

PRIVATE ROAD:- KING STREET, PORTNAHAVEN, ISLAY

1. SUMMARY

- 1.1 This report provides an estimated cost for bringing King Street in Portanhaven on Islay up to a standard which the Council would be able to adopt and accept future maintenance liability for.

2. RECOMMENDATIONS

- 2.1 That the Area Committee considers how they would like to progress with the potential adoption of King Street and make any representations to Council in this respect in accordance with Council Policy attached at Appendix 1.

3. BACKGROUND

- 3.1 King Street in Portnahaven is an unadopted road. Members requested, at the October Area Committee, that a report be presented to the December Area Committee outlining the process for the potential adoption of the road.
- 3.2 Members should be aware that any funding required to carry out the necessary upgrading works at King Street, detailed later in this report, would normally be met by road frontagers i.e. in this instance, not the Council. Only under exceptional circumstances will the Council consider funding works on a private road (see section 3.5 -financial considerations - below).
- 3.3 Section 1 of the Road Scotland Act places a duty on a roads authority to maintain all roads entered in their "List of Public Roads". In this context a "public road" means a road maintained at public expense. (A road is defined as any way over which there is a public right of passage. A road can be a right of way without being publicly maintained). The same section of the Act permits a road authority to add roads to the List of Public Roads. Section 13 of the Act gives roads authorities the power to require the frontagers of a private road to make the road up to a reasonable standard, and to apportion the cost between them. Section 16 of the Act requires the authority to add a road to its List of Public Roads (i.e. to adopt it) once it has been made up to the required standard, as specified by the authority, if requested to do so by the requisite number of frontagers, or if it has been improved under section 13(5) of the Act.
- 3.4 Once on the List of Public Roads the Council has a duty to maintain the road. Argyll and Bute has an adopted road network of some 2330km. There are also some

87.5km of un-adopted roads within Argyll and Bute. The adoption of roads over time has increased the authority's liability for maintenance whilst providing a marginal benefit in terms of GAE calculated by the Scottish Government. The approved policy criteria, for bringing an un-adopted road up to an adoptable standard, is detailed in Appendix 1. Section 14 of the Roads Scotland Act (1984), permits the roads authority to pay "the whole or part of any expenditure" incurred in making up the road. This is a permissive power under the 84 Act; there is no duty on the authority to do this. The Council can therefore, in exceptional circumstances, consider the adoption of a road, footway or associated street lighting, if deemed by the Council to be in the public interest.

3.5 Financial Considerations:-

3.5.1 The Council can contribute as a frontager towards the costs of upgrading roads, footways and street lighting to an adoptable standard. In exceptional circumstances, and on the basis of a Business Case, the Council could consider funding, in part or in full, the costs of upgrading roads, footways and lighting schemes. In such exceptional circumstances, the source of funding will require to be clearly identified and must have Council approval.

3.5.2 Should Members be minded to fund works at King Street, and following the process outlined above, it is very likely that funding would be set-aside from the MAKI Roads Reconstruction Capital Budget i.e. the MAKI roads reconstruction programme, which is in the process of being compiled, would be adjusted to ensure that the requisite budget is available for carrying out works on King Street.

3.6 Road Description

A site location map is attached in Appendix 2 to assist. The road surface is in poor condition. Formal drainage is almost non-existent. Street lighting is already in place – but ageing; it would be sensible to consider replacement of the existing street lighting infrastructure prior to any road resurfacing works. Road resurfacing, drainage and lighting costs are as detailed below.

3.7 Estimated Costs

The estimated costs are as follows:-

Preliminaries etc.	£ 1,400
Drainage	£ 9,280
Ironwork	£ 390
Surfacing incl. regulating	£ 28,250
Total	<u>£39,320</u>
New street lighting	£30,000
Grand Total	<u>£69,320</u>

4. CONCLUSION

4.1 This report provides details of works required to bring King Street in Portnahaven, Islay to an adoptable standard. Details of the costs of improvements towards adoption are included to allow the Area Committee to consider its options. Funding from the Capital Reconstruction Budget for any work carried out on this private section of road would be taken from the annual proportional share for MAKI and programmed with other works on the adopted network.

5. IMPLICATIONS

5.1	Policy	As per Road Adoption Policy agreed at Council 25 October 2012.
5.2	Financial	Financial implications as detailed in the report above.
5.3	Legal	Legal issues are covered in the report above.
5.4	HR	None
5.5	Equalities	None known
5.6	Risk	The Council holds a register of 87.5km of unadopted roads in Argyll & Bute. Audit Scotland has identified the requirement for the Council to focus expenditure on maintaining its existing network of roads. Any expansion of responsibilities beyond the existing adopted network puts the Council's ability to effectively maintain its adopted network at risk.
5.7	Customer Services	None known

Appendix 1 – Council Policy for Adoption of Roads
Appendix 2 – Site Plan

Jim Smith
Head of Roads & Amenity Services
8 November 2013

For further information contact: Stewart Clark, Roads Performance Manager,
Tel: 01546 604893

1.0 POLICY CRITERIA FOR BRINGING UNADOPTED ROADS UP TO ADOPTIVE STANDARD

- 1.1 Section 14 of the Roads Scotland Act (1984) permits the roads authority to pay “the whole or part of any expenditure” incurred in making up the road. This is a permissive power under the 84 Act; there is no duty on the authority to do this.
- 1.2 The Council can therefore, in exceptional circumstances, consider the adoption of a road, footway or associated streetlighting, if deemed by the Council to be in the public interest.
- 1.3 For consideration for adoption, the existing unadopted road should meet the following criteria :-
- i) The road would require to be directly linked to the existing network of roads already on the List of Roads.
 - ii) Land necessary for the provision of turning area, passing places, drainage works, etc to enable the road to be brought up to adoptable standard, would be provided at no cost to the Council.
 - iii) The road should be brought up to a standard proportionate to its anticipated use and the anticipated volume and type of traffic, and to a specification whereby the road should not require any maintenance other than routine cyclic maintenance in the first 15 years following its adoption.
- 1.4 Policy Criteria for Council funding of the cost of upgrade works:-
- i) Under anything other than exceptional circumstances frontagers would be expected to meet the full cost of making up the road to an adoptable standard. This requirement would in normal circumstances be effected through the provisions set out within Section 13 and 16 of the Roads Scotland Act (1984)
 - ii) In exceptional circumstances, where significant public benefit can be demonstrated the Council could contribute towards the cost of bringing a road up to adoptable standard, and in certain cases meet the full costs. Any such consideration would require to be supported by a Business Case and would require full Council approval.
 - iii) The same principles apply to any consideration of Council funding, in part or in full, the cost of bringing street lighting and footways up to an adoptable standard.
- 1.5 Financial Considerations:-

The Council can contribute as a frontager towards the costs of upgrading roads, footways and streetlighting to and adoptable standard. In exceptional circumstances, and on the basis of a Business Case, the Council could consider funding, in part or in full, the costs of upgrading roads, footways and lighting

schemes. In such exceptional circumstances, the source of funding will require to be clearly identified and must have Council approval.

Appendix 2 King Street, Portnahaven.

