



**MINUTES OF THE MEETING OF  
THE PETITIONS COMMITTEE**

**THURSDAY 11 JUNE 2015  
COUNCIL CHAMBERS, TOWNHOUSE, HADDINGTON**

---

**Committee Members Present:**

Provost L Broun-Lindsay (Convenor)  
Councillor M Libberton  
Councillor M Veitch  
Councillor J Williamson

**Other Councillors present:**

Councillor W Innes

**Council Officials Present:**

Mrs M Ferguson, Service Manager – Legal & Procurement  
Mr A Stubbs, Service Manager for Roads  
Mr P Forsyth, Team Manager – Assets & Regulatory  
Mr C Redpath, (Acting) Team Manager – Engineering & Operations

**Petitioners Present:**

Mr G Stuart (Item 1)  
Mr D Macleod (Item 2)

**Clerk:**

Ms F Currie, Committees Assistant

**Apologies:**

None

**Declarations of Interest:**

None

The Convenor welcomed everyone to the meeting, introduced the Committee members and outlined the procedure that would be followed.

**1. PETITION 1407 – CALLING ON EAST LOTHIAN COUNCIL TO CLOSE PERMANENTLY INVERESK ROAD MUSSELBURGH TO COMMUTER TRAFFIC, ALLOWING ONLY RESIDENTIAL ACCESS AND THROUGH-ACCESS FOR EMERGENCY VEHICLES**

The Convenor invited Mr Graeme Stuart to speak first regarding his petition. Mr Stuart provided the Committee with a summary of his arguments in favour of the closure of Inveresk Road, referring to information available on his blog and website. He stated that around 5500 cars used Inveresk Road everyday as an alternative to Musselburgh High Street and the A1 bypass. However, the road was too narrow to cope with this traffic and illegal parking (on double yellow lines and on pavements), uneven pavements due to dropped kerbs and a lack of a suitable pedestrian crossing points increased the risk to both drivers and pedestrians. Mr Stuart reminded the Committee that several schools were situated on or near the road, in addition to a sheltered housing complex, and the number of children and old people using the route increased the risk of accidents even further. He considered that previous attempts to encourage commuters from East Lothian onto the A1 had failed and only the closure of the road to through traffic would adequately address the current problem.

Mr Stuart responded to questions from Members on the where the road should be closed, alternatives such as imposing a public transport corridor, the number of accidents, and whether contact had been made with the police and other local agencies. He referred the Members to his blog for possible closure points and statistics relating to accidents, near misses. He said that the response from the police and other agencies had been disappointing and had resulted in him raising this petition.

Alan Stubbs, Service Manager for Roads, commended Mr Stuart for all of his hard work in putting together the information on his blog and website. He advised the Committee of the work currently underway on the East Lothian Local Development Plan (LDP) and indicated that proposals for traffic management, both in Musselburgh and the wider area, would be an important element of the LDP. As a result, Mr Stubbs stated that he could not recommend the closure of Inveresk Road at this time. He did, however, acknowledge that Mr Stuart had raised a number of important points in relation to road safety and he agreed to take these forward with Police Scotland.

Calum Redpath, Acting Team Manager – Engineering & Operations, addressed Mr Stuart's points about the junction of the High Street and Dalrymple Loan. He acknowledged that there were issues with the junction and changes had been made to the traffic lights sequence. He referred to work that had been done at the Racecourse end of the High Street and indicated that further mitigation measures were being considered. He explained that the Council had considered altering the junction at Newbigging to prevent traffic turning right into Inveresk Road but this would push the junction over its capacity.

Responding to questions from Members, Mr Stubbs confirmed that modelling of traffic management options would be undertaken once the proposals for the Council's preferred LDP sites became clearer and there would be an opportunity for further consultation. He stated that the timescale for completion of the LDP was October 2015 but there may be some slippage.

Councillor Veitch said that while he had a great deal of sympathy with the points raised by Mr Stuart he could not support the petition at this time. He felt confident that all traffic options

would be considered as part of the LDP process and, in the meantime, he suggested that Mr Stubbs consider separately the issues of improvements to the pavements on Inveresk Road and the possible re-routing of some bus services.

Councillor Libberton concurred with this view. Councillor Williamson commended Mr Stuart for his blog but agreed that it would not be appropriate to support the petition while work was underway on the LDP.

Provost Broun-Lindsay supported the views of his colleagues and agreed that the petition should be refused.

### **Decision**

The Committee was satisfied that the issues raised in the petition would be fully considered as part of any future proposals under the East Lothian Local Development Plan. The Committee agreed that the petition was not well founded and, accordingly, it was dismissed.

## **2. PETITION 1503 – CALLING ON EAST LOTHIAN COUNCIL TO STOP UP THE PATH/WALL AT CAMERON WAY, PRESTONPANS**

The Convenor invited Mr David Macleod to speak first regarding his petition. Mr Macleod outlined the main concerns which had prompted local residents to raise this petition. He indicated that over the past 8 years he and several of his neighbours in the vicinity of the path had been the victims of antisocial behaviour. Listing over 20 incidents including verbal abuse and damage to property, Mr Macleod stated that there had been no antisocial behaviour problems in the area prior to the opening up of the wall and path. He said that the local police were aware of the problem and supported the closure of the path. Referring to Mr Forsyth's report, he questioned the view that the path was 'widely used' arguing that footfall was in fact very low and he stated that neither he nor his neighbours had been aware of the Council's online consultation in September 2014. Mr Macleod concluded that there was considerable justification and support for the closure of the path and, as a suitable alternative path existed close by, there would be minimal inconvenience to residents.

Peter Forsyth, Team Manager – Assets & Regulatory, spoke on behalf of the Council. He referred to the statutory tests which had to be met in order to make a closure order. He said that, as the path was being used, it was difficult to prove it was unnecessary and there was nothing to suggest it was dangerous or no longer fit for purpose. However, he expressed some sympathy for the problems Mr Macleod and his neighbours had experienced regarding antisocial behaviour. In light of this, he advised the Committee that he would be willing to undertake a further consultation to determine whether it might be possible to close the path, if the statutory tests were met.

Councillor Innes, speaking as local Member, supported Mr Macleod's petition seeking the closure of the path. He expressed his disappointment with the previous decision by transportation not to close the path, particularly as the evidence suggested that the path was not well used, a suitable alternative existed and that the police and Community Wardens supported its closure. He welcomed Mr Forsyth's offer of a new consultation exercise but suggested that, should this again result in a negative outcome, the matter could be taken to a public inquiry.

The Members asked questions regarding the arrangements and timescales for a fresh consultation exercise, the use of the path for antisocial behaviour and the legal options available to the Council.

Morag Ferguson, Service Manager – Legal and Procurement, confirmed that as the path was currently being used the Council could not simply progress a closure order as this would be acting outwith their legal powers. She also advised that the issue of whether the path's use for antisocial behaviour could be considered to be 'dangerous' could be looked into alongside any plans for a further consultation exercise, should the petition be upheld.

Councillor Veitch thanked everyone for their input and stated that, while he could not support the Council acting outwith its powers, he did feel that the petition had merit and proposed that the matter be referred to the appropriate officers in both Legal and Transportation to see if any legal grounds to close the path could be identified.

Councillor Libberton agreed with this view, as did Councillor Williamson.

Provost Broun-Lindsay also concurred and asked Mr Macleod to submit his evidence of antisocial behaviour to officers for further consideration.

**Decision**

The Committee agreed that the petition was well founded and, accordingly, it referred the matter to the Service Manager for Roads and the Service Manager – Legal & Procurement for further consideration and possible implementation.

**3. PETITIONS SUBMITTED DEEMED TO BE OUT WITH THE REMIT OF THE PETITIONS COMMITTEE**

The Clerk presented the report informing the Committee of petitions PET1406 and PET1501 which had been rejected on the grounds that they did not meet the criteria for consideration by the Committee.

**Decision**

The Committee agreed to note the contents of the report.

Signed .....

Provost Ludovic Broun-Lindsay  
Convenor of the Petitions Committee