

**REPORT TO:** Cabinet

**MEETING DATE:** 11 June 2013

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Roads (Scotland) Act 1984 – Stopping Up of C130 Drive Arch, Whittingehame

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## **1 PURPOSE**

- 1.1 To seek Cabinet approval to instigate the necessary procedures and approvals to stop up a section of the C130 - Drive Arch, Whittingehame.

## **2 RECOMMENDATIONS**

- 2.1 To note the potential removal of the C130 Drive Arch from the list of public road from its junction with the private access road serving Whittingehame House and the B6370 Townhead to West Barns road - a total length of 620m or thereby.
- 2.2 To approve the stopping up of the C130 Drive Arch road.

## **3 BACKGROUND**

- 3.1 The C130 has been closed at the above location due to the risk from collapsing sections of Whittingehame Estate's retaining wall that bounds the public road. Sections of the retaining wall have collapsed and other sections are showing signs of distress (see Appendix 1). Further collapse constitutes a serious threat to the road user.
- 3.2 Maintenance of boundary walls is the responsibility of the adjacent landowner unless they can prove otherwise. Correspondence with Whittingehame Estate regarding maintenance responsibility has been ongoing for several years. They accept ownership but do not consider they are responsible for the maintenance of the wall and agree to the stopping-up of the road.
- 3.3 The cost of the rebuilding the collapsed sections (50 square metres) has been estimated at £50,000. The total area of wall either side of the Drive Arch is approximately 1000 square metres.

- 3.4 In order to stop up a road under Section 68 (1) of the Roads (Scotland) Act 1984 the Council has to be satisfied that either it is unnecessary or it has become dangerous to the public.
- 3.5 The attached drawing (Appendix 2) indicates the location and extent of the existing public road to be stopped up and the alternative access routes locally available.

**4 POLICY IMPLICATIONS**

- 4.1 These proposals are expected to contribute towards *Providing a Safer Environment* - a key priority for East Lothian Council.
- 4.2 These proposals are expected to contribute towards East Lothian’s Single Outcome Agreement Outcome 9 – East Lothian roads will be safer for all users.

**5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

**6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The estimated cost of processing, advertising and carrying out physical measures to restrict public access is estimated to be £10,000. The costs of these works can be accommodated in the Transportation Revenue budget for 2013/14.
- 6.2 Personnel - None
- 6.3 Other - None

**7 BACKGROUND PAPERS**

- 7.1 Appendix 1 – Photographs of Retaining Wall
- 7.2 Appendix 2 - Location drawing

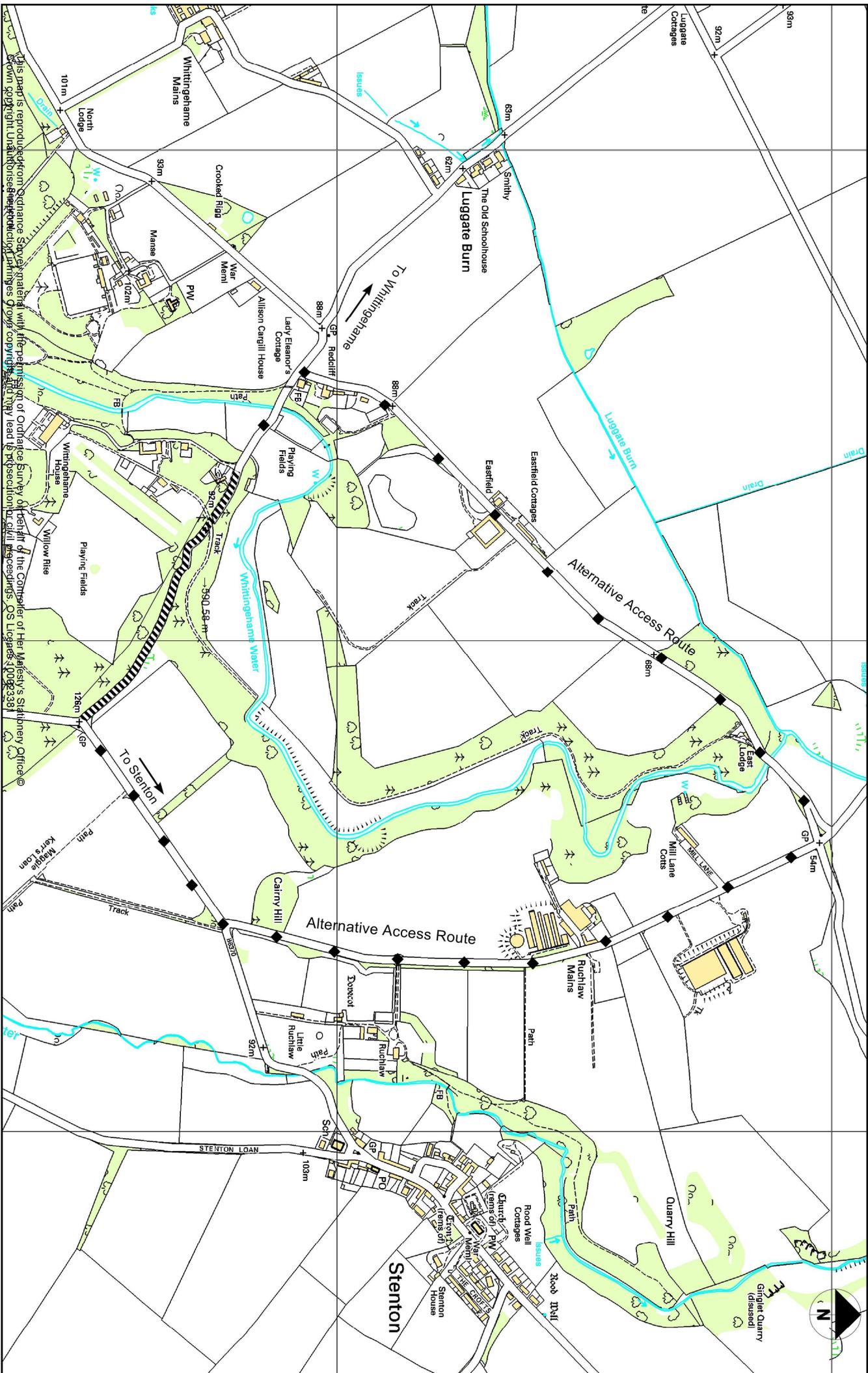
<b>AUTHOR’S NAME</b>	Peter Forsyth
<b>DESIGNATION</b>	Senior Area Officer
<b>CONTACT INFO</b>	David Northcott
<b>DATE</b>	17 <sup>th</sup> April 2013

## Appendix 1



# Roads (Scotland) Act 1984 – Stopping Up of C130 Drive Arch, Whittingehame

Date: 28 May 2013  
Scale: 1:10,000  
User: Peter Forsyth



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