1.0 EXECUTIVE SUMMARY

1.1. This report advises of the requirement to temporarily stop up Core Path C082 - Shore road to Campbeltown. The diversion is required to allow the installation of an underground drainage pipe associated with the construction of the new Campbeltown Grammar School. It is likely that the stopping up will be required for a period not exceeding eight weeks.

1.2. The Path Temporary Stopping Up Order is required by the Land Reform (Scotland) Act 2003 Section 20 following the adoption of the Argyll & Bute Core Paths Plan in June 2015. The path diversion order will be carried out under section 208 of the Town and Country Planning (Scotland) Act 1997.

1.3. The developer will be responsible for paying all of the Council’s costs incurred in relation to the making of the order and the restoration of the surface of the path.

1.4. The report is seeking authority for the Director of Customer Services in consultation with the Director of Development & Infrastructure Services to carry out the appropriate procedural steps to make the required order for the proposed temporary stopping up of the Core Path; and subsequently if no representations against the order are received, to confirm the Order. If representations against the order are received the Director will seek confirmation of the Order by the Scottish Ministers.
RECOMMENDATIONS

1.5. The Director of Customer Services, in consultation with the Director of Development & Infrastructure Services be authorised to make a Path Diversion Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 in such terms as shall be considered to be appropriate in respect of the Core Path C082 indicated on the attached plan.

1.6. Prior to commencing any work to create and implement the Path Diversion Order, written agreement be secured from the prospective developer of the site to (a) meet the Council’s full costs in making such an order; and (b) carry out all necessary works in relation to the diversion.

1.7. In the event, following advertisement, that no representations are made by the public against such an order, that the Director of Customer Services is authorized to confirm the order.

1.8. In the event that the order is opposed, that the Order be referred to Scottish Ministers for confirmation.
2.0 INTRODUCTION

2.1. This report advises of the requirement to temporarily stop up Core Path C082 - Shore road to Campbeltown. The diversion is required to allow the installation of an underground drainage pipe associated with the construction of the new Campbeltown Grammar School. It is likely that the stopping up will be required for a period not exceeding eight weeks.

2.2. The Path Temporary Stopping Up Order is required by the Land Reform (Scotland) Act 2003 Section 20 following the adoption of the Argyll & Bute Core Paths Plan in June 2015. The path diversion order will be carried out under section 208 of the Town and Country Planning (Scotland) Act 1997.

3.0 RECOMMENDATIONS

3.1. The Director of Customer Services, in consultation with the Director of Development & Infrastructure Services be authorised to make a Path Diversion Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 (c8) in such terms as shall be considered to be appropriate in respect of the Core Path C082 indicated on the attached plan.

3.2. Prior to commencing any work to create and implement the Path Diversion Order, written agreement be secured from the prospective developer of the site to (a) meet the Council’s full costs in making such an order; and (b) carry out all necessary works in relation to the diversion.

3.3. In the event, following advertisement, that no representations are made by the public against such an order, that the Director of Customer Services is authorized to confirm the order.
3.4. In the event that the order is opposed, that the Order be referred to Scottish Ministers for confirmation.

4.0 DETAIL

4.1. Members will be aware of the project to rebuild the Campbeltown Grammar School which was granted planning permission on the 1st of July 2015 Ref No. 15/00933/PP. As a result of the proposal, and the adoption of the Core Paths Plan in June 2015, it will be necessary to temporarily stop up the Core Path C082 leading the former railway cutting between Limecreigs and Kilkerran Road Campbeltown to facilitate the installation of an underground drainage pipe associated with the construction of the new school.

4.2. The Core Path will be reinstated to a standard at least comparable with its current condition.

Procedure

4.3. The legal process required to divert a Core Path is under Section 208 of the Town & Country Planning (Scotland) Act 1997. The Planning Authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with planning permission granted.

4.4. An order under this section may, if the Planning Authority are satisfied that it should do so, provide for the creation of an alternative footpath or bridleway for use as a replacement for the one authorised by the order to be diverted. The order may authorise or require works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement, provision is made by the order;

4.5. The Planning Authority may require the developer named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
4.6. The Planning Authority will advertise the proposed Path Stopping Up Order for 28 days by publishing newspaper and site notices. These will invite comment from the public and other interested parties including the members of the Argyll & Bute Access Forum.

4.7. If no objections are received to the proposed order it will be confirmed.

4.8. If objections are received to the proposed Path Stopping Up Order the Order will be referred to Scottish Ministers for confirmation.

4.9. As the Order is required to enable the implementation of a planning permission the prospective developer would be required to meet the Council’s full costs in promoting such an order and constructing the new paths.

4.10. Once the Order is confirmed the Access Team will amend the Core Paths Plan as required by Land Reform (Scotland) Act 2003 Section 20(4&5) and send a copy to the Scottish Ministers.

5.0 CONCLUSION

5.1. To allow the project to rebuild the new Campbeltown Grammar School to proceed the Director of Customer Services requires authority to make a Temporary Path Stopping Up Order under Section 208 of the Town & Country Planning (Scotland) Act 1997.

5.2. The process for carrying out the consultation and dealing is prescribed by the Act. The Director of Customer Services requires authority to confirm the Order if no objection is received during the 28 day consultation. If any representations received object to the proposed Order it will require in terms of the statutory provisions to be passed to Scottish Ministers for confirmation.
6.0 IMPLICATIONS

6.1. Policy - None

6.2. Financial – All costs will be borne by the developer

6.3. Legal – This is a legal process

6.4. HR - None

6.5. Equalities - None

6.6. Risk – Representations may be received objecting to the proposed diversion which will have to be referred to the Scottish Ministers for confirmation

6.7. Customer Service - none

Executive Director of Development & Infrastructure Services
Policy Lead: Councillor David Kinniburgh
9 March 2016

For further information contact:
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jolyon.gritten@argyll-bute.gov.uk
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APPENDICES

Appendix 1 – Drawing produced by Fairhurst to support the application for a Section 208 Temporary Path Stopping Up Order

Appendix 2 – Letter from the Developer stating that they will pay the costs of making an application for a Section 208 Temporary Path Stopping Up Order and the construction of the new paths.
Appendix 1 – Drawing produced by Fairhurst to support the application for a Section 208 Temporary Path Stopping Up Order
Appendix 2 – Letter from Hum North Scotland Ltd stating that they will pay the costs of making an application for a Section 208 Path Diversion Order and the reinstatement of the Core Path.

Jolyon Gritten
Access Manager
Development & Infrastructure Services
Argyll & Bute Council
Manse Brae Offices
Lochgilphead
ARGYLL
PA31 8RT

10 March 2016

For the attention Mr Jolyon Gritten

Dear Jolyon,

Hub North Scotland
Cumbeltown Grammar School Section 208 Order

I am pleased to confirm that hub North Scotland has included the construction of the paths referred to in the Campbeltown Grammar School Outdoor Access Plan within its programme of works and these will be completed in the timescales agreed with your department.

In terms of the administrative costs associated with the Section 208 order I also confirm that hub North Scotland has made arrangements for these costs to be paid to Argyll & Bute Council.

If you require anything else please do not hesitate in contacting me

Yours sincerely

Kind regards

[Signature]

Martin Hensman
Project Director