

PETITIONS

(1) PETITION REQUESTING THE STOPPING UP OF A LANE LEADING INTO SCARHILL PARK, AIRDRIE

1. There was submitted a report dated 2 February 2005 by the Director of Community Services (1) advising Members of the receipt of a petition from residents of 63-71 Ayr Drive and 33-35 Woodview Avenue, Airdrie requesting the stopping up of a lane leading into Scarhill Park at the rear of their properties; (2) explaining that the petitioners had requested that the lane be stopped up because of various acts of anti-social behaviour which had apparently been ongoing for some time; (3) confirming that it did appear that the area was being misused by elements of the local community; (4) containing his observations on the ownership of the lane, and (5) indicating that the Head of Legal Services had advised that, in his opinion (a) the lane could be defined as a road, in terms of the Roads Scotland Act, and, as such, could be stopped-up, and (b) that the Planning and Environment Division could also serve a stopping up order on the lane in terms of Sections 207 and 208 of the Planning Act 1997.

Decided:

- (1) that the matter be remitted to the Planning and Environment Committee for further consideration into the proposed stopping up of the lane in terms of either the Roads Scotland Act or the Planning Act 1997, and
- (2) that the contents of the report be otherwise noted.

NORTH LANARKSHIRE COUNCIL
REPORT

To: COMMUNITY SERVICES (OPERATIONS REVIEW) SUB-COMMITTEE		Subject: PETITION REQUESTING THE STOPPING UP OF A LANE LEADING IN TO SCARHILL PARK, AIRDRIE.
From: DIRECTOR OF COMMUNITY SERVICES		
Date: 2 February 2005	Ref: KW/PD	

1. INTRODUCTION

1.1 The purpose of this report is to inform members of the position relating to the petition submitted by residents of 63-71 Ayr Drive and 33-35 Woodview Avenue, Airdrie, for the stopping up of a lane leading into Scarhill Park to the rear of their properties.

2. BACKGROUND

2.1 North Lanarkshire Council received a petition form residents of 63-71 Ayr Drive and 33-35 Woodview Avenue, Airdrie, requesting that the lane to the rear of their properties be stopped up for the following reasons, anti-social behaviour, underage drinking, vandalism, graffiti, wilful fire raising and the use of illegal trail bikes.

2.2 Residents adjacent to the lane maintain that these activities have been on going for sometime and have now become intolerable and have requested that North Lanarkshire Council erect a fence to prevent the mis-use of this area.

2.3 Officers agree that there is evidence that the area is being mis-used by elements of the local community for some of the activities listed in 2.1.

3. CURRENT POSITION

3.1 Community Services Land Records have investigated ownership of the land in question and it would appear that the Lane is not within the ownership of North Lanarkshire Council although the Council do have a right of access along it.

3.2 The Lane highlighted red on the location plan (see appendix 1) forms part of a larger stretch of 'roadway' which runs from the lane down the East Side of the park and continues south down to Calderbank Road. Some of this 'roadway' now appears to be grassland and, in appearance, forms part of Scarhill Park. Although it gives the appearance of being part of Scarhill Park it is not in the ownership of the Council.

3.3 Additionally along with the Council's right of access, the properties along the eastern boundary on Nairn Crescent and Fife Ave, also have a right of access along the lane.

4. LEGAL RESPONSIBILITY

4.1 It is the opinion of legal services that the lane in question could be defined as a 'road' under the terms of the Roads Scotland Act and that Planning and Environments Roads and Transportation section would be responsible to formally stop-up the lane.

4.2 Additionally there may be a case for Planning and Environments, Planning and Development section to serve a stopping up order on the lane under provision of section 207 and 208 of the Planning Act.

5. RECOMMENDATIONS

5.1 Committee refers the matter to Planning and Environment for further investigation in to that department stopping up the lane, under powers held within either the Roads Scotland Act or Planning Act 1997.

Paul Gutter.

Appendix 1

Scarhill Park, Airdrie

The Lane is highlighted red with the land in the ownership of North Lanarkshire Council is shaded on the plan below.

