
Report To:	ENVIRONMENT AND REGENERATION COMMITTEE	Date:	2 MAY 2019
Report By:	CORPORATE DIRECTOR ENVIRONMENT, REGENERATION AND RESOURCES	Report No:	LP/050/19
Contact Officer:	JIM KERR	Contact No:	01475 712617
Subject:	STOPPING UP ORDER – THE STOPPING UP OF ROAD AND FOOTPATHS, INVERCLYDE (TEVIOT ROAD/PENTLAND AVENUE, PORT GLASGOW) ORDER 2019		

1.0 PURPOSE

- 1.1 The purpose of this report is to introduce the proposed Stopping Up Order – The Stopping Up of Road and Footpaths, Inverclyde (Teviot Road/Pentland Avenue, Port Glasgow) Order 2019.

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 16 November 2018 for the erection of ten houses, together with associated parking, landscaping and infrastructure at Teviot Road, Port Glasgow (planning permission 18/0159/IC). Further, planning permission was granted on 19 November 2018 for the erection of one block of six terraced houses/cottage flats, together with associated parking, landscaping and infrastructure consisting of four, one bedroomed two person units and two, two bedroomed four person units at Teviot Road, Port Glasgow (planning permission 18/0160/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 Footpaths, Inverclyde (Teviot Road/Pentland Avenue, Port Glasgow) Order 2019; and
 - (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 16 November 2018 for the erection of ten houses, together with associated parking, landscaping and infrastructure at Teviot Road, Port Glasgow (planning permission 18/0159/IC).
- 4.3 Planning permission was granted on 19 November 2018 for the erection of one block of six terraced houses/cottage flats together with associated parking, landscaping and infrastructure consisting of four, one bedroomed two person units and two, two bedroomed four person units at Teviot Road, Port Glasgow (planning permission 18/0160/IC).
- 4.4 It is a condition of the planning permission that, prior to the commencement of development, a Stopping Up Order in respect of the section of the existing road to be removed shall be confirmed, resulting in this application for a Stopping Up Order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997.
- 4.5 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 roads and footpaths which are to be stopped up.
- 4.6 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

Finance

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

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 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

7.0 LIST OF BACKGROUND PAPERS

- 7.1 Decision Notices - Conditional Planning Permission 18/0159/IC dated 16 November 2018 and Conditional Planning Permission 18/0160/IC dated 19 November 2018.

THE INVERCLYDE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE STOPPING UP OF ROAD AND FOOTPATH, INVERCLYDE (TEVIOT ROAD/PENTLAND AVENUE, PORT GLASGOW) ORDER 2019

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 the footpaths hereinafter specified in this Order to permit (1) the erection of ten houses, together with associated parking, landscaping and infrastructure in accordance with planning permission 18/0159/IC at Teviot Road, Port Glasgow and (2) the erection of one block of six terraced houses/cottage flats, together with associated parking, landscaping and infrastructure consisting of four, one bedroomed two person units and two, two bedroomed four person units in accordance with planning permission 18/0160/IC at Teviot Road, Port Glasgow, both 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 Footpaths, Inverclyde (Teviot Road/Pentland Avenue, Port Glasgow) Order 2019 and shall come into operation on XXXX.
2. In this Order:-

 “Road” means the lengths of road in the area of Inverclyde which are specified in the Schedule to this Order.

 “Footpaths” means the lengths of 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 Road and 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 Road or 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 Road and 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 Road or the Footpaths.

SEALED with the Common Seal of The Inverclyde Council and subscribed for and on its behalf by Victoria Mary Pollock, Proper Officer, at Greenock on the XXX day of XXX, Two thousand and XX

SCHEDULE

ROAD TO BE STOPPED UP

The areas of ground to be stopped up extending to Two hundred and eighty two square metres (282m²) or thereby Metric Measure are shown coloured blue on the plan docketed “Town and Country Planning (Scotland) Act 1997, Sections 207 and 208, Stopping Up of Road and Footpaths, Inverclyde (Teviot Road/Pentland Avenue, Port Glasgow) Order 2019” annexed and executed as relative to this Order.

FOOTPATHS TO BE STOPPED UP



The areas of ground to be stopped up extending to One hundred and thirty five square metres (135m²) or thereby Metric Measure are shown coloured yellow on the plan docketed “Town and Country Planning (Scotland) Act 1997, Sections 207 and 208, Stopping Up of Road and Footpaths, Inverclyde (Teviot Road, Port Glasgow) Order 2019” annexed and executed as relative to this Order.

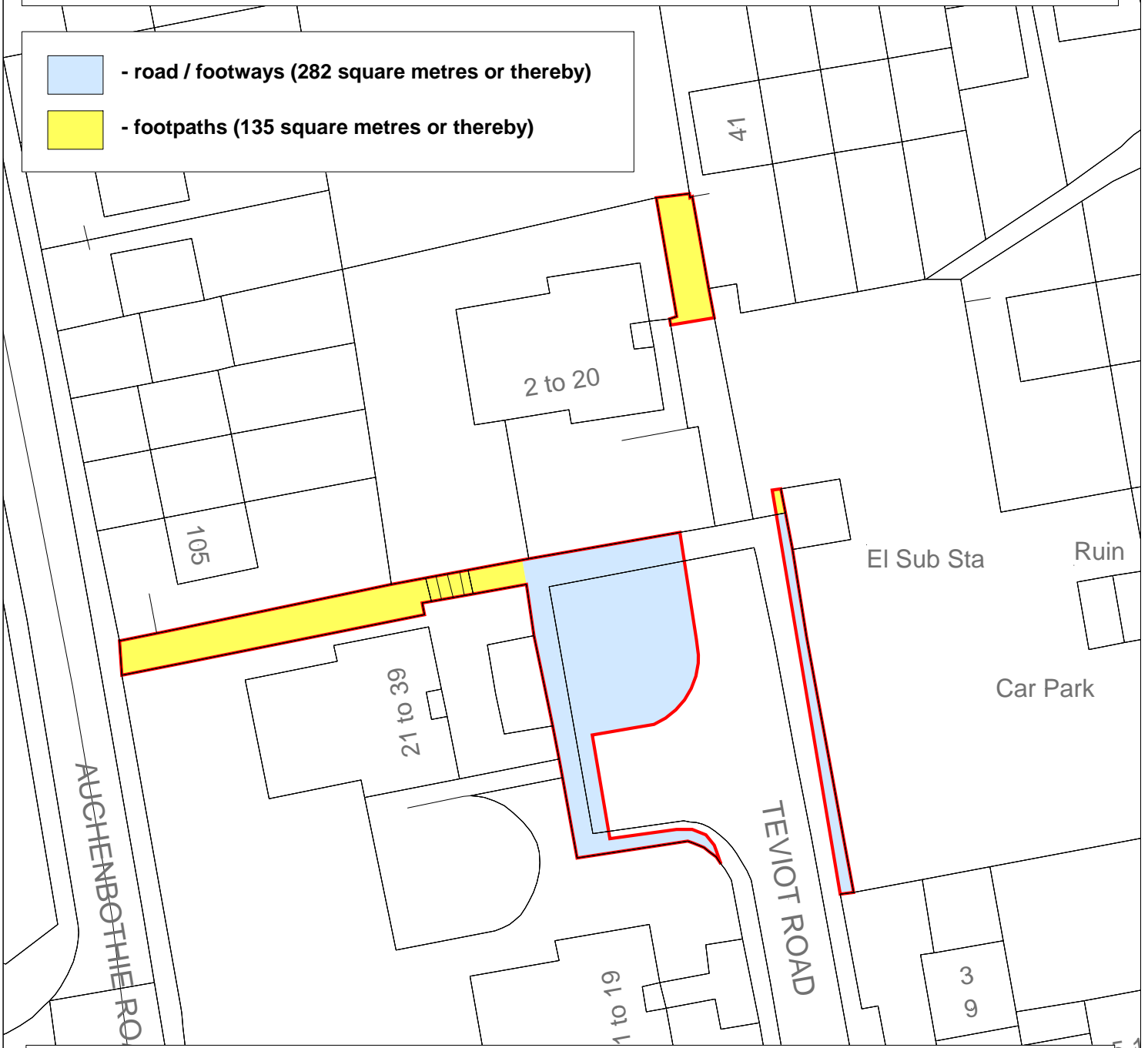
Town and Country Planning (Scotland) Act 1997

Section 207 and 208

Stopping Up of Road and Footpaths

Inverclyde (Teviot Road / Pentland Avenue, Port Glasgow) Order 2019

-  - road / footways (282 square metres or thereby)
-  - footpaths (135 square metres or thereby)



At Greenock

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

Proper Officer

