
ARGYLL AND BUTE COUNCIL

**MID ARGYLL, KINTRYE & THE
ISLANDS AREA COMMITTEE**

**DEVELOPMENT &
INFRASTRUCTURE SERVICES**

1 October 2014

KING STREET, PORTNAHAVEN

1.0 EXECUTIVE SUMMARY

This report provides an update on the recent survey carried out with frontagers at King Street in Portnahaven. Results of the survey are provided in Appendix 4 accompanying this report.

Of the 26 survey forms issued, 14 completed forms were returned i.e. a 54% response. Of the forms returned, the majority have confirmed that they would not consider making a financial contribution towards the cost of making up the road to either an adoptable or lesser standard.

The report recommends that no further action be taken by the Council.

KING STREET, PORTNAHAVEN

2.0 INTRODUCTION

This report provides an update on King Street, Portnahaven and the decision taken by the Area Committee to ascertain if the frontagers would wish to make a contribution towards the cost of upgrading the road to an adoptable standard. This report was carried forward from the August Area Committee as, at that time, further responses from Frontagers was still expected.

3.0 RECOMMENDATIONS

It is recommended that no further action should be taken by the Council.

4.0 DETAIL

- 4.1 King Street in Portnahaven is an unadopted road. A report was presented at the December Area Committee outlining the process for the potential adoption of this road. It was pointed out to Members at the time that any funding required to carry out the necessary upgrading works at King Street would normally be met by road frontagers i.e. in this instance, not the Council. Only under exceptional circumstances would the Council consider funding works on a private road. (Policy document is attached in Appendix 1).
- 4.2 Members agreed at the December Area Committee to continue this item for further discussion and to ascertain if the frontagers would wish to make a contribution towards the cost of upgrading the road to an adoptable standard. At the June Area Committee, it was agreed that a more in-depth survey should be carried out and results presented at the August Area Committee. (Previous Area Committee decisions are provided in Appendix 2).
- 4.3 A copy of the survey issued to all frontagers at King Street (twenty six addressees in total) is attached in appendix 3. Results from the survey are attached in appendix 4. In summary, the majority of respondees have confirmed that they would be interested in the road being made up to adoptable standard; a majority also confirmed that they would not consider contributing to the cost of the works to upgrade the road to an adoptable, or lesser, standard; furthermore, a majority also confirmed that they are not interested in receiving free technical advice from the Council.

4.4 Members are reminded that 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 Grant Aided Expenditure 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.

4.5 Financial Considerations:-

4.5.1 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 Area Committee would need to refer the matter to Council in line with Council Policy.

4.5.2 Should Members be minded to fund works at King Street, and following the process outlined above, it is very likely that funding would be identified from the MAKI Roads Reconstruction Capital Budget i.e. the MAKI roads reconstruction programme would be used to fund the works on King Street. This would reduce the available funding to carry out roads reconstruction works on the adopted road network in the Mid Argyll, Kintyre and the Islands area.

4.6 Road Description

A site location map is attached in Appendix 5. 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.

4.7 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>

5.0 CONCLUSION

This report provides details of the recent survey carried out with frontagers on King Street, Portnahaven.

6.0 IMPLICATIONS

6.1	Policy	As per Road Adoption Policy agreed at Council 25 October 2012.
6.2	Financial	Financial implications as detailed in the report above.
6.3	Legal	Legal issues are covered in the report above.
6.4	HR	None
6.5	Equalities	None
6.6	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.
6.7	Customer Services	None

Appendix 1 – Council Policy for Adoption of Roads.

Appendix 2 – Copy MAKI Area Committee Decisions – 04/12/13 and 04/06/14.

Appendix 3 – Most recent survey form issued to frontagers.

Appendix 4 – Outcome of survey.

Appendix 5 – Site Plan.

Executive Director of Development and Infrastructure

18 September 2014

For further information contact: Stewart Clark, Roads Performance Manager,

Tel: 01546 604893

Appendix 1

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 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.

Appendix 2

Original Committee Decision taken re King Street, Portnahaven at MAKI Area Committee – 4 December 2013

Motion

That the Area Committee recommend that no action be undertaken to adopt the road.

Moved by Councillor Colville, seconded by Councillor Semple

Amendment

To continue this item for further discussion and to ascertain if the frontagers would wish to make a contribution towards the cost of upgrading the road to an adoptable standard.

Councillor Robin Currie, seconded by Councillor Anne Horn.

The Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

Decision

Agreed to continue this item for further discussion and to ascertain if the frontagers would wish to make a contribution towards the cost of upgrading the road to an adoptable standard.

Decision taken re King Street, Portnahaven at MAKI Area Committee – 4 June 2014

The Committee considered a report providing an update on King Street, Portnahaven and the decision taken by the Area Committee to ascertain if the frontagers would wish to make a contribution towards the cost of upgrading the road to an adoptable standard

Discussion followed and Members outlined concerns in regards the timescale for the completion of the survey.

Decision

Members agreed that an updated report would come to the August Area Committee for consideration.

Appendix 3 – Survey form issued to frontagers on 8 July 2014.

King Street, Portnahaven Frontagers Reply Form

King Street Property No.	
Name	
Interest held in property.	
Contact Address if different from above.	
Contact Telephone No.	
Contact email Address.	

The Council estimates that the cost of upgrading the road surface, drainage and ancillary street lighting at King Street in Portnahaven to an adoptable standard would cost in the order of £70,000. As a 'frontager' on King Street, your views are sought on the following issues:-

- Would you be interested in having King Street in Portnahaven, which is currently a private road, upgraded to an adoptable standard whereby it would become the responsibility of Argyll and Bute Council?
 - ***Yes / No** (*delete where applicable)

- Would you consider making a proportional financial contribution towards the cost of upgrading King Street to an adoptable standard?
 - ***Yes / No** (*delete where applicable)

- Would you rather have King Street in Portnahaven upgraded to a lesser but adequate standard and remain as a private road for which Argyll and Bute would have no maintenance responsibility in terms of the Roads (Scotland) Act 1984?
 - ***Yes / No** (*delete where applicable)

- Would you consider making a proportional financial contribution towards the upgrading of King Street to a less than adoptable but adequate standard?
 - ***Yes / No** (*delete where applicable)

- Would you be interested in participating in a community group formed to enable frontagers to liaise with the Council and receive free technical advice regarding potential works on your road?
 - ***Yes / No** (*delete where applicable)

Appendix 4 – Results of survey to date (8 September 2014).

Number of frontagers affected / letters issued – 26 No.

Of the 26 frontagers, 9 have main addresses other than King Street in Portnahaven.

Number of returns – 14 No.

Responses to questions posed are as follows:-

- Would you be interested in having King Street in Portnahaven, which is currently a private road, upgraded to an adoptable standard whereby it would become the responsibility of Argyll and Bute Council?
 - Yes – 11 / No – 3
 - Yes – 42% / No – 12% / No Response – 46% (of 100% frontagers surveyed)
- Would you consider making a proportional financial contribution towards the cost of upgrading King Street to an adoptable standard?
 - Yes – 4 / No - 10
 - Yes – 15% / No – 39% / No Response – 46% (of 100% frontagers surveyed)
- Would you rather have King Street in Portnahaven upgraded to a lesser but adequate standard and remain as a private road for which Argyll and Bute would have no maintenance responsibility in terms of the Roads (Scotland) Act 1984?
 - Yes – 4 / No - 10
 - Yes – 15% / No – 39% / No Response – 46% (of 100% frontagers surveyed)
- Would you consider making a proportional financial contribution towards the upgrading of King Street to a less than adoptable but adequate standard?
 - Yes – 2 / No - 12
 - Yes – 8% / No – 46% / No Response – 46% (of 100% frontagers surveyed)
- Would you be interested in participating in a community group formed to enable frontagers to liaise with the Council and receive free technical advice regarding potential works on your road?
 - Yes -5 / No - 9
 - Yes – 19% / No – 35% / No Response – 46% (of 100% frontagers surveyed)

Appendix 5 King Street, Portnahaven.

