assessment carried out and PKC have proposed to adopt the road subject to remedial work being carried out by Gannochy Trust
Poppy Court, Scone	Assessment carried out and PKC have proposed to adopt the road subject to remedial work being carried out by the owner
Rossie Place, Forgandenny	Assessment carried out and Strathallan school informed of work required to bring it up to an adoptable standard of construction
Kinclaven Crescent, Murthly	Assessment carried out but no agreement reached on surface water drainage requirements
Northbank, Longforgan	Assessment carried out but objection to the adoption received from resident
Oak Road, Birnam	Assessment carried out and residents informed of unadopted road policy. PKC awaiting further instructions from residents on how they wish to proceed.
Church Lane, Bankfoot	Still to be assessed
Ford Road, Blair Atholl	Still to be assessed
Muirton Farm, Alyth	Assessment carried out but road needs to be linked to PKC network of roads at Alyth end

