

KING STREET, PORTNAHAVEN

1. SUMMARY

- 1.1 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.

2. RECOMMENDATIONS

- 2.1 It is recommended that a more formal and in-depth survey of frontagers be carried out using advice from Legal Services. It is also recommended that options, other than resurfacing the road, be provided for Members' consideration at the next Area Committee in August.

3. DETAIL

- 3.1 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. the owners of the property that fronts onto a road. Only under exceptional circumstances would the Council consider funding works on a private road. (Policy document is attached in Appendix 1).
- 3.2 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.
- 3.3 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.

3.4 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 (see Appendix 2).

3.5 Following the decision taken by the Area Committee, a recent survey was carried out with the twenty three householders at King Street (see Appendix 3). At the time of writing this report, out of 23 frontagers, 6 responses were returned and, of those, 2 intimated that they would consider making a contribution towards upgrading the road, whilst 4 did not wish to contribute.

3.6 Financial Considerations:-

3.3.1 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 must have Council approval.

3.3.2 Should Members be minded to fund works at King Street, and following the process outlined above, it is very likely that funding would need to be set-aside from the MAKI Roads Reconstruction Capital Budget.

3.7 Road Description

A site location map is attached in Appendix 4. 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.

3.8 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>

4. CONCLUSION

- 4.1 This report provides details of the recent survey carried out with frontagers at King Street, Portnahaven; it outlines current policy regarding the potential adoption of private roads and recommends to Members that a) a more formal survey of frontagers be carried out and b) a further report, providing options other than resurfacing the road, be presented for Members' consideration at a future Area Committee.

5. IMPLICATIONS

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|-----|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 – Letter to frontagers

Appendix 3 – MAKI Area Committee Decision – 4 December 2013

Appendix 4 – Site Plan

Jim Smith

Head of Roads & Amenity Services

23 May 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 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 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 3

The House Owner
King Street
Portnahaven
Isle of Islay
PA47 7SP

Roads and Amenity Services
Kilarrow House, Bowmore,
Isle of Islay PA43 7LH
Tel: (01496) 301360 Fax : (01496) 810683
E-mail: David.Ferrier@argyll-bute.gov.uk
Website: www.argyll-bute.gov.uk

Ask For: David Ferrier
Our Ref: DRF/R/RDS/5
Your Ref:
Date:

Dear Sir/Madam

King Street, Portnahaven

In the minutes of Argyll & Bute Council's Mid Argyll, Kintyre & the Islands Area Committee of the 4th December 2013, the Council agreed to continue further discussions and to ascertain if the frontagers of King Street, Portnahaven would wish to make a financial contribution towards the cost of upgrading the road to an adoptable standard.

To this end I have enclosed the paper which was presented and discussed at the aforementioned Area Committee meeting, along with a copy of the Committee's decision details.

For computer copies of these documents please use the following link:-
<http://www.argyll-bute.gov.uk/moderngov/ieDecisionDetails.aspx?AllId=77346>

Also included with this letter is a Frontagers Reply Form and a SAE in order for us to ascertain your choice in this matter.

Please return your replies by the 21st May, as this matter is due to be discussed at the next Mid Argyll, Kintyre & the Islands Area Committee on the 4th June 2014.

Yours faithfully

David R. Ferrier
Technical Officer

Appendix 2 (cont)

King Street, Portnahaven Frontagers Reply Form

King Street Property No.	
Name	
Contact Address if different from above.	
Contact Telephone No.	
Contact email Address.	

Do you wish to consider a proportional financial contribution for the upgrading of King Street to an adoptable standard? ***Yes / No** (*delete where applicable)

For any additional comments please use the space below

Appendix 2

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.

Appendix 4 King Street, Portnahaven.

