
**Report To: Environment and Regeneration
Committee**

Date: 29 August 2019

**Report By: Corporate Director, Environment,
Regeneration and Resources**

**Report No:
E&R/19/08/01/SJ**

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**Subject: Stopping Up Order for a Section of Footpath and Amendment of Core
Path 1E 'Gourock to Greenock', as Required by Erection of New Cruise
Ship Terminal at the Waterfront Car Park, Greenock**

1.0 PURPOSE

1.1 The purpose of this report is to advise the Committee of:

- a) the use of the emergency powers delegated to the Chief Executive to:
 - (i) promote a Stopping Up Order and a Diversion Order for a section of footpath; and
 - (ii) amend Core Path 1E;both consequent upon the grant of planning permission for the erection of the new cruise ship terminal at the Waterfront, Greenock.
- b) changes to the actions granted under emergency powers to:
 - (i) combine the Stopping Up and Diversion Orders into a single Order; and
 - (ii) shorten the section of footpath to be stopped up.

2.0 SUMMARY

- 2.1 Planning permission (18/0258/IC, granted on 5 April 2019) for the 'Erection of building containing ocean ferry terminal, art gallery and restaurant and associated work' at the Greenock Waterfront requires that a section of footpath, which forms part of Core Path 1E and National Cycle Network route 75 (NCN75), be diverted prior to the commencement of development.
- 2.2 The use of emergency powers was sought in June 2019 to enable the separate processes for stopping up and diverting the footpath, and amending Core Path 1E, to begin as soon as possible, in order to avoid delays to the start of development. The next available Committee meeting at the time of seeking emergency powers was 29 August 2019.
- 2.3 Emergency powers were subsequently granted on 26 June 2019 for Legal and Property Services to progress a Stopping Up Order and a Diversion Order. It should be noted that following the grant of emergency powers, and in light of new information and further consultation, it was deemed appropriate to make the following changes (i) combine the Stopping Up and Diversion Orders into a single Order and (ii) shorten the section of footpath to be stopped up, as shown in Appendix 1.
- 2.4 Emergency powers were also granted for the Head of Regeneration and Planning to consult on the proposed amendment to the Core Paths Plan.
- 2.5 The diversion of the NCN75 will be progressed through discussions between Council officers and Sustrans, who manage the network. No statutory procedure is required.

3.0 RECOMMENDATIONS

It is recommended that the Committee notes that

- a) Emergency powers were granted for:
 - i) the Head of Legal and Property Services to promote Stopping Up and Diversion Orders.
 - ii) 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 confirmation of the Orders.
 - iii) the Head of Regeneration and Planning to consult on the proposed amendment to the Core Paths Plan.

- b) Following the grant of emergency powers, and in light of new information and further consultation, it was deemed appropriate to make the following changes (i) combine the Stopping Up and Diversion Orders into a single Order and (ii) shorten the section of footpath to be stopped up as shown in Appendix 1.

**Scott Allan, Corporate Director
Environment, Regeneration and Resources**

4.0 BACKGROUND

- 4.1 Planning permission was granted on 5 April 2019 for the 'Erection of building containing ocean ferry terminal, art gallery and restaurant and associated work' at the Waterfront Carpark, Cinema Carpark And Associated Land on Custom House Way in Greenock (Ref: 18/0258/IC).
- 4.2 Condition 13 of this permission requires that, prior to the commencement of development, a section of coastal path be diverted. This is a shared use path which is identified as a 'footpath', and forms part of Core Path 1E and the NCN75.
- 4.3 While a temporary alternative path for pedestrians and cyclists has been identified for the construction phase and does not require a formal process, the stopping up of the existing footpath, the permanent diversion, and the amendment of Core Path 1E required the following actions to be undertaken.

5.0 PROPOSALS

Stopping Up and Diversion Orders

- 5.1 Under section 208 (1)(a) of the Town and Country Planning (Scotland) Act 1997, as amended, the diversion of the footpath approved under planning permission 18/0258/IC will require a Stopping Up Order for the section of existing footpath to be stopped up and a Diversion Order for the permanent diversion. Local Authorities are empowered to make Stopping Up and Diversion Orders under this Act with the Council's Scheme of Administration giving responsibility for the making of such Orders to the Head of Regeneration and Planning.
- 5.2 Following the making of a Stopping Up Order and a Diversion Order, procedures require the Orders to be advertised in the local press and the Edinburgh Gazette, with Notices sent to the landowner and any statutory undertaker who has apparatus on the footpaths which are to be stopped up. If there are no maintained objections to the Orders, authority thereafter needs to be sought from the Council's Environment and Regeneration Committee to confirm the Orders before they come into effect. An Order in respect of which there are any maintained objections has to be confirmed by the Scottish Ministers, following consideration by a Reporter.
- 5.3 In light of the above, following granting of emergency powers, Legal and Property Services were provided with the appropriate information and instructed to promote a Stopping Up Order and a Diversion Order for the section of path to be stopped-up and the permanent diversion under planning permission 18/0258/IC.
- 5.4 Further to the grant of emergency powers, it was considered appropriate to make the following changes, in light of new information and further consultation (i) combine the Stopping Up and Diversion Orders into a single Order and (ii) shorten the section of footpath to be stopped up, as shown in Appendix 1. The Order was publicised in the Edinburgh Gazette on 23 July 2019 and in the Greenock Telegraph on 24 July 2019, with a 28 day period given for submitting representations/objections.

Amendment of Core Path 1E 'Gourock to Greenock'

- 5.5 Under the Land Reform (Scotland) Act 2003, local authorities are required to identify a network of routes which provide sufficient levels of access for local communities. This network is known as a Core Paths Network and is formally presented in a Core Paths Plan. The Council, in conjunction with the Inverclyde Local Access Forum, prepared a Core Paths Plan, which was adopted in 2008.
- 5.6 The permanent diversion of Core Path 1E 'Gourock to Greenock', will require the Core Paths Plan to be amended under Section 20C of the Land Reform (Scotland) Act 2003

(as amended by section 83 of the Land Reform (Scotland) Act 2016 – ‘Single amendment of core paths plan: procedure’. This requires the Council to “consult such persons... on the amendment, inviting objections and representations in relation to the amendment to be made to them within such period as they specify...and give such notice of the amendment as the local authority think fit”.

- 5.7 In light of the above, following granting of emergency powers, a one month public consultation on the amendment to Core Path 1E was held ending on 27 July 2019. The consultation was publicised through public notices at either end of the section to be diverted, in the Greenock Telegraph, on the Council website and through a press release.

6.0 IMPLICATIONS

Finance

- 6.1 There is a cost of £714.15 relating to the Public Notices which required to be placed in local newspapers and the Edinburgh Gazette.

Financial implications

One-off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
02582-000-61019	City Deal	2019/20	£714.15	n/a	n/a

Annually recurring costs/(savings)

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Legal

- 6.2 The proposed Stopping Up and Diversion Order complies with the Town and Country Planning (Scotland) Act 1997, as amended, while the proposed Core Path amendment complies with the Land Reform (Scotland) Act 2003, (as amended by section 83 of the Land Reform (Scotland) Act 2016). The stopping up and diversion of the footpath, as identified in Appendix 1, are required to ensure proper implementation of planning permission 18/0258/IC. Failure to complete the statutory process to stop up and divert the footpath will lead to the planning permission which has previously been granted not being lawfully implemented.

Human Resources

- 6.3 There are no personnel issues associated with this report.

Equalities and diversity

- 6.4 While the diversion of the footpath could potentially impact on disabled access, the building warrant process will ensure that equality standards are complied with.

Repopulation

- 6.5 There are no repopulation issues associated with this report.

7.0 CONSULTATIONS

7.1 The Council's Legal and Property Services and Roads Service have been consulted during the preparation of this report.

8.0 EMERGENCY POWERS

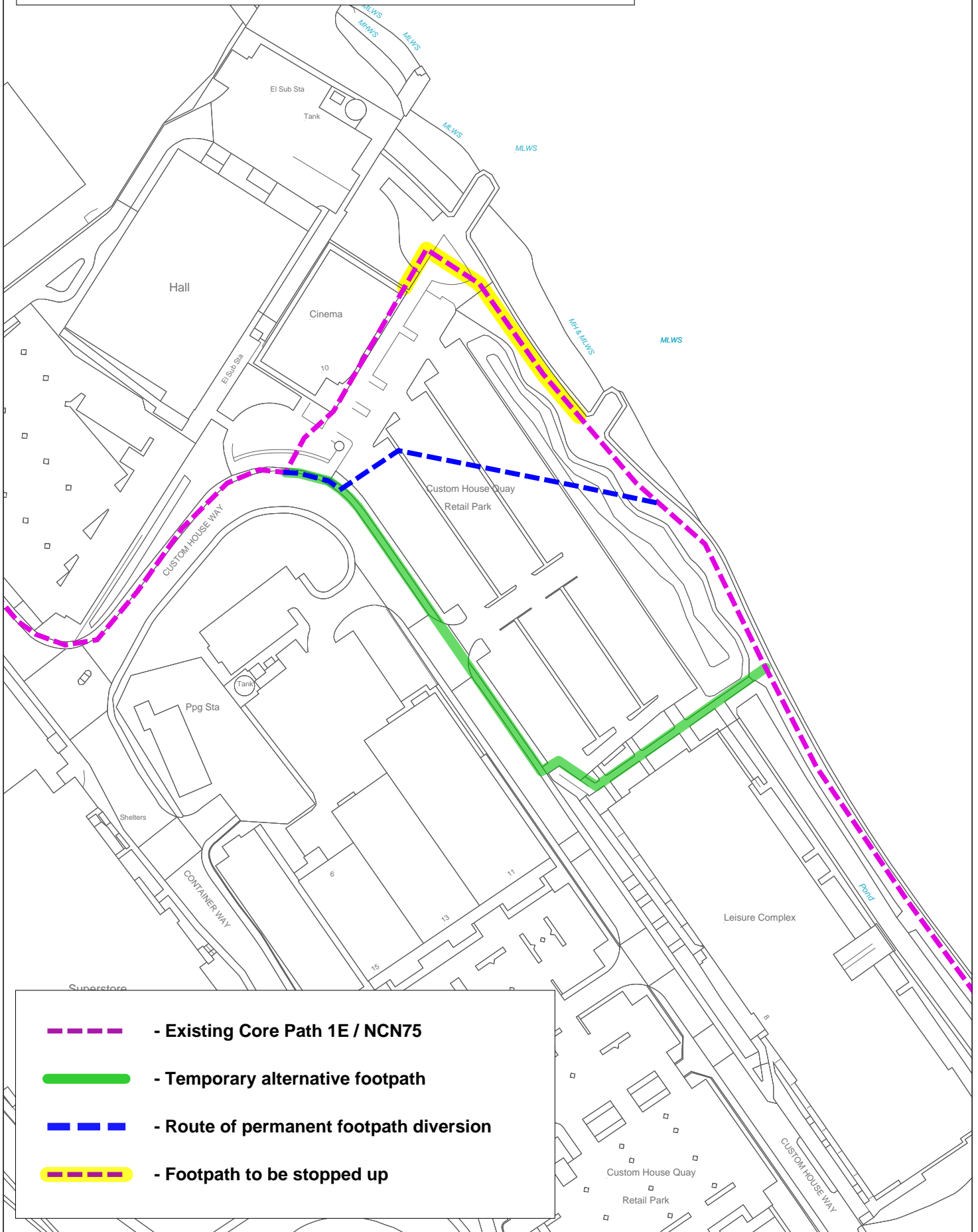
8.1 The use of emergency powers was sought on 13 June 2019 to enable the separate processes for stopping up and diverting the footpath, and amending Core Path 1E, to begin as soon as possible, in order to avoid any delays to the start of development. It should be noted that the next available Committee meeting was 29 August 2019.





8.2 Approval was received from Councillor Michael McCormick (Convener), Councillor Jim Clocherty, Councillor Christopher Curley and the Chief Executive of Inverclyde Council.

9.0 LIST OF BACKGROUND PAPERS

9.1 None

Appendix 1 - Revised Map of Footpath Diversion



-  - Existing Core Path 1E / NCN75
-  - Temporary alternative footpath
-  - Route of permanent footpath diversion
-  - Footpath to be stopped up

