

PRIVATE ROAD – KAMES HIGH ROAD

1. SUMMARY

- 1.1 This report provides detail of an unadopted road named Kames High Road in the Bute and Cowal area. The report also provides estimated costs to three different treatment proposals.

2. RECOMMENDATIONS

- 2.1 That the Area Committee consider how they would like to progress with Kames High Road and make any representations to Council in this respect in accordance with Council Policy attached at Appendix 1 .

3. BACKGROUND

- 3.1 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.
- 3.2 Section 13 of the Act gives roads authorities the power to require the frontagers of a private road to make the road up to a reasonable standard, and to apportion the cost between them.
- 3.3 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.
- 3.4 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 unadopted 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.

- 3.5 The approved policy criteria for bringing unadopted roads up to an adoptable standard is detailed in Appendix 1.
- 3.6 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.

3.7 **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.

3.8 **Road Description**

Kames High Road – undesignated (Private)

Kames High Road joins the public network at the junction of B8000 and C7 at Kames crossroads and extends in a South - Southeasterly direction and then an East - Northeasterly direction to join the Kames Middle Road. A distance of approximately 343 lin.m. The annual ongoing maintenance cost for carrying out routine and cyclic maintenance would be in the region of £450. (This does not include any structural maintenance and eventual resurfacing).

3.9 **Estimated Costs**

The previous work on the estimated cost to bring the upper section of Kames High Road up to adoptable standard was carried out in 2008. This estimated carriageway and drainage works amount to approximately £109k. A suitable factor has been applied to the individual elements of the work to produce the current estimated costs and a separate allowance has been made for street lighting. Two alternative treatments have been suggested which would reduce the Council’s commitment to expenditure on a private asset but would allow an improvement in the quality of the road for all users without the full specification which would require the adoption process to follow, Should further works be carried out to bring the road to a suitable standard.

Option 1	Works towards Adoptable Standard	
	Site Clearance	£ 2,645.00
	Drainage	£ 33,378.57
	Earthworks	£ 29,131.50
	Surfacing	£ 27,344.30
	Kerbs and Footway	£ 32,202.83
	Signs and Markings	£ 408.60
	Total	£ 125,110.80
	Streetlighting (allowance)	£ 16,000.00

Alternative treatment suggestions to provide acceptable repairs and improvements for the benefit of the community but with a reduced exposure to the Council with respect to the impact on the Capital Reconstruction Budget and the requirement to adopt are listed below.

Option 2	Insitu refurbishment and enhancement of road surface	
	Repave (initial estimate)	£ 30,000.00
Option3	Repairs to potholes and rutting	
	Archway Roadmaster operation	£ 5,000.00

4. CONCLUSION

- 4.1 This report provides detail of an unadopted road named Kames High Road in the Bute and Cowal area. The report also provides estimated costs to three different treatment proposals.

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

Executive Director of Development & Infrastructure

March 2013

For further information contact: Jim Smith, Head of Roads & Amenity Services, Tel
01546 604324

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

