

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

3 MARCH 2009

ADDITIONS TO AND DELETIONS FROM THE LIST OF PUBLIC ROADS

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

**ABSTRACT**

This report informs the Committee of additions to, and deletions from the List of Public Roads over the previous 12 month period and discusses the proposed approach to future alterations to the list.

**1 RECOMMENDATION**

1.1 It is recommended that the Committee agree:

- (i) to note the additions to and deletions from the List of Public Roads, since the previous report (Report No 263/08);
- (ii) that in future updates shall be made to the List of Public Roads for the reasons outlined in this report by the Head of Roads who will maintain the List of Public Roads on an on-going basis.

**2 BACKGROUND**

- 2.1 Angus Council as local roads authority are required to prepare and keep a List of Public Roads under the requirements of the Roads (Scotland) Act 1984. This duty is undertaken on behalf of the council by the Head of Roads.
- 2.2 Report No 975/96 to the Roads Committee of 28 November 1996 delegated authority to the then Director of Roads, to add new roads to the List of Public Roads and report to Committee retrospectively. This same authority was subsequently delegated to the Head of Roads – (Committee Report No 840/06 considered by Angus Council at its meeting of 29 June 2006).
- 2.3 Any person wishing to construct a new road requires the consent of the local roads authority (Road Construction Consent), in accordance with Section 21 of the Roads (Scotland) Act 1984.
- 2.4 In terms of Section 16(2) of the Roads (Scotland) Act 1984, when a road has been constructed, in accordance with the conditions attached to the Construction Consent, and the person who has been granted the consent so requests, the local roads authority is obliged to add that road to its List of Public Roads.
- 2.5 Similarly new roads constructed on behalf of Angus Council as roads authority under Section 20 of the Roads (Scotland) Act 1984 are also added to the List of Public Roads and any corresponding areas which are stopped up are deleted from the list.
- 2.6 Following the decision of the Roads Committee on 28 November 1996 such additions to, and deletions from the List of Public Roads are reported to Committee annually.

Alterations to the List of Public Roads were last reported to the Infrastructure Services Committee on 4 March 2008 (Report No. 263/08 refers).

### **3 DETAILS**

- 3.1 Following the completion of construction, in accordance with the conditions of the relevant Road Construction Consents, and under the terms of Section 16(2) of the Roads (Scotland) Act 1984, the relevant roads have been added to the List of Public Roads since the last report to Committee.
- 3.2 Similarly, the commensurate sections of stopped up road have accordingly been deleted from the List of Public Roads.
- 3.3 Under the terms of Section 20 of the Roads (Scotland) Act 1984, the roads which have been constructed on behalf of Angus Council as local roads authority have been added to the List of Public Roads since the last report to Committee.
- 3.4 Similarly, the corresponding sections of road which have been stopped up, have been deleted from the List of Public Roads.
- 3.5 The updated List of Public Roads duly annotated has been placed in the Members' lounge for the reference of the members of the council.
- 3.6 Because the council, as local roads authority, is under a statutory obligation to maintain the List of Public Roads to reflect the construction and/or removal of public roads for the reasons set out above it is proposed that the Head of Roads updates the List on an on-going basis without further referral to committee and that the List is made accessible for scrutiny at any time.

### **4 FINANCIAL IMPLICATIONS**

- 4.1 The total net cost for maintenance works for the additions being £40,414 comprising the carriageways and footways (£27,102); and for the street lighting (£13,312), will require to be met through the Roads revenue account in future years.

### **5 HUMAN RIGHTS IMPLICATIONS**

- 5.1 There are no human rights implications arising from this report.

### **6 EQUALITIES IMPLICATIONS**

- 6.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

### **7 CONSULTATION**

- 7.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration were consulted in the preparation of this report.

### **8 CONCLUSION**

- 8.1 The sections of carriageway, footway, footpath and cycletrack which have been added to the List of Public Roads were constructed to the Council's specification.

Consequently the Council, as Roads Authority, is obliged to add these roads to its List of Public Roads.

- 8.2 Henceforth, the Head of Roads should update the List of Public Roads on an on-going basis without further referral to committee.

ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES

#### NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

Report No. 975/96 – Roads Committee – 28 November 1996.

Report No. 840/06 – Infrastructure Services Committee – 29 June 2006.

Report No. 263/08 – Infrastructure Services Committee – 4 March 2008.