

**PRIVATE FOOTPATH:- UN-ADOPTED SECTION OF FOOTPATH ADJACENT TO THE
OLD AMBULANCE DEPOT, LOCHGILPHEAD**

1. SUMMARY

- 1.1 This report provides details of an un-adopted section of footway adjacent to the old ambulance depot, Lochgilphead. The report also provides an estimated cost of treatment to bring the footpath up to a standard which the Council would find acceptable for adoption purposes.

2. RECOMMENDATIONS

- 2.1 That the Area Committee considers how they would like to progress with the un-adopted section of footpath and make any representations to Council in this respect in accordance with Council Policy attached at Appendix 1.

3. BACKGROUND

- 3.1 Lochgilphead Community Council has requested that the Council considers adopting a sixty-five metre section of footpath between the C37 Manse Brae / Hospital Road and the gates of the former Lochgilphead High School. This section of footpath was originally owned by Argyll & Bute Council and maintained by the Education Department as it mainly served the former High School. The section of footpath was included in the sale of the former Lochgilphead High School to Fyne Homes Ltd. The footpath and adjacent land is now jointly owned by Fyne Homes and M & K MacLeod Ltd.
- 3.2 Both of the current owners are happy to see the section of footway adopted for the good of the community and have asked the Council to take part in a joint venture. Fyne Homes will fund the installation of street lighting and M & K MacLeod will remove the existing pedestrian railings, if the Council agrees to surface the footway. Roads & Amenity Services consider this proposal as both acceptable and sensible as the footpath will connect to a recently constructed adoptable standard footway connecting to the UC16 Willow Brae Lane.
- 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 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. 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.

- 3.4 The approved policy criteria for bringing 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:-**

The Council can contribute as a frontager towards the costs of upgrading roads, footways and street lighting 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.

3.6 **Footpath Description**

A site location map is attached in Appendix 2 to assist.

- a) The un-adopted section of referred to is shown highlighted in red. The footway measures 65.00 metres x 1.70 metres.
- b) The section of footway already constructed to adoptable standard by the developer is shown highlighted in yellow.

3.7 **Estimated Costs**

The estimated cost details the level of commitment to allow consideration to be made to the extent the works are likely to impact on the Roads Reconstruction Budget.

Estimated Work package :-

The works detailed include the taking up of the existing surface and providing a new surface to current standards. The estimated cost is £3,500.00.

4. **CONCLUSION**

- 4.1 This report provides details of the footpath at the old ambulance depot in Lochgilphead. Details of the costs of improvements towards adoption are included to allow the Area Committee to consider its options.

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

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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 street lighting, 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 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.

