



Andrew Law 05/02 14:44 Edited



hi Laura, thanks for the meeting. I've had another look through all the case files and cant find anything on the Radical Road, so i have to assume Access had nothing to do with it before and i'll need to start fresh. i have had another scan of the Scotways feedback and i think this is the most prescient part -

"In the absence of due process to date, the Radical Road is already unlawfully blocked, so ScotWays is very concerned that this proposal as it stands seeks to continue this right of way's obstruction. If necessary, there are procedures for temporarily closing rights of way for safety reasons, and we have previously brought this to the attention of HES. ScotWays recommends that alongside the proposals which are the subject of this planning application, a Temporary Traffic Regulation Order Page 3 of 3 is made to temporarily close the right of way - provisions for this are available under Roads legislation (s.14 of the Road Traffic Regulation Act 1984), as a public right of way is a road under the terms of the Roads (Scotland) Act 1984. This would mean the route is not lost to the general public, as the Order protects its right of way status whilst it is unavailable for use. Once appropriate works have been carried out, at an as yet unknown date, the right of way can be re-opened having been preserved for future public use.

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A formal temporary closure process such as that which we suggest helps both the general public and the land manager as it protects the route's status, while providing a legal method within which options can reasonably be explored, i.e. the blocking fences would no longer be an unlawful obstruction. Use of this formal process also assists the Council in evidencing that it is meeting its legal obligations towards rights of way, including its duty under the Countryside (Scotland) Act 1967."

05/02 16:19

Thanks Andrew for the chat and for looking into this further. Who would deal with the Temporary Traffic Regulation Order?

09 February

Andrew Law 09/02 09:27



It would be a submission to the roads department I believe

09/02 09:35

Hi Andrew, thanks 😊 I sent you an email this morning asking if you are able to provide comments via email as part of formal consultation. These will be taken into consideration as part of the assessment. Thanks again.



Type a message

