

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 26 MAY 2015

UNADOPTED ROADS

1. BACKGROUND

The status of roads is set out in the Roads (Scotland) Act 1984 (the Act). The Council is responsible for roads which are on The List of Public Roads, referred to as “adopted” roads. Those roads which are not on the List of Public Roads fall into two categories a road being constructed under Roads Construction Consent (as set out in the Act) and those roads which are “unadopted” and are not maintained by the Council at public expense.

Roads constructed under Roads Construction Consent follow a legal process whereby they become adopted and added to the List of Public Roads.

Roads which are unadopted are maintained by others, usually the owners or the frontagers (frontagers being the owner of any land fronting or abutting to a road). Periodically, and usually when the unadopted road falls into disrepair, the Council is approached in regard to requests for maintenance of unadopted roads.

Unlike the List of Public Roads there is no definitive list of unadopted roads.

2. CURRENT SITUATION

The then Roads Committee established a policy on ‘Works to Private Roads/Unadopted Footways’ as set out in Report 735/02 presented to Committee on 13 June 2002. Given the funding situation at that time and the need to maintain the public road network, which the Council is legally responsible for, the Council adopted the policy that:

“Subject to the provisions of Section 1 of the Roads (Scotland) Act 1984, private roads and footways will be added to the List of Public Roads if they have been brought up to the appropriate standard, to the satisfaction of the Director of Roads, who shall report such proposed adoptions to the Roads Committee.”

The financial situation has not led to a position whereby the Council can reconsider funding of the physical works for upgrading of unadopted roads. Under the Act the costs of upgrading a road to adoptable standard falls to the frontagers, and the Act includes the opportunity for the Council to contribute to any works.

Whilst not explicit in Report 735/02, Council officers have offered advice and assistance to those communities considering the upgrading of unadopted roads and footways free of charge as a contribution in kind. This included assistance in regard to the legal aspects of unadopted roads (as set out in the Act); assistance in the application of the ‘appropriate standards’ both in regard to the geometrical layout of a road and the construction depth and materials; cost estimates for bringing a road up to an adoptable standard; and advice on potential contractors.

Since the introduction of the policy there has only been one site (Dunrossie Crescent in Montrose in 2007) where a community has taken the opportunity to have a road adopted by the Council where the road was brought up to the appropriate standard, as permitted by the policy. Report 143/13 agreed by Committee on 5 March 2013 set out proposals for Bank Street in Brechin to be upgraded and adopted as part of the Brechin High School project.

More recently the Council adopted, in Report 331/14 Roads Design Standards Documents, the roads design standards set out in the National Roads Development Guide. These documents are more flexible in the approach to road geometry and could allow the upgrading of unadopted roads to an acceptable standard which was previously not been physically possible.

Council officers will continue to provide advice and assistance to communities wishing to upgrade unadopted roads to a standard that the Council can consider adoption, in terms of providing professional advice, free of charge. This will continue to include advice on potential

contractors although the Council cannot influence the costs of works undertaken by such contractors.

As previously agreed any proposed adoptions will be reported to Committee.

3 FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report, and as per the policy any proposed adoptions will be reported to Committee.

4 REPORT AUTHOR

Contact for further details

Ian Cochrane, Head of Technical and Property Services

E-mail: CommunitiesBusinessSupport@angus.gov.uk