

UNADOPTED FOOTWAYS IN HELENSBURGH

1.0 EXECUTIVE SUMMARY

- 1.1 As roads authority the Council has responsibility to maintain streets that are included in its list of public roads. The list of public roads is a requirement of the Roads (Scotland) Act 1984. The Council requires to manage and maintain all roads in its area that are entered on its list of public roads. As a general rule the extent of an adopted road includes the carriageway, footways, adjacent verges, bridges, retaining structures, roads drainage systems, lighting and culverts within the adopted corridor.
- 1.2 Roads authorities have responsibility for streets included in the list of public roads. The responsibility extends to maintain in a safe condition, coordinate roadworks carried out by utility companies and generally manage the network in a safe and proportionate condition.
- 1.3 There are a number of streets within Helensburgh where only the carriageways are adopted. The verges and footways, whilst being available for public access, are in private ownership. It is understood that landowners of these privately owned footways and verges have imposed financial charges to utility companies in order that the utility companies may install their cables, pipes and conduits below the surfaces of these areas. It is also understood that landowners have imposed charges on individual frontages in return for permission to build vehicular accesses across the verges and footways to connect their domestic drives to the adopted roads.
- 1.4 Whilst the council does not have details of legal agreements in place it is further understood that in some instances landowners have transferred liabilities normally associated with roads authorities or landowners to individual frontages.
- 1.5 The above results in a network of carriageways that the council has responsibility to manage and maintain as well as having the associated liability for. Adjacent to these adopted carriageways is a network of unadopted footways and verges. The liabilities for these footways and verges rests with the landowner.
- 1.6 The above results in a maintenance and inspection regime being in place for the carriageways but not for the footways and verges which remain private.

- 1.7 In 2001, the Helensburgh and Lomond Area Committee agreed for these private footways to be upgraded and adopted upon completion. The formal adoption of these footways has not been concluded due to resistance at the time from the landowner.
- 1.8 It is recommended that the Area Committee:
- i. Note the report.
 - ii. Agree that Officers make further contact with the landowner and consideration be given to the next steps should the landowners not agree adoption.

UNADOPTED FOOTWAYS IN HELENSBURGH

2.0 INTRODUCTION

- 2.1 This report details anomalies where carriageways were adopted by virtue of being included on the list of public roads but verges and footways have remained in private ownership and control.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Area Committee:
- i. Note the report.
 - ii. Agree that Officers make further contact with the landowner and consideration be given to the next steps should the landowners not agree adoption.

4.0 DETAILS

- 4.1 The Councils list of public roads includes several streets in Helensburgh where only the carriageways are adopted and maintained by the Council as roads authority, at public expense. Appendix 1, by way of a plan, details the locations where carriageways are adopted but verges and footways remain private. There are a number of these footways which have had works carried out as detailed in Appendix 2.
- 4.2 It is unusual for such an extensive road network to have adopted carriageways but privately owned, controlled, and maintained footways and verges. In practice this means that the council is responsible for the maintenance and management (including coordinating utility company's installation and maintenance of their pipes, cables and conduits) of the carriageways but not for the footways and verges.
- 4.3 As a general rule, roads authorities do not hold title for the land on which roads are built. The sub soil generally being owned by adjacent landowner. Under the Roads (Scotland) Act 1984 every road which is entered in the list of public roads kept by the roads authority vests in the authority for the purposes of their functions as roads authority. A landowner has no authority to interfere with adopted roads and is

unable to prevent access or carry out any development within the road corridor without the permission of the roads authority.

- 4.4 Privately owned roads, including footways and verges are available for the public to use. The fundamental difference being the liability for maintenance rests with the landowner.
- 4.5 In May 2001, Helensburgh and Lomond Area Committee agreed for the upgrade of private footways and for these to be adopted upon completion of the works. The adoption has not been concluded due to resistance at the time from the landowner. The list of streets in question are detailed in Appendix 2 below and where works have been satisfactorily carried out it is proposed that further contact is made with the landowner with a view to adopting the footways. It is only proposed that footways/verges that have been brought up to the correct standard are considered for adoption. Some of these works were carried out a significant time ago and as part of the assessment, a pragmatic approach will be made regarding fair wear and tear that could be expected over this period of time.
- 4.6 It should also be noted that before adding a road to its list of public roads the roads authority require to follow the statutory procedure set out in the Roads (Scotland) Act 1984. The statutory procedure requires the roads authority to give notice of its intention to adopt a footway to the frontages (being the owners of any land fronting or abutting the footway). If the majority of frontages are in agreement with the adoption the roads authority may adopt the footways without having to first obtain the landowners consent. This process will be carried out within existing resources.

5.0 CONCLUSION

- 5.1 This report details anomalies where carriageways were adopted by virtue of being included on the list of public roads but verges and footways have remained in private ownership and control. In practical effect this means that the council as roads authority is responsible for the maintenance and management (including coordinating utility company's installation and maintenance of their pipes, cables and conduits) of the carriageways but not for the footways and verges.

6.0 IMPLICATIONS

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|-----|---------------------------------|---|
| 6.1 | Policy | Adoption Policy for private roads was approved by Council in 2012 |
| 6.2 | Financial | No budget available for private areas |
| 6.3 | Legal | As per report and appendix |
| 6.4 | HR | None known |
| 6.5 | Equalities/Fairer Scotland Duty | None known |

6.6	Risk	None known
6.7	Customer Services	None known

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For further information contact: Jim Smith, Head of Roads and Amenity Services

APPENDICES

Appendix 1 – Plan of adopted carriageways where verges and footways remain private

Appendix 2 – Report to H&L Area Committee in May 2001

ARGYLL AND BUTE COUNCIL

**AREA COMMITTEE
HELENSBURGH & LOMOND**

**TRANSPORTATION AND PROPERTY
HELENSBURGH FOOTWAYS – UPGRADING PROGRAMME**

1st MAY 2001

1. SUMMARY

- 1.1 The purpose of this report is to update Members on the locations of the footway upgrades already completed under Phases 1, 2 and 3 and seek approval for the sections to be upgraded under Phase 4 during the 2001/02 financial year.

2. RECOMMENDATION

- 2.1 The Committee is asked to approve the locations listed for footway upgrades under Phase 4 of the programme.

3. BACKGROUND

General

- 3.1 The aim of the programme of footway upgrading in Helensburgh is to provide a network of surfaced footways in and around the town centre with links to outlying housing estates.
- 3.2 The capital allocation is to be used for the upgrading of the private, un-surfaced sections of footway and on completion, the Council adopts the footways and verges for maintenance purposes. The money cannot be used for upgrading public footways, this work being paid for from the Revenue budget.

Funding

- 3.3 Monies have been allocated in the Capital Budget for the upgrading of Helensburgh Footways since the 1997/98 financial year. Phase 1 was completed in 1997 (£100,000), Phase 2 in 1998 (£100,000). In 1999 no works were carried out due to budget cut-backs and Phase 3 was completed during 2000.
- 3.4 £100,000 has been set aside for the next three financial years with Phase 4 planned for this year.

Works Completed (see attached sheet)

- 3.5 Phase 1 (1997)

This phase was designed to provide an East-West link between the town centre and the outlying areas.

- 3.6 Phase 2 (1998)

This phase was designed to provide North-South links from the outlying housing estates into the town centre.

3.7 Phase 3 (2000)

This phase was designed to fill in as many short 'missing links' in the surfaced footway routes around the town centre.

Works Proposed (see attached sheet)

3.8 Phase 4 (2001)

This years works are designed to:

- (a) Upgrade the footways in the vicinity of schools to improve road safety;
- (b) Upgrade the footway to the cemetery;
- (c) Complete an East-West link to the Ferniegair estate;
- (d) Complete more missing links in the footway network;

3.9 Phases 5 and 6 (2002-2004)

It is proposed to bring the proposals for each phase before the Area Committee for approval.

4. **IMPLICATIONS**

4.1 Policy – None

4.2 Financial – Monies allocated in the Capital Budget.

4.3 Personnel – None

4.4 Equal Opportunities – None

4.5 Legal - None

For further information, please contact Craig Moir, Design Services, Helensburgh (01436 658850)

HELENSBURGH FOOTWAYS – UPGRADE PROGRAMME

List of Completed and Proposed Works

Phase 1 (1997) To provide East-West links to Town Centre.

Street	From	To	Side of Street
West King Street	Glasgow Street	Coulport Place	South
Granville Street	Adelaide Street	Henry Bell Street	South
Henry Bell Street	Granville Street	Old Luss Road	North
West Montrose Street (Revenue Funding)	Sinclair Street	John Street	South

Phase 2 (1998) To provide North-South links to Town Centre.

Street	From	To	Side of Street
West King Street (Postponed Phase 1)	William Street	Glasgow Street	South
Charlotte Street	Argyle Street East	Abercromby Street East	East
Abercromby Street East	Charlotte Street	Railway Bridge	South
West Montrose Street (Revenue Funding)	John Street	Glasgow Street	South

Phase 3 (2000) To construct ‘missing links’ around the Town Centre.

Street	From	To	Side of Street
West Princes Street	William Street	Glasgow Street	South
West Princes Street	At Bonar Law Avenue		South
Easterhill Road	Abercromby Street	Bain Crescent	East
East Princes Street	Hanover Street	Glenfinlas Street	South
East Princes Street	George Street	Lomond Street	South
East Princes Street	At No. 91		North
West Argyle Street	Sinclair Street	7 West Argyle Street	South
A814 Rhu Road Lower	Dalmore Crescent	Rhu Road Higher	North
West Montrose Street (Revenue Funding)	Glasgow Street	Suffolk Street	South

Phase 4 (2001)

To improve footways near schools, upgrade the footway to the cemetery, complete an East-West link to Ferniegair estate plus some 'missing links' around the town centre.

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street</i>
Grant Street	East boundary of Hermitage Primary School		West
East Montrose Street	Frontage of Parklands School		North
Old Luss Road	East King Street	Cemetery	West
West Princes Street	Glasgow Street	Ferniegair	South
East Abercromby Street	Golfhill Drive	Sannox Place	East
Henry Bell Street	East Clyde Street	East Princes Street	West
Glasgow Street	Commodore Hotel	West Princes Street	West
East Princes Street	At Charlotte Street		North
Woodend Street	West King Street	Bannachra Drive	West
East Princes Street	Lomond Street	George Street	North