

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE : 6 JUNE 2000

EXTRAORDINARY DAMAGE TO THE ROAD NETWORK CAUSED BY TIMBER VEHICLES

Report by Director of Development Services

1 PURPOSE OF REPORT

- 1.1** To advise the Committee of the powers available to recover extraordinary expenses for repairing roads damaged by timber vehicles, and action taken and proposed to monitor and control the damage caused.

2 BACKGROUND

- 2.1** At its last meeting the Committee considered a report on the Government's Draft National Strategy for Forestry. This anticipates a significant increase in the volume of timber harvested from forests in the south-west of Scotland. Although there are proposals for increasing the extent of transportation by rail there are likely to be significant impacts for the road network in the south of Scotland. The Committee asked for a further report on the Council's powers to control the movement of timber by road and to recover the cost of damage caused to the road network by timber vehicles.

3 LEGAL POWERS

- 3.1** In terms of Section 96(1) of the Roads (Scotland) Act 1984, the Roads Authority can recover extraordinary expenses, having regard for the average expenses of maintaining the road, which have been incurred by them in repairing damage caused to it by excessively heavy, or other extraordinary, vehicles or traffic. These expenses can be recovered from any person by or in consequence of whose orders the vehicles have, or traffic has, been on the road.
- 3.2** Section 96(3) of the Act allows for liability to be accepted in advance of operations which may cause damage and for compensatory payment arrangements to be agreed with the Council.
- 3.3** Section 48 of the Act allows the Roads Authority to enter into agreement with any person willing to contribute to the construction or improvement of a road.

4 ROAD HIERARCHY

- 4.1 The road network fulfils a variety of functions ranging from the strategic movement of traffic to vehicle access to properties.
- 4.2 These functions are fulfilled by different road types forming a road hierarchy.

Strategic Roads provide for major traffic movements between centres of population and economic activity on a national and regional level. On a national level these roads tend to be trunk roads, ie A77 and A76, and on a regional level are 'A' class roads, ie A70, A71 and A713.

Traffic Distributor Roads distribute traffic within a district and link strategic roads to smaller rural communities or urban residential and industrial areas. These are usually 'B' class roads, ie B743 and B778.

Minor Roads provide access to properties in urban and rural areas, ie 'C' class and unclassified roads.

- 4.3 It has proved difficult to recover extraordinary costs for damages under Section 96 of the Roads (Scotland) Act as it can be argued that heavy goods vehicles operating within national weight limits are not extraordinary vehicles and such vehicles operating on 'A' class and 'B' class roads under normal conditions do not constitute extraordinary traffic as these strategic and distributor roads are to facilitate the movement of commercial traffic. On these types of road, used by many heavy goods vehicles, it is difficult to identify which vehicles cause the damage.

5 ACTION TAKEN AND PROPOSED IN RELATION TO TIMBER TRANSPORT

- 5.1 Forestry operations are outwith planning control. The Council is consulted by the Forestry Commission to advise on policy issues in respect of the Local Plan which could be relevant to the planning and felling of trees, eg nature conservation issues. Although advice on road matters is also given this has no legal standing.
- 5.2 Four types of action may be considered to control the potential damage to the road network caused by the timber industry:
- Encourage greater use of the railway system
 - Agree routing for timber transport which minimises the use of unsuitable roads
 - Seek undertakings by the timber industry to upgrade unsuitable roads which are likely to come under sustained pressure from timber traffic
 - Seek compensation for excessive damage caused by timber transport.

- 6.2** In the case of other operations, such as opencast coal extraction or major construction projects, which are liable to result in sustained use of unsuitable roads by heavy vehicles the Council has an opportunity through the planning system to reinforce its powers under the Roads (Scotland) Act through Section 75 Agreements. Through such Agreements the Council has been able to require operators to upgrade minor roads to sustain regular use by heavy vehicles, and to establish formal arrangements for controlling the roads which are used by such vehicles. Since timber extraction operations do not require planning permission similar opportunities to manage the impact on the road network are not available to the Council. Alternative approaches are required.
- 6.3** The first two approaches listed above have become the focus of the work being carried out by the Ayrshire Timber Transport Liaison Group. This Group has been carrying out an analysis of timber flows in order to assist the authorities in the south-west of Scotland to designate appropriate routes and explore the opportunities for increased transport by rail. The use of designated routes could, currently, only be enforced through voluntary agreements, although major users such as the Egger chipboard factory can and do exert some influence through contractual arrangements with suppliers. It is suggested that the Council members of the Liaison Group should keep under review the effectiveness of voluntary arrangements. If there is an increase in the use of unsuitable roads, in an unregulated manner there might be a case for seeking new legislative powers.
- 6.4** The only location at which the Council has had experience of timber vehicles using an unsuitable road to the point at which they have caused severe damage is alongside Loch Doon. Although the timber extraction company, Forest Enterprise, has not been prepared to accept liability for repair of this damage they have, after several representations, agreed to contribute to the cost of repairs to sustain regular use by heavy vehicles. Work to upgrade the road will be carried out over the summer.
- 6.5** At other locations, notably the Whitelee Forest, the timber extractors have been dissuaded from using unsuitable roads for transporting substantial volumes of timber and have found alternative routes for its extraction. Limited extraction of timber using small country roads occurs from time to time such use must, within reasonable limits, be considered a normal use of public roads within rural areas.
- 6.6** Apart from the road alongside Loch Doon there are no locations at which extraordinary damage has been caused to roads within East Ayrshire as a result of regular use by timber lorries. Sections of the road network, in particular the A70, are showing signs of wear which can be attributable to heavy goods vehicles which are of increasing concern. These roads carry, however, a wide range of heavy goods vehicles – the proportion of timber lorries is generally small. In these circumstances recovery of maintenance and repair costs through the Roads (Scotland) Act would be impossible. With the increasing volume of timber traffic on 'B' class and unclassified roads, however, damage may appear

which could be traceable in larger part to the use by timber vehicles. For this reason a survey of traffic flows and deterioration to the carriageway will be carried out on roads within East Ayrshire which are identified through the Timber Liaison Group as carrying significant flows of timber-related transport.

7 LEGAL IMPLICATIONS

- 7.1** The legal powers available to the Council to minimise the damage caused to the road network by timber transport are considered in the main body of the report. There is no current basis for the immediate use of the powers available to recover extraordinary costs for road upgrading or maintenance.

8 FINANCIAL IMPLICATIONS

- 8.1** There are no immediate financial implications arising from the recommendations of this report. Increased use of the road network by timber transport will, however, add to the requirement for increased expenditure on road maintenance.

9 RECOMMENDATIONS

- 9.1** It is recommended that the committee:
- (a) note the work of the timber Transport Liaison Group to minimise the impact of increased transport on the road network;
 - (b) ask the Director of Development Services to continue to explore and promote options for transferring timber transport from road to rail; and
 - (c) ask the Director of Development Services to arrange for monitoring of the impact of timber transport on the condition of roads in East Ayrshire.

Stephen Chorley
Director of Development Services

SC/JMB/JR

24 May 2000

BACKGROUND PAPERS

Nil

For further information on the contents of this report, please contact John Bryson, Area Engineer (South Area), on 01563 555330.

AGENDA