

**ANGUS COUNCIL****14 FEBRUARY 2002****(WEST GRANGE ROAD, MONIFIETH) FOOTPATH DIVERSION ORDER 2002****REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION****ABSTRACT**

The proposed Angus Council (West Grange Road, Monifieth), Footpath Diversion Order, which diversion is Condition 1 of the Full Planning Permission Approval ref. 00/00291 issued to Wimpey Homes Holdings Limited on 25 October 2001, has been advertised and notified to relevant parties as required by the Planning (Scotland) Act 1997. The Council is asked to approve the making and confirmation of the Order.

**1. RECOMMENDATION**

It is recommended that the Council approve the making and confirmation of the Angus Council (West Grange Road, Monifieth) Footpath Diversion Order 2002.

**2. INTRODUCTION**

At the meeting of the Planning and Transport Policy Committee on 23 August 2001, approval was given to the proposal to divert an existing cycle/footpath which bisects the Wimpey Development Site at West Grange Road, Monifieth, to allow the most efficient use of the land while preserving the public's rights. (Report No 1020/01 refers).

At its meeting on 18 October 2001, the Development Control Committee considered an application by Wimpey Homes Holdings Limited, dated 6 April 2000, to erect 105 houses at West Grange Road, Monifieth (Report No 1194/01 refers). Full Planning Permission Approval ref. 00/00291 was issued on 25 October 2001 subject to conditions.

Condition 1 requires the diversion of an existing public footpath/cycleway over the site prior to commencement of development, to the satisfaction of the Director of Planning and Transport. In order to divert a public footpath it is necessary to make a Diversion Order under Section 208 of the Planning (Scotland) Act 1997.

The relevant technical details were agreed among the Applicant, the Director of Planning and Transport and the Director of Roads. The Applicant undertook to meet all the Council's expenses in the matter.

**3. CURRENT POSITION**

Following the procedure prescribed by Schedule 16 of the Planning Act, the statutory notices were served on the appropriate parties and site notices were erected. The proposal was advertised in the Courier and Edinburgh Gazette on 14 December 2001, giving the public five weeks in which to submit any objections to the Director of Law and Administration in writing. One objection has been received which has subsequently been withdrawn.

The Council may now make the Order.

**4. FUTURE ACTION**

If the Council approves the making and confirmation of the Order, the Order will be signed on behalf of the Council and advertised as required by statute. The development of the site may then proceed.

**5. FINANCIAL IMPLICATIONS**

George Wimpey UK Limited (Formerly Wimpey Homes Holdings Limited) have undertaken in writing to meet all Angus Council's expenses in connection with the Order.

**6. HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications arising from the terms of this report.

**7. CONSULTATION**

The Chief Executive, The Director of Planning and Transport, the Acting Director of Roads and the Director of Finance have been consulted in the preparation of this Report.

**8. CONCLUSION**

With reference to Condition 1 of Full Planning Permission Approval ref 00/00291 issued on 25 October 2001, it would now be appropriate for Council to approve the making and confirmation of the Angus Council (West Grange Road , Monifieth) Footpath Diversion Order so that the footpath may be diverted and the development of the site may proceed.

**CATHERINE A COULL  
DIRECTOR OF LAW AND ADMINISTRATION**

NOTE No background papers as defined by section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.