

**REPORT TO:** Cabinet

**MEETING DATE:** 9 May 2023

**BY:** Executive Director for Place

**SUBJECT:** Markle Mains Road – Stopping up of Public Road and  
Diversion of Public Rights of Way

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## **1 PURPOSE**

- 1.1 To seek Cabinet approval to start the statutory procedures necessary to stop up the Markle Mains Road at Markle Level Crossing and divert the public rights of way (PRoW) in accordance with Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the initiation of the statutory procedure necessary to stop up the U159 Markle Mains Road at Markle level crossing and divert the public rights of way (LE159 and LE160) under sections 207 and 208 respectively of the Town and Country Planning (Scotland) Act 1997.
- 2.2 If no objections are received during the 28 day notification period, or they are withdrawn before the end of it or subsequently resolved, that Cabinet authorise officers to issue the orders for the actual stopping up of the level crossing and road and the diversion of the footpaths.

## **3 BACKGROUND**

- 3.1 Members' attention is drawn to Members' Library Report – Markle Level Crossing Closure and Provision of Alternative Road Alignment dated September 2021 for background information.
- 3.2 The main purpose of the project is to remove the existing level crossing due to significant road / rail safety concerns.
- 3.3 On the 29<sup>th</sup> November WSP as agents and designers, lodged a planning application on behalf of East Lothian Council to seek consent for the replacement bridge and diversionary road. The planning reference was

22/01328/P and the application was subsequently granted approval planning permission through a delegated decision on 5 May 2023.

- 3.4 A key consideration of the application was the physical removal of the existing level crossing, the removal of all forms of access at the crossing, the replacement with an alternative road and all-purpose access footpaths across the East Coast Main Line (ECML) and the diversion of the existing footpaths (also PRow) from East Linton and Markle fisheries. These run parallel to the railway cutting onto the new all-purpose access footpaths.
- 3.5 The replacement barrier treatment is the placement of a security fence. Associated removal and amendments to the barrier system including signage will be undertaken by Network Rail under their permitted development rights. All public access to the railway line at this location will be prohibited.
- 3.6 In accordance with sections 207 (Roads affected by development: orders by planning authorities) and 208 (Footpaths and bridleways affected by development: orders by planning authorities) of the 1997 Town & Country Planning (Scotland) Act, East Lothian Council as planning authority may by Order authorise the stopping up of a road and diversion of any footpath or bridleway if that is necessary to implement a planning consent. In this case it is as the PRowS (LE159 and LE160) will be bisected by the new bridge and diverted onto the footpaths along the new road and as part of the development it is proposed to close the existing level crossing to all traffic and therefore to do so, the road needs to be stopped up.
- 3.7 This stopping up of the road and diversions of the PRowS under the Town and Country Planning (Scotland) Act 1997 is subject to a 28 day notice period. If Cabinet approves the recommendations, officers will prepare the relevant notices and commence with the 28 publication period. In terms of Sections 207, 208 and Schedule 16 of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Authority may confirm the Stopping-Up Order themselves without submitting the Order to the Scottish Government if there are no unresolved objections at the end of the statutory period.
- 3.8 If any objections are made and not resolved, the matter of issuing the orders is to be determined by the Scottish Ministers (or someone on their behalf).

#### **4 POLICY IMPLICATIONS**

- 4.1 The project outcomes are aligned with the core objectives set out in the approved East Lothian Council Plan 2022-2027 and the East Lothian Plan 2017 – 2027.

## 5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process, as part of the Planning process and all negative impacts have been mitigated.

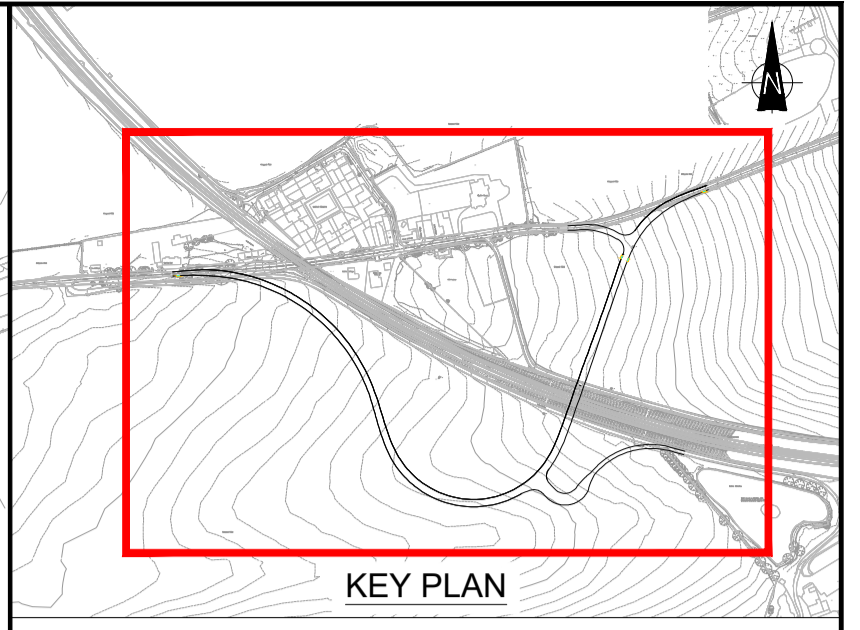
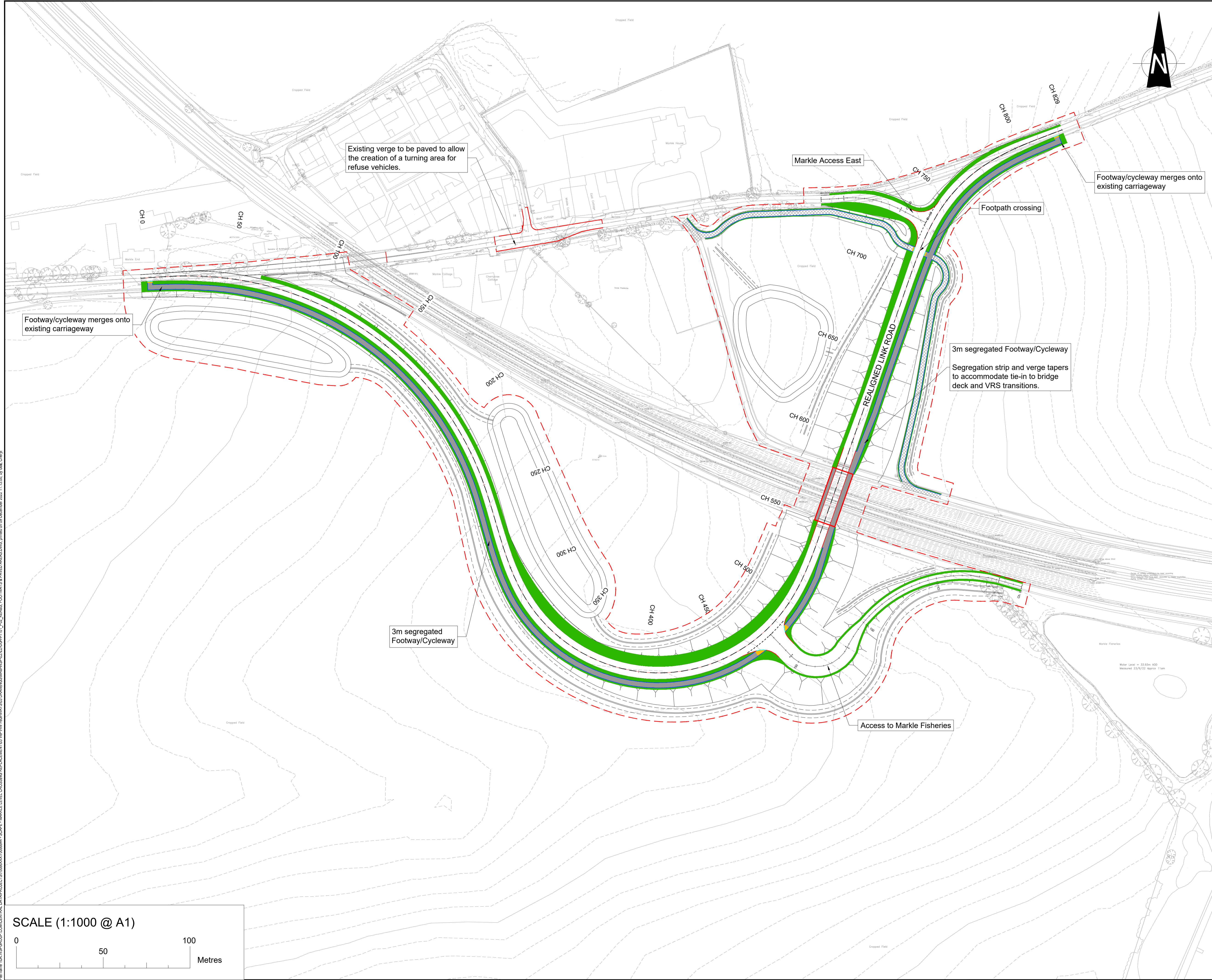
## 6 RESOURCE IMPLICATIONS

- 6.1 Financial - The project is fully funded by Transport Scotland Rail Directorate. A collaborative agreement has been entered into between East Lothian Council and Transport Scotland. Funding includes all associated internal and external project management fees, including the process of stopping up and diverting the PRoW.
- 6.2 Personnel - none
- 6.3 Other - None

## 7 BACKGROUND PAPERS

- 7.1 Members' Library Service – Markle Level Crossing closure and Provision of Alternative Road Alignment – Sept 2021
- 7.2 Planning Application - [22/01328/P | Formation of a diversionary road, erection of an overbridge crossing \(to facilitate closure of the level crossing\) and associated works | Markle Crossing Markle Mains East Linton East Lothian](#)

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<b>DESIGNATION</b>	Executive Director of Place
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<b>DATE</b>	25/04/23



- NOTES:**
- ALL DIMENSIONS SHOWN ARE IN METRES UNLESS STATED OTHERWISE.
  - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS AND SPECIFICATIONS.

- KEY:**
- SCHEME BOUNDARY
  - PROPOSED FOOTWAY
  - PROPOSED VERGE
  - PROPOSED UNSURFACED NMU ROUTE
  - PROPOSED 125mm x 255mm HALF BATTER KERB LAID AS PER ELC ROAD CONSTRUCTION DETAILS
  - PROPOSED PEDESTRIAN CROSSING DROP KERB LAID AS PER ELC ROAD CONSTRUCTION DETAILS
  - PROPOSED 50mm x 150mm FLAT TOP EDGING LAID AS PER ELC ROAD CONSTRUCTION DETAILS
  - PROPOSED 450mm x 450mm x 70mm THICK CROSSING PAVIORS LAID AS PER ELC ROAD CONSTRUCTION DETAILS
  - PROPOSED DESIGN

REV	DATE	BY	DESCRIPTION	CHK	APP
P02	05/12/2022	CG	UPDATES TO CAPTURE PLANNING COMMENTS	AC	DC
P01	25/11/2022	MT	ISSUED FOR PLANNING APPLICATION	AC	DC

DRAWING STATUS: **S2 - FOR INFORMATION**



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SITE/PROJECT: **MARKLE LEVEL CROSSING REPLACEMENT**

TITLE: **KERBS, FOOTWAYS AND PAVED AREAS LAYOUT**

SCALE @ A1: 1:1000	CHECKED: AC	APPROVED: DC
PROJECT NO: 70086844	DESIGNED: MT	DATE: 28/10/2022

DRAWING No: **MRB-WSP-ZZ-ZZ-DG-H-1101** REV: **P02**

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