
Report To:	ENVIRONMENT AND REGENERATION COMMITTEE	Date:	15 JUNE 2017
Report By:	CORPORATE DIRECTOR ENVIRONMENT, REGENERATION AND RESOURCES	Report No:	LP/043/17
Contact Officer:	CAROLINE SHAW	Contact No:	2115
Subject:	STOPPING UP ORDER – THE STOPPING UP OF FOOTPATHS, INVERCLYDE (CORONATION PARK, GLASGOW ROAD, PORT GLASGOW) ORDER 2017		

1.0 PURPOSE

1.1 The purpose of this report is to:-

- (a) introduce the Stopping Up Order – The Stopping Up of Footpaths, Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017; and
- (b) seek the Committee's confirmation of The Stopping Up of Footpaths, Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017.

2.0 SUMMARY

- 2.1 The procedure for the stopping up of roads and footpaths in association with a planning permission is set out in Sections 207 and 208 and Schedule 16 of the Town and Country Planning (Scotland) Act 1997, as amended. A Stopping Up Order is made if the planning authority is satisfied that it is necessary to enable the approved development to be carried out. Planning permission was granted on 3 March 2017 for the proposed change of use of part of the public park to shipyard car parking with associated boundary treatment and relocation of existing paths at Coronation Park, Glasgow Road, Port Glasgow (Planning Permission 16/0294/IC).
- 2.2 Condition 1 of the aforementioned Planning Permission states that the existing footpaths within the site shall remain in place until such times as a Footpath Closure Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 has been confirmed.
- 2.3 Following making of the Stopping Up Order, the procedures require the Order to be advertised in the local press and the Edinburgh Gazette with Notices sent to the landowner and any statutory undertaker who has apparatus where the road or footpath is to be stopped up.
- 2.4 If there is no maintained objection to the Order, authority thereafter needs to be sought from the Committee to confirm any Order before it comes into effect. An Order in respect of which there are any maintained objections has to be confirmed by the Scottish Ministers.
- 2.5 No objections were received.

3.0 RECOMMENDATION

- 3.1 That the Committee confirms the Stopping Up of Footpaths, Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017 and remit it to the Head of Legal and Property Services to arrange for its implementation.

Gerard Malone
Legal and Property Services

4.0 BACKGROUND

- 4.1 Local Authorities are empowered to make orders under the Town and Country Planning (Scotland) Act 1997, as amended, and under the Council's Scheme of Administration the Head of Regeneration and Planning is responsible for the grant of planning consent and, if necessary, Stopping Up Orders in implementation of same.
- 4.2 Planning permission was granted on 3 March 2017 for the proposed change of use of part of the public park to shipyard car parking with associated boundary treatment and relocation of existing paths at Coronation Park, Glasgow Road, Port Glasgow (Planning Permission 16/0294/IC).
- 4.3 Condition 1 of the aforementioned Planning Permission states that the existing footpaths within the site shall remain in place until such times as a Footpath Closure Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 has been confirmed.
- 4.4 The Council's Chief Executive, Environment and Commercial Services (Roads), Property Services and Education Services were consulted in the preparation of the Order. In addition notices advising of the making of the Order were sent to statutory undertakers and the landowner. Advertisements were placed in the local press and the Edinburgh Gazette.
- 4.5 No objections were received.

5.0 IMPLICATIONS

- 5.1 There are no financial implications arising from this report. The cost of advertising the Stopping Up Orders is met by the developer in question.

Legal

- 5.2 The Stopping Up Order complies with the Town and Country Planning (Scotland) Act 1997, as amended. The stopping up of the footpaths is required to ensure proper implementation of the Planning Permission which has been granted. Failure to complete the statutory process to stop up the footpaths as mentioned in the aforesaid Order will lead to the Planning Permission which has previously been granted not being lawfully implemented with related risks in respect of transport and infrastructure.

Human Resources

- 5.3 There are no HR implications arising from this report.

Equalities

- 5.4 There are no equalities implications arising from this report.

Repopulation

- 5.5 There are no repopulation implications arising from this report.

6.0 CONSULTATIONS

- 6.1 In terms of the Council's statutory requirements the Stopping Up Order was advertised in the Greenock Telegraph and the Edinburgh Gazette and full details of the proposals have been made available for public inspection during normal office hours at the offices of the Head of Regeneration and Planning and the Head of Legal and Property Services in the Customer Service Centre. A copy of the Stopping Up Order is appended hereto for Members' information.

Appendix

6.2 No objections to the proposals were received.

7.0 LIST OF BACKGROUND PAPERS

7.1 Decision Notice - Conditional Planning Permission 16/0294/IC dated 3 February 2017.

THE INVERCLYDE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

THE STOPPING UP OF FOOTPATHS, INVERCLYDE (CORONATION PARK, GLASGOW ROAD, PORT GLASGOW) ORDER 2017

The Inverclyde Council, in exercise of the powers conferred on it by Section 208 of the Town and Country Planning (Scotland) Act 1997, being satisfied that it is necessary to authorise the stopping up of the footpaths as hereinafter specified in this Order to allow for the proposed change of use of part of the public park to shipyard car parking with associated boundary treatment and relocation of existing paths at Coronation Park, Glasgow Road, Port Glasgow to be carried out in accordance with planning permission 16/0294/IC granted under Part III of the said Act, hereby make the following Order:-

1. This Order may be cited as “The Stopping Up of Footpaths, Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017 and shall come into operation on the date of confirmation or such other date as may be appointed by the Scottish Ministers [*or Date of Confirmation in terms of Schedule 16 of the Act.*].
2. In this Order:-

“Footpaths” means the length of those Footpaths in the area of Inverclyde which are specified in the Schedule to this Order.
3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. The Stopping Up of the Footpaths is hereby authorised.
5. Where, immediately before the date of this Order, there are any rights of statutory undertakers or telecommunications code system operators in respect of any apparatus of theirs which is under, in, over, along or across the Footpaths, such undertakers shall thereafter without prejudice to the provisions of Section 224 and 225 of the Act, as read with Section 213(5) of the Act have the same rights in respect of that apparatus as they had immediately before that date.

The person or persons carrying out development which affects the Footpaths shall be bound and obliged to pay the costs and expenses incurred by the statutory undertakers or telecommunications code system operators who deem it necessary to make special provision (by way of protection or otherwise) for or relocate any apparatus of theirs which is under, in, on, over, along or across the Footpaths.

SEALED with the Common Seal of The Inverclyde Council and subscribed for and on its behalf by ##, Proper Officer, at Greenock on the # day of #, Two thousand and seventeen.

Proper Officer

SCHEDULE

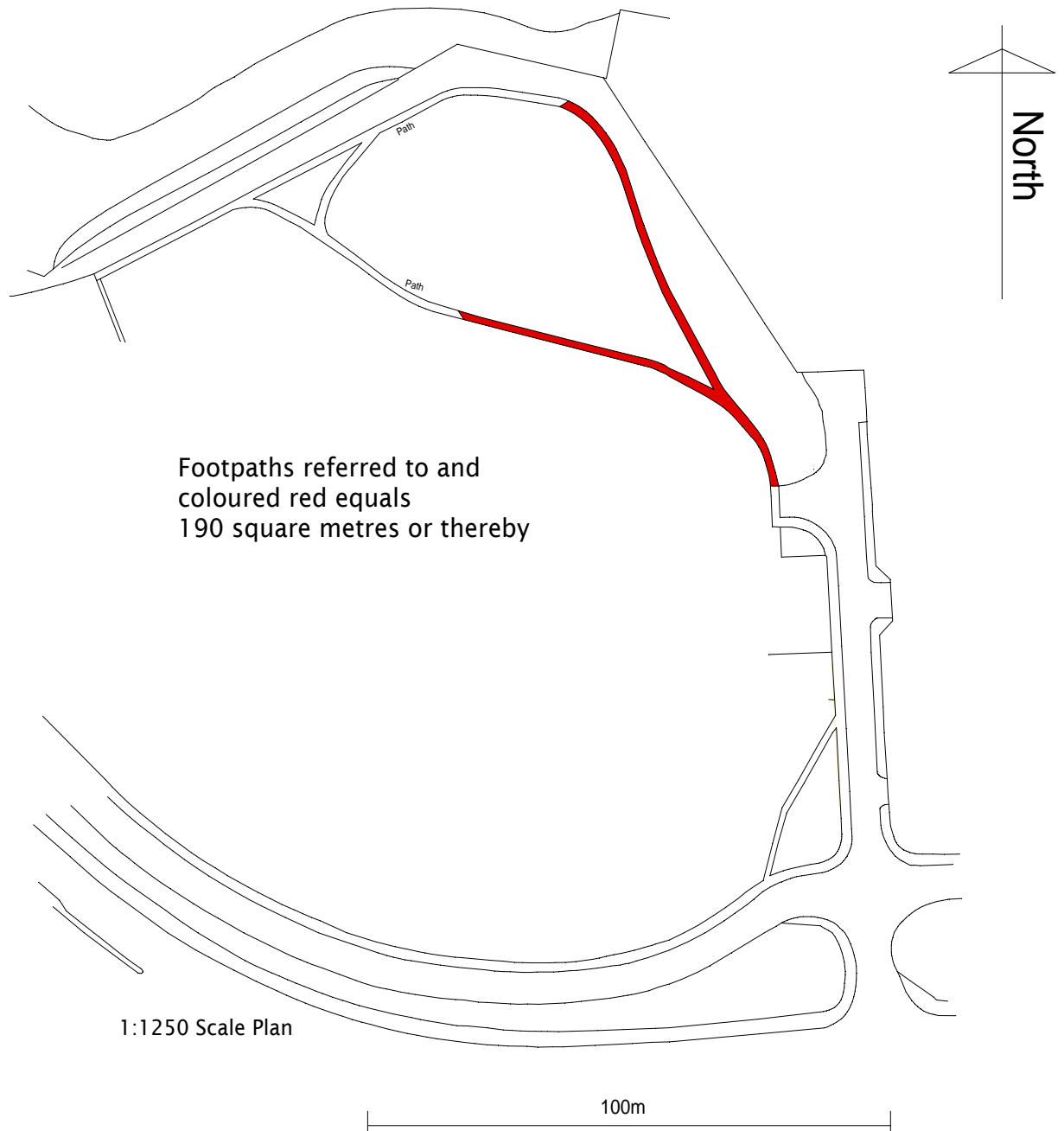
FOOTPATHS TO BE STOPPED UP

The areas of ground to be stopped up extending to One hundred and ninety square metres (190m²) or thereby Metric Measure are shown coloured red on the plan docketed “Town & Country Planning (Scotland) Act 1997, Section 208, Stopping Up of Footpaths, Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017” annexed and executed as relative to this Order.

Proper Officer

The Town & Country Planning (Scotland) Act 1997 Section 208 Stopping Up of Footpaths

Inverclyde (Coronation Park, Glasgow Road, Port Glasgow) Order 2017



At Greenock
This is the plan referred to in the foregoing Order of even date

Proper Officer _____

Inverclyde Council
Regeneration & Planning
Municipal Buildings
Greenock