

Shetland Islands Council

Guide to Road Adoption For Existing Roads that may be Offered for Adoption



Guidance Note and Forms for the Road Adoption process for existing roads that may be offered for adoption onto the list of public roads.

Introduction

If you are responsible for an existing private road, you can apply to have the Council adopt it as a public road under Section 16(1) of the Roads (Scotland) Act 1984.

There are **specific legal regulations** regarding the adoption of a way onto the list of public roads.

The effects of these regulations are set out below in Regulations Regarding Road Adoption, and I would advise you to read them carefully before proceeding further.

Regulations Regarding Road Adoption

The first regulation requires that the way must be a road in terms of the Roads (Scotland) Act 1984 before it can be adopted.

For historical ways, that is ways that have been in use since before 1984, it must be demonstrated to the satisfaction of the Local Roads Authority that a public right of passage has been exercised without impediment or restriction for at least 20 years over the entire length of the way being offered for adoption.

For ways that came into use since 1984, adoption under Section 16(1) of the Roads (Scotland) Act 1984 is not appropriate. Normally, for these ways to be adopted they must have been constructed under a Roads Construction Consent issued by the Local Roads Authority pursuant to Section 21 of the Roads (Scotland) Act 1984.

Ways serving only domestic properties, private land or business premises are unlikely to have any public right of access. Public access rights may be conferred on a way if the route is used to access a public space or facility, a foreshore or beach area, or is a recognised access to an area of open countryside. If there is any doubt on this then please discuss the matter with the relevant staff in the Local Roads Authority.

It should be noted that ways that have had a right of passage established through pedestrian access only are unlikely to be suitable for adoption for use by motor vehicles.

The second regulation requires that an application for adoption must be made by a majority of all the owners of the land along both sides of the road being offered for adoption. Alternatively, application may be made by the owners of at least half of the land along both sides of the road.

The third regulation is that the road must meet the Local Road Authority's standards for adoption.

For appropriate standards relating to road construction, drainage, carriageway widths, passing and turning provision, and minimum visibility requirements please refer to the National Roads Development Guide and the variations document for the Shetland Islands Council area.

Responsibility for bringing a road up to the required standards for adoption by the Local Roads Authority lies with the landowner applicant(s), as do all and any costs incurred.

Please feel free to contact the Local Roads Authority to discuss the application of these guidelines before proceeding with an application.

Making an Application for Adoption

Once you have decided to make an application to have your private road added to the list of public roads, there are a number of steps to be followed. These are:-

1. The application must be made using Form RA1. This should be sent to:

Shetland Islands Council, Roads Service, Gremista, Lerwick, Shetland ZE1 0PX.

This form, and others relating to the road adoption process, can be found at the end of this guide.

The application must have a location plan on Ordnance Survey base mapping at 1:1250 or 1:2500 scale attached. This plan must clearly show the route of the way with relevant OS grid co-ordinates detailed for the start and end points. The plan should also show the locations of any turning points and passing places, and indicate the extents of the various land holdings that may exist alongside the road. Please note that this refers to the owners of the ground, not the tenants.

The Council cannot supply this plan but there are several re-sellers of OS mapping Data, including a number of on-line vendors.

2. The Local Roads Authority will first consider the status of the way, to ensure that it is a road in terms of the Roads (Scotland) Act 1984 rather than an access, before the application is progressed. It is advisable to discuss this point with the Local Roads Authority prior to making an application in order to minimise any abortive work.
3. If it is agreed that the way is a road, then an Engineer from the Local Roads Authority will inspect the road and provide a written note of any work required to bring it up to an appropriate standard. You should then carry out all of the listed works except for any bituminous surfacing works that may be required.
4. Before the road has any surfacing work carried out, you must have the road and any notified improvement works inspected and certified as being ready for surfacing. You will be required to submit Form RA2 at least two weeks, and no more than 8 weeks, before you intend to surface the road. An Engineer from the Local Roads Authority will inspect the road and confirm in writing that the road is ready for surfacing. Please note that all drainage works must be substantially complete and fully functional prior to surfacing.
5. After the surfacing works (if required) are complete you should submit Form RA3 as soon as any other outstanding works have been completed and you consider that the road is ready for adoption. The road will be inspected again by an Engineer from the Local Roads Authority as soon as possible after receipt of the RA3 form.
6. If, following the completion inspection, the road and associated works are found to be satisfactory then you will be informed in writing that the road has entered its maintenance period.

However, if defects or missing/ incomplete works are identified then you will be informed in writing of the items that require rectification and the RA3 form will be rejected and returned to you. You should then carry out any outstanding or remedial works and submit a new Form RA3.

7. Following a satisfactory completion inspection you will remain responsible for maintaining the road for a minimum 12 month maintenance period.
8. A final pre-adoption inspection of the road will be carried out just before the end of the maintenance period. If the road is still of a satisfactory standard at that time then it will be formally adopted at the expiry of the maintenance period and entered onto the list of public roads. You will be informed in writing that this has been done.

If, however, during the final pre-adoption inspection any minor maintenance or remedial works are found to be required then you will be informed in writing and asked to submit Form RA4 when those works have been completed. On receipt of the RA4 form a further inspection will be carried out and if all of the works are satisfactory then the road will be formally adopted and entered onto the list of public roads. You will be informed in writing that this has been done.

However, you should note that if the road has suffered any significant deterioration or damage during the maintenance period, or if you have not been able to satisfactorily complete any of the notified remedial works, then the Council is not obligated to adopt the road at all. This is because it can be reasonably assumed that the road is not fit for purpose and as such is not suitable for addition to the list of public roads.

There is currently no fee charged for considering and processing the adoption application, or for carrying out the various inspections required.



Application for Adoption Certificate

RA1

Application by a Landowner(s) to have a Road(s) added to the List of Public Roads under Section 16(1) of the Roads (Scotland) Act 1984

This form should be used by a landowner(s) to request that the Local Roads Authority add an existing road(s) to the list of Public Roads (to be adopted).

To: Shetland Islands Council, Roads Service, Gremista, Lerwick, Shetland ZE1 0PX.

I
(insert full name and address)

Acting as the nominated representative of the applicant(s) listed hereafter, being the requisite number of frontagers, apply under Section 16(1) of the Roads (Scotland) Act 1984 to have the road(s) detailed in Schedule A, as annexed, added to the Local Road Authorities List of Public Roads.

I/ We* hereby confirm that the applicant(s) listed below form the requisite number of frontagers by virtue of being a majority or such grouping as together own land amounting to not less than half of the boundary land fronting or abutting the road(s) in Schedule A, as annexed.

(* delete as appropriate)

Full Name, Address and Signature of Frontagers who are Party to this Application

Multiple horizontal lines for entering names, addresses, and signatures.

Signed
(Nominated Representative)

Date

Schedule A to Form RA1

Road Description (<i>this may be done by reference to the plan that must be enclosed</i>)	Length (m)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



Notice of Road Ready for Surfacing

RA2

Notice that a Road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984 is ready for surfacing

This form should be used to formally notify the Local Roads Authority that any notified works relating to a road(s) being offered for adoption have been substantially completed and that the road(s) is ready for surfacing.

To: Shetland Islands Council, Roads Service, Gremista, Lerwick, Shetland ZE1 0PX.

I (insert name of nominated representative – from Form RA1)

Hereby give notice that the notified improvement works associated with the road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984, at (insert address or description of site)

Have been substantially completed and that the road(s) is ready for surfacing. The surfacing works are planned to start on or after (insert date of earliest planned works)

Such date being no earlier than 2 weeks and no later than 8 weeks following the date on which this notice was served.

The following responsible person may be contacted in regards to these works

Name Contact Details

Signed (nominated representative)

Date

Table with 2 columns and 3 rows: For Office Use Only, Inspection Date, Inspecting Engineer, Certified as Ready for Surfacing (signature)



Notice of Works Completion **RA3**

Notice of the Completion of Works relating to a Road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984

This form should be used to formally notify the Local Roads Authority that all of the works relating to a road(s) being offered for adoption have been completed.

To: Shetland Islands Council, Roads Service, Gremista, Lerwick, Shetland ZE1 0PX.

I
(insert name of nominated representative – from Form RA1)

Hereby give notice that all of the notified improvement works associated with the road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984 at
(insert address or description of site)

Have been completed in accordance with the relevant particulars notified to me by the Local Roads Authority and are ready for inspection.

I confirm that the applicants (from Form RA1) are aware that responsibility for the road(s) will only pass to the Local Roads Authority upon expiry of the maintenance period and the completion of any remedial works At that point the above road(s) as detailed on Form RA1 will be entered onto the Local Roads Authorities List of Public Roads (adopted).

Signed
(nominated representative)

Date

For Office Use Only	
Final Inspection Date	
Inspecting Engineer	
Certified for Adoption/ Remedial Works Req.	
Road Reference/ Date Added to List	



Final Remedial Works Completion

RA4

Notice of the Completion of Remedial Works relating to a Road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984

This form should be used to formally notify the Local Roads Authority that all of the remedial works identified during the final pre-adoption inspection for a road(s) being offered for adoption have been completed.

To: Shetland Islands Council, Roads Service, Gremista, Lerwick, Shetland ZE1 0PX.

I
(insert name of nominated representative – from Form RA1)

Hereby give notice that all of the notified remedial works associated with the road(s) being offered for adoption under Section 16(1) of the Roads (Scotland) Act 1984 at
(insert address or description of site)

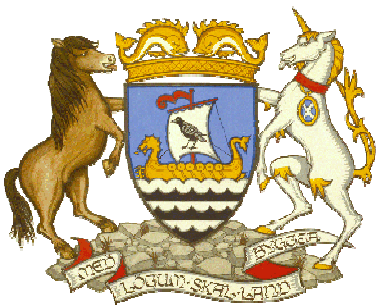
Have been completed in accordance with the relevant particulars notified to me by the Local Roads Authority and are ready for inspection.

I confirm that the applicants (from Form RA1) are aware that following a successful inspection the above road(s) as detailed on Form RA1 will be entered onto the Local Roads Authorities List of Public Roads (adopted) and that responsibility for the road(s) will, at that point, pass to the Local Roads Authority.

Signed
(nominated representative)

Date

For Office Use Only	
Final Inspection Date	
Inspecting Engineer	
Certified for Adoption/ Remedial Works Req.	
Road Reference/ Date Added to List	



Shetland Islands Council

Roads Service
Gremista Depot
Gremista
Lerwick ZE1 0PX

Phone: 01595 744866
Fax: 01595 744869
E-mail: roads@shetland.gov.uk