
Report To:	ENVIRONMENT AND REGENERATION COMMITTEE	Date:	26 October 2017
Report By:	CORPORATE DIRECTOR ENVIRONMENT, REGENERATION AND RESOURCES	Report No:	LP/077/17
Contact Officer:	CAROLINE SHAW	Contact No:	2115
Subject:	STOPPING UP ORDER – THE STOPPING UP OF ROADS AND FOOTPATHS, INVERCLYDE (CAMPSIE 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 Roads and Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017; and
- (b) seek the Committee's authority to:
 - i. authorise the Head of Legal and Property Services to promote The Stopping Up of Roads and Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017; and
 - ii. authorise the Head of Legal and Property Services, after the 28 day period for statutory objections to be lodged has expired and provided there are no maintained objections to same, to confirm the The Stopping Up of Roads and Footpaths, Inverclyde (Campsie 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 7 July, 2017 for the erection of 12 dwellinghouses, together with associated parking and infrastructure on land at Slaemuir Avenue and Campsie Road, Port Glasgow (Planning Permission 17/0145/IC).

3.0 RECOMMENDATION

3.1 It is recommended that:

- (a) The Head of Legal and Property Services be authorised to promote the Stopping Up of Roads and Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017.
- (b) If after the 28 day period for statutory objections no such objections are made or maintained, delegated authority be granted to the Head of Legal and Property Services to take all necessary action in connection therewith, including the confirmation of the Order.

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 7 July, 2017 for the erection of 12 dwellinghouses, together with associated parking and infrastructure at land at Slaemuir Avenue and Campsie Road, Port Glasgow (Planning Permission 17/0145/IC).
- 4.3 Condition 7 of the aforementioned Planning Permission states that the existing roads and footpaths within the site shall remain in place until such times as a Roads and Footpaths Closure Order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 has been confirmed.
- 4.4 Following the 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 in the road or footpath which is to be stopped up.
- 4.5 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.

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 roads and 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 roads and 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 statutory requirements the Stopping Up Order will be advertised in the Greenock Telegraph and the Edinburgh Gazette and full details of the proposals will be 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 proposed Stopping Up Order is appended hereto for Members' information.

Appendix

7.0 LIST OF BACKGROUND PAPERS

- 7.1 Decision Notice - Conditional Planning Permission 17/0145/IC dated 7 July, 2017.

THE INVERCLYDE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

THE STOPPING UP OF ROADS & FOOTPATHS, INVERCLYDE (CAMPSIE ROAD, PORT GLASGOW) ORDER 2017

The Inverclyde Council, in exercise of the powers conferred on it by Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997, being satisfied that it is necessary to authorise the stopping up of the roads and footpaths as hereinafter specified in this Order for the erection of 12 dwellinghouses, together with associated parking and infrastructure on land at Slaemuir Avenue and Campsie Road, Port Glasgow to enable the approved development to be carried out in accordance with planning permission 17/0145/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 Roads and Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017 and shall come into operation on [*Date of Confirmation in terms of Schedule 16 of the Act.*] or date of confirmation or such other dates as may be appointed by the Scottish Ministers.
2. In this Order:-

 “Roads” means the length of the Roads in the area of Inverclyde which are specified in the Schedule to 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 Roads and 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 Roads and 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 Roads and 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 Roads.

SEALED/...

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

ROADS TO BE STOPPED UP

The areas of ground to be stopped up extending to eighty nine square metres (89m²) or thereby Metric Measure are shown coloured blue on the plan docketed “Town & Country Planning (Scotland) Act 1997, Sections 207 & 208, Stopping Up of Roads & Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017” annexed and executed as relative to this Order.

FOOTPATHS TO BE STOPPED UP

The areas of ground to be stopped up extending to seventy eight square metres (78m²) or thereby Metric Measure are shown coloured red on the plan docketed “Town & Country Planning (Scotland) Act 1997, Sections 207 & 208, Stopping Up of Roads & Footpaths, Inverclyde (Campsie Road, Port Glasgow) Order 2017” annexed and executed as relative to this Order.

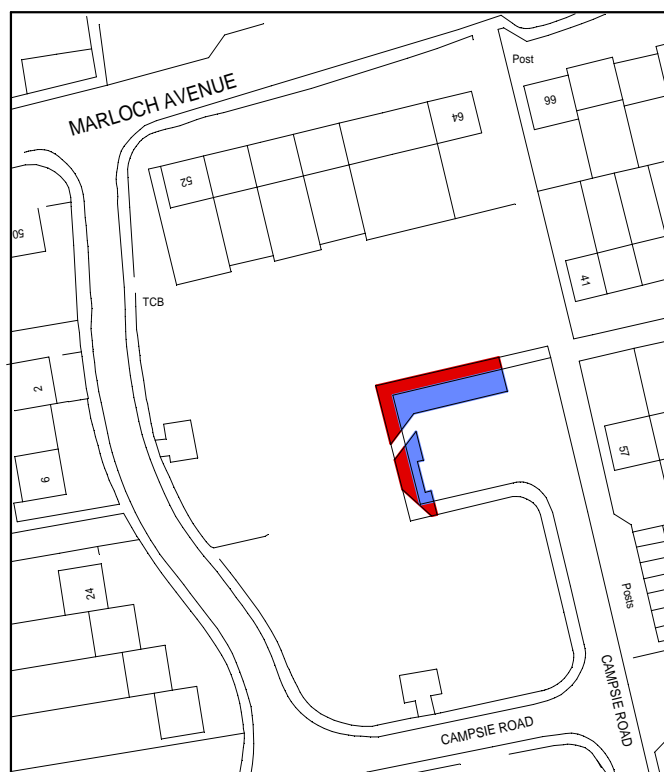
Proper Officer

The Town & Country Planning (Scotland) Act 1997 Sections 207 & 208
Stopping Up of Roads & Footpaths

Inverclyde (Campsie Road, Port Glasgow) Order 2017



Footpaths shaded in red equal 78 square metres or thereby
Roads shaded in blue equal 89 square metres or thereby



1:1250 Scale Plan

At Greenock

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

Proper Officer _____