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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>30 August 2018</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration And Resources</b>	<b>Report No:</b>	<b>LP/080/18</b>
<b>Contact Officer:</b>	<b>Caroline Ross</b>	<b>Contact No:</b>	<b>2115</b>
<b>Subject:</b>	<b>Stopping Up Order – The Stopping Up Of Road And Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018</b>		

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## 1.0 PURPOSE

1.1 The purpose of this report is to:-

- (a) introduce the Stopping Up Order – The Stopping Up of Road and Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018; and
- (b) seek the Committee's authority to:
  - i. authorise the Head of Legal and Property Services to promote The Stopping Up of Road and Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018; 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 Stopping Up of Road and Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018.

## 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 19 April 2018 for the erection of palisade fence and pedestrian barriers (in retrospect) at open space between Mavis Road and Kestrel Crescent, Greenock (Planning Permission 18/0013/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 Road and Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018.
- (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.

**Gerard Malone**  
Head of 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 19 April, 2018 for the erection of palisade fence and pedestrian barriers (in retrospect) at open space between Mavis Road and Kestrel Crescent, Greenock (Planning Permission 18/0013/IC).
- 4.3 An advisory note to the aforementioned Planning Permission states that the existing road and footpath within the site shall be stopped up resulting in this application for a Road and Footpath Closure Order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997.
- 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 road and footpath is required to ensure proper implementation of the Planning Permission which has been granted. Failure to complete the statutory process to stop up the road and footpath as mentioned in the aforesaid Order will lead to the Planning Permission which has previously been granted not being lawfully implemented.

### **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 1

## **7.0 LIST OF BACKGROUND PAPERS**

7.1 Decision Notice - Conditional Planning Permission 18/0013/IC dated 19 April 2018.

**THE INVERCLYDE COUNCIL****TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997****THE STOPPING UP OF ROAD & FOOTPATH, INVERCLYDE (MAVIS LANE,  
GREENOCK) ORDER 2018**

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 road and footpath as hereinafter specified in this Order for the erection of palisade fence and pedestrian barriers (in retrospect) to enable the approved development to be carried out in accordance with planning permission 18/0013/IC at open space between Mavis Road and Kestrel Crescent, Greenock granted under Part III of the said Act, hereby make the following Order:-

1. This Order may be cited as “The Stopping Up of Road and Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018 and shall come into operation on #####, Two thousand and eighteen.
2. In this Order:-  
  
“Road” means the length of the Road in the area of Inverclyde which is specified in the Schedule to this Order.  
  
“Footpath means the length of the Footpath in the area of Inverclyde which is 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 Road and Footpath 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 Road and Footpath, 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 Road and Footpath 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 Road or Footpath.

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 eighteen.

DRAFT

## **SCHEDULE**

### **ROAD TO BE STOPPED UP**

The area of ground to be stopped up extending to six hundred and forty square metres (640m<sup>2</sup>) or thereby Metric Measure is shown coloured red on the plan docketed “Town & Country Planning (Scotland) Act 1997, Sections 207 & 208, Stopping Up of Road & Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018” annexed and executed as relative to this Order.

### **FOOTPATH TO BE STOPPED UP**

The area of ground to be stopped up extending to one hundred and three square metres (103m<sup>2</sup>) or thereby Metric Measure is shown coloured green on the plan docketed “Town & Country Planning (Scotland) Act 1997, Sections 207 & 208, Stopping Up of Road & Footpath, Inverclyde (Mavis Lane, Greenock) Order 2018” annexed and executed as relative to this Order.

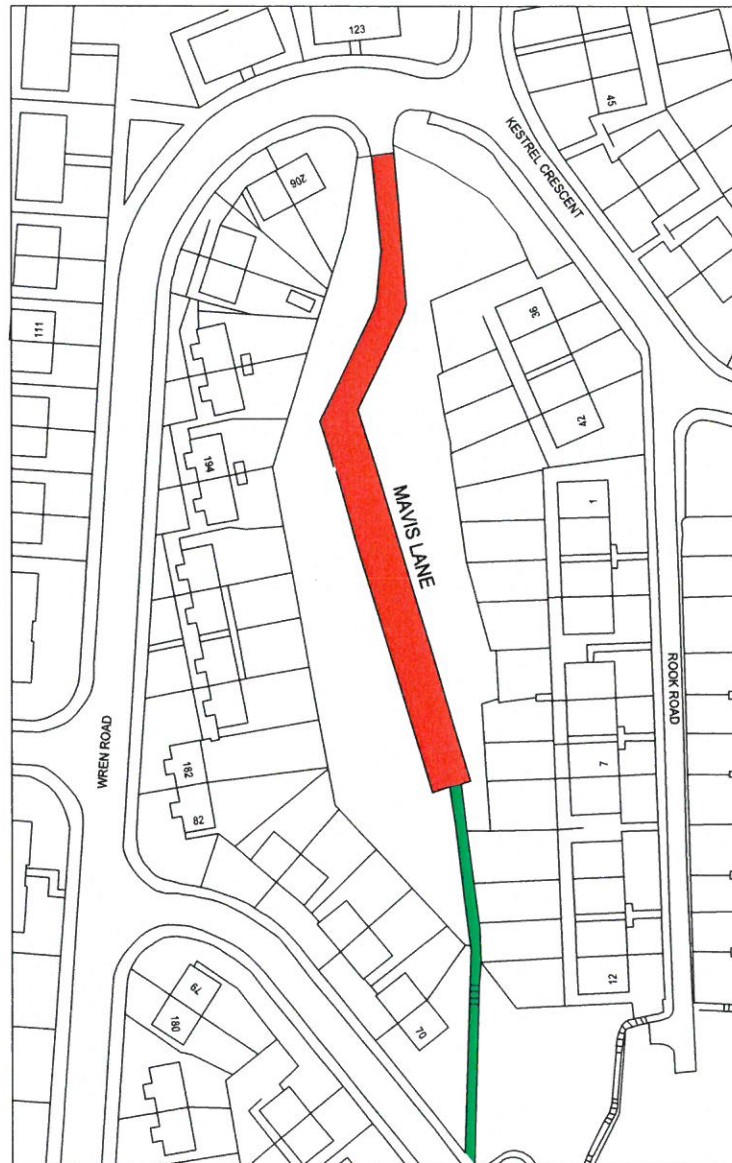


# The Town & Country Planning (Scotland) Act 1997 Section 207 & 208 Stopping Up of Road & Footpath

Inverclyde (Mavis Lane, Greenock) Order 2018



- Road area - 640 square metres or thereby
- Footpath area - 103 square metres or thereby



1:1 250 Scale Plan

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

Proper Officer \_\_\_\_\_

Inverclyde Council  
Regeneration & Planning  
Municipal Buildings  
Greenock



