



---

**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 21 MAY, 2019**

**SUBJECT: CONFIRMATION OF STOPPING-UP OF SECTION OF U123E MOSS OF BARMUCKITY ROAD, ELGIN**

**BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**1. REASON FOR REPORT**

- 1.1 The Committee is asked to confirm, as an unopposed Order, “The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018.”
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to the functions of the Council as Planning Authority.

**2. RECOMMENDATION**

- 2.1 **The Committee is asked to confirm as an unopposed Order, “The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018” and instruct the Head of Legal and Democratic Services to make the Order.**

**3. BACKGROUND**

- 3.1 Planning permission was granted on 14 July 2011 under delegated powers, to form a road layout and access for a Business Park at BP1 Barmuckity, Elgin, Moray (Planning consent reference 09/00883/FUL). Access to the new Business Park, Barmuckity Farm and Barmuckity Farm Cottages will be taken from a new 4 arm roundabout to be constructed on the A96 Trunk Road approximately 340 metres south east of the U123E Moss of Barmuckity Road. A Stopping-Up Order is required bringing to an end all rights subsisting in the existing junction of the A96 Trunk Road/U123E Moss of Barmuckity Road which will be closed off, except to emergency vehicles. The section of road which is affected by the Order, is more particularly detailed on the plan shown as **Appendix 1** to this Report.
- 3.2 In terms of the procedure under the relevant Act, the proposed Stopping-Up Order was advertised in the appropriate publications on 3<sup>rd</sup> August, 2018 and relevant notices were served on statutory undertakers. One objection was received from Atkins Global/Vodafone during that period relating to apparatus

lying within the area covered by the Order. The information was passed to the developer to ensure that the infrastructure will not be affected by the Stopping-Up of the section of road at the locations identified and the objection has been withdrawn.

- 3.3 In terms of Section 207 and Schedule 16 of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Authority may confirm the Stopping-Up Order themselves without submitting the Order to the Scottish Government if there are no unresolved objections at the end of the statutory period. The observation referred to in para 3.2 above has been considered and addressed and there are no outstanding issues from the consultation process.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This report assists with the aim of having a growing and diverse economy in terms of the provision of infrastructure .

**(b) Policy and Legal**

The Stopping-Up of the section of road is required to ensure proper implementation of the Planning Consent which has been granted. The proposal complies with the Town and Country Planning (Scotland) Act 1997 as amended.

**(c) Financial Implications**

The costs involved in promoting and making the Order and implementing the works will be met in full by the developer as agreed by the Council and the developer.

**(d) Risk Implications**

Failure to complete the statutory process to stop-up the section of U123E Moss of Barmuckity Road, Elgin will lead to the Planning Consent which has previously been granted not being suitably implemented with related risks in respect of transport and infrastructure.

**(e) Staffing Implications**

There are no specific staffing implications arising from the proposal.

**(f) Property**

There are no specific property implications arising from the proposal.

**(g) Equalities/Socio Economic Impact**

There are no issues in this case.

**(h) Consultations**

The Transportation Manager, Richard Adam (Network Asset Engineer - Environmental Services), Iain Robertson (Senior Technician – Environmental Services) , Richard Smith, (Principal Planning Officer –

Development Management) and Lissa Rowan (Committee Services Officer) have been consulted and any comment incorporated into the report.

Colin Matheson Traffic Sergeant, Police Scotland has been consulted and is in agreement with the report.

Further consultation will be carried out through newspaper advertisement which will finalise the advertising process.

The relevant Ward Members have been consulted and any views they may have can be made known at the meeting.

## **5. CONCLUSION**

**The Committee is asked to consider the recommendations set out in Section 2 of the Report and confirm, as an unopposed Order, “The Moray Council (Section of U123E Moss of Barmuckity Road - Stopping-Up) Order 2018.”**

Author of Report: Emma Dawson, Paralegal (Property and Contracts)

Background Papers: (a) Planning Consent in respect of Application  
09/00883/FUL

Ref: EDOC-229-6644