

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

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

26 April 2018

Report of the Strategic Director – Economy, Transport and Environment

**SECTION 116 OF THE HIGHWAYS ACT 1980 – PROPOSED STOPPING
UP OF HIGHWAY BETWEEN 32 AND 33 WOOD GARDENS, HAYFIELD**

(1) **Purpose of 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 between 32 and 33 Wood Gardens, Hayfield, Derbyshire.

(2) **Information and Analysis** Following the development of Wood Gardens, the area of land subject to this report (hatched red on the attached plan ref HMT/IM/626/17) was not stopped-up. The area in question has been incorporated within the curtilage of 33 Wood Gardens and therefore an Order under Section 116 of the Highways Act 1980 (the Act) is required to formalise the situation.

The applicant has made a formal request under Section 117 of the Act that the Council, as Highway Authority, uses its powers under Section 116 of the Act 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 they will meet all reasonable costs incurred by the County Council in processing the Order, whether successful or not.

(4) **Legal Considerations** Section 116 of the 1980 Act 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 for the public to pass and repass.

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.

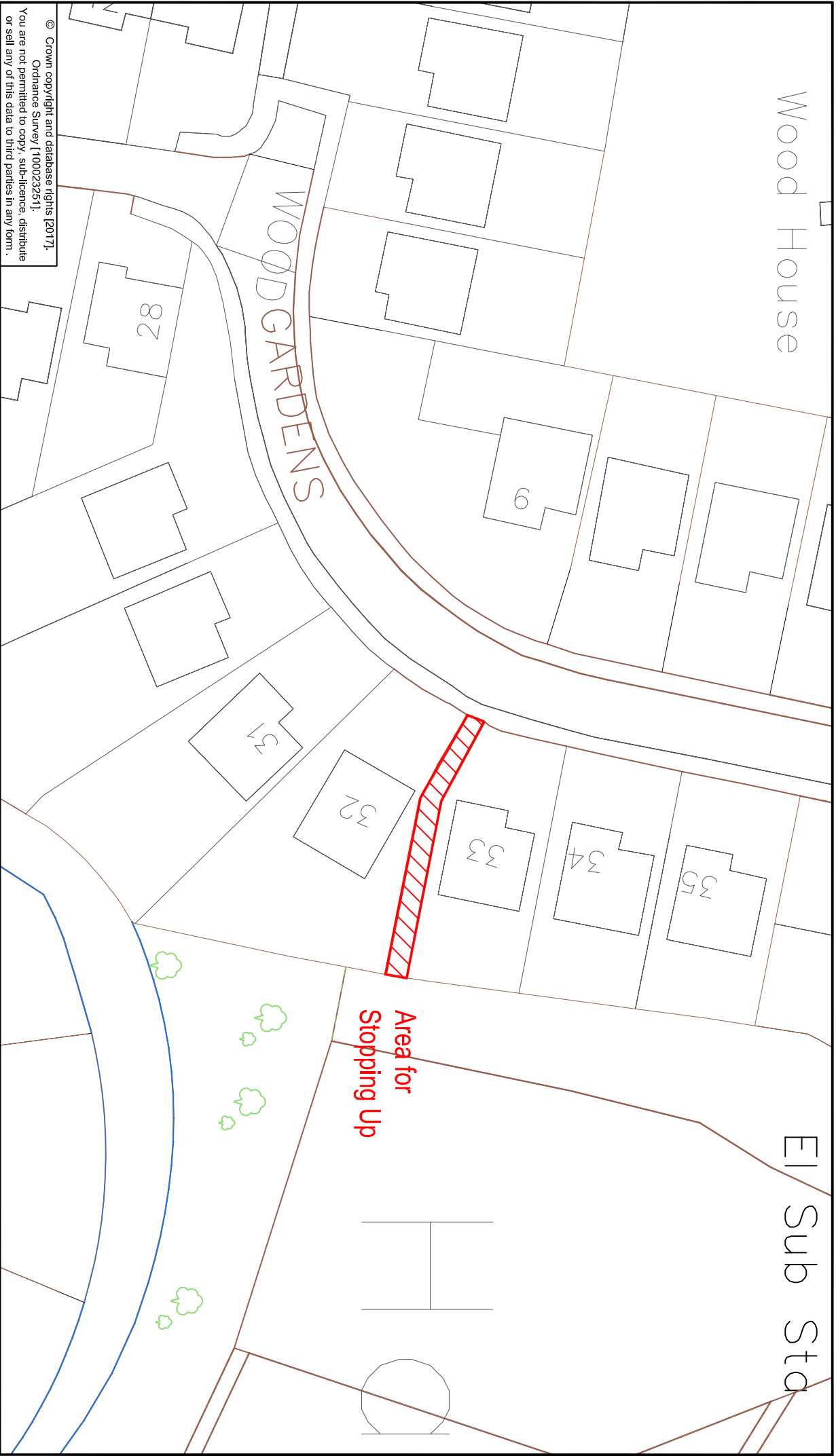
(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Isobel Mulligan, extension 38677.

(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 of the Highways Act 1980 for the area of land shown hatched red on the attached plan ref HMT/IM/626/17 being land between 32 and 33 Wood Gardens, Hayfield.

Mick Ashworth
Strategic Director – Economy, Transport and Environment

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MIKE ASHWORTH
Strategic Director
Economy, Transport and Environment



 FM641223 / FM641224	PROJECT TITLE Section 116 of the Highways Act Proposed Stopping Up Land between 32 & 33 Wood Gardens		
	DRAWN IM	CHECKED SB	APPROVED SA
	Date 15-06-17	Date 15-06-17	Date 15-06-17
DRAWING TITLE Location Plan Wood Gardens Hayfield	Project / Confirm Reference No. HMT/IM/626/17		
	SCALE 1:500		
	Drawing Number HMT/IM/626/17		
<small>ORIGINAL DRAWINGS SIZE 297 x 210 (A4)</small>			
AMENDMENT DETAILS			
BY	CHKD	APVD	DATE