

A6106 Prohibition of Motorised Vehicle Order**Report by John Blair, Director, Resources****1 Purpose of Report**

- 1.1** The paper seeks to confirm that the proposals for closing the A6106 to motorised vehicles between Sheriffhall roundabout and a point north of the Cockatoo roundabout and replacing the existing road with the new Shawfair access road RP13 is acceptable to Midlothian Council. The existing section of road would revert to a pedestrian/cycle route with access maintained for agricultural vehicles and Network Rail will construct a new section of track to replace the A6106 lost to the railway. (Refer to plan, Appendix A)

2 Background**2.1 Shawfair**

- 2.1.1** During early discussions on the Shawfair development Scottish Ministers placed a requirement that the A6106 between Sheriffhall roundabout and the Cockatoo be closed to through traffic. Ministers placed a restriction of 180 houses within Shawfair that could be constructed before requiring that the road be permanently closed. Upgrades to Sheriffhall roundabout and the construction of the A68 bypass has allowed Ministers to relax this requirement now, allowing up to 450 houses to be constructed before the road is required to close. As this is still only around 10% of the Shawfair development then closure of the A6106 still has to occur at an early stage in the development.

- 2.1.2** The closure of the A6106 is reflected in the following:

1. Shawfair Masterplan
2. Shawfair Transport Assessment

- 2.1.3** Both of these documents were Core Documents at the Shawfair Local Plan Inquiry and formed part of the outline planning application which was approved by Midlothian Council on 4 December 2003 subject to satisfactory completion of S75 Agreements.

2.2 Sheriffhall Roundabout

- 2.2.1** Midlothian Council has consistently pressed Scottish Ministers to grade separate Sheriffhall Roundabout which is required to improve connectivity between northern areas of Midlothian and the rest of the County and also to link communities to the employment, education, health services and leisure facilities within Edinburgh. Grade

separation would also improve connectivity for cyclists travelling between Dalkeith and Edinburgh.

- 2.2.2** There have been a number of previous studies looking at the grade separation of Sheriffhall and another has recently been instructed by Scottish Ministers. Previous studies have assumed closure of the A6106 in order to accommodate the road layout required for grade separation of the junction.

2.3 Borders Railway

- 2.3.1** The Waverley Railway (Scotland) Act 2006 allowed the authorised undertaker (Network Rail) to permanently stop up sections of the A6106 to allow for construction of the railway. The Act required that they could only stop up a road once a substitute had been completed to the reasonable satisfaction of the roads authority and open for public use [Part 1.9 and Schedule 4 part 1 of the Act].

2.3 Objections

- 2.3.1** Two local landowners, The Cockatoo and Iain D Lowe, have stated their objection to the closure of the A6106 and are challenging the Council and Network Rail's ability to close the A6106 without a like for like replacement, directly connecting Sheriffhall roundabout to the new roundabout being constructed at the end of RP13 as part of the Borders Rail Project.
- 2.3.2** The Cockatoo has produced legal opinion that the Waverley Act does not allow for the construction of RP13 as the replacement route for vehicles with a footpath/cyclepath giving a direct link to Sheriffhall roundabout for pedestrians and cyclists. Their legal opinion does not make any reference to the approved Shawfair Planning Application or its supporting documents.
- 2.3.3** Network Rail and Midlothian Council are of the opinion that the proposals are legal and meet the requirements of the Waverley Act and the Shawfair Development plans.

3 Report Implications

3.1 Resource

- 3.1.1** The cost of constructing the replacement sections of road and footpath will be borne by the Borders Rail Project.
- 3.1.2** A short section of the A6106 close to Sheriffhall roundabout will be isolated once the replacement footpath/cyclepath is constructed. The Council will require to promote a Prohibition of Motorised Vehicle order to prevent use by anything other than pedestrian cyclists, horseriders and agricultural vehicles. This is anticipated to cost in the region of £500.

- 3.1.3** Discussions are ongoing with Network Rail and Transport Scotland about any other costs involved with the works and there will be a further report to Council if any further costs are identified.

3.2 Risk

The risk of not closing the A6106 could cause a delay to the Shawfair development, which early on in the build process would require to close any recently re-constructed A6106 (limit set at 450 houses) and attract public criticism for constructing a new road at taxpayers' expense, only to close it shortly afterwards.

3.3 Single Midlothian Plan and Business Transformation

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ✓ Improving opportunities in Midlothian
- ✓ Sustainable growth
- ✓ Business transformation and Best Value
- ☐ None of the above

3.4 Impact on Performance and Outcomes

Recent discussions regarding the delivery of Shawfair have been very positive and the first phase of housing is anticipated to commence early next year. With the opening of the railway in 2015 it is anticipated that work on the development within Midlothian and further delays to implementation will impact on the Council regarding the delivery of housing stock.

3.5 Adopting a Preventative Approach

Restricting traffic on this section of road will save the cost to the public purse of reinstating a section of road only to have to close it some short time later.

3.6 Involving Communities and Other Stakeholders

The Shawfair Planning Application was consulted on and all comments considered by Council before being approved.

3.7 Ensuring Equalities

Prohibiting motor vehicles over this section of road will provide a safer route for pedestrians and cyclists while providing a modern, fully compliant new road (RP12/13) for vehicular traffic.

3.8 Supporting Sustainable Development

Shawfair has been designed as a sustainable development and the Masterplan identifies this as a dedicated foot/cyclepath.

3.9 IT Issues

There are no IT issues.

4 Summary

This report provides a background to the various projects developing in the Shawfair area and considers getting Council sign-off for the replacement section of the A6106 between Sheriffhall and a new roundabout north of the A6106/B6415 with a new road RP13 and a footway/cycleway as outlined on the attached plan.

5 Recommendations

I recommend that Council agree to:

- a) Promote a Prohibition of Vehicular Traffic Order for the remaining section of the A6106 at Sheriffhall; and
- b) Agree that the proposed track to be constructed by Network Rail is acceptable to the Council.

Date 09/09/13

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Background Papers:

Declaration Box

Instructions: *This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.*

Title of Report: *A6106 Prohibition of Motorised Vehicle Order*

Meeting Presented to: *Council*

Author of Report: *Douglas Muir*

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- ✓ All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Human Resources.*
- ✓ All risk implications have been addressed.*
- ✓ All other report implications have been addressed.*
- ✓ My Director has endorsed the report for submission to the Council Secretariat.*

For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.

Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.