

DEVELOPMENT AND REGULATORY SERVICES

TRANSPORTATION – DEVELOPMENT PLANNING

SCHEME FOR THE MAKING UP OF PRIVATE ROADS TO ADOPTABLE STANDARD

General Information and notes for guidance.

The Roads (Scotland) Act 1984 provides that the responsibility for the maintenance of a private road lies with the owner of land or property fronting onto the road. The road does not become a public road maintainable at public expense until it has been brought up to a standard of construction and alignment that is acceptable to the Council as Roads Authority and has been formally adopted as such. The responsibility under the Act for making the road up to an acceptable standard lies with the frontagers.

The Council is not required to keep records of private roads but are aware that there are a number of such roads that have not been maintained adequately over the years and are now in a state of considerable disrepair. The Council recognised this issue and in 1999 introduced the Scheme for the Making Up of Private Roads to Adoptable Standards that enabled frontagers on private roads to apply for grant assistance to help fund the upgrade of the private road.

Details of how to submit in application under this scheme are included in the Notes for Guidance that follow.

The scheme will not apply to all private roads and the following will be excluded :-

1. Private roads having a single frontager/landlord such as farm access roads or estate roads.
2. Private roads that are either subject of a Road Construction Consent or have been constructed since 1985.
3. Private roads where a contribution would reduce an obligation of a developer to provide and/or maintain the road.
4. Private roads serving two or less dwellings.



NOTES FOR GUIDANCE

1. Applicant(s) are advised to consult officers of West Lothian Council, Development & Regulatory Services, Transportation, on any proposals prior to making a formal application to upgrade a private road to adoptable standard (Telephone Robert Smith on 01506 282324 or Donald Ashwood on 01506 282328 or Jim Stewart on 01506 282327).
2. Applications must be made, in writing, to the Transportation Manager using **Forms PR1 and PR2**.
3. **Form PR1** is for general background information and will help the Council to decide if your application is eligible for grant assistance and, if so, what level of contribution the Council will make towards the proposed scheme.
4. **Form PR2** is the main application form. There are four parts to this form and all parts must be completed, in full, before the application can be considered. The form must include the name and address of all applicant(s) and should be signed and dated by each applicant. This form should also be accompanied by the following information:
 - a) Sufficient drawings (two paper copies of each drawing required) and documents to indicate all the design details and construction specifications of the proposed scheme, including any associated footways, footpaths, structures, drainage, street lighting, traffic signs, road markings, traffic calming measures, etc.
 - b) A scale plan showing:
 - all properties which have a frontage onto the private road;
 - the length of each individual frontage; and
 - those frontagers contributing to the cost of the works.
 - c) The names and addresses of any other contributors
 - d) Any other factors, for example:
 - traffic volumes;
 - any other significant use of the road; and
 - others benefiting from the improvements.
5. At the same time as the application is made, the applicant(s) shall also give notice on **Form PR3/N** to: all owners of land (excluding the applicant(s)) which front, abut or have an interest in the road; public utility companies such as Scottish Power, Scottish Gas, BT; and any other person or body who might have a material interest in the application, such as the Scottish Environmental Protection Agency, Forth Ports Authority, British Waterways, etc. The applicant(s) shall submit **Form PR3** detailing those parties upon whom notice has been served and shall inform parties where the plans may be seen.
6. Receipt of the application form will be acknowledged in writing and such acknowledgement will detail the application reference number and the transportation officer who will be dealing with the application.



7. The details of the application will be examined by the transportation officer and where appropriate, a list of comments detailing additional information and/or drawings required will be forwarded to the applicant(s). On receipt of such additional information and where there are no unresolved objections, a Design Approval (**Form PR4**) will be forwarded to the applicant(s).
8. Following receipt of the Design Approval, the applicant(s) should obtain three fully itemised estimates of the cost of the improvements. These estimates should be submitted to the Transportation Manager as soon as possible thereafter, together with a separate statement detailing any design costs incurred by the applicant(s) and an estimate of any future site supervision fees.
9. The Transportation Manager will assess which of the estimates is the most suitable for the purpose (this will normally be the cheapest, but not always) and use this estimate to calculate the potential level of grant assistance to be provided by the Council which will be based on the lesser of the following criteria:
 - (a) 50% of the total scheme cost;
 - (b) 7.5% of the total scheme cost per frontager;
 - (c) £1500 per frontager.

(Table 1 gives various worked examples of how the contributions are calculated)

10. It is likely that the demand for grant assistance will exceed the annual budget provision. It will, therefore, be necessary to prioritise applications so that the widest benefit to the public is achieved. The priority given to each application will be assessed against the following criteria:
 - (i) Roads within urban areas (ie where the speed limit is 40mph or less) will receive a higher priority than those in a rural location;
 - (ii) Roads that carry through traffic will receive a higher priority than culs-de-sac;
 - (iii) Roads with a high volume of traffic will receive a higher priority than those where traffic volumes are low (traffic counts may be necessary to establish this); and
 - (iv) Roads with a high number of frontagers will receive a higher priority than those with a low number of frontagers.

(Figure 1 gives further details of the relative priorities)

11. Following approval of the estimate for the scheme the Transportation Manager will issue a Scheme Approval (**Form PR5**) which will detail the potential level of grant assistance to be provided by the Council towards the overall cost of the scheme. This form will also indicate the current position of the scheme on the waiting list although it should be borne on mind that priorities will change as more applications are received and that the position of a particular scheme on the waiting list could change from it's original position. **It should be noted that Form PR5 is not an authorisation to commence work. It is only an acceptance that the scheme is suitable for Grant Assistance, if it receives a high enough priority to be selected. Construction work must not start until a "Notice of Grant Approval and Authorisation to Commence Work" (Form PR6) has been issued by the Council.**
12. The Council will generally approve all applications where the proposed upgraded roads conform in all respects to the design requirements and specifications adopted by the Council, and where there are no outstanding objections to the proposals.



13. If, due to circumstances, the applicant(s) cannot achieve all the road design requirements and specifications adopted by the Council or where there are outstanding objections then the Council will consider each application on its merits and either grant approval with specified conditions or refuse the application.
14. Each year, on or around 1 March, the Council will select from the applications on the waiting list, those schemes which will be eligible for grant assistance for the forthcoming financial year (1 April to 31 March). A "Notice of Grant Approval and Authorisation to Commence Work" (**Form PR6**) will be sent to the successful applicant(s) as soon as possible thereafter. On receipt of this form the applicant(s) should make arrangements to appoint the approved contractor as soon as possible. The start date for the works should be no later than 3 months from the date of receipt of **Form PR6** unless with the approval of the Transportation Manager.
15. The works must be carried out in accordance with the approved design, as amended by any conditions set out by the Council in the Scheme Approval. Unforeseen conditions on-site may however require changes to these conditions. The Council must be informed immediately of any such changes and of any implications these changes may have on the overall cost of the scheme. If the changes are relatively small, eg to detail, they may be mutually agreed between the applicant and the Transportation Manager, but where agreement cannot be reached or where the changes are of a larger scale, eg layout, then an application for an amendment to the Approved Design must be made by the applicant(s). Failure to notify the Transportation Manager of any changes from the approved design could result in the Council's contribution to the overall cost of the works being reduced.
16. **The applicant(s) shall be responsible for appointing and supervising the approved contractor during the construction works and for making all payments to the contractor.**
17. Officers of the Council shall have access to all works within normal working hours, or outside these times when construction work is in progress. The officers will be permitted to take samples and to measure the thickness or quantity of any materials used, or take any dimensions or level in order to satisfy themselves that the design requirements and specifications adopted by the Council are being, or have been, complied with. In addition the applicant(s) must inform the appropriate transportation officers, giving 2 days notice (excluding weekends), of the following stages of works, where applicable:-

Carriageways and Footways or Footpaths

- (a) Intention to commence work
- (b) Setting out
- (c) Commencement of excavation (inspect sub-soil conditions)
- (d) Commencement of laying sub-base
- (e) Completion of kerbing
- (f) Commencement of laying road-base
- (g) Commencement of laying binder course to carriageway
- (h) Commencement of laying surface course to carriageway
- (i) Commencement of laying sub-base to footpaths/footway
- (j) Commencement of laying binder course to footpaths/footway
- (k) Commencement of laying surface course to footpaths/footway



Road Drainage

- (a) Setting out
- (b) Breaking into existing pipe runs - before installation of saddle connection or manhole
- (c) Completion, bedding and haunching, but before concrete surrounding or haunching, and completion of manholes - before backfilling (tests where applicable)
- (d) Completion of backfill (tests where applicable)

Road Lighting and Illuminated Traffic Signs

- (a) Intention to commence
- (b) Determination of exact location of plant by applicant on site (Council Lighting Personnel to be in attendance)
- (c) Commencement of Column and Sign erection
- (d) Commencement of cable laying
- (e) Commencement of Electrical Work (NB. No connections allowed to existing Council supplies except by Council Lighting Personnel)
- (f) Commencement of Electrical Testing and commissioning of installation (actual connection dates must be noted)

Road Structures

- (a) Intention to Commence Work
- (b) Setting Out
- (c) Completion of excavation to formation level
- (d) Commencement of work on every stage in the construction of a structure (eg every concrete pour, every masonry lift, erection of parapets, etc)
- (e) Completion of the main structure
- (f) Commencement of any testing

Traffic Signs and Road Markings

On Completion

Outstanding Works Defined by the Council after Formal Inspections

Commencement of each item of outstanding works

- 18. The applicant(s) must ensure that the construction works are completed within 12 months of approval being granted.
- 19. Once the road is substantially constructed the applicant(s) shall give notice of their intention to make application to the Council for the road to be added to their list of public roads by means of **Form PR7** accompanied by a single plan of the road as-built. The Council will only consider adoption when all roads covered by the approved application are substantially constructed. On receipt of this form a Transportation officer will formally inspect the roads covered by the approved application and provide the applicant with a list of any outstanding works.



20. Once the outstanding works are certified by the transportation officer as complete the applicant will be notified of the date of commencement of the 12 month maintenance period. **During this period, the roads covered by the approved application will continue to be the responsibility of the frontagers.**
21. At the end of the 12 month maintenance period the applicant(s) shall make his formal application for the road to be added to the list of public roads on **Form PR8**. The application shall be accompanied by sufficient drawings, with two copies of each drawing to provide a record of the road as-built. An electronic copy of the "As Built" drawings on a CD/DVD in AutoCAD2006 format should also be submitted.
22. A transportation officer will carry out a further inspection of the roads covered by the approved application and provide the applicant with a list of any remedial works. These must be completed within 6 weeks otherwise the Council will issue updated lists as and when required.
23. The Council will add the road to its list of public roads on the satisfactory completion of any remedial works. The applicant will be notified of the date on which the roads covered by the approved application were added to the Council's List of Public Roads.
24. In addition to the general requirements for inspecting roadworks, there are specific requirements for the design, construction and inspection of street lighting and associated electrical installations, as follows:
 - (a) From the inception of a scheme the applicant(s) shall ensure that the following stages of the process are certified by an appropriate person, using **Form PR9**:
 - (i) Design of Road Lighting;
 - (ii) Installation of Road Lighting; and
 - (iii) Inspection and Test of Road Lighting.
 - (b) When a section of the street lighting or associated apparatus is ready to be commissioned, the applicant(s) shall request an electrical commissioning test using **Form PR10**.
 - (c) On receipt of **Form PR10** a street lighting officer will inspect the installation and issue an Inspection Certificate (**Form PR11**). Any deficiencies will be highlighted on the form and must be rectified before commissioning can take place.
25. Similarly, there are specific requirements for the design and construction of road structures as follows:
 - (a) The design and construction of all road structures, including bridges, retaining walls, culverts, etc is to be undertaken in accordance with the current edition of the Design Manual for Road and Bridge Works, published by the Highways Agency, including amendments for Scotland.
 - (b) The process of design certification is to be carried out in accordance with BD2/89 and all Approval in Principle forms and Design/Check Certificates are to be signed by a Chartered Civil/Structural Engineer with appropriate experience.
 - (c) Approval in Principle must be obtained before detailed design work commences.



- (d) A site investigation report (factual and interpretive) is required for all major structures. The report must be certified by a Chartered Engineering Geologist with appropriate experience.
26. Applications for grant payments should be made by the applicant(s) to the Transportation Manager at the end of each month following commencement of the construction works, subject to a minimum value of £10,000 per application (except for any final application for payment). Each application for grant payment should be accompanied by the following information:
- (a) a fully itemised statement from the contractor showing the gross value of construction work carried out to date; and
 - (b) a fully itemised statement from the consultant, if applicable, showing the gross value of any consultancy fees incurred by the applicant(s) in connection with the approved application.
27. The Transportation Manager will carry out any checks required to satisfy himself as to the accuracy of the application for payment. This may include requests for additional supporting information from the applicant(s) or taking measurements on site.
28. Having satisfied himself as to the accuracy of the application for payment, the Transportation Manager will, within 28 days of receipt of the application for payment, issue a payment for the Council's contribution to the cost of the works to date, less a retention equal to 3% of the Council's contribution. The payments will be sent to the applicant(s) but will be made out in the name of the contractor and/or the consultant, as appropriate.
29. Following completion of all the works the applicant(s) should make an application to the Transportation Manager for final payment.
30. On receipt of a final application for payment and subject to any checks as described above, the Transportation Manager shall, within 28 days of receipt of the application for payment, issue a payment for all outstanding sums due. The retention at this stage will be reduced to 1.5% of the Council's contribution.
31. Once the roads covered by the approved application have been added to the Council's List of Public Roads the Transportation Manager will release the remaining retention monies to the applicant(s).
32. These notes are intended for guidance and assistance only and should not be regarded in any way as an authoritative statement of the law. The relevant statutory provisions relating to the adoption of a private road and the authority's powers in connection with applications made to them in this respect are set out in Section 16 of the Roads (Scotland) Act 1984.

Transportation – Development Planning