ABSTRACT

This report details the condition of Patons Lane, Montrose and seeks to provide a funding mechanism to allow the road to be upgraded.

1 RECOMMENDATIONS

1.1 The Council is asked to:

(i) note the status and physical condition of a section of Patons Lane, Montrose

(ii) agree to the proposals to upgrade the unadopted section of Patons Lane;

(iii) agree to the proposed funding mechanism; and

(iv) agree that in view of the particular circumstances which prevail that once the remedial works are undertaken as described that the section of Patons Lane which is currently not adopted by the council be so adopted for maintenance purposes by the council as Roads Authority.

2 DETAILS

2.1 Patons Lane, Montrose is a narrow road approximately five metres wide with a footway on the north side. It connects Eastern Road and Faulds Road in Montrose running parallel to Christies Lane. The road is adopted from Eastern Road for approximately three quarters of its length (see Appendix 1). The adopted section of road is in an acceptable condition.

2.2 The remaining section of Patons Lane is unadopted, and is understood to be in the ownership of Montrose Common Good although this is not fully documented. Further it forms part of the road and in these circumstances the Montrose Common Good Fund receive no income return from their ownership.

2.3 The Links Health Centre is part of the way along the unadopted section of Patons Lane and the centre is served by a half hourly bus service (No 48 Montrose Town Services) provided alternatively by M W Nicoll and Stagecoach. The bus services traverse Faulds Road, the unadopted section of Patons Lane, a link road to Christies Lane, Christies Lane on to Eastern Road.

2.4 The unadopted section of Patons Lane is subject to a one-way traffic order and is in a poor state of repair having deteriorated to such a point that the bus service providers are considering the withdrawal of the service from Patons Lane (refer letters from the service providers attached as Appendix 2 to this report). The service could instead travel the full length of Christies Lane from Faulds Road to Eastern Road, stopping some 150 metres away from the Links Health Centre current bus stop.

2.5 The Roads Division has been asked to inspect the unadopted section of Patons Lane and have estimated the costs of upgrading the unadopted section to an acceptable physical standard along with associated lighting and drainage works. The estimated costs including engineering design and supervision costs are £26,000. The width of the road and lack of
footway on the south side is significantly below the council’s adoptable geometric roads standards and therefore would not normally be considered for adoption.

2.6 Whilst the council discontinued undertaking works at the council’s expense to unadopted roads in 2002 following Report No735/02, the report did permit exceptions subject to committee approval. With the presence of the Health Centre, and circumstances of the bus service along with the Montrose Common Good interest in this site, there are grounds for considering an exception.

2.7 There are a number of options:

Option 1

Do nothing, allowing the road to deteriorate and re-route the bus services via Christie’s Lane approximately 150m away. As there is no bus shelter in Christies Lane there would be a cost of providing a shelter, raised bus boarder kerb and moving the Real Time Information system, which collectively is estimated at £10,000.

Option 2

Pursue repairs by the frontages through the Roads (Scotland) Act 1984. This would require an extended legal process with associated staff time cost and with no certainty of success in pursuing the adjacent landowners, including the Health Centre to fund repairs. The buses would need to be re-routed at nominal cost whilst this option is pursued.

Option 3

Upgrade the road to an acceptable standard at a cost of £26,000 by the available funding sources (as detailed in Financial Implications). The buses would need to be temporarily re-routed at a nominal cost whilst the works are procured and constructed and it is anticipated that the works would be completed within this financial year.

Option 3 is recommended as the most pragmatic solution. Given the level of public use and the need for public transport to the health centre it is considered that in these exceptional circumstances that if the work is carried out to bring the road condition up to an adoptable physical construction standard the road should be adopted by the council as Roads Authority for maintenance purposes thereafter.

3 RISK

3.1 There is a risk to the council’s reputation in regard to the possible ownership of the road by the Montrose Common Good Fund.

3.2 There is a growing risk that if action is not taken an accident will occur resulting in a member or members of the public being injured.

4 FINANCIAL IMPLICATIONS

4.1 Option 1 has some financial implications for the council in relocating the bus stop and this has been estimated at £10,000.

4.2 Option 2 will have some minor costs associated with temporarily relocating the bus shelter and staff costs in pursuing the frontagers which may be protracted. Overall costs are estimated at £5,000

4.3 Option 3 is estimated at £26,000 and can be funded without setting a precedent in light of the atypical circumstances through the council’s 2011/12 Other Services revenue budget and the Provision for Additional Burdens therein.
5 **HUMAN RIGHTS IMPLICATIONS**

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

6 **EQUALITIES IMPLICATIONS**

6.1 Should the removal of the bus service from adjacent to the Links Health Centre occur necessitating an additional 150m walk there would be a small impact on those having mobility difficulties.

7 **ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT**

7.1 This report contributes to the following local outcome contained with the Angus Community Plan and Single Outcome Agreement for 2011 - 2014

- Angus is a good place to live in, work in and visit

8 **CONSULTATION**

8.1 The Chief Executive, Head of Finance and Head of Law and Administration were consulted in the preparation of this report.

8.2 The Montrose & District elected members were consulted on the proposals contained in option 3 and are supportive of those proposals.

9 **CONCLUSION**

9.1 The Council is asked to note the state of Patons Lane, the exceptional circumstances which exist in this case and agree to upgrade the unadopted section of road, this to be funded from the 2011/12 Other Services revenue budget - Provision for Additional Burdens.

**COLIN McMAHON**
**DIRECTOR OF CORPORATE SERVICES**

**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:-


Roads/JG/IAC
October 8, 2011

Lesley Miller
Transport Manager
Planning & Transport
Angus Council
County Buildings
Market Street
Forfar
DD8 3LG

Dear Ms Millar

I am writing to you with regard to the state of the road surface in Patons Lane, Montrose. I am hoping that you can have work done to rectify this situation in the near future. If something is not done to fix this we will have to consider removing the buses from this street as this street is causing damage to our buses.

Thanking you for your assistance in advance.

Yours sincerely

[Signature]

Fraser Pearce
Lesley Miller
Transport Team
Angus Council
St James House
St James Road
Forfar
DD8 2ED

6th October 2011

Reference: Service 48/ Paton’s Lane

Dear Lesley

Following our telephone conversation regarding the potholes at Paton’s Lane, we are considering making an application to the Traffic Commissioner to amend the route or withdraw the service altogether.

We were awarded this contract by yourselves and then we purchased a new vehicle to operate this service which cost a considerable amount of money. The vehicle was an Enviro 200 and was purchased on the grounds of passenger level, mainly of which are concession card holders.

We as a company always like to provide the public with a good service and ensure a comfortable, clean bus to service the routes.

Maintenance checks are carried out every six weeks and we are concerned that due to the state of Paton’s Lane it may be causing damage to our vehicle and this is something we wish to avoid. I would hope that our appeal to yourselves would be considered and that we can reach a satisfactory result to this matter.
Yours sincerely

Sylvia McClure
Transport Manager