

The Current Owner

Address

Executive Director
City Development

Dundee House,
50 North Lindsay Street, Dundee DD1 1LS

If calling, please ask for
Michael Colgan, 01382 834126

Email: michael.colgan@dundee.gov.uk

Our Ref: MW/KM RN/39/COR

Your Ref:

Date: 24 August 2020

Dear Sir/Madam

Roads (Scotland) Act 1984 Additions to the List of Public Roads

As you may be aware, in 1999, Dundee City Council made provision for a limited budget to carry out work on unadopted segments of the road network and to adopt them for Council maintenance. The road network includes carriageways, footways and link footpaths. A map based search of the network was used to identify unadopted segments, scoring of identified segments against the approved criteria is ongoing.

The budget allocation has continued this year and I am pleased to advise you that «Scheme_Desc» has received a high enough priority to be considered for the 2020/2021 unadopted programme. Under the programme, unadopted segments of the road network would be added to the list of public roads using the powers under Section 1(4) of the Roads Scotland Act. This section of the Act allows Dundee City Council as Roads Authority to add a private road to the list of public roads but prior to doing so it must notify all frontagers of the proposed addition. Once the adoption is complete if required the carriageway, footway or link footpath would be upgraded by Dundee City Council.

Please note that subject to adequate funds being available, Dundee City Council intend to add «Scheme_Desc» to list of public roads then to upgrade as required. Accordingly, I enclose a Notice under Section 1(4) of the Roads (Scotland) Act 1984 regarding the addition of «Scheme_Desc» to the list of public roads.

Should you wish to object to «Scheme_Desc» being added to the list of public roads, valid representations in writing should be received within 28 days of the date given in the notice.

If you have trouble understanding English please contact the address below

اگر آپ کو انگریزی سمجھنے میں مشکل پیش آتی ہے تو براہ مہربانی نیچے درج پتے پر رابطہ کریں:

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇੰਗਲिश ਸਮਝਣ ਵਿੱਚ ਕਠਿਨਾਈ ਹੁੰਦੀ ਹੈ ਤਾਂ ਡਿੱਖਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਹੇਠਾਂ ਦਿਤੇ ਪਤੇ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Jeżeli masz trudności w zrozumieniu języka angielskiego, skontaktuj się na poniżej podany adres:

如果你對英語理解有困難，請聯絡以下地址:

Dundee Translation & Interpretation Service, Mitchell Street Centre, Mitchell Street, Dundee DD2 2LJ.
Tel: 01382 435825 Fax: 01382 435805

For information about Dundee City Council visit our website - www.dundee.gov.uk



Recycled Paper



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24 August 2020

You may make representations in regard to the proposed addition within 28 days of the date given in the notice. Dundee City Council shall consider all the representations before deciding whether or not to proceed with the addition. Their decision shall be intimated to those who make representations and to the other frontagers of the unadopted section in question. The requisite number of frontagers in terms of Section 1(5) of the said Act may then refer the matter by way of summary application to the sheriff, whose decision thereon shall be final.

Dundee City Council shall assume that you are giving consent to the addition to the list of public roads for the said segments of the road network if you fail to make representations within 28 days as described above.

If you require further information, please contact Michael Colgan by phone 01382 834126.or by email at michael.colgan@dundeecity.gov.uk

Yours faithfully



Ewan MacNaughton
Head of Sustainable Transportation and Roads Infrastructure

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Notice Under Section 1(4) of Roads (Scotland) Act 1984
Unadopted Scheme FAQ

UNADOPTED SCHEME FAQ

- **What is an unadopted segment of the road network?**

An unadopted carriageway, footway or link footpath that is not the responsibility of the Council to maintain. In most instances it is the responsibility of the frontager to maintain the carriageway, footway or link footpath that bounds their property, including liability for 3rd party claims.

- **Where can I see what is already adopted?**

All adopted carriageways, footways and footpaths are included in the List of Public Roads which can be viewed on the Council website - www.dundee.gov.uk/loprmap.

- **Where can I see what is proposed to be adopted?**

The adoption schedules and plans showing the proposed road network segments of the road network can be viewed on the Council website at - www.dundee.gov.uk/rmp.

- **Who is a frontager?**

The owner of a property that fronts or borders the carriageway, footway or link footpath in question.

- **What is liability for 3rd party unadopted segment use?**

In most instances the frontager is liable for any injury caused to a member of the public or their property through the use of the unadopted segment. If the segment is adopted then this liability is transferred to the Council.

- **Why is only one side or a section sometimes upgraded?**

The section must be unadopted to be eligible for funding through this scheme, ie some sections may already be adopted in a street and therefore would not be included. Larger segments may also be split to help distribute the funding better across the city.

- **Who owns the land under the carriageway, footway or footpath?**

In most instances, although not all, the frontager owns the land beneath both unadopted and adopted carriageways, footways or footpaths.

- **Who funds these works?**

The Council will fund these works.

- **What if the carriageway, footway or footpath is already constructed?**

The carriageway, footway or footpath will be inspected and if constructed to an acceptable standard then upgrading works will not be required. This does not affect the Councils intention to adopt the section of carriageway, footway or footpath in question.

- **How will my driveway be affected?**

Each driveway will be individually investigated. Typically if a driveway crosses the unadopted footway and it is not bituminous surfaced, then it would be excavated and reconstructed as part of the works.

- **Can I have a vehicle access installed as part of the works?**

If the inclusion of a vehicle access does not incur addition cost to the Council then it can be included free of charge to the frontager.

- **Who do I contact if I have a query?**

Please write to the Roads Maintenance Partnership Manager or alternatively fill out a contact form on the Council website or contact the Council Customer Services Team on 433063.

- **What is the difference between a footway and footpath?**

A footway is a path that is associated with a carriageway and adjacent to the carriageway, whereas a footpath is a path that is remote from a carriageway.

- **What legislation governs the adoption process?**

Roads Scotland Act (1984), in particular Section 1.

- **What is the requisite number?**

Roads Scotland Act (1984) defines the requisite number as a majority or such number as together owns land which either:

- i includes not less than half of the boundary between the land fronting or abutting the road; or
- ii fronts or abuts that road and has a net annual value which is not less than half of the total net annual value of all the land which fronts or abuts that road.

- **What standard will the unadopted scheme be upgraded to?**

The upgrading works will be constructed so that it meets the Council standard:-

www.dundee.gov.uk/dundee/uploaded_publications/publication_615.pdf or to the satisfaction of the supervising Roads Maintenance Engineer.

- **Can a frontager be reimbursed for existing carriageway or footway works?**

No, unfortunately this is not possible.

- **What if there is a disabled bay?**

If there is a requirement for the disabled bay and it is approved by the Executive Director of City Development then it shall be maintained.

- **Ironwork Issues?**

All existing Utilities ironwork, i.e. water, gas, telecoms, electric, etc, shall be identified and incorporated into the new construction.

- **Drainage Issues?**

Drainage issues emanating from surface water run off shall be included for as part of the works.

- **What is the timescale to adopt the scheme?**

As the Council is the promoter of the works the scheme will be deemed to be adopted immediately before the works on site start.

- **Concerns about works quality or reporting of damage?**

If workforce is still on site please ask to speak to the Supervisor who will investigate. If the works are complete then please contact the Council Customer Services Team on 433063.

DUNDEE CITY COUNCIL
ROADS (SCOTLAND) ACT 1984
NOTICE UNDER SECTION 1(4)

To:	The Current Owner Address
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WHEREAS Dundee City Council are the Roads Authority for the City of Dundee AND WHEREAS Section 1(4) of the Roads (Scotland) Act 1984 entitles the Roads Authority to add to the List of Public Roads a road which for the time being is a private road NOW THEREFORE NOTICE IS HEREBY GIVEN that Dundee City Council in exercise of the powers conferred upon them by Section 1(4) of the Roads (Scotland) Act 1984 intends to add «Scheme_Desc» to the List of Public Roads.

«Detailed_Extents»

The Schedule of Adoption and Plan showing the length of road to be added to the List of Public Roads can be viewed on the Dundee City Council website at www.dundee.gov.uk/rmp

Any person may within 28 days from 25 August 2020 make representations in regard to the proposed addition to the List of Public Roads by writing to the Roads Maintenance Partnership Manager, City Development, Dundee City Council, Dundee House, Dundee, DD1 1LS.

Robin Presswood
Executive Director of City Development

Date: **24 August 2020**

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