

## **EAST AYRSHIRE COUNCIL**

**CABINET 12 JANUARY 2011**

### **REMOVAL OF ROADS FROM LIST OF PUBLIC ROADS**

#### **Report By Depute Chief Executive / Executive Director Of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1** The purpose of the report is to seek Cabinet's approval to remove Farden Avenue, New Cumnock, Greenhill Avenue, New Cumnock and a length of Mosssdale Terrace, Bellsbank from the List of Public Roads.

#### **2. BACKGROUND**

- 2.1** Section 1(1) of the Roads (Scotland) Act 1984 requires East Ayrshire Council as Roads Authority to prepare and maintain a 'list of public roads'.
- 2.2** New roads are adopted and added to the list, generally as a result of roads submitted by housing developers upon completion of their sites. These roads are generally covered by Roads Construction Consent.
- 2.3** Existing roads become redundant when they are no longer required. This can occur where housing is demolished and they no longer serve a public purpose, or where roads are re-aligned and there is no longer a requirement for the road infrastructure.
- 2.4** Section 1(4) of the Roads (Scotland) Act makes provision for the removal of roads from the list of public roads.
- 2.5** Removal of a road from the list of public roads removes the maintenance liability for the Roads and Transportation Service, as responsibility reverts to the land owner. If a Stopping Up Order is then promoted under Section 68 of the Roads (Scotland) Act the road can then be physically removed.

#### **3. ROADS TO BE REMOVED FROM THE LIST OF PUBLIC ROADS**

- 3.1** At Mosssdale Terrace the existing houses are all vacant and the site has been offered for private development. Public Notices were published in the Cumnock Chronicle on 24<sup>th</sup> June 2009 and in the Ayrshire Post on 26<sup>th</sup> June 2009, with additional Notices posted on the site. No objections were received.
- 3.2** It is proposed that 207m of road now be removed from the List of Public Roads, as detailed in Appendix A. A stopping-up order is not considered

necessary for this street. The houses are to be sold to a developer and refurbished, the developer will then be responsible for upgrading the road to current standards and the road will then be considered for re-adoption.

- 3.3 At Farden Avenue and Greenhill Avenue the houses have been demolished. The road and street-lighting are still in place but are subject to ongoing vandalism.
- 3.4 Public notices were published in the Cumnock Chronicle on 17<sup>th</sup> February 2010 and on site. Again, no objections were raised and it is proposed that 1126m of road and 315m of link footpaths be removed from the list of public roads, as detailed in Appendix A. It is also proposed to promote a Stopping Up Order under Section 68 of the Roads (Scotland) Act and close off access to this area and remove the maintenance obligation.

#### **4. COMMUNITY PLAN IMPLICATIONS**

- 4.1 Removal of these roads from the list of public roads will allow access to be restricted thereby supporting the Improving Community Safety theme of the Community Plan.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 1(4) of the Roads (Scotland) Act 1984 makes provision for Roads Authorities to remove roads from the List of Public Roads. Notices have been published in accordance with the said section of the Act and no objections received.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 Removal of these roads from the List of Public Roads will remove the maintenance liability for these roads.

#### **7. RECOMMENDATIONS**

- 7.1 It is recommended that Cabinet :-
  - (i) Approves the removal of Farden Avenue, New Cumnock, Greenhill Avenue, New Cumnock and a length of Mossdale Terrace, Bellsbank from the List of Public Roads.
  - (ii) Otherwise note the report.

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Neighbourhood Services**

**JB/KA**  
**18 Nov 2010**

**BACKGROUND PAPERS**

**Notice for the Proposed Removal From the List of Public Roads – Farden  
Avenue New Cumnock and Greenhill Avenue New Cumnock.**

**Notice for the Proposed Removal From the List of Public Roads – Part of  
Mossdale Terrace, Bellsbank**

For further information on this report contact John Bryson Head of Roads and  
Transportation, telephone 01563 576310

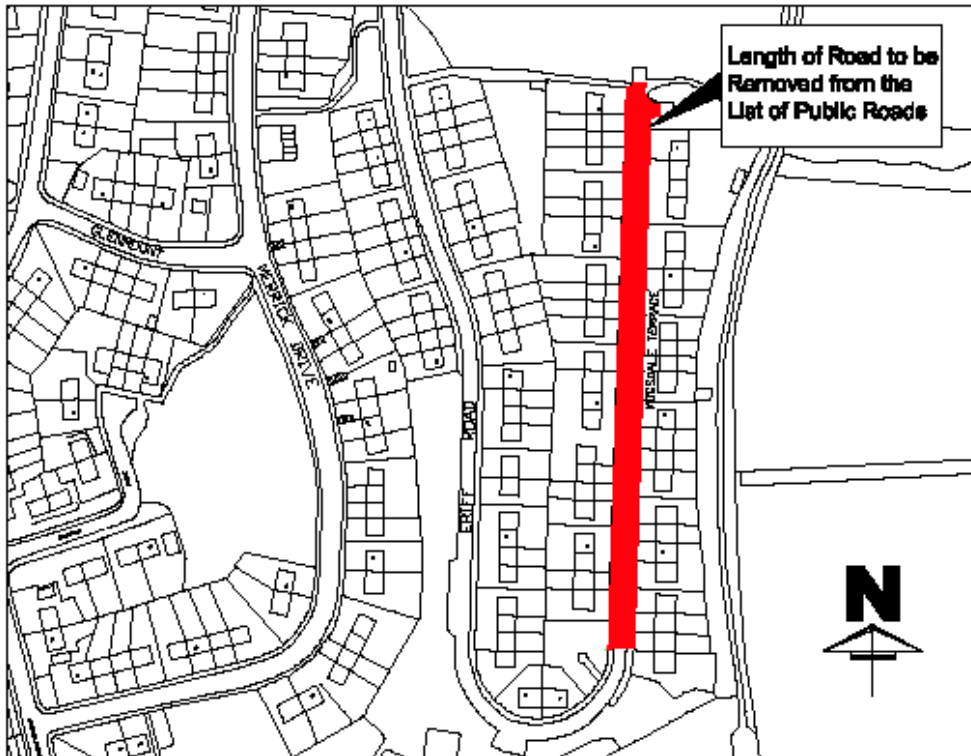
Implementation Officer: [Kevan.aitken@east-ayrshire.gov.uk](mailto:Kevan.aitken@east-ayrshire.gov.uk)

## Appendix A

### **PROPOSED REMOVAL OF ROAD FROM LIST OF PUBLIC ROADS**

NOTICE is hereby given that under Section 1(4) of the Roads (Scotland) Act 1984, as amended, East Ayrshire Council intends to remove the following road from the List of Public Roads:-

That part of **Mossdale Terrace Bellsbank, Dalmellington** from the turning head at the north end of the road southwards for a distance of 207 metres or thereby as shown on the attached drawing.



**OBJECTIONS** - Any person wishing to object to the proposal should send details of the grounds for objection in writing to the Head of Roads and Transportation, Greenholm Street, Kilmarnock, KA1 4DJ by:- **Friday 24 July 2009**.

**THE ROADS (SCOTLAND) ACT 1984  
PROPOSED REMOVAL OF ROADS FROM  
THE LIST OF PUBLIC ROADS**

NOTICE is hereby given that under Section 1(4) of the Roads (Scotland) Act 1984, as amended, East Ayrshire Council intends to remove the following roads in New Cumnock from the List of Public Roads:-

**Farden Ave** from its junction with Greenbraes Drive to its junction with Greenhill Ave, a distance of 630 metres or thereby.

**Greenhill Ave** from its junction with Farden Ave to its junction with Farden Ave, a distance of 496 metres or thereby.

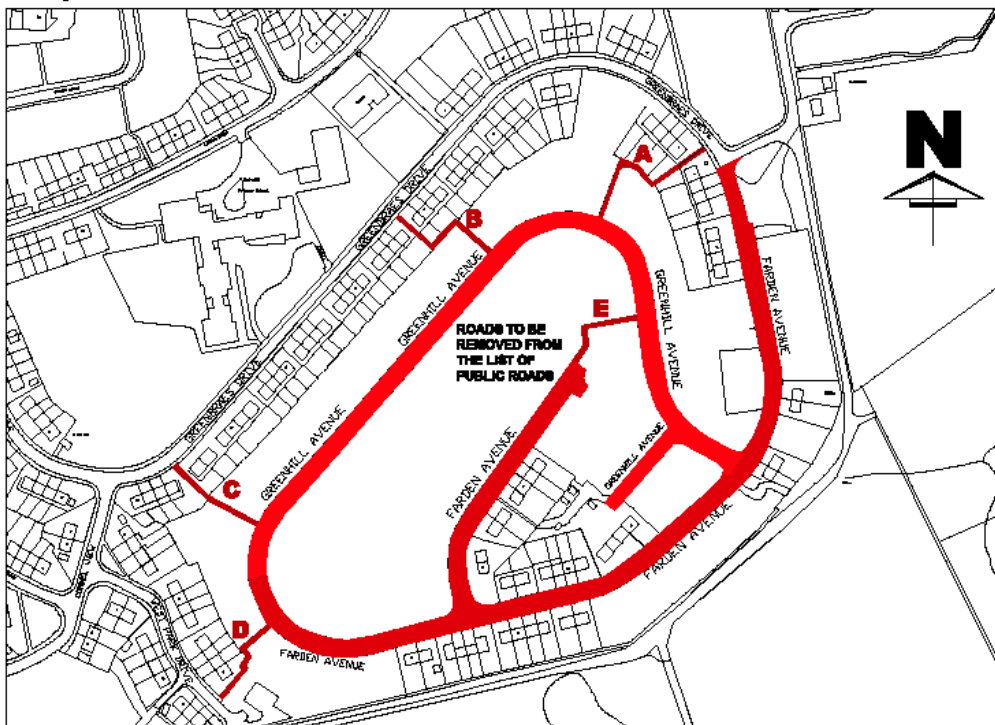
**Footpath** between Greenhill Ave and Greenbraes Drive, marked **A** on the drawing, a distance of 87 metres or thereby.

**Footpath** between Greenhill Ave and Greenbraes Drive, marked **B** on the drawing, a distance of 69 metres or thereby.

**Footpath** between Greenhill Ave and Greenbraes Drive, marked **C** on the drawing, a distance of 56 metres or thereby.

**Footpath** between Greenhill Ave and West Park Drive, marked **D** on the drawing, a distance of 53 metres or thereby.

**Footpath** between Greenhill Ave and Farden Ave, marked **E** on the drawing, a distance of 50 metres or thereby.



**OBJECTIONS** - Any person wishing to object to the proposal should send details of the grounds for objection in writing to the Head of Roads and Transportation, Greenholm Street, Kilmarnock, KA1 4DJ by:- Friday 19 March 2010.



John Bryson, Head of Roads and Transportation  
Council Offices, Greenholm Street, KILMARNOCK KA1 4DJ

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