



## **Diversion of Public Paths at Mauricewood, Penicuik**

### **Report by Ricky Moffat, Head of Commercial Operations, Resources.**

#### **1 Purpose of the Report**

The purpose of this report is to request that Cabinet confirm a Public Path Diversion Order under the Countryside (Scotland) Act 1967 for an existing path crossing the site of the new housing development at Mauricewood, Penicuik.

#### **2 Background**

The initial report concerning the Diversion Order was submitted to Cabinet on the 22<sup>nd</sup> May 2018.

After a consultation period of 4 weeks, no objections were received.

If confirmed by Cabinet, the Order will be signed and the Notice of coming into operation of the Order will be advertised. The public then have 6 weeks to appeal to the Court of Session on a point of law. The diversion Order will then be registered in the Land Register of Scotland.

#### **3 Report Implications**

##### **3.1 Resource**

As previously agreed all the Council's costs incurred in connection with promoting the diversion order will be paid by the developer.

The changes to the existing Core Path Plan will be met out of the existing Resources Directorate budget.

##### **3.2 Risk**

No objections were made about the order. Once the Notice of the Order comes into operation and is advertised the public then have 6 weeks to appeal to the Court of Session on a point of law.

#### **4.3 Single Midlothian Plan and Business Transformation**

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

#### **4.4 Key Priorities within the Single Midlothian Plan**

In terms of the key priorities through the Single Midlothian Plan, the provision of good access for sustainable travel and recreation should be considered alongside the Council's relative priorities. Additionally, the development at Mauricewood is set out in the Midlothian Local Plan and is an important expansion to Penicuik.

#### **4.5 Impact on Performance and Outcomes**

The provision of paths for recreational activities has a positive impact on the well-being of the local communities and supports the Midlothian Core Paths Plan and emergent Active Travel Strategy.

#### **4.6 Adopting a Preventative Approach**

Provision of improved paths and walkways provide opportunities for recreation and active travel enabling people to make healthy lifestyle choices.

#### **4.7 Involving Communities and Other Stakeholders**

In accordance with the Public Path Diversion Order under the Countryside (Scotland) Act 1967 notices were erected at either end of the section of path to be diverted and advertisements of the proposed Order in the Midlothian Advertiser allowing a 28 day period for objections. There were no objections to the proposals.

#### **4.8 Ensuring Equalities**

A detailed Integrated Impact Assessment has been completed for this proposal and was submitted with the first report (Appendix1)

#### **4.9 Supporting Sustainable Development**

The diverted paths will be within the housing development and will be used much more by pedestrians than has been the case to date therefore providing the community with a more sustainable solution for the future.

#### **4.10 Digital Issues**

There are no digital issues arising from this report.

### **5 Recommendation**

Cabinet is recommended to instruct the Director, Resources to confirm a Public Path Diversion Order in line with the process described under Section 2 above.

**Date**                **21 August 2018**

**Report**            **Contact: James Kinch**

**Tel No.**           **0131.561.5256**

**Email:**           **james.kinch@midlothian.gov.uk**

**Background Papers:**