REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT
This report relates to the necessary planning consent and the making of an Order to divert a public footpath near Balhousie Farm, Muirdrum in order to facilitate alternative access arrangements to the farm associated with the upgrading of the A92 in that vicinity.

1. RECOMMENDATIONS

It is recommended that the Committee agree to:-

(1) note that the planning consent is now deemed granted following the Notice of Intention to Develop (NID) procedures;

(2) approve the making and confirmation of the Public Path Diversion Order and

(3) authorise the Director of Law and Administration to sign the Order on behalf of the Council and thereafter advertise the making and confirmation as required.

2. INTRODUCTION

Reference is made to Report No 403/04 approved by the Special Committee - A92 Project (Company Change Notices) on 18 March 2004, when the committee agreed to approve Company Change Notice Number 3, in connection with the proposed alternative access arrangements to Balhousie Farm, by Muirdrum.

Committee agreed to note that the statutory consents required to effect the Company Change Notice would be pursued by the promotion of the required NID and Order by the Director of Roads, through the authority delegated to him in Report No 164/04 (considered by Strategic Policy Committee on 3 February 2004).

3. PLANNING CONSENT

A Notice of Intention to Develop was duly advertised and the required notices served on 25 June 2004. No representations were received within the period allowed for objections which expired on 2 August 2004. Planning consent is deemed therefore to have been granted on 3 August 2004.

4. PUBLIC PATH DIVERSION ORDER

The (Balhousie to Muirdrum) Public Path Diversion Order 2004 was advertised and appropriate notices served on 14 July 2004.

As no representations were received within the period allowed for objections which expired on 9 August 2004, the Council may now make and confirm the Order. This must then be advertised and there is a further six week period during which the validity of the Order may be challenged by application to the Court of Session.
5. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

6. **HUMAN RIGHTS IMPLICATIONS.**

There are no human rights implications arising from this Report.

7. **CONSULTATION**

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


CATHERINE A COULL
DIRECTOR OF LAW & 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 any material extent in preparing this Report.