

**CITY AND COUNTY OF CARDIFF**

**PLANNING COMMITTEE:**

**REPORT OF THE CORPORATE DIRECTOR - CITY OPERATIONS**

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**APPLICATION FOR STOPPING UP OF HIGHWAY,PUBLIC RIGHT OF WAY  
26 WHITCHURCH, SECTION 118,HIGHWAYS ACT 1980.**

**Background Section 118 Stopping Up Prow Whitchurch 26**

The path has been built on at each end between Pen Y Dre and Heol Wen and on neither occasion did the Planning Service area impose the necessary stopping up Orders via Section 247 Town and Country Planning Act 1990.

**Issues**

The Highway legally exists within the domain of property titles until such time as it is legally extinguished by the process of Section 118, Highway Act 1980.

There is an alternative pedestrian pavement at Pen Y Dre and therefore the highway is not needed.

**Legal Implications**

The Highway Authority has powers to stop up highway no longer needed under Section 118 Highways Act 1980.

**Recommendation**

The recommended decision is: To Stop Up highway which has already been built upon at both ends and that Chief Officer, City Services requests Legal Services to make a Section 118 Order.

The reason for the recommended decision is: There is an alternative pedestrian pavement at Pen Y Dre and therefore the highway is not needed.

## **Background Papers**

1. Plan of location.
2. Copy of Draft Survey.