

# CABINET MEMBER DECISIONS MEETING FOR ENVIRONMENT

3<sup>RD</sup> DECEMBER 2021

<b>Cabinet Member:</b> Cllr. Hazel Evans	<b>Portfolio:</b> Environment
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## STOPPING UP OF PUBLIC HIGHWAY AT DYFFRYN FARM, BYNEA

### 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 highway under the provision of Section 116, Highways Act 1980. Upon completion of a successful order at Magistrates Court, the land would revert to the adjoining landowner for legal registration

Directorate Name of Head of Service: Stephen Pilliner	Designation Head of Transportation and Highways	E-mail SGPilliner@carmarthenshire.gov.uk
Report Author: Nigel Skinner	Transport Strategy and Infrastructure Engineer	E Mail Address: NJSkinner@carmarthenshire.gov.uk

**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

Signed: \_\_\_\_\_ DATE: \_\_\_\_\_  
CABINET 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

## CABINET MEMBER DECISIONS MEETING FOR ENVIRONMENT

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### STOPPING UP OF PUBLIC HIGHWAY AT DYFFRYN FARM, BYNEA

An improvement scheme undertaken many years ago provided a new access to the Welsh Water Sewage Treatment Plant and Travellers Site. There was a commitment given by Llanelli Borough Council to the then owner of Dyffryn Cottage, to stop up the former highway and return the land back to Dyffryn Farm.

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 land registration. In this instance, the land would revert to adjoining landowner at Dyffryn Farm. The adjoining landowner has 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 borne 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.

REPORT ATTACHED?

NO

Attached is a location map showing area of public highway to be stopped up

# 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 Transportation and Highways

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

## 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.

## 6. Physical Assets

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.

## CONSULTATIONS

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

Signed: : S.G.Pilliner

Head of Transportation and Highways

### 1. Scrutiny Committee - N/A

### 2. Local Member(s)

Cllr. Derek Cundy - approval

### 3. Community / Town Council

Llanelli Rural Council - approval

### 4. Relevant Partners

Area Manager - approval

### 5. Staff Side Representatives and other Organisations

Network Rail – no comment

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:

**THERE ARE NONE**