

PLANNING COMMITTEE:

18 MARCH 2020

TITLE: Section 116 Stopping Up Order Highways Act.

Bridge Road, St Mellons

REPORT OF DIRECTOR OF PLANNING, TRANSPORT AND ENVIRONMENT: Andrew Gregory

REASON FOR THIS REPORT

To request the Planning Committee direct Legal Services to make a Stopping Up Order under Section 116 Highways Act 1980 via the Magistrates Court..

BACKGROUND

Persimmon Homes built a development to the west of bridge Road and the retaining wall has encroached upon the existing adopted highway.

WAG cannot retrospectively stop up highway ,therefore it is necessary for Highways to extinguish the live highway on the grounds that it is no longer needed since there has a retaining wall constructed to permit the new development.

ISSUES

The Highway needs to be stopped up to reflect the on site layout of the highway in mapping form as the Authority maintains an adopted highway register.

A Section 116 Stopping Up Order will be determined at Magistrates Court,

LOCAL MEMBER CONSULTATION (ST MELLONS)

1. No objections received from Statutory Consultees.
2. **Reason for Recommendations** To amend the adopted register and reflect the on site layout and legal status of “live” Highway.

FINANCIAL IMPLICATIONS

3. The Developer has agreed to pay Legal Order fees.

LEGAL IMPLICATIONS (INCLUDING EQUALITY IMPACT ASSESSMENT WHERE APPROPRIATE)

4. None

HR IMPLICATIONS

5. No

RECOMMENDATIONS

To Instruct Legal Services to process the Section 116 Highways Act 1980 Stopping Up Order via the Magistrates Court.

NAME OF DIRECTOR: Andrew Gregory

The following appendices are attached:

- Stopping Up Application
- Map showing path hatched red to be extinguished.
- Signed Officer Decision Report