

Development and Infrastructure Services

Director: Pippa Milne

To Whom It May Concern

Development & Infrastructure Services
Jackson Quarry, Mill park Road, Oban, PA34 4NH

Tel: (01631) 567983

e mail : James.jackson@argyll-bute.gov.uk

Website: www.argyll-bute.gov.uk

Ask For: James Jackson

Our Ref: 20/0006/LRB

Your Ref:

Date: 3rd June 2020

Dear Sir/Madam

REQUEST FOR FURTHER INFORMATION - 20/0006/LRB (19/01924/PPP)
PLOT 2 LAND EAST OF ARDTEATLE COTTAGE, DALMALLY

- i) in relation to the Road Scotland Act (1984) confirmation on who currently has responsibility to undertake maintenance on the UC63 Old Monument Road and why the council are permitted to make the upgrade and maintenance of it a planning condition;

The Roads (Scotland) Act 1984 (RAS84), Section 1 states that “.....a local roads authority shall manage and maintain all such roads in their area as are for the time being entered in a list (in this Act referred to as their “list of public roads”) prepared and kept by them under this section...”.

Argyll and Bute Council acts as the roads authority for all local (non Trunk or Motorway) roads within its defined area. As the roads authority, the Council is responsible for the maintenance and management of the UC63 Old Monument Road. Any intensification of use on this road will, in the view of Officers, have a detrimental effect on the long term availability of this route to the travelling public. While there are sections with the RAS84 that permit the roads authority to pursue offenders for costs arising from damage to roads, the Roads (Scotland) Act 1984 is not planning legislation. A planning condition can only be made under the Town and Country Planning Acts and its supplementary regulations.

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations Act 2013 defines a roads authority as a statutory consultee. As a planning consultee, the road authority will make such comments as is considered reasonable in relation to a specific application. The extent of improvements requested will be based on the Officers technical assessment and will typically include consideration of the type of road, its environment, geometry and current versus expected use. Roads comments may consider design documents such as the National Roads Development Guide or the Design Manual for Roads and Bridges, for example. A roads response will also be made in consideration of the Councils policy documents. The Councils Local Development Plan Supplementary Guidance TRAN 5 permits the Council to seek contributions from developers for improvements to the public road where it is considered that the development “will significantly increase vehicular or pedestrian traffic on a substandard private or public approach roads”.

- ii) confirmation on the parameters that define an increase in vehicle or pedestrian traffic and why they are considered significant in regard to this particular planning application; and

Extract from SG LDP TRANS 5;

“When the judgment of the Planning and Roads Authority that the development because of its projected traffic generation, is likely to result in unacceptable road safety conditions, and this will consequently place an unreasonable burden on The Roads Authority to improve a significantly substandard road”

It should also be noted that in cases such as this it is the opinion of experienced officers that determine the road condition and the risk of deterioration due to developments. The section of the UC63 most at risk of deterioration and damage due to the development is an historic unbound (not surfaced with bitumen macadam) carriageway. It is a single lane road with no passing places. It is of narrow width and has not been constructed to current industry standards with regards to depth of foundation construction, widths, verges or finished surface materials. The road currently serves one dwelling and terminates just a few meters beyond the access to Ardteatle Cottage. It is not a through road. Any additional developments served by this substandard section of carriageway could be deemed to cause an increase in vehicular and pedestrian traffic, especially during the construction phase when larger, heavier vehicles can be expected to use the road but also post construction with additional delivery, service, residents, visitor traffic, for example.

Yours Sincerely

James C Jackson
Traffic and Development Officer.