

PERTH AND KINROSS COUNCIL

Environment and Infrastructure Committee

30 October 2019

Works to Private / Unadopted Roads and Footways

Report by Depute Director (Housing and Environment) (Report No. 19/314)

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, 15/528 and 16/498) outlining the policy and procedure which is followed in assessing applications for road adoption by the Council.

1. BACKGROUND / MAIN ISSUES

- 1.1. In approving the 2011/12 – 2015/16 Capital Budget, £100,000 each year (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 No 12/508](#) refers). This 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 sharing be reached. The policy is attached as Appendix 2.
- 1.3. An update of the roads projects approved by Committee since 2012 for works to bring them to an adoptable standard is contained in Appendix 1.
- 1.4. In summary, progress on the unadopted roads projects approved to date included:
 - 32 projects approved by Committee
 - 13 projects withdrawn
 - 1 project pending but no agreement reached
 - 18 projects completed
- 1.5. The spend to date has been £429,000 with a carried forward balance remaining of £71,000.

2. PROPOSALS

- 2.1 It is proposed that the projects, which have been approved in previous reports but not yet completed (as shown in Appendix 1) remain live until such time as the frontagers request to withdraw their applications, or until the current funding is exhausted by the completion of other approved projects, Appendix 3 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 the others have agreed that the full share of the costs be split equally between these frontagers/proprietors willing to proceed.
- 2.3 It should be noted 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 the available budget remaining within the policy. Alternatively, the Council may elect to serve Notice under the Roads (Scotland) Act 1984 to facilitate a road adoption should there be a majority of residents in favour of the road adoption going ahead.
- 2.5 Eight interested parties have contacted the Council to enquire about the details of the policy. These parties, listed in Appendix 3, were given copies of the guidance notes and four have requested that we proceed to assess their submission. The remaining four have not yet pursued their interest further.

3. CONCLUSION AND RECOMMENDATION

- 3.1 Appendix 1 outlines the progress of the work already approved under the works to private/unadopted roads and footways policy.
- 3.2 It is recommended that the Committee:
 - i. notes the work undertaken to date
 - ii. approves the continuation of these works subject to the frontage proprietor's written agreement to the sharing of costs and within the approved budget until the budget is exhausted.

Author

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Approved

Name	Designation	Date
Keith McNamara	Depute Director (Housing and Environment)	10 October 2019

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	N/A
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	N/A
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	N/A
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 Strategic Policy and Resources Committee to deliver this policy. This budget was reprofiled to 2012/13 £20,000, 2013/14 £220,000, 2014/15 £160,000, 2015/16 £100,000. After allowing for staff costs and adding the cumulative unallocated finance up to 2018/19 there is £71,000 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 £12,000 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 and Governance 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 (16/498 refers) which consulted with the following: The Head of Legal and Governance 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

- 3.1 Appendix 1 – Update on roads projects approved by Committee.
- 3.2 Appendix 2 - Policy and method of processing and assessing requests to bring private roads / footways up to an adoptable standard.
- 3.3 Appendix 3 – Notes of interest received / to be assessed.