Dear Mr Mahoney,

**Protection of road users from dangers near a road**

I recently wrote to Councillor Greg Lennon regarding road adoption. Many thanks for your reply and the link you provided. The link does confirm NLC adopted the roads Residents are concerned about and the sharp comparisons that can be made in different areas.

The Roads (Scotland) Act 1984 requires the council to manage and maintain all roads entered in the List of Public Roads for its area. A road includes carriageways, footways, footpaths, cycle paths and verges and a public road is a road that NLC have a duty to maintain.

I would ask that you make corporate management and your legal department aware of this correspondence and that NLC has a duty under The Roads (Scotland) Act 1984 section 93 protection of road users from danger near a road.

I quote (S)93 1 of The Roads (Scotland) Act 1984 - Protection of road users from dangers near a road.

(1) If, in the opinion of the roads authority, anything which is on land beside or near to a road—

(a)  but is not itself a building constitutes a danger to road users and there is no other provision of this Act under or by virtue of which they may take steps to obviate the danger, they shall, under this subsection, take such steps;

as they consider appropriate to afford protection from the danger or to ensure that the danger is not so constituted; and they may, subject to subsection (6)**(a) below, recover the expenses reasonably incurred in so doing from the owner of the land.**

NLC decision (which is not the position of other councils) to not cut grass  constitutes a danger at these roads. The height of the grass has and does reach and has passed the height of barriers and at road crossing, also the area on the A752 at the road junction which had no barrier to such an extent there is no line of site for the driver or pedestrian. NLC took this position even when they had a clear mechanism to recoup expenses in this area and preserve the safety of our residents and road users.

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| WOODNEUK AVENUE | GARTCOSH | Road | Access Road from east leg of new roundabout on LOCHEND ROAD proceeding generally in a south-easterly direction, including 2 no. roundabouts at the slip roads to the M73.  CC/NLC/N/98/04 |
| LOCHSIDE | GARTCOSH | Road | From JOHNSTON ROAD  to Cul-de-sac |
| LOCHEND ROAD | GARTCOSH | Road A752 + Unc | A752 Re-alignment of existing road to form new Roundabout to allow access to WOODNEUK AVENUE |

What is more concerning, is the decision making process in saving money. Please be advised  of the care and attention given to the industrial roads and verges at the following locations.

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| AULDYARDS ROAD | GARTCOSH | Road | From A752 LOCHEND ROAD to CRAIGNETHAN DRIVE. |
| CRAIGNETHAN DRIVE | GARTCOSH | Road | From AULDYARDS ROAD to its termination in the form of a roundel. Including footways, lay-bys and grass verges. |
| CRAIGNETHAN DRIVE | GARTCOSH | Road | From AULDYARDS ROAD proceeding eastwards, northwards and north eastwards to its junction with GLENBOIG ROAD. Including footways and grass verges. |
| CRAIGNETHAN DRIVE | GARTCOSH | Verge | From its junction with GLENBOIG ROAD westwards for a distance of 20m. (3m wide service verge) |

All these  areas are cut and manicured. Nobody lives at these locations. No children have to cross a road or intersection. For the most part they are empty vacant industrial lots of land. Does NLC value safety and life at industrial and retail frontage more than residential areas?  The  photographic evidence suggests it does.

Roundabouts 1&2 (Woodneuk Ave) are not maintained and over grown and will eventually affect the stability of the roundabouts. The verge along Woodneuk Ave which gives access to a football pitch, is also the access road to the motorway. Small children leaving the football area to cross the road will not be seen when grass is at it’s height. Cutting small sections as some H&S measure is completely inadequate on a stretch of road this length. On the other hand the 3rd roundabout and verges are in immaculate condition?

The position of NLC regarding roads that have been adopted doesn’t mean NLC have to continue cutting the grass verge  is “fake” news given to residents. It is a position made up out of thin air by NLC and must stop. We are trying to be reasonable and understand the budget constrains of NLC but this approach is wholly unacceptable.

If NLC have resources to cut grass in an industrial park, they have enough resource to cut grass at a major junction which has the only crossing facility at this area and is the approach road to a designated “Diamond “ dual  motorway access and exit. It is also the location of Loch side an estate built as social housing and the responsibility of NLC and grass cutting is taking place within the estate and leaves a small area at this junction uncut. It takes longer to stop cutting than to complete the task.

Mr Mahoney the inequality that is being experienced in favour of business on adopted roads (even when there is no business trading) is evident for everyone to see across North Lanarkshire and it is again unacceptable. We ask NLC to act before some driver is injured or worse, a pedestrian, (especially a young child) because of this insane approach to grass cutting under a criteria of land ownership, even when there is a clear mechanism to address any budget issue.   At this area and junction it is the protection of the road user by vehicle or foot that is paramount under the Act. We can accept this situation and location may have been due to an over zealous approach to land management and ownership by NLC regarding budget cuts but it requires to be rectified immediately.

Thank you for your time in dealing with this matter, anticipating a speedy reply

Kind Regards

Isobel Kelly (for and on behalf of Gartcosh Tenants & Residents Association)