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<b>Report To:</b>	<b>ENVIRONMENT AND REGENERATION COMMITTEE</b>	<b>Date:</b>	<b>5 MARCH 2020</b>
<b>Report By:</b>	<b>CORPORATE DIRECTOR ENVIRONMENT, REGENERATION AND RESOURCES</b>	<b>Report No:</b>	<b>LP/023/020</b>
<b>Contact Officer:</b>	<b>LINDSAY CARRICK</b>	<b>Contact No:</b>	<b>712114</b>
<b>Subject:</b>	<b>STOPPING UP ORDER – THE STOPPING UP OF ROAD AND FOOTWAY, INVERCLYDE (CAMPSIE ROAD, PORT GLASGOW) ORDER 2020</b>		

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## **1.0 PURPOSE**

- 1.1 The purpose of this report is to introduce the proposed Stopping Up Order – The Stopping Up of Road and Footway, Inverclyde (Campsie Road, Port Glasgow) Order 2020.

## **2.0 SUMMARY**

- 2.1 The procedure for the stopping up of roads and footways 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 28 May 2018 for the erection of five terraced houses, together with associated parking, landscaping and infrastructure at Campsie Road, Port Glasgow (planning permission 17/0269/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 Footways, Inverclyde (Campsie Road, Port Glasgow) Order 2020; 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 28 May 2018 for the erection of five terraced houses, together with associated parking, landscaping and infrastructure at Campsie Road, Port Glasgow (planning permission 17/0269/IC).
- 4.3 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 and footway which are to be stopped up.

## 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.

#### Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

### 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.

## 5.4 Equalities

### Equalities

- (a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

- (c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

## 5.5 Repopulation

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 BACKGROUND PAPERS

- 7.1 Decision Notice - Conditional Planning Permission 17/0269/IC dated 28 May 2018.

**THE INVERCLYDE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**THE STOPPING UP OF ROAD AND FOOTWAY, INVERCLYDE (CAMPSIE AVENUE,  
PORT GLASGOW) ORDER 2020**

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 footway hereinafter specified in this Order to permit the erection of five terraced houses, together with associated parking, landscaping and infrastructure at plot 1-5, Site at 2-20 Campsie Road, Port Glasgow in accordance with planning permission reference 17/0269/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 Road and Footway, Inverclyde (Campsie Road, Port Glasgow) Order 2020” and shall come into operation on the date of confirmation or such other date as may be appointed by the Scottish Ministers.
2. In this Order:-  
  
    “Road” means the length of road in the area of Inverclyde which is specified in the Schedule to this Order.  
  
    “Footway” means the length of footway 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 the Footway 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 Footway, 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 Footway 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 Footway.

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 #####day of#####, Two thousand and twenty.

## **SCHEDULE**



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

The area of ground to be stopped up extending to One hundred and forty five square metres (145m<sup>2</sup>) or thereby Metric Measure is shown outlined in red and coloured blue on the plan docketed “Town and Country Planning (Scotland) Act 1997, Sections 207 and 208, Stopping Up of Road and Footway, Inverclyde (Campsie Road, Port Glasgow) Order 2020” annexed and executed as relative to this Order.

### **FOOTWAY TO BE STOPPED UP**

The area of ground to be stopped up extending to Seventy three square metres (73m<sup>2</sup>) or thereby Metric Measure is shown outlined in red and coloured yellow on the plan docketed “Town and Country Planning (Scotland) Act 1997, Sections 207 and 208, Stopping Up of Road and Footway, Inverclyde (Campsie Road, Port Glasgow) Order 2020” 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 (Campsie Road, Port Glasgow) Order 2020**

-  - road / footways (145 square metres or thereby)
-  - footpaths (73 square metres or thereby)



**At Greenock .....**

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

**Proper Officer .....**

**Inverclyde Council**  
**Regeneration & Planning**

**SCALE 1:1000**  
**GMcC JAN 2020**

