

CABINET MEMBER DECISIONS MEETING FOR ENVIRONMENT

3RD DECEMBER 2021

Cabinet Member: Cllr. Hazel Evans	Portfolio: Environment
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STOPPING UP OF PUBLIC HIGHWAY AT B4300 Nr. THE POLLEN, NANTGAREDIG

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 subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

CABINET MEMBER DECISIONS MEETING FOR ENVIRONMENT

3RD DECEMBER 2021

STOPPING UP OF PUBLIC HIGHWAY AT B4300 Nr. THE POLLEN, NANTGAREDIG

A former highway improvement scheme has rendered the section of cul-de-sac highway redundant and surplus to requirement. I have liaised with the Area Manager who has confirmed the length of old road is no longer required for operational purposes.

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 the two adjoining landowners. The 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 borne by the applicant with an advance payment of £2500 to cover the costs.

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
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 the Cabinet Member 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. The landowner is covering the costs of this process.

7. 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. Ann Davies - approval

3. Community / Town Council

Llanarthne Community Council – awaiting response

4. Relevant Partners

Area Manager - approval

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:**

THERE ARE NONE