

**27 JANUARY 2021**

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|--------------------------------|--------------------|
| <b>Executive Board Member:</b> | <b>Portfolio:</b>  |
| <b>Cllr. Hazel Evans</b>       | <b>Environment</b> |

**Subject**

**Purpose: STOPPING UP OF PUBLIC HIGHWAY ADJACENT TO TROED Y BRYN, ALLTWALIS**

**Recommendations / key decisions required:**

TO INSTRUCT THE HEAD OF ADMINISTRATION AND LAW TO PROCESS THE STOPPING UP OF A REDUNDANT LENGTH OF PUBLIC HIGHWAY UNDER SECTION 116, HIGHWAYS ACT, 1980

**Reasons:**

To stop up a short length of public highway under Section 116, Highway Act 1980. On successful completion of the order, the land will revert to the control of the adjoining landowner for legal registration.

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|--|---|--|
| Directorate<br>Name of Head of Service:<br>Stephen Pilliner<br>Report Author:<br>Nigel Skinner | Designation<br>Head of Transportation and<br>Highways | Tel No.<br>E Mail Address:<br><a href="mailto:SGPilliner@carmarthenshire.gov.uk">SGPilliner@carmarthenshire.gov.uk</a> |
|--|---|--|

**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 <b>subject to the amendment(s) and reason(s) specified:</b> |          |
| Reason(s) why the Officer's recommendation was <b>not adopted:</b>                                    |          |

## EXECUTIVE SUMMARY

27<sup>th</sup> JANUARY 2021

### STOPPING UP OF PUBLIC HIGHWAY ADJACENT TO TROED Y BRYN, ALLTWALIS

The A485 Ceredigion Link Roads Improvement Scheme was completed circa 2001, Whilst split into phases, the scheme was implemented to improve highway alignment and safety along the A485 between Glangwili and Alltwallis.

The Highways Manager has requested that the old section of highway is stopped up to remove the public highway status and liability.

The area of public highway would be stopped up by way of Order at Magistrates Court under Section 116 of the Highways Act 1980. Upon a successful stopping up order, the land' under' the former public highway would revert to private control for registration. In this instance, the land would revert to adjoining landowners and Carmarthenshire County Council. Adjoining landowners have been consulted by CCC and will be further consulted under the statutory consultation to follow.

The costs associated with the stopping up order will be born by the Council to regularise the current situation.

It is therefore requested that the Head of Administration and Law is instructed 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. Pilliner

Head of Transportation and Highways

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

## 2. 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 a more commodious route. There is an initial consultation process to be undertaken by the Environment Department which includes (inter alia) corresponding with the Community Council seeking its views on the proposal.

Should Executive Board consent be forthcoming there is then a requirement to make an application to the Magistrates Court to seek an Order pursuant to section 116 of the Highways Act 1980 to stop-up the highway. It will be necessary for an officer from the Authority to present evidence at the hearing advising why the application is appropriate and that the granting of the Order is necessary.

## 3. Finance

The stopping up will carry a financial implication met by CCC to administer the order but will benefit from the removal of future maintenance and public liabilities.

## 7. Physical Assets

On successful completion of the Order the Asset register can be amended for the removal of the Public highway.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S. Pilliner

Head of Transportation and Highways

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

## 1.Scrutiny Committee

N/A

## 2.Local Member(s)

Cllr. Dorian Williams – in support of the application to Magistrates Court

## 3.Community / Town Council

Llanllawddog Community Council – in support of the application

## 4.Relevant Partners

Assistant Area Manager, Western Division - in support.

## 5.Staff Side Representatives and other Organisations

Wales & West Utilities

Openreach BT

Western Power Distribution

Welsh Water

Dyfed Powys Police, Mid & West Wales Fire Brigade, NHS

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW OR THERE ARE NONE** (Delete as applicable)

| Title of Document      | File Ref No. | Locations that the papers are available for public inspection |
|------------------------|--------------|---|
| Location / Scheme Plan | R / 5 / 14   | Electronic files  |
|                        |              |   |
|                        |              |   |