

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**PERTH AND KINROSS COUNCIL CORE PATH SCON/7 AND RIGHT OF WAY
39/7 STOPPING UP AND DIVERSION ORDER 2023**

Perth and Kinross Council, in exercise of the powers conferred on them by Section 208 of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as 'the Act') and of all other powers enabling them in that behalf, being satisfied that it is necessary to stop up and divert part of the footpath specified in the Schedule to this Order to enable development to be carried out in accordance with planning permission granted under Part III of the Act, hereby make the following Order:-

- 1 This Order may be cited as the "Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up and Diversion Order 2023" and shall come into operation when the developers have completed the stopping up and diversion works and made the diverted footpath operational, to the satisfaction of Perth and Kinross Council as the planning authority.

- 2 The stopping up of the footpath SCON/7 and Right of Way 39/7 described in Part I of the Schedule to this Order and indicated on the plan entitled "Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up and Diversion Order 2023" (hereinafter referred to as "the said Plan") and diversion of the said footpath to a route described in Part II of the said Schedule and indicated on the said Plan, which said Schedule and Plan are annexed and executed as relative to this Order, are hereby authorised.

- 3 Stellar Murrayshall LLP, as the developer, incorporated and registered in England and Wales under company registration number OC413468 and having its registered office at C/o Stellar Asset Management, 20 Chapel Street, Liverpool, L3 9AG, has agreed to meet the costs of making and advertising this Order together with building the new path and making arrangements for its future maintenance.

- 4 Where immediately before the date on which this Order comes into operation in terms of Article 1 above, there are any statutory undertakers having apparatus of theirs which is under, in, over, along or across the said stopped up and diverted footpath then any such statutory undertakers shall have the same rights in respect of that apparatus as they had immediately before that date.

Given under the common seal of Perth and Kinross Council at Perth on the FIRST day of MARCH TWO THOUSAND AND TWENTY-THREE.

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Legal Manager, Legal & Governance Services

This is the Schedule referred to in the foregoing Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up and Diversion Order 2023

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SCHEDULE

Part I (Description of Stopped Up Section of Footpath)

That section of the footpath forming part of the existing Core Path SCON/7 and Right of Way 39/7 as shown in red on the said plan.

Part II (Description of Diverted Route of Footpath)

That route shown in light blue on the said plan.

STATEMENT OF REASONS

for the making of

Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up
and Diversion Order 2023

Planning permission 21/01673/FLL was granted on 6 July 2022 for a development by Stellar Murrayshall LLP for the relocation of driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works at Murrayshall House Hotel, Murrayshall, Perth, PH2 7PH.

Perth and Kinross Council is satisfied that a stopping up and diversion order is necessary in order to enable the above development for which planning consent has been granted to be carried out.

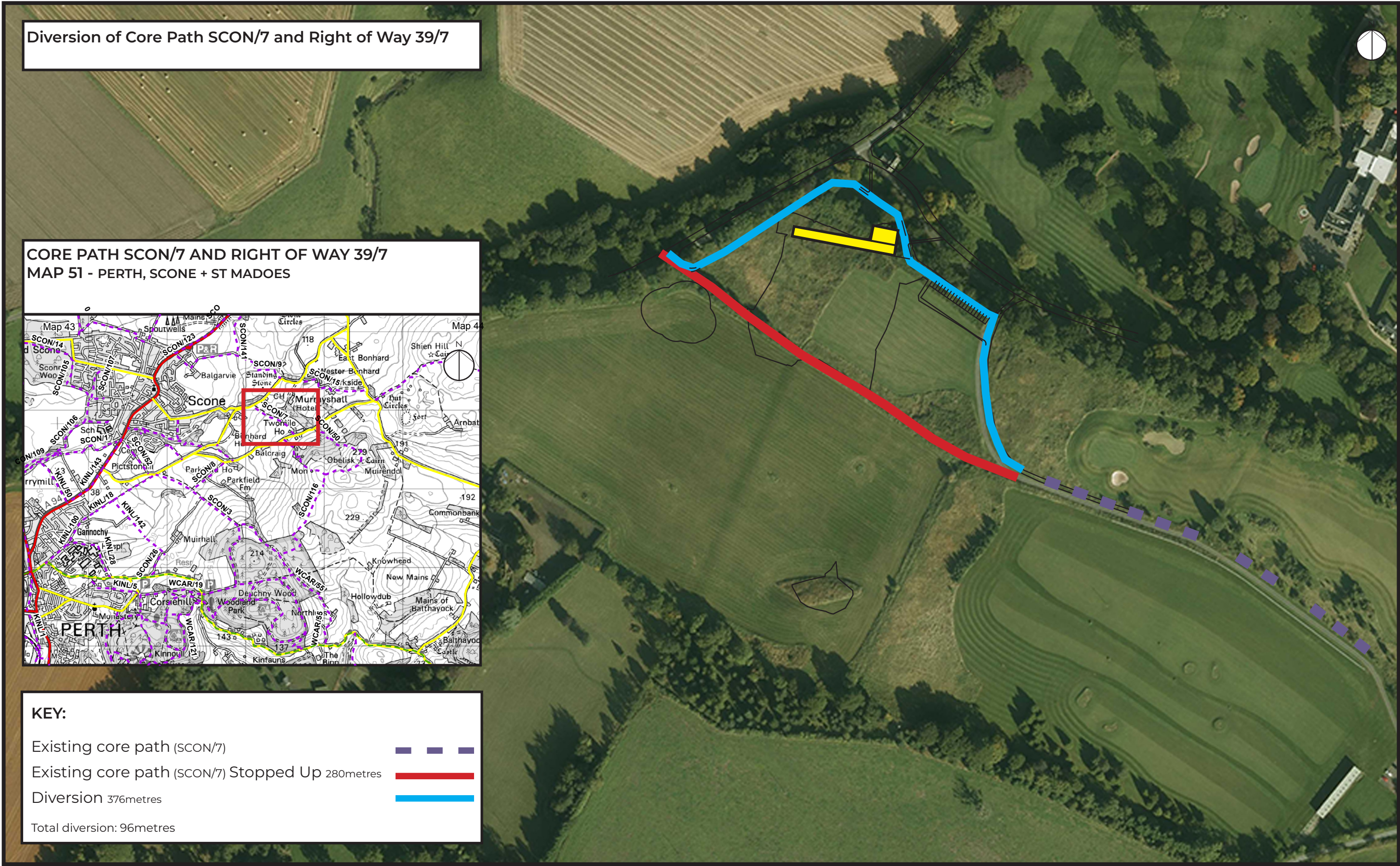
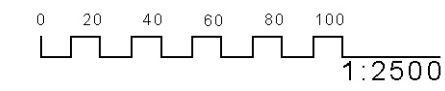
The footpath, SCON/7 and Right of Way 39/7, is both a core path and a right of way. The section of existing footpath to be stopped up is shown in red on the attached plan. The proposed new route is shown in light blue on the attached plan.

The developer wishes to relocate an existing driving range to improve customer experience, to have the new driving range and facilities closer to the existing golf course to more easily allow golfers to practice before starting a round of golf, and to allow improved visibility of ball flight on the driving range due to better topography. The outfield area of the new driving range includes part of Core Path SCON/7 and Right of Way 39/7. Path users would be at risk of being struck by golf balls without the stopping up and diversion. For health and safety reasons therefore, this section of footpath is to be stopped up and diverted to the north. The stopped up section is approximately 280m in length. The proposed new route is approximately 376m in length.

It is the Council's view that this stopping up and diversion order is necessary in order to formally divert the core path and right of way from its existing line onto the proposed diverted route.

Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up and Diversion Order 2023

Murrayshall Estate: Revision A



This is the Plan referred to in the foregoing Perth and Kinross Council Core Path SCON/7 and Right of Way 39/7 Stopping Up and Diversion Order 2023