ANGUS COUNCIL
INFRASTRUCTURE SERVICES COMMITTEE – 22 JANUARY 2004

ANGUS COUNCIL (BALMAIN STREET AND PROVOST JOHNSTON ROAD, MONTROSE)
FOOTPATH STOPPING-UP ORDER 2003

JOINT REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION AND THE DIRECTOR OF PLANNING AND TRANSPORT

ABSTRACT
The proposed Angus Council (Balmain Street and Provost Johnston Road, Montrose) Footpath Stopping-Up Order 2003 has been advertised and notified to the relevant parties as required by the Town and Country Planning (Scotland) Act 1997. The Committee is asked to approve the making and confirmation of the Order.

1. RECOMMENDATION
It is recommended that the Committee approve the making and confirmation of the Angus Council (Balmain Street and Provost Johnston Road, Montrose) Footpath Stopping-Up Order 2003.

2. INTRODUCTION
At a meeting of the Infrastructure Services Committee of 12 June 2003, approval was given to the proposal to stop-up an existing footpath which runs to the north-west of the site for housing about to be developed by Angus Community Care Charitable Trust (ACCCT).

ACCCT have been granted planning permission for the erection of sheltered housing on the site and the new complex is to be integrated with the existing adjacent facility at Balmain Court, Montrose. As such, it is required that a section of existing public footpath requires to be stopped-up. In order to stop-up a public footpath it is necessary to make a Stopping-Up Order under Section 208 of the Town and Country Planning (Scotland) Act 1997. A plan showing the length of footpath to be stopped up is attached.

3. CURRENT POSITION
Following the procedure prescribed by Schedule 16 of the 1997 Act, the statutory notices were served on the appropriate parties and site notices were placed on the path. The proposal was advertised in the Courier and Advertiser and Edinburgh Gazette on 28 November 2003, giving the public 28 days in which to submit any objection to the Director of Law and Administration in writing. The time limit for objections expired on 29 December 2003. On this date there were no outstanding objections/representations to the order.

The Committee 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
The Director of Housing has undertaken to meet the expenses in connection with the Order.

6. HUMAN RIGHTS IMPLICATIONS
There are no human rights implications arising from the terms of the Report.
7. CONSULTATION

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

8. CONCLUSION

With reference to the full planning permission approval reference 03/00190/FUL issued on 6 August 2003, it would now be appropriate for the Committee to approve the making and confirmation of the Angus Council (Balmain Street and Provost Johnston Road, Montrose) Footpath Stopping-Up Order 2003 so that the footpath may be stopped-up and development of the site may proceed.

Catherine A Coull
Director of Law and Administration

Alex Anderson
Director of Planning and Transport

Note: No background papers, as defined by Section 50(D) 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.