

**PRIVATE ROAD: ACHALEVEN ROAD**

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**1. SUMMARY**

- 1.1 This report provides details of Achaleven Road which is an unadopted road. Oban, Lorn and the Isles Area Committee has requested that a formal request be made to Council for consideration for this road to be upgraded, adopted and then maintained at public expense.

**2. RECOMMENDATIONS**

- 2.1 That Council considers whether to exercise its permissive power under Section 14 of the Roads Scotland Act (1984) to progress:
- i. Achaleven Road to an adoptable standard at a total estimated cost of £56,328, the works being funded from the existing Oban, Lorn and the Isles Roads Reconstruction Capital allocation.

**3. DETAILS**

- 3.1 At the meeting held on 14 August, Oban Lorn and the Isles Area Committee requested that Council exercises its permissive power under Section 14 of the Roads Scotland Act (1984) to progress:

Achaleven Road to an adoptable standard at a total estimated cost of £56,328.

- 3.2 The Councils road adoption policy is appended to this report at Appendix 1. The report considered by the Oban Lorn and the Isles Area Committee meetings together is appended at Appendix 2 and an extract of the draft Area Committee minute is appended to this report at Appendix 3.
- 3.3 Achaleven Road is not currently included in any programme of work. Should Council decide to progress this road to an adoptable standard it is proposed that the works be funded from the Oban Lorn and the Isles Area Committee allocation of the Roads Reconstruction Capital budget.

**4. CONCLUSION**

- 4.1 This report provides details of Achaleven Road which is an unadopted road. Oban, Lorn and the Isles Area Committee has requested that a formal request be made to Council for consideration for this road to be upgraded, adopted and then maintained at public expense.

## 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 Appendices and within the covering report.   |
| 5.3 | Legal             | Legal issues are detailed in the Appendices to the report.   |
| 5.4 | HR                | None   |
| 5.5 | Equalities        | None known   |
| 5.6 | Risk              | The Council holds an informal 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. Expansion of responsibilities beyond the existing adopted network without commensurate increases in revenue funding to maintain newly adopted roads impacts adversely upon the Council's ability to effectively maintain its adopted road network |
| 5.7 | Customer Services | None known   |

## 6. APPENDICES

Appendix 1 – Copy of Adoption Policy

Appendix 2 – Report to OLI Area Committee 14 August 2013

Appendix 2 – Extract from Minutes of OLI Area Committee 14 August 2013

**Executive Director of Development and Infrastructure**

September 2013

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

## **Appendix 1** – Policy Criteria for Bringing Unadopted Roads Up To Adoptive Standard

### **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.

**ARGYLL & BUTE COUNCIL**  
**DEVELOPMENT &**  
**INFRASTRUCTURE SERVICES**

**OBAN, LORN and the ISLES**  
**AREA COMMITTEE**

**14<sup>th</sup> AUGUST 2013**

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**PRIVATE ROAD:- UN-ADOPTED SECTION OF ACHALEVEN ROAD , CONNEL**

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**1. SUMMARY**

- 1.1 This report provides detail of the UC79 and un-adopted sections of the Achaleven Road, Connel in the Oban, Lorn and the Isles area. The report also provides estimated costs of treatments to bring the road up to a standard which the Council would be able to adopt and accept future maintenance liability.

**2. RECOMMENDATIONS**

- 2.1 That the Area Committee considers how they would like to progress with the un-adopted section of Achaleven 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 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 GAE calculated by the Scottish Government.

3.5 The approved policy criteria for bringing un-adopted 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**

A site location map is attached in Appendix 2 to assist.

a) The adopted section of the Achaleven Road is described as follows in the List of Public roads, maintained by the Council.

#### **UC 79 Achaleven Road, Connel**

From its junction with the Tyndrum-Oban Trunk Road (A85) at Achaleven School, to a point 215 yards past its junction with the track to the Achaleven Reservoir and Black Lochs, at Achaleven crofts, a distance of 600 yards or thereby

b) Beyond the limit of the adopted section of public road, the partially surfaced road continues in a North-Easterly, then North-Westerly curve, crossing the Oban to Glasgow Railway Line at a gated Level Crossing and re-joining A85 Trunk Road.

c) Due to the width and height of the railway over-bridge on the UC79, access is restricted to vehicles of approximately 3.5tonnes and under only. All larger vehicles, including Refuse Collection Vehicles, Roads Maintenance Vehicles, Emergency Service Vehicles and larger agricultural and delivery vehicles are compelled to use the level crossing and un-adopted road section to gain access to Achaleven Housing Estate and all other points south of the railway line.

### 3.9 **Estimated Costs**

The estimated costs detailed give two levels of commitment to allow consideration to be made to the extent the works are likely to impact on the Roads Reconstruction Budget

#### Estimated Work package 1

The works detailed include the taking up and re-aligning of the field boundary fence, to allow edge strengthening in advance of carriageway surfacing. The provision of two passing places and a turning head and culvert and ditching drainage improvements

Preliminaries	£ 500.00
Site Clearance	£ 1,418.00
Fencing	£ 1,680.00
Drainage and Ditches	£ 760.00
Earthworks	£ 6,280.00
Carriageway Resurfacing	£43,190.00
Accommodation Works	<u>£ 2,500.00</u>
Total	<u><b>£56,328.00</b></u>

#### Estimated Work package 2

A reduced specification and work content will produce the minimum standard required to allow the future maintenance liability to be accepted by the Council.

Site Clearance	£ 228.00
Fencing	£ 440.00
Drainage and Ditches	£ 760.00
Earthworks	£ 1,155.00
Carriageway surfacing	£30,760.00
Accommodation works	<u>£ 2,500.00</u>
Total	<u><b>£35,843.00</b></u>

## 4. CONCLUSION

- 4.1 This report provides detail of the constituent parts of the adopted and un-adopted sections of Achaleven Road, Connel in the Oban, Lorn and the Isles area. Details of the costs of improvements towards adoption are included to allow the Area Committee to consider its options. Funding from the Capital Reconstruction Budget for any work carried out on the private section of road would be taken from the annual proportional share for OLI and programmed with other works on the adopted network.

## 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.

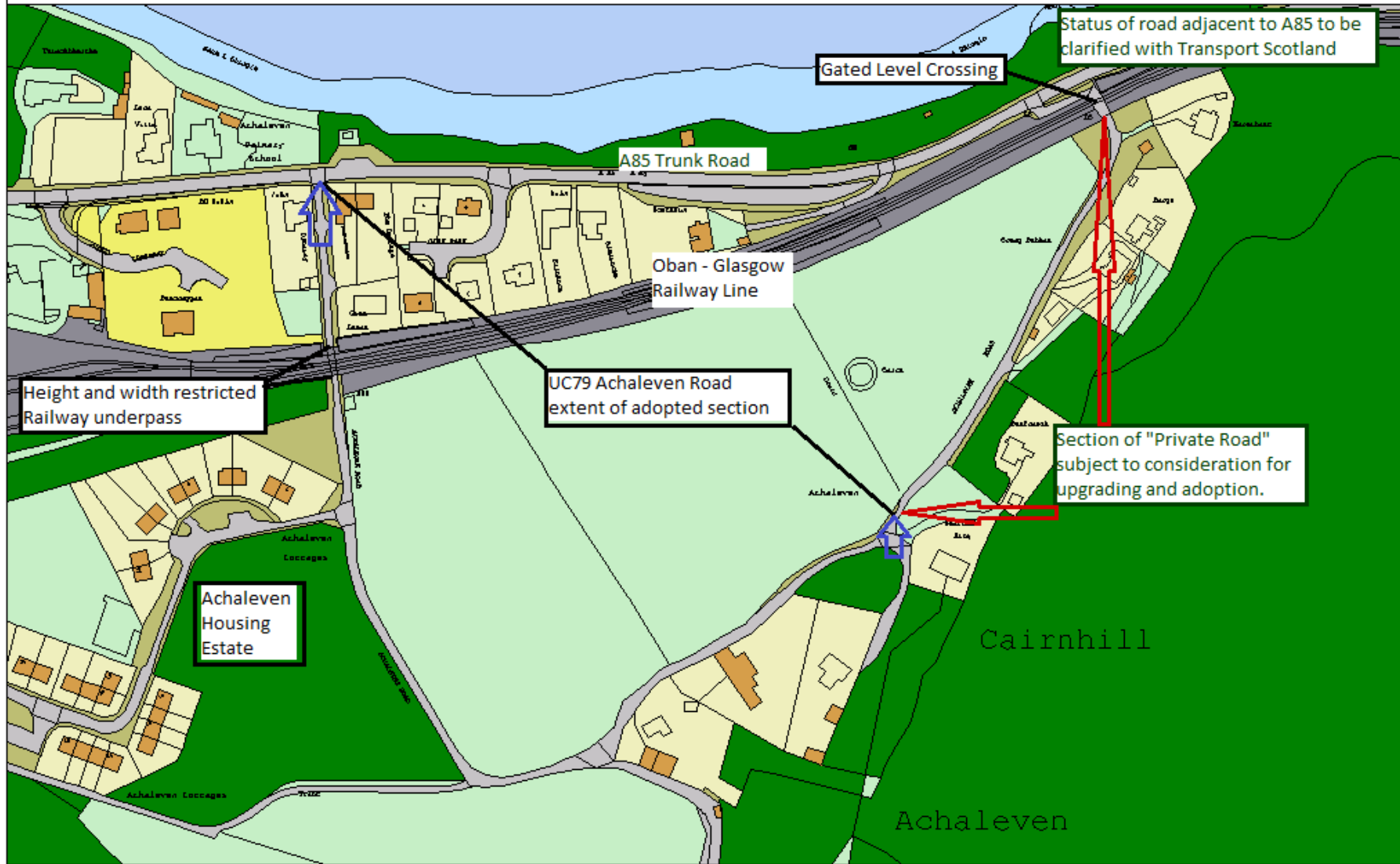
5.3	Legal	Legal issues are covered in the report above.
5.4	HR	None
5.5	Equalities	None known
5.6	Risk	The Council holds a register of 87.5km of unadopted roads in Argyll & Bute. Audit Scotland has identified the requirement for the Council to focus expenditure on maintaining its existing network of 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**  
August 2013

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





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**Appendix 3** – Extract from OLI Area Committee 14 August 2013:

**MINUTES of MEETING of OBAN LORN & THE ISLES AREA COMMITTEE held in the  
TAYNUILT VILLAGE HALL, TAYNUILT  
on WEDNESDAY, 14 AUGUST 2013**

**Present:** Councillor Roddy McCuish (Chair)

Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Fred Hall	Councillor Duncan MacIntyre
Councillor Iain Angus MacDonald	Councillor Elaine Robertson
Councillor Alistair MacDougall	

**Attending:** Sandy Mactaggart, Executive Director of Development and Infrastructure  
Charles Reppke, Head of Governance and Law  
Jim Smith, Head of Roads and Amenity Services  
Robert Pollock, Head of Economic Development and Strategic Transportation  
Malcolm MacFadyen, Head of Facility Services  
Tom Murphy, Amenity Manager  
Stewart Clark, Contracts Manager  
Linda Houston, Oban Regeneration Project Manager  
Hugh Blake, Asset Manager  
Stuart McCracken, Senior Development Officer  
Laura MacDonald, Community Development Officer

**10. ACHALEVEN ROAD, CONNEL**

A report providing details of the UC79 and un-adopted sections of the Achaleven Road, Connel, was considered.

The report also provides estimated costs of treatments to bring the road up to a standard which the Council would be able to adopt and accept future maintenance liability.

**Decision**

The Committee agreed to recommend to the Full Council the higher cost option of £56,328 given the particular circumstances of this case.

(Ref: Report by Head of Roads and Amenity Services dated 14 August 2013, submitted).