

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

24 NOVEMBER 2009

PARK STREET, ARBROATH - STOPPING UP OF ROAD

REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT

This report seeks Committee approval to promote a Stopping Up Order for Park Street, Arbroath.

1 RECOMMENDATION

1.1 It is recommended that the Committee agrees to the promotion of a Stopping Up Order in respect of the entire length of Park Street Arbroath.

2 BACKGROUND

2.1 Park Street formerly extended from Gravesend to the former Alma Works at Millgate Arbroath.

2.2 The majority of the length of Park Street was removed with the construction of the Burnside Drive dual carriageway some years ago.

2.3 The remaining length of Park Street is a short cul-de-sac extending for approx 20 metres in length generally westwards from its junction with Gravesend.

2.4 The property is bounded on its west and south sides by a continuous stone boundary wall and on its north by the property at No 4 Gravesend.

2.5 A previous request by the lessee of No 4 Gravesend to the stopping up of Park Street, Arbroath was abandoned in 2008 when the lease was severed and the request was withdrawn.

3 CURRENT POSITION

3.1 Following the recent redevelopment of the area to form the new Lidl store and car park on Gravesend there now remains only one property at No 4 Gravesend which has pedestrian access from Park Street. No vehicular or pedestrian access to the Lidl store is taken from Park Street.

3.2 The owners of No 4 Gravesend, Angus Decorating Co Ltd have approached the Council with a view to Stopping Up the road adjacent to their property.

3.3 Angus Decorating Co Ltd have indicated that they have no title to the solum of the road and at the present time no other formal title to the road has been found.

3.4 Under Section 115 of the Roads (Scotland) Act 1984 where a road is stopped up the solum of the road shall, subject to any prior claim of any person by reason of title, vest to the owner or owners of the land which adjoins the road.

4 PROPOSALS

- 4.1 Due to the above Park Street is considered unnecessary and therefore may be stopped up under the terms of Section 68 of the Roads (Scotland) Act 1984.
- 4.2 The solum would revert to Lidl UK and Angus Decorating Co Ltd as the owners of the adjoining land.
- 4.3 Where there is currently any apparatus belonging to any statutory undertakers within the affected road the statutory undertaker will continue to have all rights in respect of the apparatus as they had immediately before the stopping up.
- 4.4 The affected road is shown hatched in Appendix 1.

5 FINANCIAL IMPLICATIONS

- 5.1 There would a minimal reduction in future maintenance costs for the Council arising from this proposal. The costs associated with the promoting and advertising of the Stopping Up Order will be met by the Angus Decorating Co Ltd who requested the stopping up.

6 HUMAN RIGHTS IMPLICATIONS

- 6.1 There are no human rights implications arising from the proposals in this report.

7 EQUALITIES IMPLICATIONS

- 7.1 The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

8 CONSULTATION

- 8.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration have been consulted in the preparation of this report

9 CONCLUSION

- 9.1 Park Street Arbroath is considered to be unnecessary as there no longer remains a public need for access. The road may be stopped up under the terms of Section 68 of the Roads (Scotland) Act 1984 as requested by the adjoining landowner.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE:

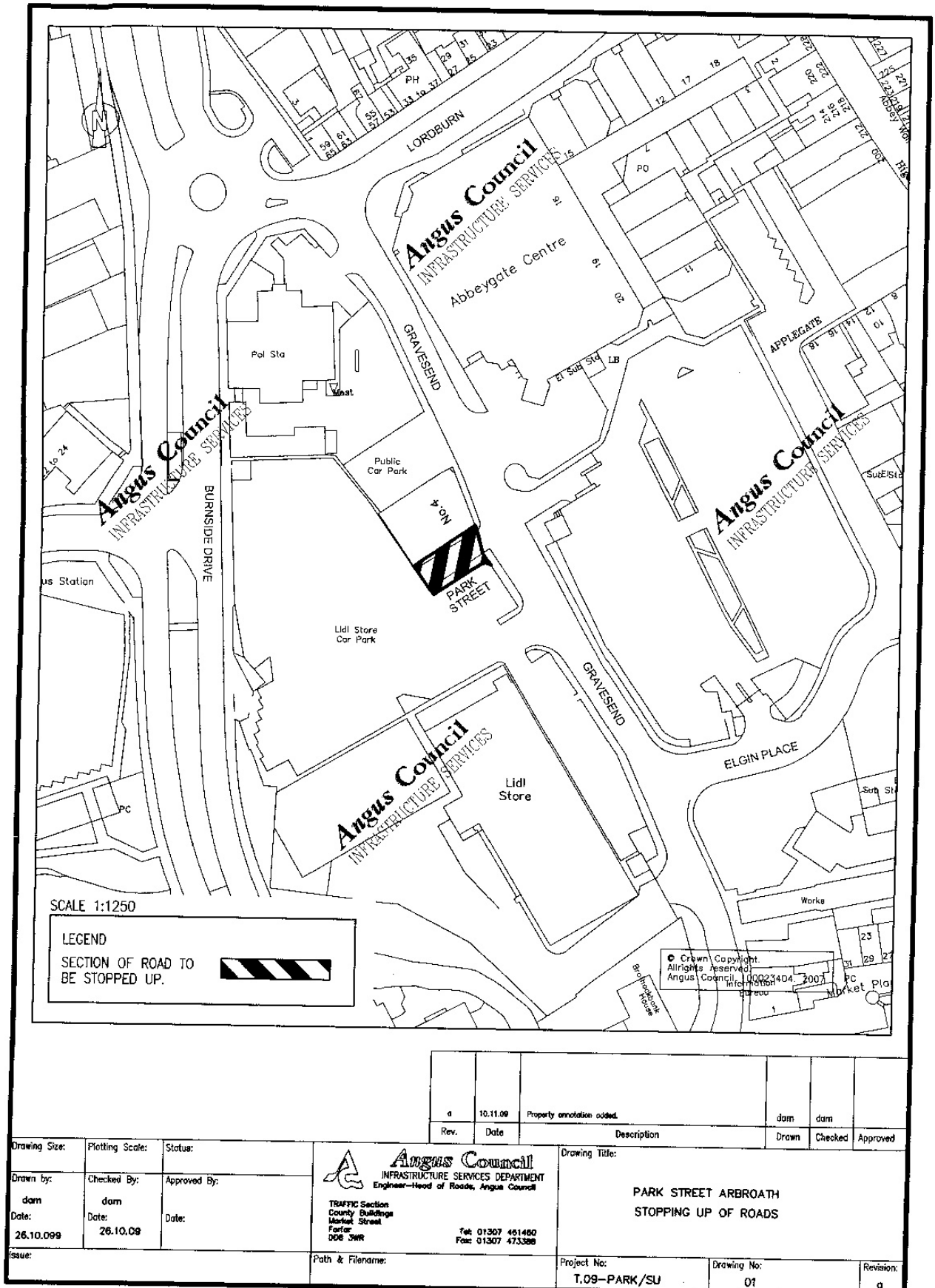
The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

Report No 264/08 - Infrastructure Services Committee 4 March 2008
Report No 1210/06 - Infrastructure Services Committee 5 October 2006

Roads/JG/DAM

Park Street Arbroath – Stopping Up

APPENDIX 1



Drawing Size:		Plotting Scale:		Status:		Rev. a		Date 10.11.09		Description Property annotation added		Drawn dam		Checked dam		Approved	
Drawn by: dam		Checked By: dam		Approved By:		Date: 26.10.09		Date: 26.10.09		Date:		<p>Angus Council INFRASTRUCTURE SERVICES DEPARTMENT Engineer—Head of Roads, Angus Council</p> <p>TRAFFIC Section County Buildings Market Street Forfar DD8 3WR</p> <p>Fax: 01307 461480 Fax: 01307 473388</p>					
Date: 26.10.09		Date: 26.10.09		Date:		Date:		Date:		Date:							
Issue:		Path & Filename:		Project No: T.09—PARK/SU		Drawing No: 01		Revision: a		<p>Drawing Title: PARK STREET ARBROATH STOPPING UP OF ROADS</p>							

Park Street Arbroath – Stopping Up