

**PRIVATE ROAD:- HIGH ROAD NORTH FROM WHITES BRAE, BLAIRMORE**

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**1. SUMMARY**

- 1.1 This report provides details of a request from frontagers on the High Road North from Whites Bay for a financial contribution for necessary upgrading works to the road.

**2. RECOMMENDATIONS**

- 2.1 That the Area Committee reviews the request for a financial donation towards maintenance of this private road, however, for the reasons outlined in this report, it is recommended that this request be declined.

**3. BACKGROUND**

- 3.1 The Council received a letter from a local resident at High Road North in Blairmore acting as a representative for frontagers there. The letter seeks financial assistance from the Council towards planned upgrading works on the road. The representative is clear that the group of frontagers are not seeking to have the road adopted. They are merely seeking a 'donation' – the sum of £1,000 is mentioned in the letter.
- 3.2 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 and footways to adoptable standard. In such exceptional circumstances, the source of funding will require to be clearly identified and must have Council approval. Details of the policy criteria are attached in appendix 1 of this report for information.
- 3.3 This private road does not meet the Council's policy criteria for bringing unadopted roads to adoptive standard. There is no other source of funding available to the Council for the maintenance of private roads.

**4. CONCLUSION**

- 4.1 This report provides details of a request from a resident at High Road North seeking financial assistance towards upgrading works on their private road. It is recommended that this request must, unfortunately, be declined.

## 5. IMPLICATIONS

5.1	Policy	There is no policy document regarding the funding of maintenance works on private roads other than the Road Adoption Policy, agreed at Council 25 October 2012, which in this instance, does not apply.
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.
5.7	Customer Services	None known

### Appendix 1 – Site Plan

Jim Smith  
**Head of Roads & Amenity Services**  
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**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 – Site Plan

