

EAST RENFREWSHIRE COUNCIL

24 June 2015

Report by Director of Environment

STOPPING-UP ORDERS CARRIED OUT UNDER THE TOWN AND COUNTRY
PLANNING ACT

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to delegate to the Director of Environment authority to carry out all necessary procedures associated with Stopping-Up Orders carried out under the terms of the Town and County Planning (Scotland) Act 1997, including authority to confirm an Order.

RECOMMENDATIONS

2. The Council is asked to delegate to the Director of Environment authority to carry out all the procedures associated with Stopping-Up Orders carried out under the terms of the Town and County Planning (Scotland) Act 1997, including authority to confirm an Order if it is unopposed.

BACKGROUND AND REPORT

3. The stopping-up of roads in association with a planning permission is set out in Section 207 the Town and Country Planning Act 1997. This procedure is carried out if the planning authority is satisfied that it is necessary to enable the approved development to be carried out.

4. At present, authority has to be sought from the Planning Applications Committee for all Stopping-Up Orders.

5. Following preparation of the Stopping-Up Order, the procedures require the Order to be advertised in the local press and the Edinburgh Gazette with Notices sent to the land owner (and any statutory undertaker who has apparatus where the road is to be stopped up).

6. Should the Order be unopposed, authority thereafter needs to be sought from the Council to confirm any Order before it comes into effect. An opposed Order has to be confirmed by the Secretary of State.

7. In terms of legislation, there is no need for Planning Application Committee or full Council approval for Stopping-Up Orders. Seeking authority from the Planning Applications Committee to prepare the Order and authority from the full Council to confirm an unopposed Order adds delays to the procedures. In addition, such processes can add delays to a development commencing.

FINANCE AND EFFICIENCY

8. The costs of advertising the Stopping-Up Order are met by the developer in question. Delegated authority to the Director of Environment will speed up processes by shortening the timescale for preparing the Orders and confirming the Orders.

CONSULTATION

9. The Council's Roads Service is consulted in the preparation of Stopping-Up Orders. This is necessary in order to finalise those parts of the roads and footpaths at this location which should be covered by the Order. In addition, Notices are sent to statutory undertakers and the landowner to determine whether the proposed Order will be opposed or unopposed, including advertisements placed in the local press and the Edinburgh Gazette, before proceeding to the next stage of the procedures.

PARTNERSHIP WORKING

10. There was no partnership working associated with this report.

IMPLICATIONS OF THE PROPOSALS

11. There are no staffing, property, IT, sustainability, equalities or other implications associated with this report.

CONCLUSION

12. Delegation to the Director of Environment will allow Stopping-Up Orders to be prepared and unopposed Orders to be confirmed within a shorter timescale.

RECOMMENDATIONS

13. The Council is asked to delegate to the Director of Environment authority to carry out all the procedures associated with Stopping-Up Orders carried out under the terms of the Town and County Planning (Scotland) Act 1997, including authority to confirm an Order if it is unopposed.

Director of Environment

Further information can be obtained from: Iain MacLean, Head of Environment on 0141 577 3720 or iain.macleam@eastrenfrewshire.gov.uk

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KEY WORDS

Stopping-Up Orders under the Planning Act.