

REPORT TO: East Lothian Council

MEETING DATE: 27 June 2023

BY: Executive Director for Place

SUBJECT: Redetermination of Johnnie Cope's Road, Tranent

1 PURPOSE

- 1.1 To update Council on the outcome of the statutory and public consultation following Cabinet approval of the proposal to redetermine Johnnie Cope's Road as an active travel route.
- 1.2 To seek Council approval for the statutory procedures necessary to make a Traffic Regulation Order to prohibit and permit various types of vehicular traffic.

2 RECOMMENDATIONS

- 2.1 That Council notes the summary of responses to the consultation process as set out in Appendix C and;
- 2.2 That, notwithstanding the responses received and subject to 2.3 below, on the grounds of road safety, Council approves the statutory procedure necessary to make a Traffic Regulation Order to close Johnnie Cope's Road to vehicular traffic and redetermine it as an active travel route in accordance with the relevant legislation as listed in Appendix A; and
- 2.3 To note that, if Council approves recommendation 2.2 and unresolved objections remain outstanding, the matter will be passed to Scottish Ministers for determination (under the Stopping Up of Roads and Private Accesses and the Redetermination or Public Rights of Passage (Procedure) (Scotland) Regulations 1986).

3 BACKGROUND

- 3.1 In association with the construction of the A1, Tranent Bypass in 1986, the former Lothian Regional Council agreed to close the U226, Johnnie Cope's Road to vehicular traffic between its junction with the A199 and a

point just to the south of Bankton House Steading and to redetermine the route for pedestrian and cyclists only.

- 3.2 To that effect a farm accommodation bridge was constructed across the bypass to allow pedestrians and cyclists to continue to use the route. Signs were sited at both the Tranent and Prestonpans ends of the road and a gate was installed. However, records show that the necessary order was never promoted and made.
- 3.3 The structure was designed for its intended use as an accommodation bridge for occasional farm access, large stock movements between fields, equine and pedestrian use only. It was never intended to take the volume and type of traffic currently using it.
- 3.4 The bridge is the responsibility of Transport Scotland and is not adopted by East Lothian Council.
- 3.5 As the bridge owners, Transport Scotland is responsible for ensuring that the bridge can support the live loads applied. Transport Scotland state that this responsibility is met and that the bridge is designed for full loading with a structural capacity up to 44 tonnes.
- 3.6 As the Roads Authority, East Lothian Council is responsible for ensuring that the road over the bridge meets the design standards for an adoptable road bridge as required by the Design Manual for Roads and Bridges (DMRB).
- 3.7 This specifies a minimum width of 7.3m plus 1.0m hard strip on either side, a total of 9.3m.
- 3.8 The actual width of the bridge is 4.5m which does not meet the DMRB standard.
- 3.9 Bridges supporting a single lane may be adoptable under DMRB on condition that certain criteria are met including width, vehicle flows and visibility. The bridge on Johnnie Cope's Road fails to meet the majority of the criteria.
- 3.10 The approaches to the bridge from both north and south negotiate sharp left-hand curves. This affords severely limited forward visibility of the bridge and of traffic currently in transit.
- 3.11 The width of the bridge creates a single track road and limits traffic to cross in one direction at a time. Any opposing traffic has to wait or, in most cases, due to the poor forward visibility, reverse off the bridge around the bend with limited rearward visibility.
- 3.12 On 12 October 2017 a three vehicle collision occurred where two vehicles travelling in opposite directions at the bridge collided and a third vehicle collided with the rear of the main collision. One casualty was conveyed to hospital.

- 3.13 On 7 February 2023 a collision occurred where a panel van reversing off the bridge due to oncoming traffic failed to see a motor cyclist behind his van. The motor cyclist was knocked off his machine and was taken to hospital with injuries.
- 3.14 In addition to these reported injury collisions, anecdotal evidence indicates a high number of damage only (and therefore unreported) collisions and near misses.
- 3.15 The bridge provides no footway or safe refuge for active travel users if a motor vehicle crosses the bridge at the same time.
- 3.16 During the afternoon of Thursday 4 May 2023, outwith peak traffic periods, a spot site visit was carried out and a series of photographs taken. These are attached at Appendix B.
- 3.17 During the site visit numerous vehicles were observed having to reverse off the bridge and around the blind bends because of opposing traffic. One vehicle was observed to collide with the nearside crash barrier.
- 3.18 Pedestrian use was also observed and, as stated at 3.15 and as can be clearly seen in the pictures, active travel users have no safe refuge area if a vehicle crosses the bridge at the same time.
- 3.19 Alternative routes for vehicular traffic between Tranent and Prestonpans are available, are more suitable for the volume and type of traffic and do not present the road safety issues found on Johnnie Cope's Road.
- 3.20 Access to properties on Johnnie Cope's Road will be maintained from the north via the junction with the B1361, Gardiner Terrace.
- 3.21 The southern section will be closed via a gate or barrier. Emergency services will have access and East Lothian Council will make arrangements for any high-sided vehicles which cannot gain access under the railway bridge at the northern end.
- 3.22 On 21 January 2020 Cabinet approved the commencement of the statutory procedures necessary to close the Johnnie Cope's Road to vehicular traffic and redetermine as an active travel route, with occasional farm access, emergency access and residential access as required.
- 3.23 This is consistent with both national and county transport strategies to prioritise active travel and also aligns with the climate change declaration aspirations.
- 3.24 Statutory consultation with stakeholders including the emergency services, Transport Scotland, elected members, community representatives and road haulage organisations took place from 23 January to 12 February 2023. No negative responses were received and the Scottish Fire and Rescue Service confirmed that standard fire tenders could access properties on Johnnie Cope's Road by passing under the rail bridge from the northern end of Johnnie Cope's Road. Only specialist vehicles would

require access through the gate at the southern end and, to date, there has never been an incident requiring the attendance of these vehicles.

- 3.25 Public consultation took place from 20 February to 24 March 2023. 152 responses were received of which 5 were supportive and 147 objecting. A summary of these responses together with comments is attached at Appendix C.
- 3.26 Notwithstanding the number of responses received, it is considered that all the points raised have been adequately addressed and there are no outstanding issues that require further investigation. The full range of consultation responses has been lodged in the Members' Library (Ref: 61/23, June 2023 Bulletin).
- 3.27 A 7-day automated traffic count was conducted on Johnnie Cope's Road from 17 to 24 November 2022 at a point just south of the accommodation bridge. A copy of the survey report is attached at Appendix D.
- 3.28 This showed average daily vehicle count of 1,156, evenly split between northbound and southbound.
- 3.29 Of these vehicles 88.6% were cars or light vans, 0.5% were medium sized goods vehicles which would have been able to access the road under the railway bridge from the north and 0.1% were large goods vehicles.
- 3.30 Road safety is the primary reason for the closure of Johnnie Cope's Road to vehicular traffic and redetermination as an active travel route. As the Roads Authority, East Lothian Council has a responsibility to ensure the safety of all road users. This cannot be achieved with the current road geometry as referenced at points 3.5 – 3.13 inclusive.
- 3.31 It is understood that this important issue for East Lothian Council and our communities generates local concern and debate. However, the consultation exercise did not reveal any substantive or significant issues that outweigh the need to ensure safe passage for both vehicular traffic and pedestrians.
- 3.26 Alternative vehicular routes exist that have capacity and Johnnie Cope's Road lends itself to become a sustainable access route for walkers, cyclists and equine users. The creation of a sustainable active travel route between Tranent and Prestonpans will provide connections between communities and link to the existing and planned active travel network including the cross-county Segregated Active Travel Corridor.
- 3.27 Through the consultation process a number of potential alternative interventions have been investigated. These have been included as Appendix E but, as they either do not address the core safety issues or are considered to be cost prohibitive, they are not recommended as viable alternatives.
- 3.28 Under the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986, Council can now move to make the appropriate Order

to give effect to this change as long as all objections are withdrawn. In the event that any objections remain outstanding and not withdrawn, the matter must be referred to Scottish Ministers for a determination. This will be done on the basis of information submitted by the Council as Roads Authority and the regulations do not permit or require the holding of a public enquiry into this matter.

4 POLICY IMPLICATIONS

4.1 These proposals will contribute towards fulfilling the East Lothian Plan 2017-2027, in particular:

- Outcome 2.1: “East Lothian has strong resilient communities where people respect and support each other” and
- Action (k) “we will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities”

4.2 The proposed changes will promote and support safe, inclusive, active and sustainable travel in line with the following policies:

- National Transport Strategy
- Local Transport Strategy
- Climate Change Strategy

4.3 A decision not to implement this proposal carries the risk of reputational damage as the decision would be in direct contravention of the Council’s own and national strategies as listed at 4.2 above

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – Subject to council approval of the proposal external funding may be available to make enhancements to create an active travel route.

6.2 Personnel – the proposal will be managed by the current team

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Cabinet report 21st January 2020

7.2 Draft redetermination order 1987

7.3 Draft redetermination order 2023

7.4 Traffic count report (full)

7.5 Members' Library Report – Consultation responses (Ref: 61/23, June 2023
Bulletin:

https://www.eastlothian.gov.uk/meetings/meeting/17041/members_library_service)

AUTHOR'S NAME	Douglas Proudfoot
DESIGNATION	Executive Director, Place
CONTACT INFO	Ian Lennox / Alan Stubbs
DATE	31/05/2023

Appendix A		
(U226, JOHNNIE COPE'S ROAD) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2023		
Number	Location	Description
1	Johnnie Cope's Road from the junction with the A199 to a point just south of Bankton House Steading	Redetermine the road as an active travel route for the use of pedestrian, equine and cyclist traffic

**Appendix B
Photographs**

Northbound approach



Southbound approach







Appendix C

Johnnie Copes Road

Summary of objections

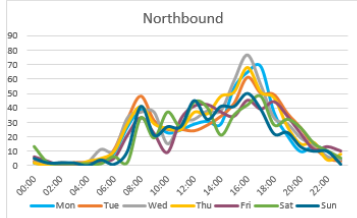
Number	Detail of objection	Response
1, 4, 9, 11, 19, 22, 23, 24, 32, 34, 35, 37, 39, 40, 49, 51, 54, 55, 56, 58, 59, 60, 61, 62, 67, 68, 71, 75, 79, 83, 84, 86, 88, 90, 91, 98, 99, 100, 102, 104, 110, 111, 112, 113, 114, 117, 118, 119, 122, 129, 130, 133, 134, 136, 137, 138, 139, 140, 146, 147, 148, 150, 151, 153, 155, A2, A3,	Congestion on alternative routes including Meadowmill roundabout	<i>The alternative routes, including the A199 and the A1 have adequate capacity. It may also be found that congestion reduces if some of those currently travelling between Tranent and Prestonpans station choose to use Wallyford with its large car park.</i>
2, 6, 7, 11, 22, 24, 25, 29, 30, 33, 34, 35, 40, 43, 47, 48, 50, 51, 55, 58, 59, 62, 65, 66, 67, 71, 72, 74, 77, 78, 83, 89, 92, 98, 99, 101, 102, 108, 110, 111, 115, 119, 121, 130, 132, 134, 139, 140, 149, 152, 154, A3	Access to railway station	<i>There are suitable alternative routes. Improvements to the drainage under the bridge have reduced the flood risk. There may be some ponding when there is significant, intense rainfall but this dissipates naturally.</i>
2, 14, 15, 16, 117, 137, A4,	Access for deliveries and tankers to empty septic tanks	<i>Vehicles under 3.5m in height can travel under the rail bridge. For larger vehicles access will be facilitated via contact with ELC Roads Services.</i>
2, 13, 14, 15, 16, 21, 34, 35, 37, 40, 42, 43, 47, 49, 50, 56, 61, 62, 66, 75, 76, 77, 78, 83, 85, 91, 102, 103, 104, 110, 117, 121, 122, 123, 125, 127, 129, 134, 136, 140, 142, 143, 145, 147, 151, A4,	Access / short cut for emergency service vehicles	<i>Emergency services were consulted regarding the TRO and raised no issues/objections. Scottish Fire and Rescue Service Fire confirm a standard fire appliance can fit under the bridge to access Bankton Steading so all police and ambulance response vehicles will also fit. Only specialist fire appliances would require access through the gate / barrier for which all responders have keys. Fire service report that there has never been an incident on JCR requiring these appliances</i>
8, 13, 14, 15, 18, 21, 23, 25, 26, 27, 28, 30, 33, 39, 42, 43, 44, 48, 50, 51, 52, 53, 55, 63, 64, 66, 72, 74, 75, 78, 79, 84, 86, 89, 90, 101, 102, 104, 109, 115, 116, 123, 125, 126, 128, 132, 134, 137, 141, 142, 143, 145, 146, 152, 154, A3	Increased journey times / vehicle emissions	<i>It may also be found that congestion reduces if some of those currently travelling between Tranent and Prestonpans station choose to use Wallyford with its large car park. The proposal will facilitate active travel between Tranent and Prestonpans and reduce reliance on motorised travel.</i>
3, 8, 21, 25, 26, 31, 32, 37, 57, 64, 73, 117, 128, 130, 141,	Motivation is cost saving not safety	<i>The main reason the road is being closed to vehicular traffic is on the grounds of "Road Safety". The structure over the A1 was not designed to take the volume of traffic using it. It was built as an accommodation bridge for the farmer and it was always intended to be closed to vehicular traffic. There are alternative more appropriate roads within close proximity. The proposal to redesignate the road to permit pedestrian and cyclists only will provide a safer environment for those users while still allowing essential access for emergency services, residents and farming activities.</i>

<p>4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 31, 35, 39, 40, 44, 45, 47, 50, 53, 54, 62, 64, 65, 70, 71, 77, 83, 95, 98, 99, 102, 104, 105, 106, 109, 110, 112, 116, 117, 121, 123, 124, 127, 129, 131, 135, 136, 137, 139, 140, 141, 142, 145, 148, 149, 153, 154, 155, A1,</p>	<p>Road should be repaired / upgraded</p>	<p><i>The road and geometry do not lend itself for the volume and type of traffic using it. It is a single track road with severely limited forward and rearward visibility and no street lighting. It has no footway or safe refuge area for active travel users.</i></p> <p><i>The bridge is a single track accommodation bridge and its intended use was for occasional farm access, large stock movements between fields, equine and pedestrian use.</i></p>
<p>9, 10, 17, 20, 26, 31, 36, 38, 46, 69, 70, 80, 87, 93, 94, 96, 97, 107, 120, 122, 143, A1, A4,</p>	<p>Non-specific or other objection</p>	

Appendix D Traffic count report dashboard



Client: East Lothian Council
 Project: 4188-SCO East Lothian Various ATCs Nov 2022
 Site: 01 - Johnnie Cope's Road
 Start Date: Thursday 17 November 2022
 Speed Limit: 60
 Lat/Long: 55.94884, -2.97098



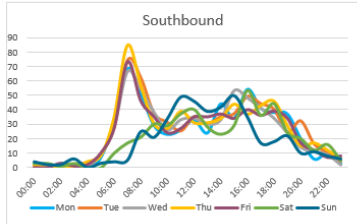
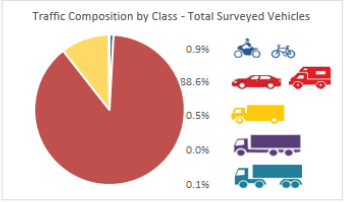
Direction	7-Day Average Speed	7-Day 85th %ile Speed
Northbound	23.8	29.0
Southbound	23.4	29.2
Combined	23.6	29.1

mph mph



On a 7-day average		
0.0%	0.0%	0.0%
0.0%	0.0%	0.0%
0.0%	0.0%	0.0%

of vehicles are travelling over posted speed limit (PSL) of vehicles are traveling 10% +2 over PSL (68mph) of vehicles are 15mph over PSL (75mph)



Direction	Weekday Average Total Traffic	7-Day Average Traffic	Weekly Traffic Total
Northbound	552	531	3718
Southbound	604	566	3962
Combined	1156	1097	7680



Incidents/Observations
 No incidents or observations during the survey period

Appendix E

Summary of alternative interventions identified

Item	Alternative intervention	Officer analysis
	Part A	Proposed interventions that fall short of addressing the Core Safety Issue
1	Making the road one way	<p>The issue with the road geometry would remain and it would still be necessary to realign the road to create appropriate sight lines.</p> <p>The bridge would also have to be replaced as it cannot safely accommodate vehicles, pedestrians and bicycles together in its current format (see below).</p>
2	Resurface circa 1km of road	<p>Does not address road safety issues</p> <p>Indicative cost £200k</p>
3	Installation of traffic signals	<p>Traffic signals could be installed.</p> <p>Indicative cost £150 – 200k plus provision of an electrical supply</p> <p>However, active travel users would still have no safe refuge area and, given the length of the bridge, the inter-green (safe) phase would be lengthy. This could encourage frustration and result in drivers breaching the signals with the increased potential of accidents.</p> <p>To mitigate this hazard the geometry of the road leading to the accommodation bridge on both sides of the bridge would need to be realigned so as to have the appropriate sight lines and safe stopping distances.</p> <p>This would require acquisition of land (see below)</p>
4	Traffic calming over 1km of road	<p>While this may manage excess speed it does not address the core safety issue which is not speed related.</p> <p>Indicative cost £75-100k</p>
5	Street lighting over 1km of road	<p>Required for traffic calming but does not address core issue</p> <p>Indicative cost £150k plus provision of an electrical supply</p>

	Part B	Proposed interventions that are considered cost prohibitive
1	Upgrade the Accommodation Bridge to a road bridge with a shared cycleway	<p>Transport Scotland would need to agree to upgrade/modify and/or replace the existing single track accommodation with a road bridge.</p> <p>Transport Scotland have been contacted and have advised ELC that they would not be in a position to provide any financial contribution towards modifying the bridge.</p> <p>Estimated cost £4 – 6 million</p>
2	Upgrade existing road including realignment	<p>The geometry of the road leading to the accommodation bridge on both sides of the bridge does not meet statutory requirements on safety and would need to be realigned so as to have the appropriate sight lines.</p> <p>This would require the procurement of land either through a capital purchase at an agreed price or through a compulsory purchase order if deemed applicable.</p> <p>Minimum cost £250k but could be considerably more</p>
3	Construct new pedestrian/cycle bridge alongside accommodation bridge	<p>Land acquisition would be required for the bridge construction. The conflict with pedestrians/cyclists and equine users along the majority of the road would remain unless an active travel route was constructed alongside JCR which would require land acquisition (see below).</p> <p>Depending on the type of bridge structure the estimated cost is £2 – 5 million</p>
4	Land acquisition to create shared use active travel route alongside JCR	Estimated cost £0.5 – 1 million.