

East Ayrshire Council

AYRSHIRE SHARED SERVICES JOINT COMMITTEE

24 SEPTEMBER 2024

Report by the Head of Ayrshire Roads Alliance

DEVELOPMENT CONTROL UPDATE - ROAD BONDS

Purpose of report

1. The purpose of this Report is to update the Joint Committee on the current position regarding road bonds held by the Ayrshire Roads Alliance on behalf of East Ayrshire and South Ayrshire Councils.

Recommendations

2. **It is recommended that the Joint Committee:**
 - (i) **Notes the position regarding road bonds currently held by the Ayrshire Roads Alliance on behalf of East Ayrshire Council and South Ayrshire Council;**
 - (ii) **Notes the outcome and actions from an internal audit of road bonds;**
 - (iii) **Agrees that progress updates are provided to future meetings of the Joint Committee on an annual basis;**
 - (iv) **Otherwise, notes the content of this report.**

Background

3. The Roads (Scotland) Act 1984 requires that, for any road not constructed by a roads authority, the appropriate consent from the local roads authority is obtained to undertake this work. This is generally referred to as the Road Construction Consent (RCC). The Ayrshire Roads Alliance maintains a register of all RCCs under the remit of the Ayrshire Roads Alliance.
4. Where new roads are being constructed for housing the developers are required to provide the roads authority with security to cover the cost of constructing the roads should the developer default. The provisions are set out in the Security for Private Road Works (Scotland) Regulations 1985, as amended. This security may take the form of a cash deposit but it is generally in the form of a road bond.

5. The security is retained by the Roads Authority until completion of the consented works, although the value may be reduced as the works progress. Road bonds are not required for local authority or housing association developments.
6. The Joint Committee, at its meeting on 23 May 2014, remitted the Head of Roads to undertake a review of road bonds more than three years old and report to a future meeting of the Joint Committee. An annual report is now presented to the Joint Committee summarising the road bond position and providing other updates on the development control process as required.

Current Residential Bonds

7. A list of all RCCs and their associated road bonds for each Council area is shown in Appendix 1. As of 11 September 2024, ARA manages 34 road bonds with a current value of £11,941,621 in East Ayrshire, and 27 road bonds with a current value of £4,811,829 in South Ayrshire.
8. Appendix 2 provides details of completed road bonds and road adoptions since the previous report to Joint Committee on 1 September 2023, and Appendix 3 shows new bonds received since the previous report.
9. The current review has found that the value of the road bonds held in Appendix 1 is adequate to complete the outstanding road works on each development site across both East Ayrshire and South Ayrshire for which RCC has been issued.

Construction Taking Place Without RCC and Road Bonds

10. There are no developments being constructed within either East Ayrshire Council or South Ayrshire Council areas without an RCC and Road Bond in place.

Other Development Matters

Corton, Ayr – Allanvale Residential

11. Allanvale Residential have submitted a total of nine RCC applications, eight for the Corton development in Ayr and one for Auchincruive. None of the nine RCCs are listed in Appendix 1 as consent has yet to be issued. Six of the Allanvale RCC applications have been reviewed by the ARA, with subsequent requests for road bonds totalling £3.3 million and associated inspection fees of £120,000 issued in June 2020, inspection fees have been received. In accordance with ARA procedures, RCC will not be granted until the road bonds are lodged with the Council. The remaining three RCC applications as yet to be reviewed by the ARA involve a further £4.5 million in road bonds and £175,000 in inspection fees, however these have yet to be requested. It should be noted that no development is currently taking place associated with any of the nine RCC applications, and therefore there is no breach of the regulations.

Bonds Called-In

12. In the EAC area the ARA are in the process of calling in a Road Bond associated with a site in Galston where the owner of the development company has passed away. The bonds being called in are as follows:

- EAC/CC/02/007 – Manse Gardens, Galston: £110,270;

The bonds listed above are sufficient in value to cover the cost of completing the outstanding works.

13. In the SAC area the ARA are in the process of calling in a total of three Road Bonds associated with sites in development by Stewart Milne, who have gone into receivership. All three bonds are associated with RCC consents in their maintenance period, and ARA will complete the required snagging works to allow the associated development roads to be formally adopted. The bonds being called in are as follows:

- SAC/133/05/12 – NE Troon Phase 1, Troon: £94,400;
- SAC/135/07/12 – NE Troon Housing 1, Troon - £123,402;
- SAC/162/01/18 – NE Troon, Phase 4 - £75,187

The bonds listed above are sufficient in value to cover the cost of snagging works to Council.

Non-Residential Road Bonds

14. Roads authorities have a general power under section 96 of the Roads (Scotland) Act 1984 to recover maintenance costs arising from damage caused by excessively heavy, or other extraordinary, vehicles or traffic. The type of development where this applies are Wind Farms or major infrastructure projects.
15. The current status of non-residential bonds and financial guarantees is set out in the table below. In each case the bond value held has been assessed as being sufficient to cover the cost of potential works arising from extraordinary damage to roads infrastructure.
16. The Greenburn OCC is in its restoration phase and work on the reinstatement of the U720 road and use of the haul road bridge as part of the realigned public road is now complete and the road has been reopened to traffic. Formal adoption of the new section of road and the bridge has still to be concluded.

Council Area	Site	Developer	Agreement	Bond Value
East Ayrshire	Greenburn Open Cast Coal	Keir Mining	Parent Company Guarantee	£0.025M
East Ayrshire	Afton Wind Farm	Afton Wind Farm Ltd	Section 96 of Roads (Scotland) Act	£1.150M
South Ayrshire	Assel Valley Wind Farm	Assel Valley Wind Energy Ltd	Section 96 of Roads (Scotland) Act	£0.107M

Internal Audit of Road Bond Procedures

17. Previous reports to Committee advised on the outcome of Internal Audit of Road Bonds and the actions taken by ARA to review and enhance monitoring and management of road bond processes. A further internal audit of ARA's new processes was undertaken in early 2020 and the audit report received in August 2020 provided "Sound assurance in most areas - key controls exist and are applied consistently and effectively in most areas. Non-compliance has only been identified in low risk or medium risk areas". The audit report identified some remaining scope for improvement and set out a number of recommendations. Following the audit a number of actions have been undertaken to strengthen processes, including the addition of a further overarching QA procedure setting out the key requirements in respect of management and reporting of road bonds. The new procedure is included at Appendix 4.

Implications

Implications	Yes	No	Paragraph number in report
1. Policy/Strategic Planning		X	17
2. Governance	X		18
3. Human Resources		X	19
4. Equality and Fairer Scotland Duty		X	20
5. Financial	X		21
6. Risk	X		22
7. Community Wealth Building	X		23
8. Net Zero		X	24

Policy/strategic planning implications

18. None.

Governance implications

19. The work to manage RCCs and road bonds is carried out in accordance with the Roads (Scotland) Act 1984 and its associated statutory instruments.

Human resources implications

20. The management of the development control function and continued review of road bonds will be undertaken within existing staff resources.

Equality impact and Fairer Scotland duty implications

21. None.

Financial implications

22. The road bonds currently held by the Alliance on behalf of both East Ayrshire Council and South Ayrshire Council are considered to be sufficient to complete the outstanding roadworks on each development site for which RCC has been issued.

Risk implications

23. Inadequate road bond values expose the roads authority to a potential financial shortfall if the roadworks have to be completed by them should the developer default. An RCC is valid for three years and the developer may ask the roads authority for an extension if the site is incomplete after this period. The value of road bonds that are more than three years old will therefore continue to be reviewed to determine their adequacy to complete the outstanding works required to comply with the RCC. Where a shortfall is identified the developer will be advised to increase the value of the road bond held when an application is made for an extension to the RCC.

Community Wealth Building implications

24. New Development provides economic levers to develop resilient, inclusive local economies with more local spend and fair employment, as well as ensuring that wealth is more locally owned and benefits local people.

Net zero implications

25. None.

Appendices

Appendix 1 - Register of Road Bonds Held at 11 September 2024

Appendix 2 - Completed Road Bonds and Road Adoptions since September 2023

Appendix 3 - New Bonds received since September 2023

Appendix 4 - Procedure relating to the management and reporting of road bonds and road construction consents.

Background papers

Development Control Update - Road Bonds - 23 May 2014

Development Control Update - Road Bonds - 21 August 2014

Development Control Update - Road Bonds - 6 November 2015

Development Control Update - Road Bonds - 17 February 2017

Development Control Update - Road Bonds - 16 February 2018

Development Control Update - Road Bonds - 25 April 2019

Non-Residential Road Bonds - 29 August 2019

Development Control Update - Road Bonds – 4 June 2021

Development Control Update - Road Bonds – 10 June 2022

Development Control Update – Road Bonds – 01 September 2023

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Appendix 1 - Road Bonds Held at 11 September 2024

East Ayrshire

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
EAC/CC/02/007 EXT	KG Building and Civil Eng Ltd	Manse Gardens, Brewlands Street, Galston	NHBC	£110,270 (07/03/19)	£110,270	In process of calling in bond to complete works.
EAC/CC/08/013	McTaggart Construction Ltd	Dunlop House, Dunlop	MD Insurance Services Ltd	£353,682 (04/08/16)	£353,682	Site currently abandoned. Awaiting new application from developer, Bond remains unchanged at this time.
EAC/CC/16/003 Phase 1	Persimmon Homes	Dunlop Road, Stewarton, Phase 1	NHBC	£713,585 (19/08/16)	£71,358.53 (01/09/22)	Site currently being developed. Bond reduced to 10% on 01/09/22
EAC/CC/16/003 Phase 2	Persimmon Homes	Dunlop Road, Stewarton, Phase 2	NHBC	£951,566 (19/08/16)	£95,156.56 (15/06/21)	Site currently being developed. Bond reduced to 10% on 15/06/21. On maintenance period from 15/06/21
EAC/CC/16/003 Phase 3	Persimmon Homes	Dunlop Road, Stewarton, Phase 3	NHBC	£713,585 (12/02/18)	£71,358.53 (01/09/22)	Site currently being developed. Bond reduced to 10% on 01/09/22
EAC/CC/16/003 Phase 4	Persimmon Homes	Dunlop Road, Stewarton, Phase 4	NHBC	£381,205 (07/08/19)	£38,120.46 (15/06/21)	Site currently being developed. Bond reduced to 10% on 15/06/21. On maintenance period from 15/06/21
EAC/CC/16/003 Phase 5	Persimmon Homes	Dunlop Road, Stewarton, Phase 5	NHBC	£624,749 (07/08/19)	£62,474.90 (01/09/22)	Site currently being developed. Bond reduced to 10% on 01/09/22
EAC/CC/16/004	Mooncatcher Ltd/Campbell Homes	Rigg Road, Cumnock, Phase 1	Cash Deposit	£193,844 (01/05/18)	£168,830 (04/11/19)	Site currently being developed. Remaining cash bond of £168,830 from EAC/CC/16/004 covers outstanding value of roadworks for Phases 1 – 4. Site completion estimated Aug 2024.
EAC/CC/16/009	ARH Homes Ltd	Riverside Gardens, Cronberry	Cash Deposit	£130,929 (14/06/16)	£66,860 (19/10/18)	Site on going.
EAC/CC/17/003 EXT PHASE 1	Auberne Homes	Former Holmhead hospital site, Cumnock, Phases 1	Acasta European	£145,818.50 (08/12/17)	£29,164 (24/11/23)	Site completed, on maintenance period since 01/08/23
EAC/CC/17/003 EXT PHASE 2	Auberne Homes	Former Holmhead hospital site, Cumnock, Phases 2	Acasta European	As per Phase 1	As per Phase 1	Site completed, on maintenance period since 01/08/23
EAC/CC/17/008	Barratt Homes	Northcraigs, Kilmarnock, Phase 1	NHBC	£1,311,088 (29/05/19)	£131,108.79 (13/09/23)	Maintenance Period commenced 13/09/23
EAC/CC/18/010	Mooncatcher/ Campbell Homes	Rigg Road, Cumnock, Phase 2	Cash Deposit	£58,404 (01/05/18)	See status	Site currently being developed. Remaining cash bond of £168,830 from EAC/CC/16/004 covers outstanding value of roadworks for Phases 1 – 4 Site completion estimated Aug 2024.

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
EAC/CC/18/013	Valley Homes (Scotland) Ltd	John Street, Catrine, Phase 1A	Cash Deposit	£29,641 (26/11/19)	£2,964.11	Site completed, on maintenance period since 06/03/24
EAC/CC/18/015 Phase 1	Auberne Homes/Viga Homes	Main Street, Auchinleck (Phase 1)	Acasta International	£55,498 (12/08/20)	£55,498	Site currently being developed. Bond total for Phase 1 & 2 £110,996 Roadworks to be completed Oct 2024 Road bond will be reduced thereafter to 90% Works currently held up with Scottish Power
EAC/CC/18/015 Phase 2	Auberne Homes/Viga Homes	Main Street, Auchinleck (Phase 2)	Acasta International	£55,498 (12/08/20)	£55,498	Site currently being developed. Bond total for Phase 1 & 2 £110,996 Roadworks to be completed Oct 2024 Road bond will be reduced thereafter to 90% Works currently held up with Scottish Power
EAC/CC/19/003	Campbell Homes	Rigg Road, Cumnock, Phase 3	Cash Deposit	£81,401 (01/05/18)	See status	Site currently being developed. Remaining cash bond of £168,830 from EAC/CC/16/004 covers outstanding value of roadworks for Phases 1 – 4 Site completion estimated Aug 2024.
EAC/CC/19/005	Campbell Homes	Rigg Road, Cumnock, Phase 4	Cash Deposit	£49,718 (01/05/18)	See status	Site currently being developed. Remaining cash bond of £168,830 from EAC/CC/16/004 covers outstanding value of roadworks for Phases 1 – 4 Site completion estimated Aug 2024.
EAC/CC/19/008	Barratt Homes West	Former Kilmarnock College, Holehouse Road, Kilmarnock	NHBC	£630,903 (15/11/19)	£63,090.30 (15/11/23)	Maintenance Period commenced 15/11/23
EAC/CC/19/009	Bellway Homes Ltd	Fardalehill, Kilmarnock, Phase 3	NHBC	£1,018,084.00 (21/08/20)	£101,808.38 (12/06/23)	Site currently being developed Bond reduced to 10% on 12/06/2023
EAC/CC/19/013	Campbell Homes	Rigg Road, Cumnock, Phase 5	Cash Deposit	£65,114.84 (07/06/21)	See status	Site currently being developed. LODGED AS CASH BOND 5,6&7 TOTAL £170,807.79 Site completion estimated Aug 2024.
EAC/CC/20/001	Kukoon Homes	Thorntoun Estate, Crosshouse	Casualty and General Insurance	£181,388.00	£181,388.00	Work ongoing
EAC/CC/20/002 Phase 1	Hayhill Developments	Hillhead Road, Mauchline, Phase 1	Cash Deposit	£656,704.71 (15/07/20)	£65,670.47 (02/08/2023)	Site completed, on maintenance period since 02/08/23
EAC/CC/20/002 Phase 2	Hayhill Developments	Hillhead Road, Mauchline, Phase 2	Cash Deposit	As per ph 1	As per ph 1	Site completed, on maintenance period since 02/08/23
EAC/CC/20/002 Phase 3	Hayhill Developments	Hillhead Road, Mauchline, Phase 3	Cash Deposit	As per ph 1	As per ph1	Site completed, on maintenance period since 02/08/23
EAC/20/004B	Murdoch Properties	Glebe Road, Galston. Phase 2, North, Road 2. (Adoptable)	Cash Deposit	£44,215.84 (03/11/20)	£44,215.84	Site currently going through process to be added to maintenance period. If successful bond will be reduced to the 90%

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
EAC/CC/20/007	Avant Homes (Scotland)	Loudoun Street, Draffen, Stewarton	NHBC	£2,125,456 (26/03/21)	£1,062,728 (16/02/2024)	Site currently being developed
EAC/CC/21/001	Milestone Homes	BALLOCHMYLE, PHASE 1 (PLUS TRAFFIC CALMING UPGRADE)	Evolution Insurance	£111,592.14 (06/09/2022)	£85,092.00 (20/02/2023)	Site completed, on maintenance period since 12/12/23
EAC/CC/21/003	Milestone Homes	BALLOCHMYLE, PHASE 3	Evolution Insurance	£85,092.00 (20/02/2023)	£8,509.20 (12/12/2023)	Site currently being developed
EAC/CC/21/005	Campbell Homes	Rigg Road, Cumnock, Phase 6	Cash Deposit	£61,114.61 (07/06/21)	See status	Site currently being developed. LODGED AS CASH BOND 5,6&7 TOTAL £170,807.79 Site completion estimated Aug 2024.
EAC/CC/21/006	Campbell Homes	Rigg Road, Cumnock, Phase 7	Cash Deposit	£44,578.34 (07/06/21)	See status	Site currently being developed. LODGED AS CASH BOND 5,6&7 TOTAL £170,807.79 Site completion estimated Aug 2024.
EAC/CC/21/009	Campbell Homes	Rigg Road, Cumnock, Phase 8	Cash Deposit	£99,888.44 (09/03/22)	99,888.44	Site currently being developed. Site completion estimated Aug 2024.
EAC/CC/21/011	J. Campbell, New Cumnock	Muirkirk Road, Lugar	AVIVA	£108,370.21 (28/10/21)	£10,837.02 (03/08/2023)	Site completed, on maintenance period since 05/04/23
EAC/CC/21/007	Miller Homes Ltd	Irvine Road, Kilmaurs	NHBC	£1,743,070.61 (10/08/21)	£174,307.06 (27/06/24)	Maintenance period commenced 27/06/24.
EAC/CC/22/005	Bellway Homes	Fardalehill Phase 4	HCC International	£768,653.35	£768,653.35	Site currently being developed.
EAC/CC/22/008	Campbell Homes	Rigg Road, Cumnock. Phase 9	Cash Deposit	As per Ph 1> Ph 8	As per Ph 1> Ph 8	Site currently being developed. Cash Bond for Ph 1 > Ph 8 now covers Ph 9 > Ph 11 also Site completion estimated Aug 2024.
EAC/CC/22/010	Bellway Homes	Fardalehill Phase 6	HCC International	£2,814,044.00	£2,814,044.00	Site currently being developed.
EAC/CC/23/001	Campbell Homes	Rigg Road, Cumnock. Phase10	Cash Deposit	As per Ph 1> Ph 8	As per Ph 1> Ph 8	Site currently being developed. Cash Bond for Ph 1 > Ph 8 now covers Ph 9 > Ph 11 also Site completion estimated Aug 2024.
EAC/CC/23/002	Campbell Homes	Rigg Road, Cumnock. Phase11	Cash Deposit	As per Ph 1> Ph 8	As per Ph 1> Ph 8	Site currently being developed. Cash Bond for Ph 1 > Ph 8 now covers Ph 9 > Ph 11 also Site completion estimated Aug 2024.
EAC/CC/20/002	Hayhill Developments	Hillhead Road, Mauchline, Phase 4	Cash Deposit	As per Phase 1	As Per Phase 1	Site completed, on maintenance period since 01/10/23

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
EAC/CC/22/004	Barratt Homes	Northcraigs Spine Road, Kilmarnock	NHBC	£1,115,089.00	Work ongoing – bond reduced to 50% (£557,544.50)	Work ongoing – bond reduced to 50% (£557,544.50)
EAC/CC/23/004	Barratt Homes	Northcraigs Phase 1, Kilmarnock	NHBC	£1,695,800.00	£847,900.00	Work ongoing – bond reduced to 50% (£847,900.00)
EAC/CC/23/009	Bellway Homes	Dumfries Drive, Kilmarnock	NHBC	£1,169,078.39	£1,169,078.39	Work Ongoing
EAC/CC/20/002	Hayhill Developments	Hillhead Road, Mauchline, Phase 4	Cash Deposit	As per Phase 1	As per Phase 1	Site completed, on maintenance period since 01/10/23
EAC/CC/22/004	Barratt Homes	Northcraigs Spine Road, Kilmarnock	NHBC	£1,115,089.00	£557,544.50	Work ongoing – bond reduced to 50% (£557,544.50)
EAC/CC/23/004	Barratt Homes	Northcraigs Phase 1, Kilmarnock	NHBC	£1,695,800.00	£847,900.00	Work ongoing – bond reduced to 50% (£847,900.00)
EAC/CC/23/009	Bellway Homes	Dumfries Drive, Kilmarnock	NHBC	£1,169,078.39	£1,169,078.39	Work Ongoing

South Ayrshire

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
SAC/133/05/12	Stewart Milne	NE Troon Phase 1, Troon	NHBC	£849,603.00	£94,400	Bond in the process of being called in to allow snagging works to be completed (site was in maintenance period)
SAC/134/06/12	Taylor Wimpey	N E Troon Distributor Road, Phase 2A	NHBC	£576,486.63	£288,243.00	Work ongoing
SAC/135/07/12	Stewart Milne	NE Troon Housing 1, Troon	NHBC	£1,110,614.00	£123,402	Bond in the process of being called in to allow snagging works to be completed (site was in maintenance period)
SAC/138/03/14	Bellway Homes Ltd	Kilmarnock Road, Brassie	NHBC	£508,825.00	£56,536	In maintenance period
SAC/142/06/14	Mactaggart & Mickel	Greenan, Phase II, Ayr	NHBC	£1,970,572.00	£197,057.20	In maintenance period
SAC/147/04/15	Bellway Homes Ltd	Kilmarnock Road, Phase 2, Troon	NHBC	£424,252.00	£47,139	In maintenance period
SAC/158/01/17	Tom Bennet	Culzean Road, Maybole	Cash Deposit	£153,879.00	£15,388.00	Developer requested adoption by incorrect format - CC6 has been sent out to them in order to process adoption
SAC/159/02/17	Mactaggart & Mickel	Townend Brae, Symington Phase 3	NHBC	£610,581.00	£30,529	In maintenance period
SAC/161/04/17	Taylor Wimpey	N E Troon, Phase 3	NHBC	£584,889.22	£292,444.00	Work ongoing
SAC/162/01/18	Stewart Milne	N E Troon, Phase 4	NHBC	£676,681.87	£75,187.00	Bond in the process of being called in to allow snagging works to be completed (site was in maintenance period)
SAC/163/02/18	Mactaggart & Mickel	Greenan, Ayr Phase 3	NHBC	£67,181.00	£67,181.00	Work ongoing
SAC/166/05/18	Taylor Wimpey	N E Troon Distributor Road, Phase 2B	NHBC	£576,486.63	£288,243.00	Work ongoing
SAC/167/06/18	Taylor Wimpey	N E Troon Distributor Road, Phase 2C	NHBC	£576,486.63	£288,243.00	Work ongoing
SAC/168/07/18	Taylor Wimpey	N E Troon, Phase 5	NHBC	£346,121.63	£173,060.82	Work ongoing
SAC/170/01/19	Milestone Developments	West Parish, Maybole	Cash Deposit	£10,933.00	£10,933.00	Work ongoing
SAC171/02/19	Cala Homes	Greenan Phase 6	NHBC	£963,940.94	£96,394.00	In maintenance period
SAC/175/06/19	Westpoint Homes	Seafield Hospital	NHBC	£577,447.62	£57,744.76	In maintenance period
SAC/176/01/20	Taylor Wimpey	N E Troon phase 6	NHBC	£329,369.00	£164,684.00	Work ongoing
SAC/177/02/20	Persimmon Homes	Tarbolton Road, Monkton Phase 1	NHBC	£509,382.85	£509,382.00	Work ongoing

RCC Ref	Developer	Site	Bond Provider	Original Bond Value	Current Bond Value	Status
SAC/178/03/20	Persimmon Homes	Tarbolton Road, Monkton phase 2	NHBC	£707,634.85	£707,634.00	Work ongoing
SAC//187/12/20	Taylor Wimpey	N E Troon, Phase 7	NHBC	£395,682.75	£197,841.00	Work ongoing
SAC/192/17/20	Taylor Wimpey	N E Troon, phase 8	NHBC	£797,174.00	£398,587.00	Work ongoing
SAC/193/01/21	Mactaggart & Mickel	Greenan, Phase 4	NHBC	£661,142.00	£66,114.19	In maintenance period
SAC/194/02/21	Milestone Developments	Tunnoch Farm, Phase 1B	Evo Surety	£540,000.00	£54,000.00	In maintenance period
SAC/199/07/21	Cala Homes	Greenan, Phase 8	NHBC	£372,104.00	£37,210.00	In maintenance period
SAC/201/09/21	Persimmon Homes	Monkton, Phase 6	NHBC	£432,257.00	£216,128.00	Work ongoing
SAC/206/01/22	Milestone Developments	Tunnoch Farm Phase 2	Evo Surety	£516,249.00	£258,124.00	Work ongoing

Appendix 2 - Completed Road Bonds and Road Adoptions since September 2023

East Ayrshire

RCC Ref	Developer	Site	Bond Release Date	Adoption Date	Comments
EAC/CC/18/003	Brae Homes	Balgreen, Hollybush	09/10/23	24/11/23	None
EAC/CC/20/006	Glencairn Estates	One Recreation Road, Cumnock	14/08/23	14/08/23	None
EAC/CC/21/001	Milestone Homes	BALLOCHMYLE, PHASE 1	12/06/24	12/06/24	None
EAC/CC/21/002	Milestone Homes	BALLOCHMYLE, PHASE 2	12/06/24	12/06/24	None
EAC/CC/14/009	Bellway Homes	Fardalehill, Kilmarnock Phase 1	23/08/23	23/08/24	None
EAC/CC/16/010	Ogilvie Homes	Helen's Terrace, Annandale, Kilmarnock	24/09/22	24/09/23	None
EAC/CC/17/002	Bellway Homes	Fardalehill, Kilmarnock Phase 2	23/08/23	23/08/24	None
EAC/CC/17/006	Bellway Homes	Fardalehill Distributor Road Phase 2	23/08/23	23/08/24	None
EAC/CC/17/007	Taylor Wimpey	Altonhill, Kilmarnock Phase 11	13/12/22	13/12/23	None

South Ayrshire

RCC Ref	Developer	Site	Bond Release Date	Adoption Date	Comments
SAC/146/03/15	Stewart Milne	Townend Brae Phase 1	03/11/23	03/11/23	None
SAC/152/03/16	Stewart Milne	Townend Brae Phase 2	03/11/23	03/11/23	None

Appendix 3 - New Bonds received since September 2023

East Ayrshire

RCC Ref	Developer	Site	Bond Provider	Bond Value	Status
EAC/CC/20/002	Hayhill Developments	Hillhead Road, Mauchline, Phase 4	Cash Deposit	As per Phase 1	Site completed, on maintenance period since 01/10/23
EAC/CC/22/004	Barratt Homes	Northcraigs Spine Road, Kilmarnock	NHBC	£1,115,089.00	Work ongoing – bond reduced to 50% (£557,544.50)
EAC/CC/23/004	Barratt Homes	Northcraigs Phase 1, Kilmarnock	NHBC	£1,695,800.00	Work ongoing – bond reduced to 50% (£847,900.00)
EAC/CC/23/009	Bellway Homes	Dumfries Drive, Kilmarnock	NHBC	£1,169,078.39	Work Ongoing

South Ayrshire

RCC Ref	Developer	Site	Bond Provider	Bond Value	Status
None					

Appendix 4 – Procedure relating to the management and reporting of road bonds and road construction consents.

PROCEDURE RELATING TO THE MANAGEMENT AND REPORTING OF ROAD BONDS AND ROAD CONSTRUCTION CONSENTS

1 PURPOSE

- 1.1 The purpose of this procedure is to set out the requirements for the management of road bonds and Road Construction Consents as well as the requirements for internal and external reporting of road bonds held by the Ayrshire Roads Alliance.

2 SCOPE

- 2.1 This procedure covers the management and reporting of road bonds and Road Construction Consents across East and South Ayrshire Councils.

3 BACKGROUND

- 3.1 The Roads (Scotland) Act 1984 requires that, for any road not constructed by a roads authority, the appropriate consent from the local roads authority is obtained to undertake this work. This is known as Road Construction Consent (RCC). The Ayrshire Roads Alliance undertakes the day to day management of Road RCCs on behalf of East and South Ayrshire Councils.
- 3.2 Where new roads are being constructed for housing, developers are required to provide the roads authority with security to cover the cost of constructing the roads should the developer default. The provisions are set out in the Security for Private Road Works (Scotland) Regulations 1985, as amended. This security may take the form of a cash deposit but it is generally in the form of a road bond. The security is retained by the Roads Authority until completion of the consented works, although the value may be reduced as the works progress.
- 3.3 Similarly, Section 96 of the Roads (Scotland) Act 1984 allows that the Roads Authority can seek a Bond or other financial guarantee where extraordinary damage may be caused to the roads infrastructure by a private body – typically where heavy or excess loads are being transported in respect of commercial developments.
- 3.4 The requirements for the management and reporting of road bonds is set out in Accounting Policy Bulletin (APB) 8A: Financial Guarantees.
- 3.5 It is the responsibility of the Head of ARA to ensure that a register is maintained of all road bonds, financial guarantee or deposits that have been requested from a developer and that this is subject to appropriate monitoring and review.
- 3.6 ARA QA Procedure DEVC-01 “Procedure relating to Road Construction Consent and Road Adoptions’ sets out the detailed procedure and process mapping for the day to day management of RCCs and Road Bonds from initial application to final adoption.
- 3.7 This procedure, DECV-02, sets out the overall management responsibilities and reporting requirements to ensure that there is appropriate management and scrutiny of RCCs and

Road Bonds. The obligations set out in this document aim to meet the requirements of APB8A and Internal Audit recommendations.

4. PROCEDURE

4.1 The levels of management responsibilities and reporting requirements for the key decision points in the management of RCCs and road bonds are set out in Table 1.

Table 1: Minimum level of responsibility for approvals

	Engineer/ Technician	Section Manager/ Team Leader	Strategic Manager	Head of Service
Day to day control of RCCs and Road Bonds including continuous updating of RCC Register	✓			
Granting of RCC - Signing of CC4 and DEVC-L08		✓		
Road Bond Reduction - Signing of DEVC-L10 & DEVC-L11		✓		
Approval of QA letters and Forms		✓		
Approval of QA Procedures DEVC-01 and DEVC-02			✓	
Approval of Quarterly Report				✓
Approval of Annual Report to ASSJC				✓
Referral to Legal Service				✓

Day to day control of RCCs and Road Bonds

4.2 The Engineers and Technicians within the Traffic Section are responsible for the day to operation of the development control process. They will be responsible for ensuring that the process set out in DEVC-01 'Procedure relating to Road Construction Consent and Road Adoptions' is adhered to and that the RCC register is continuously updated.

Management Approval of Key RCC Process Stages

4.3 DEVC-01 'Procedure Relating to Road Construction Consent and Road Adoptions' sets out the detailed process relating to RCCs and Road Bonds including the key decision-making stages within the process. To ensure proper scrutiny line management has a responsibility to check and approve the key decision making stages following review of supporting information presented by RCC case officer staff. The key decision-making stages are in relation to granting of RCC and for Road Bond Reductions. The following documents must only be signed by supervisory or management staff:

- Granting of RCC - Signing of CC4 and DEVC-L08
- Road Bond Reduction - Signing of DEVC-L10 & DEVC-L11

4.4 The Head of Service must be made aware of any RCCs or Road Bonds where there is a concern or divergence from the approved procedures and must be advised where it is considered necessary to escalate matters to Legal Services.

Management Approval of written procedures and process maps

- 4.5 It is important that senior ARA management are aware of and take responsibility for the Development Control written procedures. It is a requirement that the ARA Service Manager will approve the DEVC-01 and DEVC-02 documents. All letters and forms referred to in the Procedures must be approved by the Team Leader or Section Manager.

Quarterly Report

- 4.6 The Engineers and Technicians will provide a quarterly update listing of all RCCs and road bonds setting out their current status. This will be reviewed by the Section Manager/Team Leader before being sent to the Service Manager and Head of Service for review and comment. The Quarterly Report will also highlight any development sites where there are or could be potential issues or concerns which may need further management action, including possible recourse to Legal Services. The Quarterly Report will contain information on the following:

- RCCs submitted but not yet approved
- Approved RCC sites under development
- RCC sites on maintenance period
- RCC sites awaiting adoption
- RCC sites with less than 6 months to complete
- RCCs lapsed
- RCC Road Bonds Called-In
- Non-residential bonds

Annual Report

- 4.7 A report will be submitted on an annual basis to the Ayrshire Shared Services Joint Committee (ASSJC) setting out the current position regarding road bonds held by the Ayrshire Roads Alliance on behalf of East and South Ayrshire Councils. This sets out for public record the current status of road bonds held by ARA. The report will set out the following:

- List all current residential road bonds held (including RCC Ref, developer, site location, bond provider, bond value, and current status)
- List all completed road bonds and adoptions since the previous report to the ASSJC
- List all new road bonds received since the previous report to the ASSJC
- List all non-residential road bonds held
- Provide a written narrative on any significant matters and/or areas of concern
- Advise the Committee on any other relevant development control policy and guidance matters.

End.