

ANGUS COUNCIL

ROADS COMMITTEE

23 AUGUST 2001

STOPPING UP AND DELETION FROM THE LIST OF PUBLIC ROADS
PARTS OF BALLINSHOE ROAD (U374)

REPORT BY THE DIRECTOR OF ROADS

ABSTRACT

This report recommends that the statutory procedures be implemented to have sections of the U374 Ballinshoe Road stopped up and deleted from the List of Public Roads.

1 RECOMMENDATIONS

It is recommend that the Committee agree to the promotion of a stopping up order covering two sections of the U374 Ballinshoe Road and that thereafter, subject to the Order being made, these sections of road be deleted from the List of Public Roads.

2 DETAILS

The original U374 Ballinshoe Road was severed by the construction of the A90(T) Dundee – Aberdeen road and as a result, the two sections created became unnecessary. These redundant dead-ends on the road network now serve only to provide access to the adjacent properties and land.

The sections of road to be stopped up are shown hatched on the attached 1:10,000 scale Drawing No. T01-13/1 and are defined and described in the attached schedule.

If these sections of road are stopped up the right of public passage over them will be extinguished and, following deletion from the List of Public Roads, they will become private accesses with public passage only on the sufferance of the owner(s).

In these circumstances the solum of the road will, subject to any prior claim of any person by reason of title, vest in the owner or owners of the land which adjoins the road.

The Stopping-Up Order will include provisions for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which is under, in, on, over, along or across the road.

The proposed Stopping-Up Order will also require to be advertised in the usual manner in accordance with the Stopping-Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.

3 **FINANCIAL IMPLICATIONS**

The revenue savings arising in respect of the termination of the routine maintenance of this road will amount to £11,298 per annum, at current rates. This potential saving will be re-allocated to other priorities within the Roads Maintenance Budget. The costs associated with the promotion of the Stopping-Up Order (Public Notices etc) can be contained in the Roads Revenue Budget for Traffic in the current financial year.

4 **HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising from this report.

5 **CONSULTATION**

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

6 **CONCLUSION**

The sections of road in question are no longer necessary. An order to stop up the disused sections should be made in terms of Section 68 of the Roads (Scotland) Act 1984. Subsequently, the length of road stopped up should be deleted from the List of Public Roads.

Dr Bob McLellan
DIRECTOR OF ROADS

NOTE

No 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.

AB/JSG
17 July 2001
REPORTS/ballinshoe.road

SCHEDULE**U374 BALLINSHOE ROAD (A926–U373) – DISUSED SECTION**

Carriageway (width varies from 3.8 metres up to 25 metres at bellmouth) and adjacent verges (widths vary from 0 metres up to 4 metres) extending from its junction with the A926 Forfar - Kirriemuir road at a point 496 metres or thereby east of the junction of the A90(T) Dundee - Aberdeen road with the A926 Forfar - Kirriemuir road in:

- 1 a northerly direction for a distance of 540 metres or thereby and;
- 2 from a point 10 metres or thereby west of the termination of (1) above in a westerly then north-westerly direction for a distance of 1388 metres or thereby terminating at its junction with the U373 Nether Bow road.