

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee

11 January 2017

**STOPPING UP OF SECTIONS OF AINSLIE GARDENS, AINSLIE PLACE AND
CARNEGIE PLACE, PERTH**

Report by Director (Environment)

The construction of the final phase of the Old Muirton housing scheme will leave redundant sections of Ainslie Gardens, Ainslie Place and Carnegie Place, Perth. These streets require to be stopped up so that the new housing can be completed and new roads constructed.

1. BACKGROUND

AINSLIE GARDENS, AINSLIE PLACE, AND CARNEGIE PLACE, PERTH

- 1.1 Over a period of several years, the tenement buildings in the area, known as Muirton, have been demolished to make way for a new housing development.
- 1.2 Construction work is now programmed to start on the final phase of the redevelopment. The contractors have applied to have the remaining roads stopped up to allow them to start construction of the new houses.
- 1.3 Although the majority of adopted roads are managed and maintained by the Council, the Council does not hold the title of all the lands on which these roads sit. The Council can promote a Stopping Up Order, under terms of Section 68 of the Roads (Scotland) Act 1984, to extinguish the vehicular right of access over a road. This then allows the roads in question to be removed from the Council's List of Public Roads.
- 1.4 Upon completion of the new housing scheme, all the new roads will, in time, be adopted by the Council and added to the List of Public Roads.

2 PROPOSALS

- 2.1 It is proposed to promote a Stopping Up Order for the redundant sections of Ainslie Gardens, Ainslie Place, and Carnegie Place, Perth. This will allow the roads to be removed from the List of Public Roads. Details are shown on the plan at Appendix 1.
- 2.2 A right of access to any statutory undertaker's plant in the affected roads will be retained in the Order promoted.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The report outlines the reasons for the proposals for Ainslie Gardens, Ainslie Place and Carnegie Place, Perth.

- 3.2 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Orders. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised.
- 3.3 If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.4 It is recommended that the Committee approves the promotion of a Stopping Up Order to remove Ainslie Gardens, Ainslie Place and Carnegie Place, Perth from the List of Public Roads, as described.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes/No
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations

1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

2. Resource Implications

Financial

Capital

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

Revenue

- 2.2 There will be costs involved in promoting the Stopping Up Order. The indicative cost of £1500 for advertising and promoting the Order will be met by Robertson Partnership Homes, who have agreed to meet the costs involved.

Workforce

- 2.3 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging sustainable modes of travel.

Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

Risk

- 3.7 There are no significant risks associated with the implementation of this project.

4. Consultation

- 4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland, local Elected Members for the area have also been consulted and support the proposals.

5. Communication

- 5.1 Approval will allow a start to be made to the formal procedure to promote the Stopping Up Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

2. BACKGROUND PAPERS

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report.

3 APPENDICES

- 3.1 The proposals are as shown on the drawings in Appendix 1