

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****STOPPING UP ORDER- EXISTING PRIVATE ROAD / RIGHT OF WAY / CORE PATH AT RAW HOLDINGS, EAST CALDER****REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION****A. PURPOSE OF REPORT**

On 21 December 2021 Council Executive approved the promotion of a stopping up order of the existing private road / right of way / core path at Raw Holdings, East Calder. Following the making and advertising of the order, four objections have been received and have not been withdrawn. The stopping up order is accordingly opposed.

The purpose of this report is to seek Council Executive approval to submit the stopping up order to Scottish Ministers for confirmation in order for it to take effect. Submission to Scottish Ministers is part of the statutory procedure to stop up this private road / right of way / core path.

The stopping up order is required to allow development to be fully implemented in accordance with two planning permissions for residential development. It will also have the effect of allowing the route to be realigned and re-routed to create a new vehicular access to St Paul's Primary which will facilitate reconfiguration and extension to the school.

B. RECOMMENDATION

It is recommended that Council Executive:

1. approves the submission to Scottish Ministers of the stopping up order relating to the private road / right of way / core path at Raw Holdings, as identified in the plans appended to this report, for confirmation.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Policy – the planning proposals for the area have been granted planning permission by Development Management Committee.</p> <p>Legal – Promotion of the stopping-up order under the Town and Country Planning (Scotland) Act 1997 (as amended).</p>

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	The introduction of the stopping up order will support Outcome no. 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	Promotion of the stopping up order and associated works will be funded by the developers.
VII	Consideration at PDSP	The proposals set out in this report have not been considered by a PDSP due to the nature of the matter. There are planning permissions already in place and the stopping-up order is necessary to allow those permission to be fully implemented.
VIII	Other consultations	There is statutory consultation required as part of the stopping up procedures.

D. TERMS OF REPORT

Council Executive, on 21 December 2021, approved the promotion of an order to stop up the private road / right of way / core path at Raw Holdings and which forms part of National Cycle Route 75 (NCR75).

As part of planning permissions for residential development granted to Persimmon (0609/FUL/15) and Cala (0198/FUL/15), this route is being closed to vehicles south of St Paul's Primary and replaced by a new 3 metre wide cycle track, to be constructed and lit to adoptable standard. At its northern end, the route will be realigned and re-routed along the north of a new bus/vehicle turning area and continue through the new housing in a north-east direction to Main Street. This will allow for a new vehicular access to St Paul's Primary which will facilitate reconfiguration and extension to the school.

Construction works on the residential developments is ongoing, having started prior to the stopping up order being made. These construction works include the formation of the 3 metre wide cycle track in accordance with the planning permissions and roads construction consents for the developments.

The developers closed the route by means of temporary heras fencing to enable building and engineering works permitted by their planning permissions to be safely undertaken. It is noted that the developers did not engage with the community prior to the closure to ensure awareness of the reasons for the closure and alternative route provision. The developers also did not engage with the council prior to the closure in terms of an order to exclude the area from access rights under the Land Reform (Scotland) Act 2003. Persimmon initially formed a temporary diversion path through its site, which it closed some time ago, but that temporary diversion is not related to the stopping up order.

The stopping up order has not yet been confirmed. It has not taken effect. None of the works undertaken to the route by the developers, or the closure of the route to access rights, to date have been undertaken under the stopping up order.

The temporary diversion route proposed under the stopping up order runs west along the existing footways on the south side of Main Street and then south past the health centre, park and sports centre and then east along the footway on north side of Langton Road. Whilst the temporary diversion route is not yet in effect, or signed, as a result of the confirmation of the stopping up order it has, in practice, been utilised as a result of the closure of, and works being undertaken to, the route by the developers.

The stopping up order was made by the council on 27 July 2022 (Appendix A). The stopping up order has two associated plans. Plan 1 (Appendix B) shows the existing route to be stopped up shown in blue and green, with temporary diversion route shown in red. Plan 2 (Appendix C) shows in pink the replacement permanent route.

If confirmed the stopping up order will extinguish vehicular access rights over the existing route

The temporary diversion route is longer than the existing route but in the circumstances that is considered to be unavoidable.

The permanent diversion route runs from Main Street southwards along Templar Road, then along the north of the new bus/vehicle turning area and then south to Langton Road. It will not be significantly longer than the existing route

The stopping up order was advertised in the West Lothian Courier on 28 July 2022 and in the Edinburgh Gazette on 29 July 2022. Site notices were displayed on 28 July 2022 at the four locations where the existing route was closed.

Objections to the stopping up order were received from four individuals within the consultation period and these are attached to this report (Appendix D). The objections can be summarised as follows:

1. The route was closed by the developers several months before the stopping up order was made and site notices posted.
2. The council failed in its legal duty to provide appropriate notice to the community of the closure of the route.
3. Site notices were not properly displayed.
4. The temporary diversion route is too narrow for cyclists and pedestrians.
5. The temporary diversion route is too far away from the closed route.
6. It is not appropriate to replace the route with a road that takes vehicles.
7. The route has not been inherited, adopted or maintained by the council prior to the stopping up order.

The objections can be responded to using same numbering:

1. The developers closed the route to allow construction works prior to the making of the stopping up order. As the closure, and temporary diversion, was not authorised by a confirmed stopping up order, the developers required to have regard to the provisions of the Land Reform (Scotland) Act 2003 when erecting heras fencing to exclude the exercise of access rights.
2. The council has correctly carried out publicity for the stopping up order as required by legislation.
3. Site notices were correctly displayed for the stopping up order as required by legislation.
4. The temporary diversion route is adopted footways and footpaths. It is acknowledged the width is not that of a standard cycle track. However, it is considered of adequate width given it is a temporary arrangement. It is acknowledged the section of the diversion route on the footway between the post office and health centre narrows down. To address this, cyclist dismount signage at appropriate positions could be used to ensure there is no unacceptable conflict between pedestrians and cyclists. Roads & Transportation consider this acceptable in terms of road safety.
5. The temporary diversion route is the route that is considered as being the most appropriate temporary solution.
6. The new route is not for use by vehicles, it is a 3 metre wide cycle track.
7. It is correct that the route to be stopped up was not owned by the council or adopted / maintained by the council as roads authority.

The four parties who objected to the stopping up order were contacted to determine if their grounds for objections could be addressed, resulting in the withdrawal of their objection. Responses were received from two of the four parties, these are attached to this report (Appendix E). These responses advised the objections to the stopping up order remain. Where an objection is made by a person and not withdrawn the Scottish Ministers shall, before confirming the order, either cause a local inquiry to be held, or give that person an opportunity of being heard by a person appointed by the Scottish Ministers for the purpose.

E. CONCLUSION

Stopping-up of the existing private road / right of way / core path and extinguishing existing access rights is necessary to allow development to be fully implemented in accordance with the planning permissions.

Alternative provision to maintain the route in the form of a new 3 metre wide cycle track forms part of the planning permissions. The new route will allow for a new vehicular access to St Paul's Primary which will facilitate reconfiguration and extension to the school.

A temporary diversion route during the period of closure of the route is provided for

in the stopping up order and Roads & Transportation consider it is acceptable in terms of road safety subject to appropriate signage.

The grounds for objection to the stopping up order have been considered and it is concluded there is no justification for not proceeding with the order.

As the order is opposed, it requires to be submitted to Scottish Ministers for confirmation in order for it to take effect. It is recommended that Council Executive agree to do so.

F. BACKGROUND REFERENCES

Planning permissions [0198/FUL/15](#) and [0609/FUL/15](#)

Proposed Stopping Up Order- Existing Private Road / Right of Way / Core Path at Raw Holdings, East Calder - [Report](#) by Head of Planning, Economic Development & Regeneration to Council Executive on 21 December 2021

Appendices/Attachments: Six

Appendix A - Stopping up order

Appendix B - Stopping up order Plan 1

Appendix C - Stopping up order Plan 2

Appendix D - Site layout showing new cycle track though Persimmon site (0609/FUL/15)

Appendix E - Site layout showing new cycle track through CALA site (0198/FUL/15)

Appendix F - Objections to stopping up order

Contact Person: Tony Irving, Principal Planning Officer, 01506 282410,
tony.irving@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

05 September 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**WEST Lothian Council (Raw Holdings, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022**

The West Lothian Council, in exercise of the powers conferred on them by Section 207 and Section 208 of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as 'the Act') and of all other powers enabling them in that behalf, being satisfied that it is necessary to stop up that part of the road running in a north – south direction between Main Street and Langton Road, East Calder, make provision for the construction of the new road, and divert the core path, specified in the Schedule to this Order to enable development to be carried out in accordance with planning permissions (References 0609/FUL/15 and 0198/FUL/15) granted under Part III of the Act, and having complied with the provisions of Schedule 16 to the Act, hereby make the following Order:-

- 1 This Order may be cited as the “West Lothian Council (Raw Holdings, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022” and shall come into operation on the date of confirmation or such other date as may be appointed by the Scottish Ministers.
2. The stopping up of the road described in Part I of the Schedule to this Order and indicated on the plan entitled “West Lothian Council (Raw Holdings, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022 Plan 1” (hereinafter referred to as “Plan 1”), and construction of a new road and diversion of the said core path to a route described in Part II of the said Schedule and indicated on the plan entitled “West Lothian Council (Raw Holdings, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022 Plan 2” (hereinafter referred to as “Plan 2”) which said Schedule and Plan 1 and Plan 2 are annexed and executed as relative to this Order, are hereby authorised.

3. Persimmon Homes, as the developer in respect of Planning Permission Reference 0609/FUL/15, having an office at Unit 1, Wester Inch Business Park, Old Well Court, Bathgate, has agreed to meet one half of the costs of making and advertising this Order, together with the cost of constructing the new road indicated in green on the Plan 2 and making arrangements for its future maintenance.

4. Cala Management Ltd, as the developer in respect of Planning Permission Reference 0198/FUL/15, having an office at Cairnlee House, Callendar Road, Callendar Business, Falkirk. FK1 1XE has agreed to meet one half of the cost of making and advertising this Order, together with the cost of constructing the new road indicated in blue on the Plan 2 and making arrangements for its future maintenance.

5. Where immediately before the date on which this Order comes into operation in terms of Article 1 above, there are any statutory undertakers having apparatus of theirs which is under, in, over, along or across the said stopped up road then any such statutory undertakers shall, without prejudice to the provisions of Section 224 of the Town and Country Planning (Scotland) Act 1997, have the same rights in respect of that apparatus as they had immediately before that date.

Given under the common seal of The West Lothian Council and signed for and on its behalf by Lesley Montague, Proper Officer at Livingston on the Twenty seventh day of July Two Thousand and Twenty- two.

.....

Proper Officer

This is the Schedule referred to in the foregoing West Lothian Council (Raw Holdings, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

WEST LOTHIAN COUNCIL (RAW HOLDINGS, EAST CALDER) STOPPING UP, CONSTRUCTION OF A NEW ROAD AND DIVERSION OF CORE PATH (NO 1) ORDER 2022

SCHEDULE

Part I (Description of Stopped Up Section of Road)

That section of road running in a north – south direction between Main Street and Langton Road, East Calder, forming part of the existing core path known as the National Cycle Route 75 (NCR75), as shown delineated in green and in blue on the Plan 1.

Part II (Description of New Road to be Constructed and Diverted Core Path)

That route shown delineated in pink on the Plan 2.

STATEMENT OF REASONS

for the making of

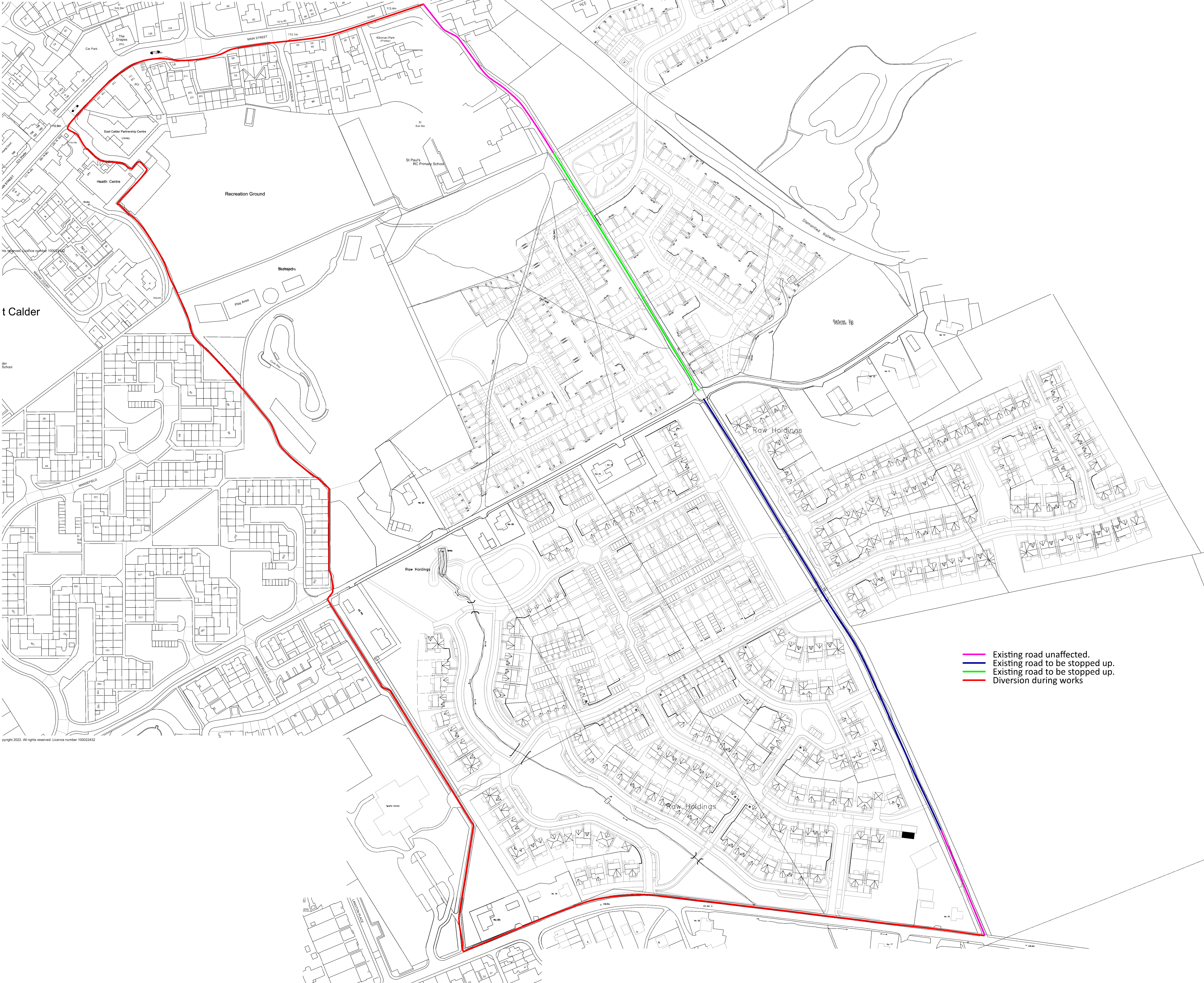
The West Lothian Council (Raw Holdings, East Calder)

Stopping Up, Construction of a New Road and Diversion of Core Path (No 1) Order 2022

1. The road to be stopped up serves Raw Holdings and forms part of the NCR75.
2. Planning permission 0609/FUL/15 was granted on 13 May 2021 for a development of the Erection of 237 houses and 16 flats (varied from 258 total units) with associated works including bus turning facility, land for school extension and land for park extension (grid ref. 309105 667852).
3. Planning permission 0198/FUL/15 was granted on 28 April 2021 for a development of the Erection of 276 houses and 24 flats with associated works (grid ref. 309171 667526)
4. West Lothian Council is satisfied that a stopping up, construction of a new road, and diversion of core path order is necessary in order to enable the above developments for which planning consent has been granted to be carried out.
5. The section of existing road to be stopped up is shown delineated in green, and in blue, on the Plan 1. The existing route shown delineated in pink on the Plan 1 will not be stopped up. The road to be stopped up will be replaced by a new road to be constructed by the developers in accordance with Road Construction Consents.
6. The route of the new road to be constructed is shown delineated in pink on the Plan 2. The road to be constructed will be a three metre wide cycle track which will be lit to adoptable standard. The NCR75 will be diverted to the route of the new road when the developers have completed the new road and it has become operational to the satisfaction of The West Lothian Council as the planning authority. The said new road is to be constructed by the developers to an adoptable standard.

7. The stopping up of the existing road is required to enable the said planning permissions to be fully implemented and to allow the construction of the new cycle track. Importantly, the stopping up order is required to allow for provision of the new access road and turning facility for St Paul's Primary School under planning permission 0609/FUL/15.
8. A diversion route will be in place, and signposted, along the route shown delineated in red on the Plan 1 following the closure of the said existing road and prior to the completion of construction of the said new road.

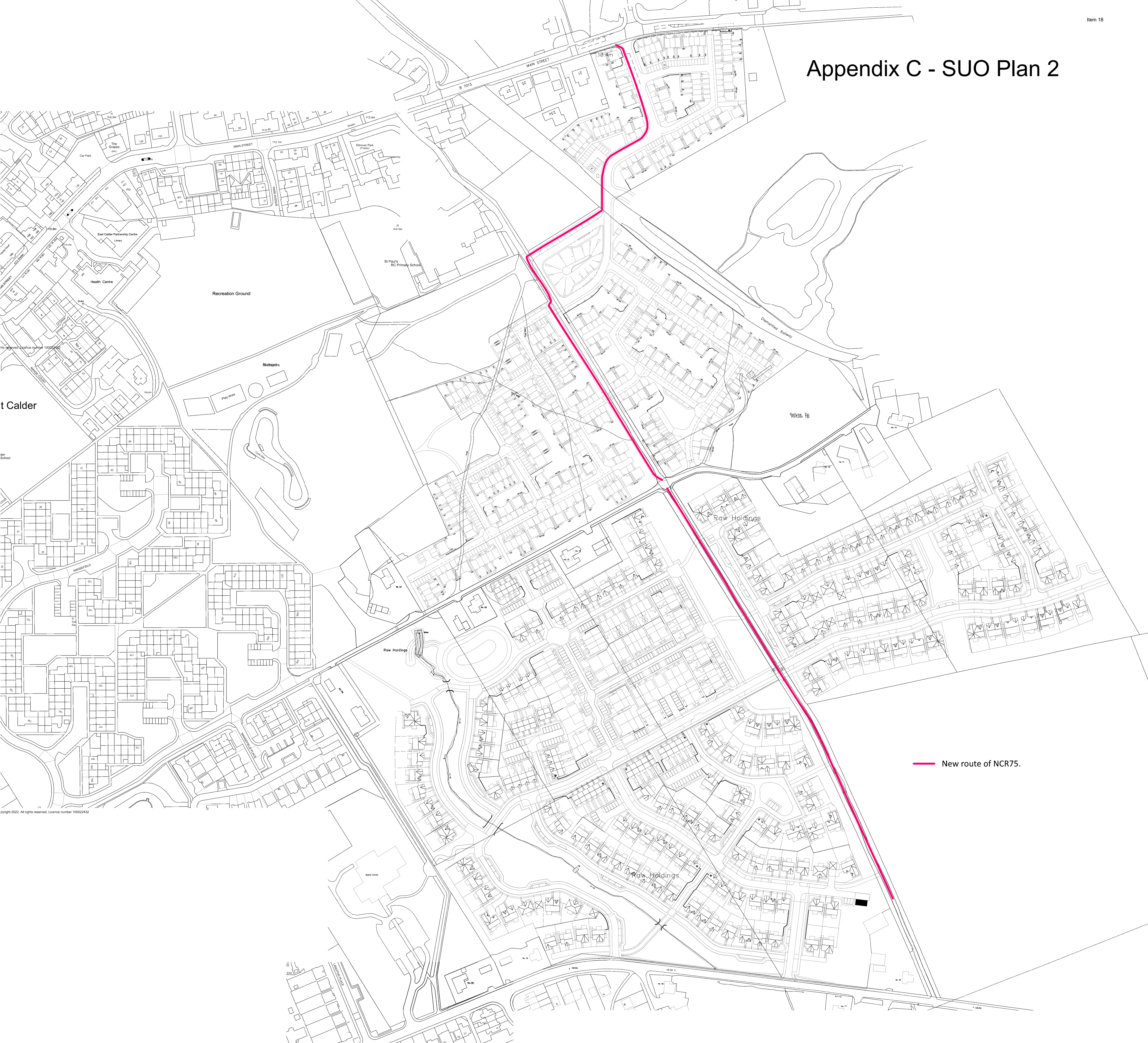
Appendix B - SUO Plan 1



t Calder

der School

Appendix C - SUO Plan 2



New route of NCR75.

APPENDIX D - Persimmon site layout 0609/FUL/15

Buyers are warned that this is a working drawing & is not intended to be treated as a definitive material specification. It is the responsibility of the client to ensure that the materials specified in the drawing are available and suitable for the project. The client shall be responsible for the cost of any materials not specified in the drawing. The client shall be responsible for the cost of any materials not specified in the drawing. The client shall be responsible for the cost of any materials not specified in the drawing.

I CERTIFY THAT THIS IS THE ORIGINAL TRUE COPY OF THE DRAWING AS REFERRED TO IN OUR APPLICATION FOR BUILDING WARRANT. SIGNED ON BEHALF OF PERSIMMON HOMES (SCOTLAND) LTD. SIGN & DATE:

FULL SITE

- KEY**
- Overall Site Boundary
 - Affordable / RSL Location (15%)
 - LCHD (10%) thereafter, TBC
 - Water Main
 - Extension Area to School
 - Tar driveways with slatted path to pits
 - Tar 2m Footpath
 - Road links to be asphalt with white chip
 - Shared Driveways and non adoptable parking courts Keyblock Paviers (Charcoal)
 - Secondary Street and adoptable parking Keyblock Paviers (Burnt Ochre)
 - Urban Squares, adoptable parking Keyblock Paviers (Natural)
 - Visitor Parking Bays Keyblock Paviers (Charcoal)
 - Denotes Social Rent Affordable Housing Plots
 - Denotes Mid Market Rent Affordable Housing Plots
 - F18 - 1800mm High Screen Fence
 - W20 - 1800mm High Brick Wall with Timber Panels
 - W23 - 900mm Stone Wall / Stone Pillars
 - F33 - 900mm Metal Railings
 - External Finishes & Material Proposals

- main brick** BF2 roughcast
B W
R G
feature brick roof tile
- Roof tiles**
G' = Quinn Rathmore Slate Grey
- Facing Brick**
B' = Cusworth Smooth (Buff)
A' = Thornbury River (Amber)
- Roughcast/Render**
W' = Dolomite Aggregate on White backing
M' = Tuscan Aggregate on Magnolia backing

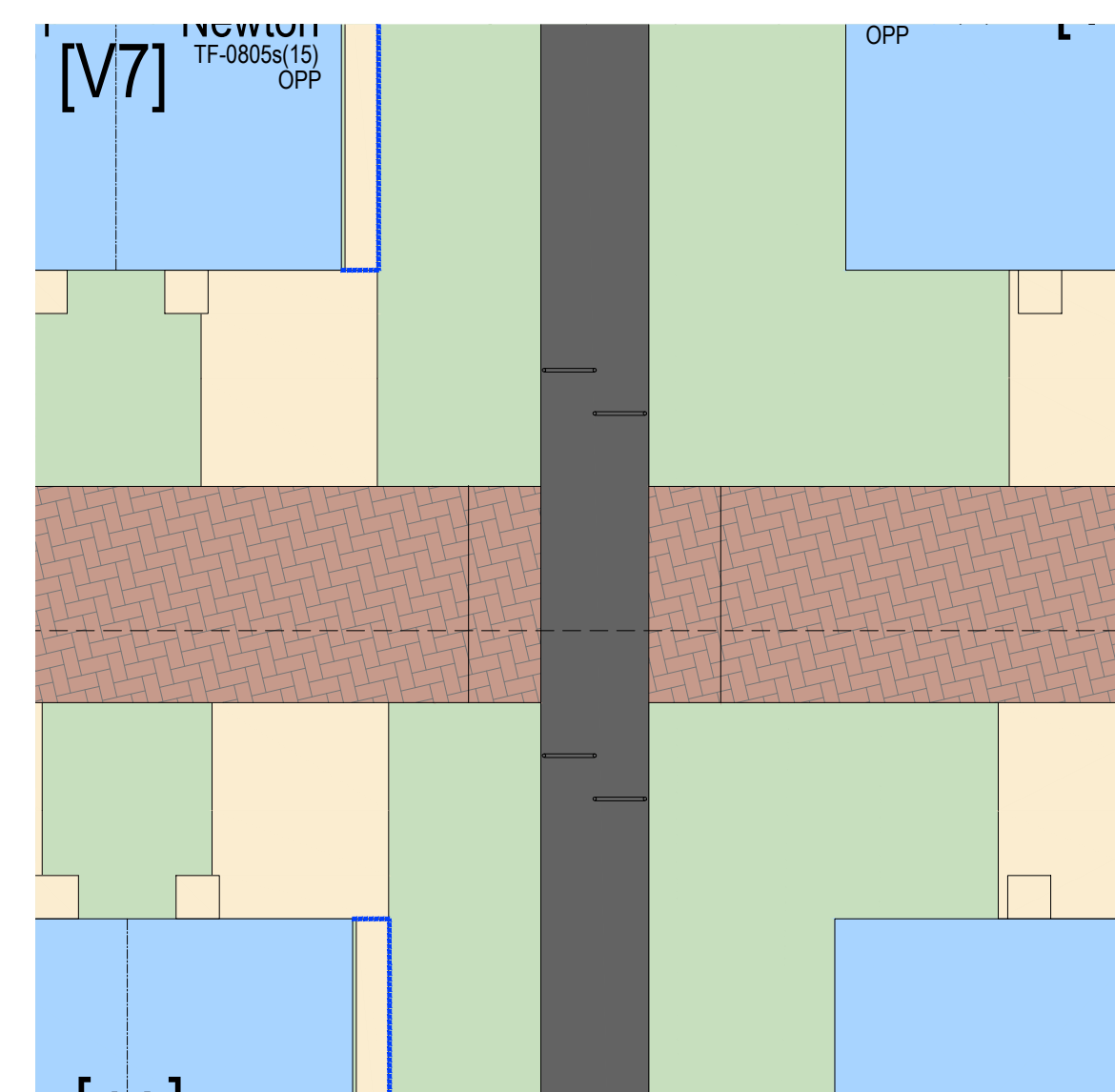
- Front doors to be steel painted white.
- Rear/side doors to be steel painted white.
- Garage doors to be steel painted white.
- Windows to be white uPVC.
- Fascias to be white uPVC.
- RuPVC to be black uPVC.

All landscaping shown reflects the proposed scheme at the time of print. All prospective buyers are to refer to the current Landscape Layout for full details. All front gardens to be turfed.

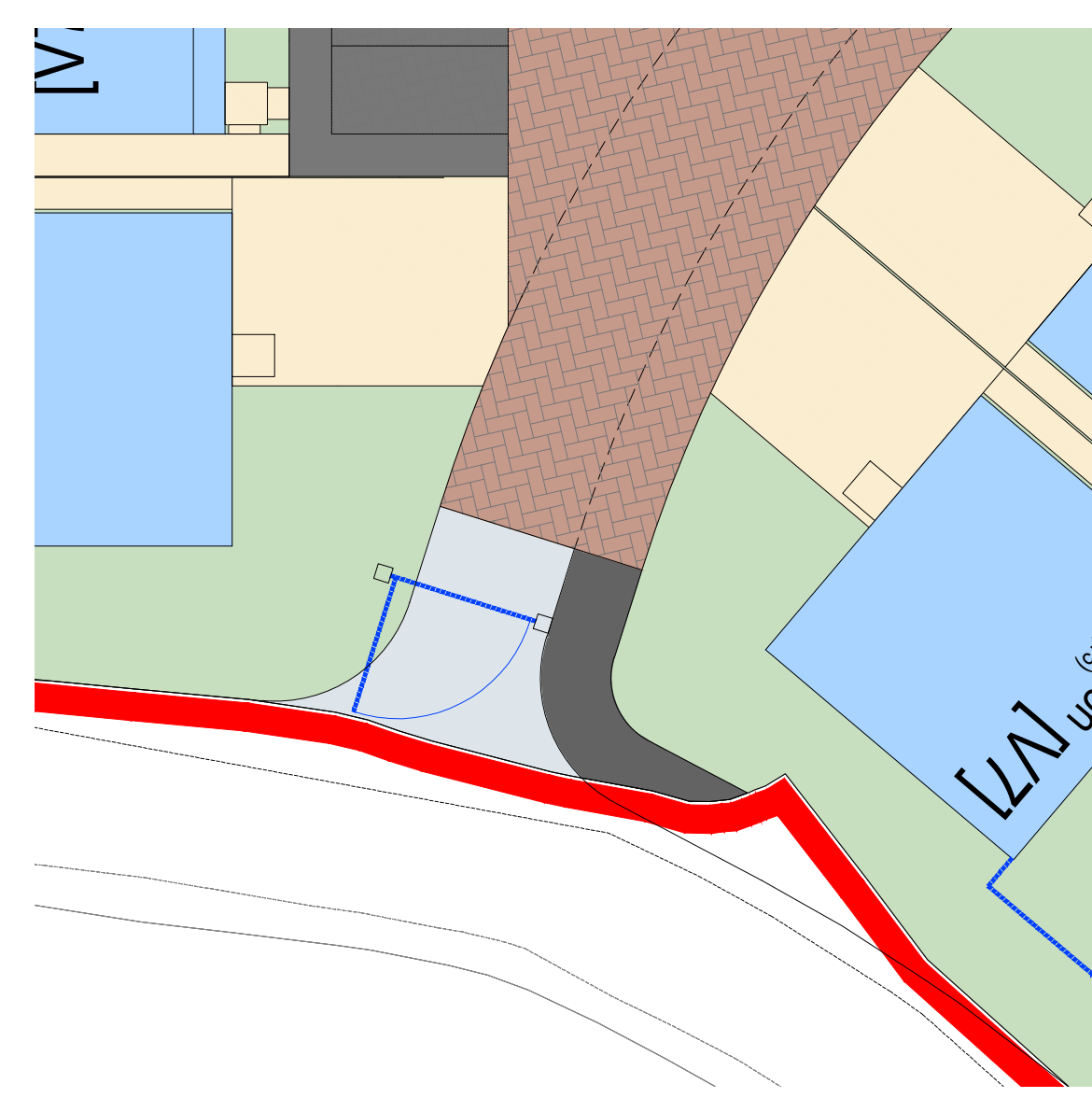
Access paths to communal areas to be 1.0m clear.
Pathways to communal areas to be 1.2m clear.

Pavements to be 2m wide unless otherwise stated (in cycleways)

House type	Description	Sq. ft.	No
Portree	2 bed terr	613	22
Newmore	3 bed terr	799	43
Newton	3 bed semi	805	28
Fortrose	3 bed det	805	5
Brookfield	3 bed det	886	11
Kearn	3 bed det	931	11
Elgin	3 bed det/Semi	957	3
Leith	4 bed det	1033	19
Etrick	4 bed det	1212	4
Balmoro	4 bed det	1217	17
Thurso	4 bed det	1233	2
Thornhill	4 bed det	1247	12
Warrieston	5 bed det	1233	13
Total PD Units			190
Housing Association:			
Mid Market Rent:			
Blair GF	1 bed cottage flat	551	2
Blair FF	1 bed cottage flat	593	2
Glasgow GF	2 bed cottage flat	724	2
Glasgow FF	2 bed cottage flat	767	2
Braemar	2 bed terraced	834	11
Threave	3 bed terraced	953	6
Total MMR Units			25



Extract Plan 1:200
Indicative crossing point to NCR 75 to be detailed within RCC consent.



Extract Plan 1:200
Indicative secure gated access providing a route to B7015 for existing Raw Holdings residents.

Secure gate will is to remain in locked position with access key(s) only being available to Raw Holdings residents.

Land at Raw Holdings
East Calder

Site Layout Plan
Planning 1:500

NO. LOCATION: B7015 DATE: 01/03/18
DRAWN BY: MBR SCALE: 1:500000
CHECKED BY: AA

PERSIMMON HOMES
EAST SCOTLAND LTD
WESTER INCH BUSINESS PARK
OLD WELL COURT
BATHGATE • EH48 2TQ
TEL 01506 638300
FAX 01506 638301

APPENDIX E - Cala site layout
0198/FUL/15



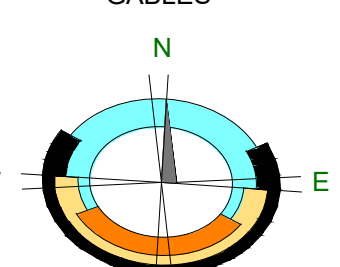
CALA MANAGEMENT LIMITED
DEVELOPMENT PROPOSAL
RAW HOLDINGS, EAST CALDER,
WEST LOTHIAN

Accommodation Schedule:

Private Housetypes	No.
Avon Terrace	4
Asan	20
Allan	10
Banton	8
Bargower	5
Barrie	17
Bryce	26
Cleland	22
Colville	26
Crichton	31
Darroch	10
Elliott	6
Dewar	6
Garvie	16
Kennedy	6
Lewis	4
Lowther	9
Subtotal Private	225

Affordable Housetypes	No.
A-AFF	8
B-AFF	8
C-AFF	12
D-AFF	10
E-AFF	2
F-AFF	2
G-AFF	1
H-AFF	1
J-AFF	1
A-AFF (10% add. Aff.)	8
Allan (10% add. Aff.)	22
Subtotal Affordable	75
Total No. Of Units	300

APPLICATION
BOUNDARY
DENOTES ACTIVE
GABLES



0 10 20 30 40 60 80 100

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Appendix F - Objections

102 Langton View
East Calder
EH53 0RA

22nd Aug 2022

The West Lothian Council (Raw Holding, East Calder) Stopping Up, Construction of a New Road and Diversion of Core Path (No. 1) Order 2022

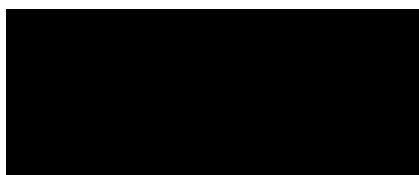
Objection to Parts I and II on the following grounds:

- The notice was published on 27th July 2022 in the West Lothian Courier – NCR75 has been closed to pedestrians for several months and the temporary alternative path has been in place since then, which is unsuitable for any wheeled devices, bikes, pushchairs, and wheelchairs. This unsuitable temporary path has now been closed; therefore, this action detailed in this notice has already happened, prior to the deadline for gathering objections from the community. You have failed on your legal due to provide appropriate notice to the community of this closure.
- The notice was not displayed in any areas around the path to be closed at any time. Again, a failure of your legal obligations to provide the public sufficient notice to comment/object on the proposed changes.
- The alternative suggested diversion is problematic due to the following:
 - The proposed pink line on the map brings pedestrians and bikes out at the GP surgery/Partnership centre and along the front of the post office. Firstly, while there are pavements in these areas for pedestrians, there is no indication as to what cyclists are supposed to do. The line suggest they follow the foot path, which I am hoping is an error as the mixing of cycles and pedestrians and various pinch points on these paths is a significant safety issue
 - Assuming you are not proposing cyclists use the footpaths, cyclists will be joining the road at the car park and entrance to the surgery and partnership centre. This area is already a congestion challenge with traffic trying to move past one another to access and egress the car park, adding bikes to the mix seems illogical and unsafe. Having navigated this point bikes then have to access main street at a considerable busier point than the original route, having to cross right round a crossing island and with the likelihood of parked cars to their left restricting visibility, again unsafe.

It seems that this notice has been posted late and its substance has not been considered with regards the practicalities of its impact. As well as WLC falling short on its legal obligations it is insulting to the community that so little regard has been given to their views, that the notice has been posted after the deal is done.

I look forward to receiving a response on the above points.

Yours sincerely



Michelle Herron

From: [Michelle](#) [REDACTED]
To: [Irving, Tony](#)
Subject: RE: STOPPING UP, CONSTRUCTION OF A NEW ROAD AND DIVERSION OF CORE PATH (NO 1) ORDER 2022 - RAW HOLDINGS, EAST CALDER - [PUBLIC]
Date: 23 July 2023 12:55:02
Attachments: [image001.png](#)

Hi

I still maintain my objection as nothing in the below convinces me of any change. Including:

- Notification of change published several months after path closed – failure to follow appropriate procedure
- Notification of changes to path locally not adequately advertised
- Safety concerns as detailed in my initial objection still stand
- Engaging with the developers to put signs up for cyclists to dismount in relation to my concerns about safety 18 months after the NCR 75 has been closed and diverted is beyond closing the door after the horse has bolted. Cyclists have conflicted with pedestrians on this diversionary route for this entire period or have had to struggle with the inadequate temporary path, unfit for any wheeled transport mechanism. Please don't reply to say that signs have been put up to say 'pedestrians only' on that path as that is just a pedantry cop out.

As an addition it has taken you 11 months to reply to my objection and only then after I contacted you for a response.

Due process not followed, logically approach not followed, general lack of concern and respect for the concerns and wellbeing of community effected.

My objection stands.

Regards

Michelle



Limekilns,
29 Main Street,
East Calder.
EH53 0ES.
5th August, 2022

Chief Solicitor,
West Lothian Council.

**THE WEST LOTHIAN COUNCIL (RAW HOLDINGS, EAST CALDER) STOPPING UP, CONSTRUCTION OF A
NEW ROAD AND DIVERSION OF CORE PATH (No 1) ORDER 2022.**

OBJECTION TO PART 1

OBJECTION TO PART 11

OBJECTION TO PART 1

1. I wish to draw your attention to the date of NOTICE GIVEN, 27th July 2022. NCR75 has been closed to cyclists and pedestrians now for several months. It now is part of a building site and surrounded by Heras Fencing. Both by Persimmon and Cala.

To allow the public to object to the closure and abide by their statutory obligation, West Lothian Council should have given NOTICE about a year ago, which they failed to do.

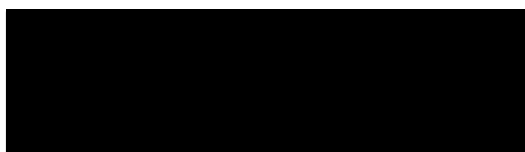
2. I believe a copy of the notice should have been displayed in a prominent position at each end of the length of the NCR75 to which the notice relates, and at which it will be necessary for pedestrians to diverge from the road, and where applicable the alternative route available.
3. I still however, wish to lodge my objection to the closure of NCR75. Although it is now not a proposal but fait accompli.

This pedestrian and cycle way was continually used by Kirknewton and East Calder residents many on a daily basis. There was never going to be an easy alternative to the existing route. Dialogue should have taken place between the public, the Council and the developers, to agree an alternative, acceptable temporary route. I have it in writing that Persimmon Homes have tried, since December 2021 to persuade the Council to lay such an order. No action. So Persimmon homes and Cala went ahead, when the Council did nothing, and closed NCR75 months ago.

4. Persimmon Homes made a temporary path, the line and direction of which was good. Unfortunately, the surface they put down was unusable, by cyclists and pedestrians alike.

OBJECTION TO PART 11

1. The route shown in pink is along the footpath on Main Street, behind the medical centre, then up Mansfield. The footpath is too narrow for cyclists and pedestrians, and the route is too far away from the route of the original NCR75. The path from Main Street to Langton Road goes North to South, the proposed route goes East to West, and too far away from the original line.



Isobel G Brydie CVO MBE

Limekilns.
29 Main Street,
East Calder.
4th Nov. 2022

Closure of NCR 75 OBJECTION

Dear Tony,

Thank you for your email. Unfortunately it does not address the main points in my objection.

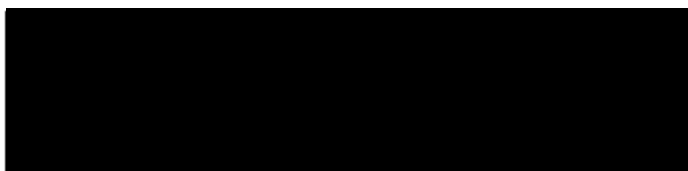
I have a file going back to 2018 on this subject, with correspondence to various departments of the Council.

The suggested diversion is certainly not 'my principal concern'.

My principal objection is the failure of the Council, planning and transportation departments to ensure, during development, access was maintained. The Council failed to follow the requirement to advertise the 'proposal' to close NCR75, until months after it was already closed. The required notices went up even later, and after walkers were unable to access NCR75, and therefore the notices were not seen.

I therefore wish to confirm that I maintain my objection.

Isobel G Brydie CVO MBE



Cc Chief Executive's Office

From: [isobel](#) [REDACTED]
To: [Irving, Tony](#)
Subject: NCR75
Date: 18 July 2023 11:28:36

Thank you for your email,

The first paragraph " I refer to your outstanding objection to the stopping-up order (SUO) relating to the core path (NCR75) at Raw Holdings. While the SUO has been made by the council, it will not come into operation until it has been confirmed by the council, or by Scottish Ministers, as appropriate. "

Unless I have missed something this makes absolutely no sense to me. As far as I am aware, no such confirmation has taken place either by the Council or Scottish Ministers. Should I be mistaken please confirm dates when confirmation either by the Council or by Scottish Ministers took place.

As you well know NCR 75 has now been closed for 18 months and as far as I am aware without the proper procedure being followed.

.

Temporary diversion route.

Why is the recommended temporary diversion route for cyclists along existing footways since this would incur a £30 fine for adult cyclists ?

No 'cyclist dismount' signs have ever appeared at appropriate positions.

Publication of the SUO

As you well know The core path had been closed for several months BEFORE publication in the papers, and notices were also erected after closure of the path. All statutory procedures were certainly not complied with.

Lastly have all objectors been contacted ?

I must, since your previous email was totally unsatisfactory, decide how I proceed from now on.

Isobel Brydie

From: [isobel](#) [REDACTED]
To: [Irving, Tony](#)
Subject: Objection to closure of NCR75
Date: 19 July 2023 16:46:54

Tony, of course I wish my objection to remain. Isobel Brydie

Please acknowledge

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Stopping Up Order NCN 75 at Raw Holdings, East Calder
Date: 17 August 2022 21:49:46

I formally object to the above order on the following grounds:

1. West Lothian Council failed to undertake timeous consultations on this stopping up order.
2. West Lothian Council issued the order despite the developer having blocked and fenced off the pathway nearly 3 months ago.
3. It is not appropriate to replace this pathway with a road that would enable motorised vehicular traffic.
4. The pathway has not been inherited or formally adopted or maintained by West Lothian Council prior to this order.
5. The developer exceeded the consents given as part of the planning application by physically blocking the pathway prior to the stopping up notice.

Regards

Ian McIntosh
18 Tennent Park
Mid Calder
EH53 ORF

From: [REDACTED]
To: [REDACTED]
Subject: NCR75
Date: 21 August 2022 16:56:43

Hi

My name is Ian Douglas residing at 113 Mansefield, East Calder, West Lothian EH53 0JF.

I object to the closure of the said cycle route in the title of this email which I find truly bizarre considering the notice on the fence at the location is dated 27th July 2022. Why do I say it is bizarre simply because the road has already been laid and said path has already been closed off for over three months, forgive my ignorance but surely notice should have been displayed before any decisions are made on the closure and change of said route. Scalping on the temporary path original thought and marked as the change of route has caused my cycle damage on my suspension and three punctures. I know you will counter act these facts by saying the route is to be ran through the main street and up by the doctors which in my opinion

causes even bigger H&S implications because if you have even tried to walk this path you will know it is narrow enough with just pedestrians.

In order to provide proper facilities and amenities for the residents in East Calder would it not be respectful and a councils duty and due diligence all of this should have been place more in the public eye and I know we have had meetings but plans and projects if ran proper would not have had so many changes also known as scope creep in project language.

With all due respect but these decisions are embarrassing especially placing notices such as attached retrospectively making the whole process looked corrupt, I will be interested in your response as Integrity at this moment in time must be questioned.

Yours Sincerely

Ian Douglas.

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