

## ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE  
ROADS COMMITTEE

11 MARCH 1999  
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**SUBJECT: DIVERSION ORDER RELATING TO PUBLIC RIGHT OF WAY  
WEST HIGH STREET TO MYRE PARK, FORFAR  
VIA STRATHMORE MINERAL WATER COMPANY LTD.**

**JOINT REPORT BY DIRECTOR OF PLANNING AND TRANSPORT AND DIRECTOR OF  
ROADS**

**Abstract: This report outlines the problems associated with the existing Public Right of Way and recommends a Diversion Order to resolve the problems.**

### 1 RECOMMENDATION

It is recommended that the Committee authorise the Director of Law & Administration to promote a Diversion Order on behalf of the Strathmore Mineral Water Company Ltd. for the Public Right of Way from West High Street to Myre Park, Forfar.

### 2 INTRODUCTION

- 2.1 The loading/delivery yard for Strathmore Mineral Water Company Ltd. currently includes a Public Right of Way for pedestrians from West High Street to Myre Park. The route is well used by the general public and Strathmore Mineral Water Company are concerned for public safety as they operate fork-lift trucks in the area which is used throughout the day as a loading area and accordingly have asked that the Director of Law & Administration promote a Diversion Order on their behalf.
- 2.2 It is proposed that the existing Public Right of Way be re-routed to along the western boundary where it adjoins Tayside Police. This is a very small change distance wise but would keep pedestrians well away from the loading area.
- 2.3 The proposal is also the subject of current planning application 99/00104/FULL Erection of Walls, Fences and Formation of Public Footpath, which will be determined in due course.

### 3 DIVERSION ORDER

- 3.1 The re-routing of the footway should be carried out under Section 68 of the Roads (Scotland) Act 1984. This section permits the Council, as Roads Authority, either on their own initiative or at the request of another party, to make an Order stopping up a road which they consider has become dangerous to the public. This Act has a broad definition of "road" including any way over which there is a public right of passage (by whatever means).

- 3.2 The procedure for promotion of a Stopping Up Order under the Roads (Scotland) Act allows for the Order to be made and confirmed at the same time. This is immediately followed by a press advertisement commencing a 28 day consultation period during which it is open to the public to make representations or raise objections. If no such objections are received within the 28 day period, the Order thereafter automatically takes effect without the need for further advertising in the press.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 All costs and fees incurred by the Director of Law & Administration will be charged to Strathmore Mineral Water Company Ltd. who have agreed to meet these costs in full.

#### **5 CONSULTATION**

- 5.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

#### **6 CONCLUSION**

- 6.1 The conflict between pedestrians and yard activities is undoubtedly a potential hazard. The proposed diversion offers a satisfactory solution to the problem with minimal disruption to the public right of passage.

#### **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 any material extent in preparing the above Report.

AA/SJR/KW  
3 March 1999

Alex Anderson  
Director of Planning and Transport