
**REQUEST FOR THE REMOVAL OF A SECTION OF ROAD FROM
THE COUNCIL'S LIST OF PUBLIC ROADS**

Report by Service Director Regulatory Services

EXECUTIVE COMMITTEE

7 JUNE 2016

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval for the removal of part of the D148/4 Samieston and Upper Samieston road from the Council's List of Public Roads.**
- 1.2 The Council were asked by the land owner if a section of the aforementioned road could be removed from the List of Public Roads. Following discussions with the various interested parties, it is proposed to remove the section of road shown on the attached plan from the Council's List of Public Roads as requested.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee agrees to the removal of part of the D148/4 Samieston and Upper Samieston road, as shown between points A and D on the attached plan, from the Council's List of Public Roads subject to there being no substantive representations made against the proposal.**

3 BACKGROUND

- 3.1 A request was submitted to Borders Regional Council for the D148/4 road linking Samieston and Upper Samieston, Jedburgh to be stopped-up and removed from the Council's List of Public Road in 1994.
- 3.2 At that time, the Development Control (now Roads Planning) Section of the Council considered the request and after consultation with colleagues in the Council's Legal Department, it was confirmed that due to the presence of a Right of Way, the Council could not stop the road up and remove all public access. As a result, no action was taken at that time.
- 3.3 A subsequent request has now been received from the land owner asking if the Council could remove the section of the road within his ownership from the list of roads rather than stop it up. This would remove the Council's maintenance responsibilities but would retain the access required for a Right of Way. This is section A to D on the attached plan.
- 3.4 The landowner was concerned that the Council were not maintaining the road to an acceptable standard but he also acknowledged that the majority of the wear and tear was as a result of traffic associated with his farm workings.
- 3.5 As there has been minimal repairs carried out to the section of road in question over the years, the section between A and B will be repaired, via a joint scheme between the landowner and the Council's Asset Management section, to a standard where the land owner is satisfied and content with accepting maintenance responsibilities for the road.
- 3.6 The middle section of the road, B to E on the enclosed plan, is not suitable for normal road vehicles and, as the road is public and on the Ordnance Survey maps, satnavs regularly direct traffic that way. If the initial section of road is removed from the list as proposed, the Council can request it be removed from satnavs.
- 3.7 The section from Upper Samieston farm to the D140/4 (known as The Avenue) is currently having repairs carried out as part of the Council's ongoing road maintenance responsibilities in that area.
- 3.8 It is the proposal of this report to remove only the section of the road between points A and D on the enclosed plan.
- 3.9 The section of road between D and F shall remain on the List of Public Roads.

4 IMPLICATIONS

4.1 Financial

- (a) There will no longer be any maintenance costs to the Council with the removal of the road from the list. The public will still however have a right of access along the road.
- (b) The costs associated with maintaining the Right of Way will continue to be met from the current budget.
- (c) The cost associated with the advertising of this addition would be met from the relevant Regulatory Services budget.

4.2 Risk and Mitigations

- (a) There are no direct risks to the Council as a result of this request.
- (b) There may be a risk that the approval of this request will lead to further requests for similar roads within the Borders to be removed from the List of Public Roads. Such request would be looked at on an individual basis as and when they are received.
- (c) A neighbouring landowner has intimated he is likely to object to any proposal on the grounds that he uses the current route to access his land and a removal may inhibit his use of the road. He has been informed that his access rights will not change as a result of this proposal, only those responsible for the maintenance of the road. Furthermore, there is an alternative public road which they could use as an alternative access to the land in question.

4.3 Equalities

Following the completion of an Equality Scoping, it was determined that no Equality Impact Assessment was required.

4.4 Acting Sustainably

There will be no economic, social or environmental effects of carrying out this proposal.

4.5 Carbon Management

There are no effects on carbon emissions as a result of this proposal.

4.6 Rural Proofing

There are no rural proofing implications arising from this proposal.

4.7 Changes to Scheme of Administration or Scheme of Delegation

There will be no changes to the Scheme of Administration or the Scheme of Delegation as a result of this proposal.

5 CONSULTATION

- 5.1 The Chief Financial Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into this report.
- 5.2 The Council's Asset Manager – Place has been involved in the discussions with the land owner and in the preparation of this report.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

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Background Papers: None

Previous Minute Reference: None

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