

ANGUS COUNCIL

ROADS COMMITTEE

22 NOVEMBER 2001

PROVISION OF STREET LIGHTING
ON UNADOPTED ROADS AND FOOTPATHS

REPORT BY THE ACTING DIRECTOR OF ROADS

ABSTRACT

This Report reviews the Council's current policy with respect to the provision of street lighting on unadopted roads and footpaths.

1 RECOMMENDATIONS

It is recommended that the Committee agree:-

- i) to note the options available to the Council when considering requests to provide street lighting on unadopted roads and footpaths;
- ii) to amend the current interim policy for Street Lighting to exclude provision of Street Lighting on Unadopted Roads due to current pressures on Roads Revenue and Capital Budgets;
- iii) to note that four outstanding requests for the provision of lighting on unadopted roads/footpaths will now not proceed.

2 INTRODUCTION

Report Number AC 98/96 "Interim Roads and Transportation Policies" was approved by the Roads Committee of 28 February 1996. The Abstract of the Report was as follows:-

"This Report proposes the interim adoption of those Tayside Regional Council Transportation Policies relevant to roads and transportation issues (but excluding planning, transport and economic development issues) which are applicable to Angus Council until such time as the Council has had an opportunity to review each individual policy with a view to its perpetuation, amendment, replacement or deletion".

Included in this Report was Tayside Regional Council Policy Number 6 for street lighting which states:-

"In pursuit of public safety and where there is a right of public passage, the Council will:

- i) On roads which are on the List of Public Roads, provide maintain and update street lighting as necessary, including replacing maliciously damaged street lighting;
- ii) For prospectively adoptable roads, continue to make the provision of lighting a condition of construction consent;
- iii) On unadopted roads and footpaths
 - (a) where there is street lighting currently maintained by the Council, maintain and update as necessary, that lighting;
 - (b) extend the service to other unadopted roads where the lighting is of a standard acceptable to the Council, or after it has been brought up to such a standard by the owners;
 - (c) where there is no lighting, provide, maintain and update such lighting;
- iv) for proposed roads which are not to be adopted, make it a condition of construction consent, that the developer provide lighting of a type and standard acceptable to the Council together with any necessary provision required for future maintenance. Thereafter the Council would adopt and maintain the lighting in a similar manner to the contiguous lighting provided on roads which would be adopted."

This Report reviews the Council's policy with respect to (iii) (c) above (the provision of street lighting on unadopted roads and footpaths).

3 DETAILS

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

"A local roads authority shall provide and maintain lighting for roads, which are, or will be, maintainable by them and which in their opinion ought to be lit.

Section 35(4) of the 1984 Act states:-

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

Thus, as opposed to the Statutory duty to provide lighting on adopted roads, the Council has a permissive power to provide lighting, if it chooses, on unadopted roads.

Requests have been received in the past to light unadopted roads and footpaths and in the interests of public safety and where there is a right of public passage these requests have been attended to as funding permitted.

Unfortunately, due to severe pressures on cash limited budgets for the maintenance/upgrading of the existing street lighting infrastructure it has not been possible to action this type of request over the current and previous two financial years.

The Council has at present a £2-3m backlog of street lighting renewals (ie replacement of lighting stock beyond the end of its economic working life) and in addition to this backlog there are outstanding requests for new and improved street lighting from residents, Community Councils and Elected Members totalling approximately £500,000.

Included in this list of requests are four schemes involving unadopted roads:-

Kirriemuir:	Mid Road	£12,000
Carnoustie:	Newton Crescent Footpath	£ 3,600
Monikie:	West Hillhead Road	£10,000
Forfar:	Lilybank Farm Road	£ 6,000

Consideration of Options

When considering this type of request the Council has the following options available:-

Option 1 Due to the already severe pressures on the budgets available to upgrade/maintain the existing street lighting infrastructure (as reported to the 14 June 2001 Roads Committee, Report No. 686/01 "Street Lighting Infrastructure Condition") decline any request to provide street lighting on any unadopted road or footpath until such time as funding levels permit positive action.

Option 2 Due to the benefits accrued through the installation of street lighting endeavour to include requests to provide street lighting on unadopted roads and footpaths within the annual programme of street lighting works. This would however inevitably have to be at the expense of providing new lighting on adopted roads and footpaths or replacing/upgrading existing lighting infrastructure at the end of its economic working life.

Option 3 Allocate additional funding for the provision of street lighting on unadopted roads and footpaths. In recent years, due to the overall constraints on the Council's Revenue and Capital Budgets it has not been possible to provide additional funding for this purpose.

The Council currently faces an extremely challenging time in attempting to provide core roads, lighting and infrastructure services against a backdrop of reducing budgets nationally and reduced financial support to Local Authorities in real terms from the Scottish Executive.

In Angus there is currently a significant backlog of infrastructure maintenance projects which have accumulated through a lack of adequate funding on a year-on-year basis

over the last 15-20 years, or so. Specifically, current outstanding infrastructure maintenance requirements include:-

- An estimated £2-3m backlog of street lighting renewals.
- An estimated additional £0.5m required year-on-year to maintain the existing street lighting network under an economic maintenance regime.

The preferred option is therefore Option 1.

It will therefore be necessary to amend the current interim policy on Street Lighting to exclude the provision of new street lighting on unadopted roads and footpaths. It is proposed therefore to amend Section iii (c) of this policy to:-

“(c) Where there is no lighting, that lighting will not be provided”.

4 **FINANCIAL IMPLICATIONS**

Further provision of street lighting on unadopted roads and footpaths would increase the burden on the Revenue Budget for Street Lighting for on-going maintenance and electricity charges year-on-year.

This change in policy will ensure that the limited funding available for Street Lighting is allocated to maintaining or upgrading the existing lighting infrastructure.

5 **HUMAN RIGHTS IMPLICATIONS**

There are no human right implications arising from the proposals in this Report.

6 **CONSULTATION**

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

7 **CONCLUSION**

Due to the problems associated with availability of adequate funding it is considered prudent to refuse any request to provide street lighting on any unadopted roads and footpaths, including the four schemes already on file, until such time as funding levels permit positive action.

R W McNeil
ACTING DIRECTOR OF ROADS

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 No AC98/96 “Interim Roads and Transportation Policies” – Roads Committee of 28 February 1996.

Report No 686/01 – “Street Lighting Infrastructure Condition” – Roads Committee of 14 June 2001.

JMcF/AS
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