

ANGUS COUNCIL**MAKING UP AND MAINTENANCE OF UNADOPTED ROADS****REPORT BY THE DIRECTOR OF ROADS****1. INTRODUCTION**

The Roads (Scotland) Act 1984 includes powers for Local Authorities to serve notice on the frontagers of a Private Land to require them to make up the road and to maintain it to a reasonable standard.

The same Act also provides for Local Authorities, if they think fit, to pay the whole or any part of any expenditure of any repair which they consider necessary in relation to a private road.

2. DETAILS

- (i) Section 14 (1) of the Roads (Scotland) Act 1994 empowers Local Authorities, if they think fit, to pay the whole, or any part of any expenditure incurred by a person in making up or maintaining a private road.
- (ii) The Local Roads Authority pursuant to section 14(2) of the Roads (Scotland) Act 1984 does not incur responsibility for making up or maintenance of the private road as a result of any works carried out as per (i) above.
- (iii) The carrying out of works by a local roads authority in this matter does not create any implication that the private road, on completion of the work, is of a standard satisfactory to the Authority for adoption purposes.
- (iv) Whilst it will always be beneficial for the Council to endeavour to recover costs from frontagers in making up and maintenance of private roads, it is recognised that in certain limited circumstances it may be beneficial for the Council to arrange and pay the costs for such works.
- (v) A list of schemes is currently under preparation by Tayside Regional Council for future works in the 'unadopted' category in consultation with the Director of Roads, Angus Council.

3. RECOMMENDATIONS

- (i) To agree that the Committee may, in appropriate circumstances, agree to fund the making up or maintenance of unadopted roads to a reasonable standard.
- (ii) To note that the Council would not incur responsibility for future making up or maintenance of an unadopted road as a result of any works undertaken in bringing them up to a reasonable standard.
- (iii) To allow a nominal sum in the future year's revenue budget to enable any such works to be considered, prioritised and executed.

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Director of Roads