

Diversion of Core Path crossing the Mayfield Complex site**Report by Garry Sheret, Head of Property and Facilities Management****1 Purpose of Report**

The purpose of the report is to seek approval to progress with the diversion of the public path crossing the Mayfield Complex Site to facilitate the building of the Newbattle Centre to replace the existing Newbattle High School. The current location of the footpath is shown in Appendix A. The extent of the proposed diversion is shown in Appendix B.

This Footpath will require to be diverted prior to construction work commencing on site. It is therefore proposed that this work will be undertaken during the summer holidays 2014 and completed prior to the Schools returning on 18 August 2014. The completed footpath will then provide a safe route to school for Children from Mayfield to enable them to safely access the existing school throughout the duration of the build period.

2 Background**2.1** At its meeting on 25 June 2013, Council approved the new build school with enhanced community facilities.

As part of this redevelopment it has been established through site investigation and consultation with the community that the location shown on Appendix C is the most suitable location for the new centre.

In order to allow the construction of the new centre in the location shown in appendix C, it is necessary for the Council to divert the existing footpath to provide a clear site. It has also been established that the existing wearing course to the remaining path is in poor condition and therefore it is proposed that this will also be replaced at the same time as the diversion works are undertaken.

During the construction of the new centre this footpath will continue to provide a safe access route for the community between Mayfield and the existing Newbattle High School and the village of Easthouses. Once the new centre is complete this footpath will provide one of the main routes to the centre from Easthouses and Mayfield.

This footpath is the main pedestrian link from Mayfield to the existing school. As such it will be necessary to maintain access over this footpath at all times during the course of the new build works.

It is therefore proposed that the diversion of this footpath be undertaken by Midlothian Council's Roads Services during the 2014 summer holiday period which starts on 4 July 2014 and finishes on 8 August 2014. This will enable the works to be completed in advance of any building works commencing on site and provide a safe, uninterrupted route for the community of Mayfield to access the existing school over the duration of the works.

It should also be noted that once building works commence a fence will be erected on the site side of the footpath to provide a safe means of separation between the building site and the children.

3 Report Implications

The existing path requires to be diverted prior to 8 August 2014. If the Council fails to divert the path by this date it is likely to impact upon the safe routes to school and cause significant inconvenience to both the community and building contractor.

The diversion and re-surfacing of the footpath will be completed by 8 August 2014.

The process for making the necessary Order under Section 20(4) of the Land Reform (Scotland) Act 2003 and Section 208 of the Town and Country Planning (Scotland) Act 1997 is as follows:-

1. Preparation of the Order and plans.
2. Serve notice of Order on owners, occupiers and tenants affected by the proposal.
3. Erect notice at either end of section of path to be diverted and advertise notice of proposed Order in the Midlothian Advertiser and Edinburgh Gazette allowing a 28 day period for objections.
4. If there are no objections, or any objections are withdrawn after consultation, the Order will be confirmed by reporting to Cabinet.
5. If there are objections which are not withdrawn the proposed Order must be referred to Scottish Ministers for confirmation. (This may require a Public Inquiry and could impact upon the start date for the project.).
6. Upon confirmation, by Council or Scottish Ministers, advertise notice of coming into operation of Order. The public will then have 6 weeks to apply to the Court of Session on a point of law/procedure.
7. After 6 weeks, record Order in Sasine Register and update the Midlothian Council Core Paths Plan to reflect the position.

3.1 Resource

The cost of the diversion and resurfacing works will be £54. This cost will be met from within the project budget for the Newbattle Centre.

If objections are raised which require the proposed Order to be referred to the Scottish Government then the additional cost implications of this process will be subject to a separate report.

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

3.2 Risk

The risk to the Newbattle Centre project of not undertaking these works during the 2014 summer holidays is that it could create significant delay to the project. The risk associated with the Core Path Diversion Order process is that objections are referred to the Scottish Ministers and these objections are upheld by the Scottish Ministers who reject the Order. Following review of the process by internal Legal representatives it is the belief of officers that in following the process noted under section 2 Midlothian Council will be seen to have acted reasonably and in the best interests of the community.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ 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

3.4 Key Priorities within the Single Midlothian Plan

This report supports the key priorities from the Single Midlothian Plan within the following areas:-

- Economic recovery and growth
- Employment
- Early years
- Community planning
- Safer and stronger communities and reducing offending
- Health Inequalities and Physical Activity

3.5 Impact on Performance and Outcomes

The development of the Newbattle Centre links to the national and local outcomes and objectives of the single outcome agreement.

3.6 Adopting a Preventative Approach

n/a

3.7 Involving Communities and Other Stakeholders

Consultation on the Newbattle Centre has already been undertaken and will continue until completion.

3.8 Ensuring Equalities

There are no impacts upon equalities.

3.9 Supporting Sustainable Development

The proposal will provide the community with an improved path therefore providing the community with a more sustainable solution for the future.

3.10 IT Issues

There are no IT issues.

4 Recommendations

Council is recommended to;

- a) Instruct the Director, Resources to progress with the diversion and resurfacing of the existing path through Mayfield Complex in line with Appendix B of this report.
- b) Instruct the Director, Resources to progress with the diversion and resurfacing of the existing path through Mayfield Complex during the school summer holiday period with works being completed by 18 August 2014.

5 May 2014

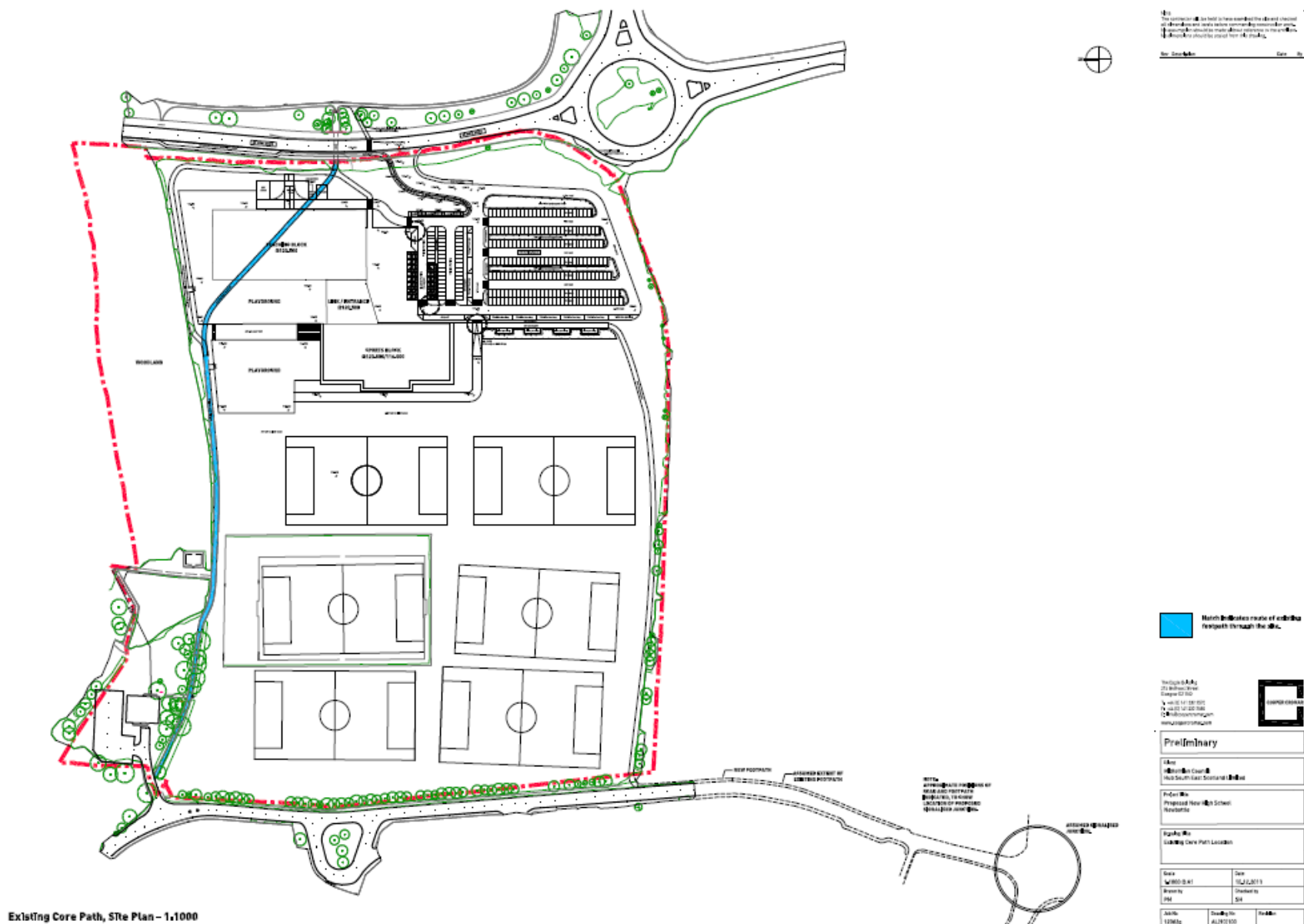
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Background Papers:

Appendix A



Appendix B



Proposed Core Path, Site Plan - 1:1000



THE NEWBATTLE CENTRE

PAN PUBLIC EVENT - POTENTIAL SITE LAYOUT