
Report To:	Environment & Regeneration Committee	Date:	4 May 2023
Report By:	Director, Environment & Regeneration	Report No:	ENV022/23/SJ/SM
Contact Officer:	Sean Mc Daid	Contact No:	01475 712412
Subject:	The Stopping Up of Road and Footpath, Inverclyde (Arthur Street, Greenock) Order 2022		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to request the Committee to consider the order The Stopping Up of Road and Footpath, Inverclyde (Arthur Street, Greenock) Order 2022 (hereinafter “the Order”) which was made on 25th October 2022 in terms of Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 (hereinafter “the Act”) and then to remit the Order to the Inverclyde Council for approval and confirmation. A copy of the Order is attached as Appendix 1 to this report.

1.3 Officers are satisfied that it is necessary to authorise the stopping up of the road and the footpath at Arthur Street, Greenock to permit the erection of a Class 3 unit with ancillary drive through and associated works at Ground at Arthur Street, Greenock in accordance with planning permission reference 20/0106/IC which was granted on 11th October 2021 in terms of the Act.

1.4 The Order was made on 25th October 2022 and published in the Greenock Telegraph and Edinburgh Gazette for public consultation on 1st November 2022, with the last date for objections being 29th November 2022. At the end of the consultation period, one objection was received. Further to discussions between the developer and the objector, the objection has now been withdrawn and there are no maintained objections to the Order.

2.0 RECOMMENDATIONS

It is recommended that the Committee:

2.1 Approve the Order and agree to remit same to the Inverclyde Council for the confirmation and thereafter grant delegated authority to the Head of Legal, Democratic, Digital & Customer Services to take all necessary action in connection with the confirmation of the Order.

Stuart W. Jamieson
Director, Environment & Regeneration

3.0 BACKGROUND AND CONTEXT

- 3.1 Planning permission 20/0106/IC was granted on 11th October 2021 for the proposed erection of a Class 3 unit with ancillary drive through and associated works at land at Arthur Street, Greenock. The site referred to in the planning application is to the south-west of the Cartsburn Roundabout and incorporates Arthur Street.
- 3.2 It is a condition of planning permission that the stopping up of the road and footpath at Arthur Street, Greenock is required. The approved development requires 581 square metres or thereby of road and 89 square metres or thereby of footpath at Arthur Street, Greenock to be stopped up. This is shown on the plan accompanying the Order as attached at Appendix 1 to this report.
- 3.3 Local authorities are empowered to make Stopping Up Orders in terms of the Act and in terms of the Council's Scheme of Delegation, the Head of Regeneration and Planning is responsible for the grant of planning consent and, if necessary, Stopping Up Orders in implementation of same.
- 3.4 Following the making of the Order, the procedures set out in the Act required the Order to be advertised in the Greenock Telegraph 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 Order, authority thereafter requires to be sought from the Environment and Regeneration Committee in order to confirm the Order before it comes into effect.
- 3.5 As noted above, one objection was received in relation to the Order; however, it has subsequently been withdrawn. Accordingly, there are no maintained objections to the Order.

4.0 PROPOSALS

- 4.1 A copy of the Order which officers are recommending for approval and confirmation is attached at Appendix 1 of this report.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk	X		
Human Resources		X	
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

There are no financial implications arising from this report. The cost of advertising the Order in the newspapers is met by the developer.

5.3 Legal/Risk

The Order complies with the Act as detailed above. The stopping up of the road and footpath as shown in the Order attached at Appendix 1 is required to ensure proper implementation of planning permission 20/0106/IC. Failure to complete the statutory process to stop up the road and footpath will mean that the planning permission could not be lawfully implemented.

5.4 Human Resources

There are no human resources implications associated with the Order.

5.5 Strategic

There are no Strategic implications associated with the making of the Order.

6.0 CONSULTATION

6.1 In terms of the statutory requirements, the Order was advertised in the Greenock Telegraph and the Edinburgh Gazette with full details of the proposals being made available for public inspection during normal office hours at the Customer Service Centre, Municipal Buildings.

7.0 BACKGROUND PAPERS

7.1 None.

THE INVERCLYDE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**THE STOPPING UP OF ROAD AND FOOTPATH, INVERCLYDE (ARTHUR STREET,
GREENOCK) ORDER 2022**

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 the erection of a Class 3 unit with ancillary drive thru and associated works at Ground at Arthur Street, Greenock in accordance with planning permission reference 20/0106/IC granted under Part III of the said Act, hereby make the following Order:-

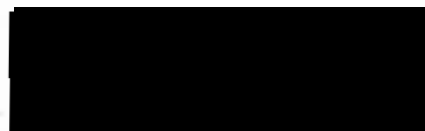
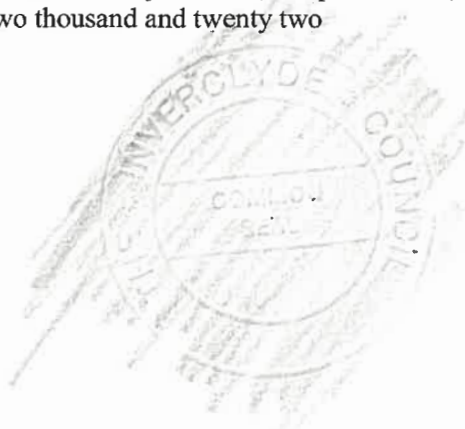
1. This Order may be cited as “The Stopping Up of Road and Footpaths, Inverclyde (Arthur Street, Greenock) Order 2022” and shall come into operation on the date of confirmation or such other date as may be appointed by the Scottish Ministers.
2. In this Order:-

“Road” means the 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 Twenty fifth day of October, Two thousand and twenty two



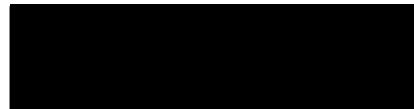
SCHEDULE

ROAD TO BE STOPPED UP



The area of ground to be stopped up extending to Five hundred and eighty one square metres (581m²) 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 Footpaths, Inverclyde (Arthur Street, Greenock) Order 2022" annexed and executed as relative to this Order.

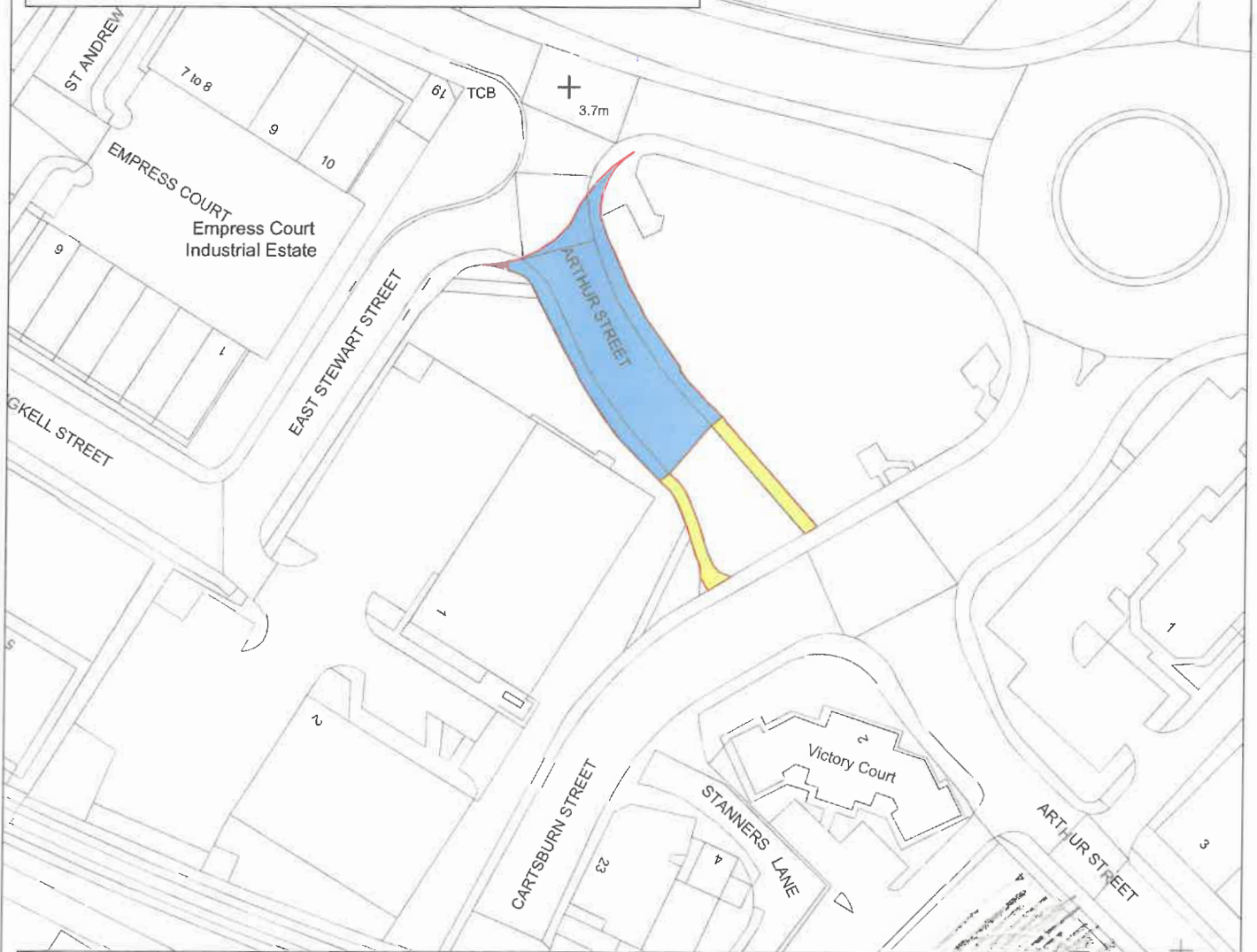
FOOTPATHS TO BE STOPPED UP

The areas of ground to be stopped up extending to Eighty nine square metres (89m²) or thereby Metric Measure are shown 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 Footpaths, Inverclyde (Arthur Street, Greenock) Order 2022" annexed and executed as relative to this Order.



Town and Country Planning (Scotland) Act 1997
Section 207 and 208
Stopping Up of Road and Footpath
Inverclyde (Arthur Street, Greenock) Order 2022

-  - road / footways (581 square metres or thereby)
-  - footpaths (89 square metres or thereby)



At Greenock 25 OCTOBER 2022

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

Proper Officer ...  Redacted - signature
'V. Pollock'

Inverclyde Council
Regeneration & Planning

SCALE 1:1000
GMcC OCT 2022

