
Report To: ENVIRONMENT AND
REGENERATION COMMITTEE

Date: 31 OCTOBER 2019

Report By: CORPORATE DIRECTOR
ENVIRONMENT, REGENERATION
AND RESOURCES

Report No: LP/119/20

Contact Officer: JIM KERR

Contact No: 01475 712617

Subject: STOPPING UP ORDER – THE STOPPING UP OF ROAD AND
FOOTPATHS, INVERCLYDE (SLAEMUIR AVENUE, PORT GLASGOW)
ORDER 2019

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the use of the emergency powers procedure to promote The Stopping Up of Road and Footpaths, Inverclyde (Slaemuir Avenue, Port Glasgow) Order 2019 and to advise the Committee that, in light of new information and further consultation, it was deemed appropriate to stop up a further, small section of adopted footpath from Slaemuir Avenue to ex adverso 110 Slaemuir Avenue as shown in Appendix 1.

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 15 April 2019 for (1) the erection of twenty four houses in four blocks together with associated parking, landscaping and infrastructure at plots 1-33 Slaemuir Avenue, Port Glasgow (planning permission reference 17/0356/IC); and (2) the erection of nine houses over two blocks of terraces/cottage flats, together with associated parking and infrastructure following the proposed demolition of five storey tower blocks (112-130 and 132-150) on Slaemuir Avenue at land situated off Slaemuir Avenue, Port Glasgow (planning permission reference 18/0332/IC).
- 2.2 The contractors are currently constructing phase two of a three phase masterplan regeneration of ninety six new build houses over seven sites, with a five year build programme in total. The programme involves the demolition of ten tower blocks and a complex decant process to keep existing residents within the estate during all construction phases. This Stopping Up Order is a pre-commencement condition of the two planning permissions referred to at paragraph 2.1 above. Development is due to commence in October 2019. The contractor is currently constructing two other sites on the estate at Slaemuir and, for maximum efficiency and economics of build, it is critical that the foundation contractors do not leave site and return at a later date due to the Stopping Up Order not being in place. It is also critical to adhere to the construction programme as any delay will have a knock on effect for residents moving out of the tower blocks and into new build housing to allow for the demolition and commencement of phase three.
- 2.3 The use of emergency powers was sought in September 2019 to enable the process for stopping up the road and the footpaths to begin as soon as possible, in order to avoid delays to the start of the development. The next available Committee meeting at the time of seeking emergency powers was 31 October 2019.

- 2.4 Emergency powers were subsequently granted on 10 September 2019 for the Head of Legal and Property Services to progress a Stopping Up Order. Approval was received from Councillors McCormick, Clocherty and Curley and the Corporate Director Environment, Regeneration and Resources in the absence of the Chief Executive. 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 stop up a further, small section of adopted footpath from Slaemuir Avenue to ex adverso 110 Slaemuir Avenue. This section of footpath is part of an adopted network from Slaemuir Avenue to Sidlaw Avenue. The existing footpath will remain in place so as to give access to the existing houses 106 to 110 Slaemuir Avenue and will be maintained by River Clyde Homes. The adopted footpath link from Slaemuir Avenue to Sidlaw Avenue will be maintained along the edge of the adopted road. The footpath has adopted street lighting which will be moved to the adopted footpath.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes that emergency powers were granted for:

(i) the Head of Legal and Property Services to promote a Stopping Up Order; and

(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.

Following the grant of emergency powers, and in light of new information and consultation, it was deemed appropriate to stop up a further, small section of adopted footpath from Slaemuir Avenue to ex adverso 110 Slaemuir Avenue, Port Glasgow.

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 15 April 2019 for the erection of twenty four houses, four blocks, consisting of sixteen one bed two persons and eight two bed four persons terraced houses and cottage flats together with associated parking, landscaping and infrastructure at plots 1-33 Slaemuir Avenue, Port Glasgow (planning permission reference 17/0356/IC).
- 4.3 Planning permission was also granted on 15 April 2019 for the erection of nine houses over two blocks of terraces/cottage flats, together with associated parking and infrastructure following the proposed demolition of five storey tower blocks (112-130 and 132-150) on Slaemuir Avenue at land situated off Slaemuir Avenue, Port Glasgow (planning permission reference 18/0332/IC).
- 4.4 It is a condition of both of the planning permissions 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

5.1 Finance

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					

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

5.2 Legal

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 permissions which have been granted. Failure to complete the statutory process to stop up the roads and footpaths will lead to the planning permissions which have previously been granted not being lawfully implemented.

5.3 Human Resources

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

7.0 BACKGROUND PAPERS

- 7.1 Decision Notices - Conditional Planning Permission 17/0356/IC dated 15 April 2019 and Conditional Planning Permission 18/0332/IC dated 15 April 2019.

Town and Country Planning (Scotland) Act 1997
Section 207 and 208
Stopping Up of Road and Footpaths
Inverclyde (Slaemuir Avenue, Port Glasgow) Order 2019

-  - road / footways (283 square metres or thereby)
-  - footpaths (310 square metres or thereby)



At Greenock

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

Proper Officer

