

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

3 MARCH 2009

LIFE EXPIRED LIGHTING IN UNADOPTED AREAS NOT SERVING THE PUBLIC

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

**ABSTRACT**

This report outlines the council's options for dealing with a limited number of life expired lighting equipment installed in "unadopted" areas which do not serve the general public and have come to the end of their serviceable life.

**1 RECOMMENDATION**

- 1.1 That the committee agree as a council policy that in privately owned streets/areas where lighting is currently provided and maintained by the council as the Roads Authority which provides a benefit to the wider public that the council continues to maintain it and replace it when it is no longer economic to repair.
- 1.2 That the committee consider the options set out in section 3 of the report for lighting which is not considered to be for the benefit of the wider community and determines a policy on what action should be taken when this equipment is no longer economic to repair.

**2 BACKGROUND**

- 2.1 There are a limited number of locations throughout the council area which have had the benefit of street lighting for a considerable number of years, where the lighting has been historically provided but where the areas do not form part of the adopted road network and in some instances do not now serve the general public interest.

**3 DETAILS**

- 3.1 Section 35(1) of the Roads (Scotland) Act 1984 states:-

"A local roads authority shall provide and maintain lighting for roads, or proposed roads, which are, or will be, maintainable by them and which in their opinion ought to be lit".
- 3.2 It is part of the council's Roads Standards that lighting is provided for adoptable roads and there has been a significant increase in the number of street lights over the years as new roads are constructed as part of developments. The burden on the council's revenue budget for the maintenance and electricity costs has risen over the years as a result.
- 3.3 In addition Section 35 (4) of the Roads (Scotland) 1984 states:

"A local roads authority may, within their area, provide and maintain lighting for any road, or any proposed road, which in their opinion ought to be lit and as regards which no duty is imposed on them by subsection (1) above."

- 3.4 Within the council area there are a number of locations, which have in the past benefited from street lighting provided by the public purse and maintained by the Roads Division. These include certain remote footpaths; council housing areas; links to public transport; and unadopted roads. There is no evidence of the council having adopted any policy on these installations in the past and therefore it is appropriate that the council does so now.
- 3.5 As these areas, referred to in 3.4, reach the end of their serviceable life and require replacement, it is appropriate to re-examine the historical decisions to provide lighting and consider whether it is in the council and public interest to continue to provide such lighting.
- 3.6 In most such locations the justification for street lighting continues to merit the costs of replacing and maintaining the lighting. In considering these the council's other policies and strategies, such as promoting walking and use of public transport are relevant to the considerations.
- 3.7 By contrast in a very limited number of cases, there is little or no general public benefit in continuing to provide lighting. This may be due to circumstances such as change of land use over the intervening period; an alternative route now exists; or areas are provided with gates to prevent access by the general public. In such situations the test of considering other council's policies and strategies may not be demonstrable. It may not therefore be in the general public interest to replace such lighting when it has reached the end of its serviceable life given the numerous other spending pressures which are evident on the Roads budget.
- 3.8 Renewal of such installations can be disproportionately expensive, often needing extensive cabling as the equipment reaches the end of its serviceable life. Such cabling is often across private property and the disruption involved in excavations causes concern with the residents in the area which the lighting serves.
- 3.9 Members will recall Report 762/07 'Provision of Street Lighting in Presently Unlit Areas' agreed at Infrastructure Services Committee of 28 August 2007 which described the difficulties of providing new lighting where none currently exists, even on the public adopted road, due to limited budgets and the need to maintain and operate the existing asset. It is therefore important to consider the prioritisation of the replacement of lighting and on going maintenance of this limited number of street lights which do not serve the general public.
- 3.10 Indeed if the council were to continue to maintain such lighting, their inclusion in the replacement programme will delay the replacement or renewal of other lighting schemes which would benefit a wider population.
- 3.11 It is emphasised that there is a limited number of such cases. Four such locations are currently known to exist where the lighting is deemed to be life expired. Photographs are contained in [Appendix 1](#). These locations are:
- Dungmans Lane, Montrose  
Kirk Wynd, Kirriemuir  
Rosehill, Montrose  
39 High Street, Montrose
- 3.12 If lighting were to be retained at these locations replacement schemes would have been installed at current capital costs with these estimated to cost £23,600 in total, detailed as follows:

Dungmans Lane, Montrose - £5,000.00

Kirk Wynd, Kirriemuir - £2,000.00

Rosehill, Montrose - £6,600.00

39 High Street, Montrose - £10,000.00

Ongoing routine maintenance and energy costs would also be incurred into the future.

- 3.13 On the other hand the safe removal of these lighting schemes would currently cost £2,400 in total, detailed as follows:

Dungmans Lane, Montrose - £300.00

Kirk Wynd, Kirriemuir - £250.00

Rosehill, Montrose - £850.00

39 High Street, Montrose - £1,000.00

- 3.14 In addition there are a number of locations which are of concern but are not yet life expired. These are detailed in Appendix 2. Appendix 3 gives a list of the known street lit areas which are not currently on the list of adopted roads.

- 3.15 When considering the situation where existing lighting on unadopted areas which does not serve the general public interest and is beyond economical repair the committee may consider the following options available:-

**Option 1** That the council continues to maintain the equipment and replaces it when it is no longer economical to repair.

**Option 2** That the council continues to maintain the equipment but does not replace it when it is no longer economical to repair.

**Option 3** That the council continues to maintain the equipment and considers each location in Appendix 2 for replacement when it is no longer economical to repair the equipment at that location.

The committee is invited to determine the option to be pursued.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 As noted in paragraph 3.12 above, the replacement of lighting at the four identified locations is estimated to cost £23,600. The removal of the life expired installations would alternatively incur costs of approximately £2,400. Comparative costs for replacement or removal of lighting at the other locations identified in Appendix 2 would be of a similar scale. Whichever option the committee implements, the costs stated above will be contained within the future Roads Divisions capital budget allocations. However, the outcome of the committee's consideration will inform the prioritisation of the limited resources that are available for replacement of street lighting with approval of option 1 ultimately resulting in the delay in replacement of that lighting which it is considered is of benefit to the wider population.

- 4.2 There will be a nominal reduction in the revenue costs for street lighting in the order of £60 per annum per light removed, taking into account electricity and maintenance costs, if the committee are minded to agree the removal of any of the street lights described.

## **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 SINGLE OUTCOME AGREEMENT**

7.1 Maintaining the existing transport infrastructure is essential for National Outcome 1 (Sustainable business growth) and well maintained modern street lights reduce accidents; crime; and fear of crime thereby contributing to National Outcome 8 (Communities in Angus are safe, secure and vibrant). It is considered that removal of the lights in the areas stated will not adversely affect the contribution to these outcomes, but will allow the council's resources to be focussed on areas which have a greater ability to address these outcomes for the wider general public.

## **8 CONSULTATION**

8.1 The Chief Executive, Director of Corporate Services, Director of Neighbourhood Services, Head of Finance, Head of Law and Administration, and the Chief Constable of Tayside Police, have been consulted in the preparation of this report.

## **9 CONCLUSION**

9.1 This report examines the issue of life expired street lighting in unadopted areas which do not serve the general public and asks the committee to consider adopting an approach to dealing with such locations.

ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES

### NOTE:

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this Report:-

Report 762/07 - Provision of Street Lighting in Presently Unlit Areas - Infrastructure Services Committee 28 August 2007

APPENDIX 1

Kirk Wynd. Kirriemuir



Dungmans Track, Montrose



Rosehill, Montrose



27 High Street, Montrose



Gated entrance to 27 High St, Montrose





## APPENDIX 2

**OTHER AREAS LIFE EXPIRED STREET LIGHTING COLUMNS  
APPROACHING END OF SERVICEABLE LIFE**

Aikman Road area Arbroath (rear of properties)	12
Millfield Road, Arbroath (in garden ground)	1
Hunter Road, Arbroath (rear of properties)	5
Lanes off Ramsey Street, Montrose	2
"Lane" off Newbigging Village	3
Track in Westmuir Village	1
Denbrae, off Glengate Kirriemuir	3
Lane off Brechin Road, Kirriemuir	1
Browns Lane, Kirriemuir	3
Lilybank off Brechin Rd, Kirriemuir	1
Lane off Morrison Street, Kirriemuir	1
Lane off Glamis Road, Kirriemuir	3
Teapot Lane, Inverkeilor	2
Steps to Mill at Craigo	5

## APPENDIX 3

## UN-ADOPTED AREAS WITH STREET LIGHTING

**Arbroath**

Adam Cargill Court Annesley Drive Bloomfield House Braeheid Cairniehill Gardens Elliot Place Elm Path Emislaw Path Grange Path Grange Place Grimsby Place Harbour Area High Common Hospitalfield Farm Road	Keptie Hills Path between Millfield Place Queens Drive – Westlinks Road into Gayfield Park Russell Square Seafront Spink Street Underpass St Vigeans Gardens Sycamore Path Tarry Dykes Warddykes Path Water Tower
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**Brechin**

Anderson Close Andover School and Path Bothers Close Braik's Close Crosskeys Close Liddells Close	Lindsay Lane Newington Gardens Small Square The Banks Victoria Place
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**Carnoustie**

Charles Place East Row Lowson Park Lanes off Green Lane Lanes off Lochty Street Lane off High Street at Lochty Burn	Panbride Place Pitskelly Industrial Estate Seabrae Simpson Place Smieton Court The Ditches
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**Charleston**

Back Streets	
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**East Haven**

Beachfront Long Row	Station Row Through tunnel towards beach
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**Edzell**

High Pen Lane	Panmure Place
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**Ferryden**

Victoria Square	
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**Forfar**

Albion Place Alpha Place Grampian Park Headingstone Place Leisure Centre Road Springfield	St James Walk Taylor Gardens Weavers Walk Wester Restenneth Lane off Sherriff Park Rise
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**Friockheim**

McLellan Court	
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**Glamis**

Braehead Road	Car Park Road
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**Hillside**

Glenmilten Lane	Lamondfauld Lane
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**Inverkeilor**

Track to Parish Church	
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**Kingsmuir**

Kingston Place	Kingston Road
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**Kirriemuir**

Anderson Terrace Browns Lane Burnedge Cairns Road Church Lane Denacre Denbrae East Hillbank Gairie Burn Footpath Gladstone Place Glebe Road Grants Pend Hillbank Hobart Street	Kilnbank Lane Kirktonhill Road Lilybank McGregor's Land Peter Pan Statue Reform Street Carpark Store Lane Tillyloss Viewbank Terrace Wellbank Wellgate William Street
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**Letham**

Burnside Road Conil Place East Blairs Road Old Letham	Park Road Rose Hemming Place Watson Street Woodside Road
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**Maryton**

Third Row	
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**Monifieth**

Ashludie Park Broomhill Court High School Path Provost Walk Path Servite Court Seven Arches	Swallow Court Tay Court Tighnduin Gardens Tyndall Place Wemyss Path
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**Monikie**

Victoria Place	
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**Montrose**

Basin View Footpath Broomfield Crescent Dalhousie Terrace Medicine Well Footpath New Path Nursery Lane	Panmure Row Riverside Road Rosehill Court St John's Cottage Wellington Close Westwood Walk
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**Muirhead**

Clinkerheel Park	
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**Newtyle**

Smiddy Road	
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**Shielhill**

Woodside Cottages	
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**Tannadice**

Manse Lane	
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**Westmuir**

Low Road Westbank	
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