
**Report To: Environment and Regeneration
Committee**

Date: 31 October 2019

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

**Report No:
E+R/19/10/07/SJ**

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**Subject: Greenock Waterfront – Consultations on Stopping Up Order and Core
Path Realignment**

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee on the outcome of two separate consultations on a proposed Stopping Order and a Core Path Amendment, as required by the erection of a new cruise ship terminal at the Waterfront Car Park, Greenock (Planning permission 18/0258/IC).

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 temporarily diverted prior to the commencement of development, with a permanent diversion put in place once development is completed.
- 2.2 With regard to the permanent diversion, a report brought before the Committee on 29 August (Background Paper 1) noted that emergency powers were granted in June 2019 for Legal Services to promote a Stopping Up Order under section 208 (1)(a) of the Town and Country Planning (Scotland) Act 1997, as amended. The report also noted that emergency powers were granted to the Head of Regeneration and Planning to consult on the proposed amendment to the Core Paths Plan, specifically core path 1E, under Section 20C of the Land Reform (Scotland) Act 2003 (as amended by section 83 of the Land Reform (Scotland) Act 2016).
- 2.3 Following the grant of emergency powers, Legal Services prepared a Stopping Up Order and, in line with statutory procedures, gave Notice of the Order and consulted on it for a period of 28 days, from 17 July – 22 August 2019. One representation was received from Virgin Media, confirming that the Order would not impact on their infrastructure. With no objections received, Legal Services have, under the legislation and further to the Committee approval granted on 29 August, undertaken all necessary actions to confirm the Order, which came into effect on 9 September 2019.
- 2.4 With regard to the Core Paths Plan amendment to path 1E, the Regeneration and Planning service carried out a one month consultation on the proposed amendment, from 27 June – 27 July 2019. One representation was received from Sustrans, which objected to a short section of the new cycle path, specifically the 2m wide ramp alongside the new building, on the basis that it does not meet Transport Scotland's Cycling by Design Standards.
- 2.5 The Council has addressed Sustrans' concerns through minor amendments to the planning permission, which have the effect of widening the relevant section of cycle path to meet Transport Scotland's Cycling By Design Standards. In response to this change, Sustrans have withdrawn their objection.

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- 2.6 Setting aside the consultation on the Core Paths Plan amendment, it is the case that, following the confirmation of the Stopping Up Order on 9 September 2019, the Council is required by Section 20(4) of the Land Reform (Scotland) Act 2003, as amended, to amend the Core Paths Plan so that the route of Core Path 1E aligns with the diverted route set out in Stopping Up Order.

3.0 RECOMMENDATIONS

It is recommended that the Committee:

Notes:

- a) The outcome of the consultation on the Stopping Up Order and the subsequent confirmation of the Order on 5 September 2019.
- b) That, following the confirmation of the Stopping Up Order, the Council is required to amend the Core Paths Plan in line with the Order under Section 20(4) of the Land Reform (Scotland) Act 2003, as amended.

Approves the amendment of the Core Paths Plan, in line with the Stopping Up Order, under Section 20(4) of the Land Reform (Scotland) Act 2003, as amended.

**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 a 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 National Cycle Network 75 (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, section 208 (1)(a) of the Town and Country Planning (Scotland) Act 1997, as amended, requires that the permanent diversion of the footpath requires a Stopping Up Order, while the re-routing of the core path 1E needs an amendment to the Core Paths Plan.
- 4.4 A report brought before the Committee on 29 August (Background Paper 1) noted that emergency powers were granted in June 2019 for Legal Services to promote a Stopping Up Order under section 208 (1)(a) of the Town and Country Planning (Scotland) Act 1997, as amended. Delegated authority was also granted to the Head of Legal and Property Services to take all necessary action in connection with the promotion of the Order, including confirmation, if no objections were received during the statutory 28 day consultation period.
- 4.5 The Committee report on 29 August (Background Paper 1) also noted that emergency powers were granted to the Head of Regeneration and Planning to consult on the proposed single amendment to the Core Paths Plan, specifically core path 1E, under Section 20C of the Land Reform (Scotland) Act 2003 (as amended by section 83 of the Land Reform (Scotland) Act 2016).

5.0 CONSULTATION RESPONSES

Stopping Up Order

- 5.1 In line with the statutory procedures, Legal Services prepared a Stopping Up Order and carried out a consultation on it for a period of 28 days, from 17 July – 22 August 2019. The consultation was advertised in the local press and the Edinburgh Gazette, with Notices sent to the landowners and any statutory undertakers who may have apparatus on the footpath.
- 5.2 One representation was received from Virgin Media, confirming that the Order would not impact on their infrastructure. With no objections received, and further to the Committee approval granted on 29 August (Background Paper 1), Legal Services undertook the necessary actions to confirm the Order under section 208 (1)(a) of the Town and Country Planning (Scotland) Act 1997, as amended. The Order came into effect on 5 September 2019.

Amendment of Core Path 1E 'Gourock to Greenock'

- 5.3 In line with the statutory procedures, the Head of Regeneration and Planning prepared and consulted on a proposed single amendment to the Core Paths Plan, specifically Core Path 1E. The consultation ran for one month, from 27 June to 27 July 2019 and was publicised through public notices at either end of the section to be diverted, in the Greenock Telegraph, and on the Council website and through a press release.
- 5.4 One representation was received from Sustrans, which objected to the proposed amendment on the basis that a 2m wide cycle ramp, which is immediately adjacent to the

new building and segregated from a 1.6m pedestrian path by a handrail, fails to meet the Absolute Minimum width (2.75m) or the Desirable Minimum (3.75m) set out in Transport Scotland's Cycling by Design Standards. As a result, Sustrans note that the new development will worsen the existing cycle path provision, which is unsegregated and 4m wide. The representation strongly suggests that this element of the diverted route should be reviewed. It is suggested that the path could be widened by either (1) reconfiguring parking allocation; or (2) removing the steps, pedestrian path and handrail in order to create a wider, gently ramped, shared cycle pedestrian path alongside the building which would satisfy design guidance.

- 5.5 The Council has addressed Sustrans concerns through minor amendments to the planning permission, which have the effect of widening the relevant section of cycle path to meet Transport Scotland's Cycling By Design Standards. In response to this change, Sustrans have withdrawn their objection.
- 5.6 Setting aside the consultation on the Core Paths Plan amendment, it is the case that, following the confirmation of the Stopping Up Order on 9 September 2019, the Council is required by Section 20(4) of the Land Reform (Scotland) Act 2003, as amended, to amend the Core Paths Plan so that the route of Core Path 1E aligns with the diverted route set out in Stopping Up Order.

6.0 IMPLICATIONS

Finance

- 6.1 There no financial costs arising directly from this report.

Financial implications

One-off Costs

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

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 confirmed Stopping Up and Diversion Order complied with the Town and Country Planning (Scotland) Act 1997, as amended, while the proposed Core Path amendment complies with Section 20(4) of the Land Reform (Scotland) Act 2003, as amended

Human Resources

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

Equalities and diversity

- 6.4 An Equalities Impact Assessment has been carried out. 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 have been consulted.

8.0 LIST OF BACKGROUND PAPERS

8.1 Environment and Regeneration Committee Report (29/08/2019)
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.