
**REQUEST FOR THE INCLUSION OF A LANE IN THE COUNCIL'S
LIST OF PUBLIC ROADS**

Report by Service Director Regulatory Services

EXECUTIVE (EDUCATION) COMMITTEE

24 MARCH 2015

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval for the lane serving St. Dunstan's car park, Melrose to be added to the Council's List of Public Roads.**
- 1.2 The lane was stopped-up by Borders Regional Council via The Borders Regional Council (St. Dunstan's Lane, Melrose) Stopping-Up Order 1980 with a pedestrian right of access retained along its length.
- 1.3 In 1994, Borders Regional Council upgraded the car park served off the lane but negated to amend the public right of passage along the lane to include vehicles, although they did remove the bollard at the southern end of the lane.
- 1.4 Bollards were erected which prevent vehicles from accessing the part of the lane between the High Street and the access to the car park and these shall remain in place.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee agrees to the inclusion of the lane in question on to the Council's List of Public Roads with a vehicular and pedestrian right of passage over the section between St. Dunstan's Park and the car park entrance (A to B on the attached plan) and a pedestrian only right of passage over the section between the car park and Melrose High Street (B to C on the attached plan).**

3 BACKGROUND

- 3.1 The vehicular right of passage over the lane in question was removed via a Stopping-up Order promoted in 1980 by Borders Regional Council.
- 3.2 The Order allowed for the retention of a pedestrian right of passage only over the entire length of the lane and thereafter the lane was deemed a footpath.
- 3.3 Borders Regional Council subsequently provided a car park in the grounds to the rear of the property known as St. Dunstan's.
- 3.4 Scottish Borders Council are currently considering the sale of St. Dunstan's and, during enquiries related to this process, it became apparent that the public car park to the rear of the property, served off the lane, did not have a vehicular right of access to it.
- 3.5 To remove this anomaly, it was deemed appropriate to reintroduce a vehicular right of passage over the initial section of the lane.
- 3.6 Following the original stopping-up order, Borders Regional Council, and subsequently Scottish Borders Council, retained the maintenance responsibility of the lane as Roads Authority.
- 3.7 A plan showing the lane in question, the car park and the proposed rights of public passage is included as Appendix A.
- 3.8 Further to consultation with the Community Council and the ward members, it has been agreed to call the lane West End Lane, Melrose.

4 IMPLICATIONS

4.1 Financial

- a) There will be no additional cost to maintaining this section of public road as the costs will continue to be met from the Neighbourhood Operations budget.
- b) The costs associated with the advertising of this addition would be met from the relevant Regulatory Services budget.

4.2 Risk and Mitigations

The risk of not placing the access route to the car park on the Council's List of Public Roads is that drivers using the public car park will be contravening Section 129 of the Roads (Scotland) Act 1984 by driving on a footpath.

4.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

4.4 **Acting Sustainably**

There will be no economic, social or environmental effects of carrying out this proposal.

4.5 **Carbon Management**

There are no effects on carbon emissions as a result of this proposal.

4.6 **Rural Proofing**

There are no rural proofing implications arising from this proposal.

5 **CONSULTATION**

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments incorporated into this report.

5.2 The Service Director Neighbourhood Services and Service Director Capital Projects have been consulted and their comments incorporated into this report.

Approved by

Service Director Regulatory Services

Signature

Author(s)

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Background Papers:

Previous Minute Reference:

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Contact us at Jacqueline Whitelaw, Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 824000 Ext. 5431, Fax 01835 825071, email eittranslationrequest@scotborders.gov.uk

Appendix A



A to B – Right of passage for vehicles, pedestrians and cyclists

B to C – Right of passage for pedestrians and cyclists only.