

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

16 November 2017

Report of the Strategic Director – Economy, Transport and Environment

**SECTION 116 OF THE HIGHWAYS ACT 1980 – PROPOSED STOPPING
UP OF HIGHWAY ADJACENT TO SLACK FARM, SLACK, ASHOVER**

(1) **Purpose of the Report** To seek the Cabinet Member's approval for the processing of an Order under Section 116 of the Highways Act 1980, to extinguish highway rights on an area of land within the curtilage of Slack Farm, Slack, Ashover.

(2) **Information and Analysis** The Council has received and application from Slack Farm to stop up (removing highway rights) an area of land within the curtilage of Slack Farm, Slack, Ashover. The area (shaded dark grey on the attached plan) has already been enclosed within the curtilage of Slack Farm having previously being the line of Slack Road before its realignment.

Following the road's realignment, the area of land subject to this report was not stopped-up and therefore an Order under Section 116 of the Highways Act is required to formalise the situation.

The Council is satisfied that the land, subject to this report, is not required for highway purposes.

The applicant has made a formal request under Section 177 of the Highways Act 1980 that the Council uses its powers under Section 116 of the Highways Act 1980 to process the Stopping-Up Order. The applicant has further agreed to pay the Council's costs of making the application.

(3) **Financial Considerations** The applicant has confirmed that it will meet all reasonable costs incurred by the County Council in processing the Order, whether successful or not. These are estimated at up to £5,000 in respect of an uncontested matter, but could be higher if there are objections to the proposed stopping up.

(4) **Legal Considerations** Section 116 of the Highways Act 1980 provides that a Highway Authority may apply to the Magistrates' Court for a highway to be stopped up on the grounds that it is unnecessary.

Part 1 Schedule 12 of the Act requires that notices are served on various parties prior to the Highway Authority making an application to the Magistrates' Court for an Order. This includes the publication of a notice in the press and the posting of notices on site.

The Director of Legal Services will be required to undertake all necessary steps to seek a Stopping-Up Order in respect of this land, including the formal submission of the case to the Magistrates' Court.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No,

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Steve Mead, extension 38577.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises the Director of Legal Services to undertake all the necessary steps to obtain a Stopping-Up Order under Section 116 Highways Act 1980 for the area of land shown shaded dark grey on the attached plan being land within the curtilage of Slack Farm, Slack, Ashover.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

H.M. LAND REGISTRY		TITLE NUMBER	
		DY 222189	
ORDNANCE SURVEY PLAN REFERENCE	SK3262/SK3362	SECTION	Scale 1/2500
COUNTY DERBYSHIRE		DISTRICT NORTH EAST DERBYSHIRE	© Crown copyright 1991

