

REPORT TO: PLANNING & TRANSPORT COMMITTEE - 22 OCTOBER 2007

REPORT ON: ULLAPOOL CRESCENT - LOCHINVER CRESCENT FOOTPATH - STOPPING UP

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 471-2007

1 PURPOSE OF REPORT

1.1 This report considers the necessity to stop-up the Ullapool Crescent - Lochinver Crescent footpath.

2 RECOMMENDATION

2.1 It is recommended that the Committee In order to prevent anti social behaviour it is recommended that the Ullapool Crescent - Lochinver Crescent footpath be stopped up and the necessary Order be prepared utilising the powers of the Roads (Scotland) Act 1984 as depicted on the attached plan.

3 FINANCIAL IMPLICATIONS

3.1 The costs of preparing the Order will be met from the Planning & Transportation Department's 2007/08 Revenue Budget.

4 BACKGROUND

4.1 The footpath linking Ullapool Crescent and Lochinver Crescent has been the subject of anti social behaviour for some time. This has involved damage to adjoining properties and a case of assault.

4.2 The Council only has powers to stop-up roads and footpaths by utilising:

- a the Town and Country Planning (Scotland) Act 1997 where the fundamental condition is that planning permission must have been given for a development.
- b the Roads (Scotland) Act 1984 where the qualifying conditions are that the road has become or will become unnecessary. In addition it can also be stopped up if it has become dangerous.

4.3 With regard to the intent of the Roads (Scotland) Act 1984 where it relates to the road having become dangerous this has always been understood to mean if some major structural defect or landslip has rendered the road unusable.

4.4 For the Committee's information in the past an effort was made to stop-up a footpath in another part of the city on the grounds of anti social behaviour and when objections were received it was referred to the then Scottish Office for determination. Following a hearing the Scottish Office Reporter refused the Order on the grounds that anti social behaviour was not proper grounds for promoting a Stopping-Up Order. Notwithstanding this possible precedent, it is considered that this footpath's closure be sought in order to remove the anti-social behaviour being experienced.

- 4.5 If no objections had been received then the Order would have been made by the Council without the involvement of the Scottish Office.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategy Environmental Assessment, Anti-Poverty and Equality Impact Assessment. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance, Assistant Chief Executive (Community Planning), Legal Manager and the Chief Constable have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 None

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21 September 2007

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