

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	12 February 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Final Financial Settlement from Transport Scotland for the De-trunking of the A92/A96
REPORT NUMBER	CR&E/25/020
EXECUTIVE DIRECTOR	Gale Beattie
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Neale Burrows
TERMS OF REFERENCE	1.1

1. PURPOSE OF REPORT

- 1.1 This report updates the committee on the outcome of negotiations with Transport Scotland and the financial settlement achieved for investment in the de-trunked sections of the A92 and A96.

2. RECOMMENDATIONS

That the Committee :-

- 2.1 Note the summary of the full and final settlement proposed by Transport Scotland as detailed in Appendix A, including the additional amount of £2,884,051.88 for the work required to be carried out on the de-trunked sections of road, as of 1st April 2023, to bring them up to average national standards;
- 2.2 Note the combined settlement figures in Appendix A, which amount to the full and final settlement total of £10,954,849.23;
- 2.3 Delegate authority to the Chief Officer – Operations to accept from Transport Scotland the full and final settlement as detailed in Appendix A and, following consultation with the Chief Officer - Commercial and Procurement Services, to arrange for the execution of the Settlement Agreements issued by Transport Scotland (as detailed in paragraph 5.2);
- 2.4 Instruct the Chief Officer – Operations to add the agreed repairs to the current works programme, as itemised in Appendix A, and implement the required repairs in order to maintain these roads to the required standards;
- 2.5 Instruct the Chief Officer – Operations to, following consultation with the Chief Officer - Commercial and Procurement Services, undertake or instruct appropriate procedures in accordance with the Council's Procurement

Regulations to procure the works, supplies and services (referenced in recommendation 2.1 above) and award contracts relating thereto;

- 2.6 Note that Revenue and Capital expenditures for the maintenance of the detrunked road and new link road will be an annual requirement in future years; and
- 2.7 Note the floor adjustment to the Grant Aided Expenditure (GAE) awarded to Aberdeen City Council as detailed in section 4.4.

3. CURRENT SITUATION

- 3.1 Following the opening of the new link road at the Haudagain roundabout, the existing A92 and A96 section of the existing trunk road (from Middlefield Place to Haudagain Roundabout on the A92 and Haudagain Roundabout to Auchmill Terrace on the A96), including the new link road, were transferred to Aberdeen City Council as part of the detrunking process on the 1st April 2023. A total of 3km of Dual Carriageway, associated footpaths, 3 structures, traffic signals and landscaped areas were returned to the Council for on-going upkeep and maintenance.
- 3.2 It should be noted that the new link road, associated footpaths, traffic signals, landscaped areas and Sustainable Urban Drainage System (SUDS) ponds will be transferred to the Council for ongoing upkeep and maintenance on the 1st April 2025 after the contractual maintenance period ends (such upkeep and maintenance is currently being carried out by Transport Scotland).
- 3.3 It is recognised that the scouring works at River Dee Bridge have increased in cost due to a number of factors including inflation. This was noted by Transport Scotland and a final additional sum proposed within this settlement.
- 3.4 Some minor adjustments were made to the settlement in relation to calculation errors in the previous statement. This is most notable in Appendix A, Table 1, Ref 1a, which relates to having previously attributed traffic management costs to elements of works in the River Dee which would not require Traffic Management.

Adopted Assets

- 3.5 With the completion of the Haudagain Improvement on the 16th May 2022, the A90 & A96 Trunk Roads (Middlefield place to Auchmill Terrace) Detrunking Order 2017 (Appendix B and C) sets out the assets transferred, on 1st April 2023, to the Council's roads adopted network.
- 3.6 The transfer of the assets to the Council incurred immediate annual maintenance costs that have had to be met from the existing resources. It

should be noted that the levels of inspection, response times, winter maintenance etc. have reverted to the current Council policies and procedures.

- 3.7 Transport Scotland have funded and resurfaced the existing Haudagain Roundabout and some sections of North Anderson Drive / Great Northern Road & Auchmill Road which were in a poor condition prior to them being de-trunked and transferred to ACC.
- 3.8 The New Haudagain Link Road was also transferred on 1st April 2023, as detailed in the A90 & A96 Trunk Roads (Haudagain Improvement) (Side Roads) Order 2017. However, as this is a newly constructed road, it does not form part of any Settlement Agreement.
- 3.9 The transfer of maintenance responsibilities for the New Haudagain Link Road will occur on 1st April 2025 and the associated infrastructure will be added to the Council's Roads Asset Management Plan and maintained to the required standards.

4. FINANCIAL IMPLICATIONS

- 4.1 An initial payment for the de-trunking, of £3,656,575.79, was received by the Council in April 2019; a further payment of £4,414,626.56 was received in April 2020 with the final payment proposed to be £2,884,051.88 as detailed in Appendix A of this report. This is the full and final settlement that the Council will receive from Transport Scotland in respect of these roads and no further monies will be paid to the Council by Transport Scotland in respect of the de-trunking orders.
- 4.2 The additional adopted road lengths will increase the pressures on revenue and capital budgets and as such there will need to be an ongoing re-evaluation of existing priorities to maintain these roads in accordance with the required standards. As these roads will retain a higher priority within the overall road network, priority will be given which may see a decreased provision of service on other, lower priority, roads.
- 4.3 The de-trunked sections of the road are now covered by the Council's inspection and maintenance procedures and as such will be subject to normal insurance claims from the general public. The Council's insurance company has been informed of the change in status of these roads. The Council will require to maintain the de-trunked sections going forward and may require, in due course, to undertake appropriate procedures in accordance with the Council's Procurement Regulations to procure works, supplies and services and award contracts in relation thereto.
- 4.4 As detailed in the background paper report, a request for payment of £479,000 for the revenue maintenance operations for the period 2019-2020 has been turned down by Transport Scotland with the following comment received:

"The position is that, given the overall funding settlement for Aberdeen City Council through the GAE assessment, a "floor" adjustment was made to

increase the level of funding made available to the Council. Had we made an adjustment to the Council's funding settlement to reflect the increased road length as a proportion of total road length in the GAE assessment the "floor" adjustment would have been adjusted accordingly and the Council would have been no better or worse off as a result."

5. LEGAL IMPLICATIONS

- 5.1 The A90 & A96 Trunk Roads (Middlefield Place to Auchmill Terrace) Detrunking Order 2017 obligates the Council as Roads Authority to adopt and add these lengths of roads, detailed within the Order, to our list of public roads. Accordingly, the Council is responsible for the maintenance of these adopted roads and associated assets.
- 5.2 The Council will require to execute the Settlement Agreements issued by Transport Scotland in order to document (i) the transfer of the de-trunked sections to the Council, (ii) the settlement payments made by Transport Scotland to the Council, and (iii) the release and discharge of Transport Scotland's functions, obligations, duties and liabilities in respect of the roads upon payment of the settlement sum to the Council.

6. ENVIRONMENTAL IMPLICATIONS

None

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Failure to appropriately maintain the assets outlined in this report will lead to network deterioration, risking the Council's ability to deliver on its LOIP.	By appropriately maintaining assets, the Council can ensure that strategic risk level is minimised	L	Yes
Compliance	It is a statutory duty for the Council to maintain adopted assets. Failure to do so would be a breach of this duty and would render the Council open to legal claims for compensation.	By appropriately maintaining assets and operating a robust set of inspection regimes, the Council can minimise risk of statutory non-compliance.	L	Yes
Operational	Failure to adequately maintain assets will	By appropriately maintaining assets,	L	Yes

	lead to deterioration and increased numbers of safety defects/maintenance issues on those assets. This will create a substantial operational burden.	the Council can ensure that the operational burden resulting from safety defects is minimised.		
Financial	Failure to adequately maintain assets will lead to increased deterioration and increased future repairs costs across the network.	Appropriate maintenance of assets will lead to a lower whole of life asset maintenance cost.	L	Yes
Reputational	The assets to which this report relates are highly visible to our customers. Failure to maintain these will result in reputational damage. A significant number of customer enquiries relate to the conditions of these assets.	By appropriately maintaining assets, reputational damage can be minimised, although it is acknowledged that a level of dissatisfaction with asset condition will always exist.	L	Yes
Environment / Climate	The activities associated with completing the works outlined in this report have a negative environmental impact	Appropriate maintenance of assets and using lower carbon solutions where available will mitigate negative environmental impact.	L	Yes

8. OUTCOMES

<u>Council Delivery Plan 2024</u>	
Impact of Report	
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p><i>The proposals within this report support the delivery of the following aspect of the policy statement:-</i></p> <p>Making a real and continued investment in Aberdeen's roads and pavements with the objective of resurfacing and improving an average of at least 40km of roads and 40km of pavements a year from 2023/24 for at least ten years so that by 2032 at least 80% of roads and pavements are in good condition.</p>
<u>Local Outcome Improvement Plan 2016-2026</u>	

Prosperous Place Stretch Outcomes	<p><i>14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026.</i></p> <p>This report details footway and carriageway improvement schemes which are necessary to provide customers with a safe infrastructure for walking and cycling.</p>
<p>Regional and City Strategies</p> <p>NESTRANS Regional Transport Strategy 2040</p>	<p>These roads will form part of the local and wider strategic road network. As such, they will form part of the network considered as part of the Regional Transport Strategy</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Mark Reilly, Chief Officer - Operations on 9 th January 2025
Data Protection Impact Assessment	Not Required
Other	N/A

10. BACKGROUND PAPERS

10.1 Report - Financial Settlement from Transport Scotland for the De-trunking of the A92/A96

[Detrunking Report A92 and A96 September 2020 Master.pdf](#)

11. APPENDICES

11.1 Appendix A – Summary of Full and Final Settlement

11.2 Appendix B - The A90 & A96 Trunk Roads (Middlefield Place to Auchmill Terrace) Detrunking Order 2017

11.3 Appendix C - The A90 & A96 Trunk Roads (Middlefield Place to Auchmill Terrace) Detrunking Order 2017 (Plan)

12. REPORT AUTHOR CONTACT DETAILS

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Appendix A – Summary of Full and Final Settlement

Table 1 - A90 Aberdeen City

Ref	Item	Paid to Date	Full and Final Settlement	Additional payment
1a	Works Necessary to Maintain Pavement Structural Integrity	1,661,983.94	1,401,906.81	-260,077.13
1b	Deflectograph derived pavement treatment; 0 years or less residual life	1,147,216.61	1,147,216.61	0.00
2	Works Necessary to Maintain Pavement Surface Condition	613,427.30	751,421.73	137,994.43
3a	Works Necessary to Enable Effective Operation of Structural Elements	336,000.00	509,250.00	173,250.00
3b	River Dee Bridge - Scouring	1,060,000.00	3,840,000.00	2,780,000.00
4	Traffic Signals	397,073.60	397,073.60	0.00
5	Works Necessary to Enable Effective Drainage of the Road Network	266,786.72	266,777.34	-9.38
6a	Works to Enable Effective Illumination of Sections of the Road Network. Replacing like for like	75,375.00	75,375.00	0.00
6b	Change existing lanterns to LEDs. 75% of lanterns changed, A90 + A96 to achieve average condition. Figures include previous payments and new posts, testing and cut back vegetation	736,835.88	736,835.88	0.00
7	Works Necessary to Enable Effective Performance of Safety Barriers	28,411.50	28,411.50	0.00
8	Works Necessary to Enable Effective Operation of the Road Network – Lines	265,326.90	265,074.90	-252.00
9	Works Necessary to Enable Effective Operation of the Road Network – Update Signs	201,384.81	201,384.81	0.00
10	Landscaping, Planting Beds and Sponsorships	49,500.00	49,500.00	0.00
11h	A944 Kingswells South signals	375,000.00	375,000.00	0.00
	TOTAL	7,214,322.24	10,045,228.15	2,830,905.92

Table 2 – A96 Aberdeen City

Ref	Item	Paid to Date	Full and Final Settlement	Additional payment
1a	Works Necessary to Maintain Pavement Structural Integrity	142,626.42	142,626.42	0.00
1b	Deflectograph derived pavement treatment; 0 years or less residual life	335,621.90	335,621.90	0.00
2	Works Necessary to Maintain Pavement Surface Condition	166,512.90	219,508.68	52,995.78
3	Works Necessary to Enable Effective Operation of Structural Elements	61,500.00	61,500.00	0.00
4	Traffic Signals – included in A90 table above	0.00	0.00	0.00
5	Works Necessary to Enable Effective Drainage of the Road Network	36,469.26	36,466.32	-2.94
6a	Works to Enable Effective Illumination of Sections of the Road Network. Replacing like for like	13,867.50	13,867.50	0.00
6b	Change existing lanterns to LEDs	0.00	0.00	0.00
7	Works Necessary to Enable Effective Performance of Safety Barriers	7,905.87	7,905.87	0.00
8	Works Necessary to Enable Effective Operation of the Road Network – Lines	60,785.28	60,938.40	153.12
9	Works Necessary to Enable Effective Operation of the Road Network – Update Signs	31,185.99	31,185.99	0.00
10	Landscaping, Planting Beds and Sponsorships	0.00	0.00	0.00
	TOTAL	856,475.12	909,621.08	53,145.96

Table 3 – Proposed Final Payment

A90	£2,830,905.92
A96	£53,145.96
Total	£2,884,051.88