

To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 24 May 2023

Report by: DIRECTOR OF ENVIRONMENT, HOUSING & INFRASTRUCTURE

Heading: Road Adoption Policy

1. Summary

- 1.1 The Council often receives requests to adopt lengths of carriageway and add to add them to our list of public roads. These requests are usually made by developers, following the completion of a housing development, although sometimes requests can come from private owners.
- 1.2 The Road Adoption Policy has been shaped to provide guidance to residents on how they can apply to have a private stretch of road added to the list of Public Roads managed and maintained by Renfrewshire Council (adopted). In many instances, residents may not even be aware that their footway / carriageway is private, and this may lead to confusion as to who maintains these roads.
- 1.3 The key objectives of the Road Adoption Policy are to:
- To ensure that the Council's policy is clear to both members and the public and is communicated effectively;
 - To ensure that the Council's policy is applied consistently, in accordance with legislation and for the greater benefit of the Renfrewshire public;
 - To ensure public safety on the road network;
 - To ensure that requests are dealt with in a fair and transparent manner;
 - To provide guidance for residents on a matter that they may not even be aware of;
 - To manage expectations.

2. Recommendations

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Approves the Road Adoption Policy as attached at Appendix 1.
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3. Background

- 3.1 As a Roads Authority under the Roads (Scotland) Act 1984, Renfrewshire Council is responsible for the management and maintenance of all non-trunk, public roads within its boundaries. To support this duty, the act provides the Authority with various powers of enforcement. In addition, Renfrewshire Council has a duty under the New Roads and Street Works Act 1991 to ensure those working on public road do so in a safe and timely manner.
- 3.2 The Roads (Scotland) Act 1984 also requires the council to manage and maintain a List of Public Roads for its area.
- 3.3 A road includes carriageways, footways, footpaths, cycle paths and verges and a public road is a road that the Council has a duty to maintain. In the current list the term carriageway refers to the road and can be assumed to include the adjoining footway or verge unless stated otherwise.
- 3.4 Public roads are those managed and maintained by Renfrewshire Council, no matter who owns the ground on which the road has been constructed

4. Review

It is recognised that the environment we operate in is continually evolving and as a result we must continue to evolve as well. We will review these policies on an ongoing basis to ensure they will continue to deliver the identified improvements for our communities.

Implications of this Report

1. **Financial** – Adding to the list of Public Roads managed and maintained by the Council does come at a financial cost as our road network will increase.

2. **HR and Organisational Development** – none

3. **Community Planning**

Empowering our Communities – The Road Adoption Policy provides a means for considering community requests to adopt private roads. This transfers the maintenance liability to the Road Authority

Safer and Stronger Renfrewshire – The aim of this policy is to create a road network in Renfrewshire that is safer for all users.

A Greener Renfrewshire – none

Renfrewshire forum for Empowering Communities – none

4. **Legal** – none
5. **Property/Assets** – none
6. **Information Technology** – none
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health and Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none
12. **CoSLA Policy Position** – none
13. **Climate Risk** - none

List of Background Papers - none

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Road Adoption Policy

Environment, Housing & Infrastructure

May 2023

www.renfrewshire.gov.uk



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1. Introduction

1.1. Legal & Policy Background

As a Roads Authority, under the Roads (Scotland) Act 1984, Renfrewshire Council is responsible for the management and maintenance of all non-trunk, public roads within its boundaries that it keeps on a List of Public Roads for its area. A road includes carriageways, footways, footpaths, cycle paths and verges.

Public roads are those managed and maintained by Renfrewshire Council, no matter who owns the ground on which the road has been constructed. At present, there are 855km of public carriageway and 1,213km of public footway in Renfrewshire. You can inspect the List of Public Roads at Renfrewshire House, Cotton Street, Paisley, PA1 1AN. Additionally, within the borders of Renfrewshire, there are 109km of unadopted / private carriageway and 155km of unadopted / private footway.

As a Council we receive requests to add lengths of carriageway to our list of public roads (adopt) and this policy will ensure that all such requests are dealt with in a consistent and transparent manner.

2. Aim of this Policy

Renfrewshire Council shall use this policy to achieve the following outcomes:

- To ensure that the Council's policy is clear to both members and the public and is communicated effectively;
- To ensure that the Council's policy is applied consistently, in accordance with legislation and for the greater benefit of the Renfrewshire public;
- To ensure public safety on the road network;
- To ensure that requests are dealt with in a fair and transparent manner;
- To provide guidance for residents on a matter that they may not even be aware of;
- To manage expectations.

Roads built after 1985 are subject to Construction Consent under section 21 of the Roads (Scotland) Act 1984 and may be adopted by the Council under section 16 on request by the person who was granted that consent, usually the housing developer.

Roads built before 1985 have sometimes been left unadopted. In many instances, residents may not even be aware that their footway / carriageway is private and this may lead to confusion as to who maintains these roads. This information is generally provided with the title deeds of a property, however, many buyers may not know to look for this. It can take a complaint regarding a defect being reported to the Council before the resident is made aware of the legal status of the road on which their property sits.

3. Background

3.1. What is Road Adoption?

Road adoption is a process where a road in private ownership becomes a public road, which is then managed and maintained by the council, as part of the public road network if it is constructed to adoptable standards in terms of layout and construction.

Generally speaking, there are two scenarios where a road can become adopted by the Local Authority.

3.2. New Development



The Council will follow the Roads (Scotland) Act 1984, The Security for Private Road Works (Scotland) Amendment Regulations 1998 and the SCOTS guide for the Road Construction Consent and Road Bond process for all matters pertaining to road adoption for new developments.

The National Development Guide states that a development with 6 or more houses requires a road.

Legislation states that any road which serves a housing development (with the exception of social housing) requires a road bond. A road bond is a sum of money or a security which must be lodged with the Council before the work starts and is set aside in case the road is

not completed (in the event of the developer's insolvency) or, when completed, is not built to the correct standard. The bond can be called in by the Council to do the work the contractor has failed to do.

Developers of large housing developments are often keen to release themselves of the burden of large sums of money held for long periods of time in Road Bonds. Therefore, Road Bonds can be released bit by bit for different phases of the work as and when they are completed satisfactorily.

The route to road adoption in new developments generally follows these steps;

- The developer enters into a Construction Consent agreement with Renfrewshire Council
- The Construction Consent sets down the extent of the adopted roads and the construction standards to which the road must be designed and built
- Once the developer has constructed the road to the required standards, we enter a 1-year maintenance period by the end of which the developer repairs any defects at their expense.
- The roads are added to the List of Public roads once the developer has presented the completed road to the Council using the Council's CC5 form.

3.3. Private Ownership



This applies to private/unadopted roads.

- Owners of roads or those whose land joins onto a road, can enter into an agreement to improve the road at their own expense to an adoptable standard agreed by Renfrewshire Council
- Once the road achieves this standard we enter a 1-year maintenance period by the end of which the owner repairs any defects at their expense.
- Following the 1-year maintenance period and its presentation to the Council using the CC5 form, the road can be added to the List of Public Roads.

The breakdown of requests to adopt private roads over the last 5 years breaks down as follows:

<u>Year</u>	<u>Requests to Adopt</u>
2022	6
2021	12
2020	4
2019	7
2018	8

4. Emergency Work in relation to Private Roads

Under the Roads (Scotland) Act 1984, the local roads authority may, if in their opinion work in relation to a private road is necessary because circumstances constituting an emergency have arisen, serve notice on the owners to fix the road.

If the private road owner does not comply with the notice or if an owner cannot be identified, the local authority may carry out that work; and they shall not require to give any notice of their intention in that regard to the owners. This allows the Local Authority to act in the interests of public safety without waiting for permissions.

5. Applying for Private Road, not associated with new development, to be added to List of Public Roads (adoption)

If you are responsible for an existing private road you can apply to have the Council add it to their list of public roads (adoption) under Section 16(1) of the Roads (Scotland) Act 1984.

Requirements for adoption

There are specific requirements regarding the adoption of a private road onto the Council's List of Public Roads.

- The road must meet 'the definition of a road' in terms of the Roads (Scotland) Act 1984
- An application for road adoption must be made by the owners of the properties which make up the majority of the length of frontage on both sides of the road being offered for adoption.
- The road must meet Renfrewshire Council's standards for adoption (pre 1985 this will require taking a core sample of the road construction, post 1985 the road should be constructed to RCC standards and a core will not be necessary)
- The road must join the existing public road network
- The road must offer safe passage for pedestrians and vehicles
- The road has an approved means of surface water drainage
- Any street lighting, where present, must conform with current local requirements and national standards.

For appropriate standards relating to road construction, carriageway widths, passing and turning provision and minimum visibility standards please contact Environment, Housing & Infrastructure at Mail In Environmental Services (ei@renfrewshire.gov.uk).

6. What the Council will do

Upon receipt of a request from a member of the public to adopt a private road, the Council will:

- Confirm that the road is indeed private
- Assign a roads inspector to carry out a survey of the road
- Identify the amount of work required to bring the road up to an acceptable standard and produce a cost estimate
- Write to each frontager seeking confirmation that they are willing to pay their share of the total cost
- Provide information on competent contractors to allow the residents to employ their own contractor to complete the works, or, if this is not possible, carry out the works in-house.
- Arrange for an inspection following the works to confirm that they have been completed to an adoptable standard and enter into the 1-year maintenance period.
- At the end of the maintenance period, carry out a further inspection of the road to ensure that the works have not deteriorated unduly and add the road to the list of public roads, managing and maintaining it from that point onwards

7. Adoption of private footpaths and cycle routes

Many remote footpaths and cycle routes in Renfrewshire, built before the importance of active travel as an alternative to the private car was realised, are not maintained by the Council. In line with the Council's carbon target of net zero by 2030, the Council will look into the steps needed to adopt the whole of Renfrewshire's remote footpath and cycle route network. The purpose being to ensure a safe and well maintained network for short journeys to help reduce emissions produced by short car trips. The proposal would not include the National cycle route network which is maintained by the cycling charity

Sustrans, but will consider the need to improve standards and set maintenance regimes to ensure the availability of a high quality network in future.

8. Large Housing Developments

Very large developments like Dargavel and the proposed Dykebar Hospital site sometimes have a network of primary roads built by an overseeing body, in advance of any housing, to serve individual developer's access needs. Many of these roads remain unadopted years later because individual developers and utilities continue to break into them to serve new phases of development and the main roads are never completed to a state where they could be offered for adoption. Residents rightly want an adopted road that the Council can manage for them in terms of street lighting, road safety and winter gritting and not be beholden to a private developer. The Council will consider whether we should implement a time limit on adoptable private roads by which time they must be adopted, regardless of future developer and utility operations.

9. Private footpaths serving flatted developments

Flatted developments are often set back from the road and are provided with a network of private footpaths through private landscaped grounds to connect the public footway to the flat's front door.

The Council will assess a set of rules about which private footpaths serving flatted development we are prepared to adopt. We have a duty to provide a route to the front door (the route the postman takes is a good proxy) but we don't want to duplicate adopted paths to the same place because of the unnecessary maintenance burden that would involve. Here is a list of draft rules that we will finalise and publish for developers as part of this policy:

1. Footpaths that link houses or flatted developments with the wider local facilities should be offered for adoption and allow for unrestricted access
2. Footpaths that link between two public places should be offered for adoption
3. Where properties are served by footpaths to the front and rear only one will be offered for adoption unless both paths form part of a general network of footpaths to serve the public

4. If two footpaths serve the same purpose only one will be offered for adoption.

10. Policy Review

This policy is a living document and will be reviewed and updated if/when statute or national standards or best practice requires it. This policy will be reviewed after 12 months of operation and then every 3 years.



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