

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

10TH MAY 2019

Executive Board Member:	Portfolio:
Cllr. H Evans	Environment

STOPPING UP OF PUBLIC HIGHWAY ADJACENT TO THE OLD SCHOOL, LAUGHARNE

Recommendations / key decisions required:

To Instruct the Head of Administration and Law to process the stopping up of an area of public highway under Section 116, Highways Act, 1980.

Reasons:

The owner of The Old School, Laugharne has requested for two small areas of public highway adjacent to the property to be formally stopped up. On successful completion of the order, the land will revert to the control of the adjoining landowner for legal registration.

Directorate: Environment		
Name of Head of Service: Stephen G. Pilliner	Designation Head of Highways & Transport	Tel No. / Email Address: 01267 228150 SGPilliner@carmarthenshire.gov.uk
Report Author: Nigel Skinner	Transport Strategy and Infrastructure Engineer	01267 228179 NJSkinner@carmarthenshire.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

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1. BRIEF SUMMARY OF PURPOSE OF REPORT.

A request has been received from the owner / developer of the Old School, Laugharne to formerly stop up two small areas of publicly maintained highway fronting the property. This area of public space serves no purpose to the department and carries a maintenance liability.

After a successful stopping up order application, the existing bus shelter sited upon this area of highway will be relocated in the immediate vicinity as shown on the enclosed plan.

The costs associated with the stopping up order and relocation of the shelter will be recharged to the developer as agreed.

The area of public highway would be stopped up by way of an Order at Magistrates Court under Section 116 of the Highways Act 1980. In this instance, upon approval of the Order the land will revert to the Old School (as adjoining landowner) for Land Registry registration.

It is therefore requested that the Head of Administration and Law to proceed with the Order to present at Magistrates Court at their earliest convenience.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **S. G. Pilliner**

Head of Highways and Transport

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

Legal

An application to stop up a highway has to follow a defined process and under the Highways Act 1980, can only be made on two grounds, namely the length of highway is unnecessary or that there is another more commodious route. The latter option does not apply here. There is an initial consultation process to be undertaken by Environment Department, which includes approaching the Community Council for its views and I would expect the results of the consultation to be referred to in the report since it would give an early indication of any potential objectors.

Should Executive Board Member consent be forthcoming, there is then a requirement to publish a notice of the proposals and invite objections, which are then considered by the magistrates. Depending on whether any representations are received it shall be in the magistrates discretion whether to grant the order. The relevant officer from the Authority will be required to present evidence why a stopping up order is required.

Finance

The successful stopping up proposal would remove the maintenance upon the two areas of public highway.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below
Signed: S. G. Pilliner Head of Highways and Transport

1. Scrutiny Committee - N/A

2. Local Member(s)

Cllr. Jane Tremlett – in support of the application to Magistrates Court

3. Community / Town Council

Laugharne Town Council - in support of the application to Magistrates Court

4. Relevant Partners

Assistant Area Manager - Western

5. Staff Side Representatives and other Organisations

Wales and West Utilities

Openreach

Western Power Distribution

Welsh Water

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Location / Scheme plan	R/5/14/37	