

Agenda Item No. 7(k)

DERBYSHIRE COUNTY COUNCIL

CABINET

22 September 2015

Report of the Strategic Director – Economy, Transport and Environment

**ILKESTON RAIL STATION – DIVERSION OF HIGHWAY (HIGHWAYS,
TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek Cabinet approval to make an application under Section 116 of the Highways Act 1980 to divert a public highway on to the new footbridge access to Ilkeston Rail Station and permit the removal of the existing footbridge adjacent to Coronation Road, Ilkeston.

(2) **Information and Analysis** Cabinet has considered a number of reports into Ilkeston Rail Station, most recently on 28 July 2015 (Minute No. 272/15 refers). At this meeting, Cabinet approved an additional financial contribution and authorised the Director of Legal Services to agree an Implementation Agreement with Network Rail under which the final stages of the station will be constructed.

This has allowed the scheme to move into its construction phase and it is anticipated that the station will be open to passengers in Spring 2016.

The station design includes the new footbridge adjacent to Coronation Road as it passes over the railway as shown attached. The bridge will provide access to the steps and ramps leading to the platforms but will also provide a modern, high-quality route for pedestrians passing through the station site along Coronation Road. This new, 3 metres-wide bridge, built to current design and lighting standards, will replace the existing footbridge which is much narrower and is unattractive and even intimidating to users.

The new bridge has been designed to a higher standard than the minimum required to cater for the forecast number of pedestrian movements, being wide enough to provide a much more open and attractive through route and entrance to the station. As local planning authority, Erewash Borough Council is keen to see this high-standard design as a key element of the integration of the station into a wider package of connectivity improvements.

The new bridge sits on an alignment parallel to the existing bridge. While this could, in theory, be left in place, the bridge and a short section of connecting

footway will be redundant and form an unnecessary maintenance liability for the County Council if not removed. As the existing bridge carries part of the public highway, an order is required under Section 116 of the Highways Act 1980 to divert the highway onto the new bridge and stop up the old bridge. This report seeks the approval of Cabinet to initiate the legal process to secure the diversion.

(3) **Financial Considerations** Costs of the procedure to divert the highway are minimal and can be met from within the approved budget for Ilkeston Rail Station.

(4) **Legal Considerations** Section 116 of the Highways Act 1980 empowers a Magistrates' Court to make an Order to stop up or divert a public highway. Where the County Council makes an application for a diversion of a highway, it must demonstrate to the Court that the route can be diverted so as to make it nearer or more commodious to the public. The Council's application will rely on the fact that the route would offer a more commodious route for the public in accessing the new Ilkeston Station and an improved crossing of Coronation Road.

A Diversion Order under Section 116 of the Highways Act 1980 cannot be made unless the written consent of every person having a legal interest in the land, over which the highway is to be diverted, is produced to the Court. Network Rail has indicated verbally that it consents to the diversion of the route over the new footbridge and will be asked to confirm this in writing prior to the application being made to the Court.

If the Court agrees to grant the Diversion Order, the stopping up of the redundant bridge section will not be authorised until the new part of the highway over the bridge, adjacent to the new station, is completed to the satisfaction of the Magistrates.

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 and transport considerations.

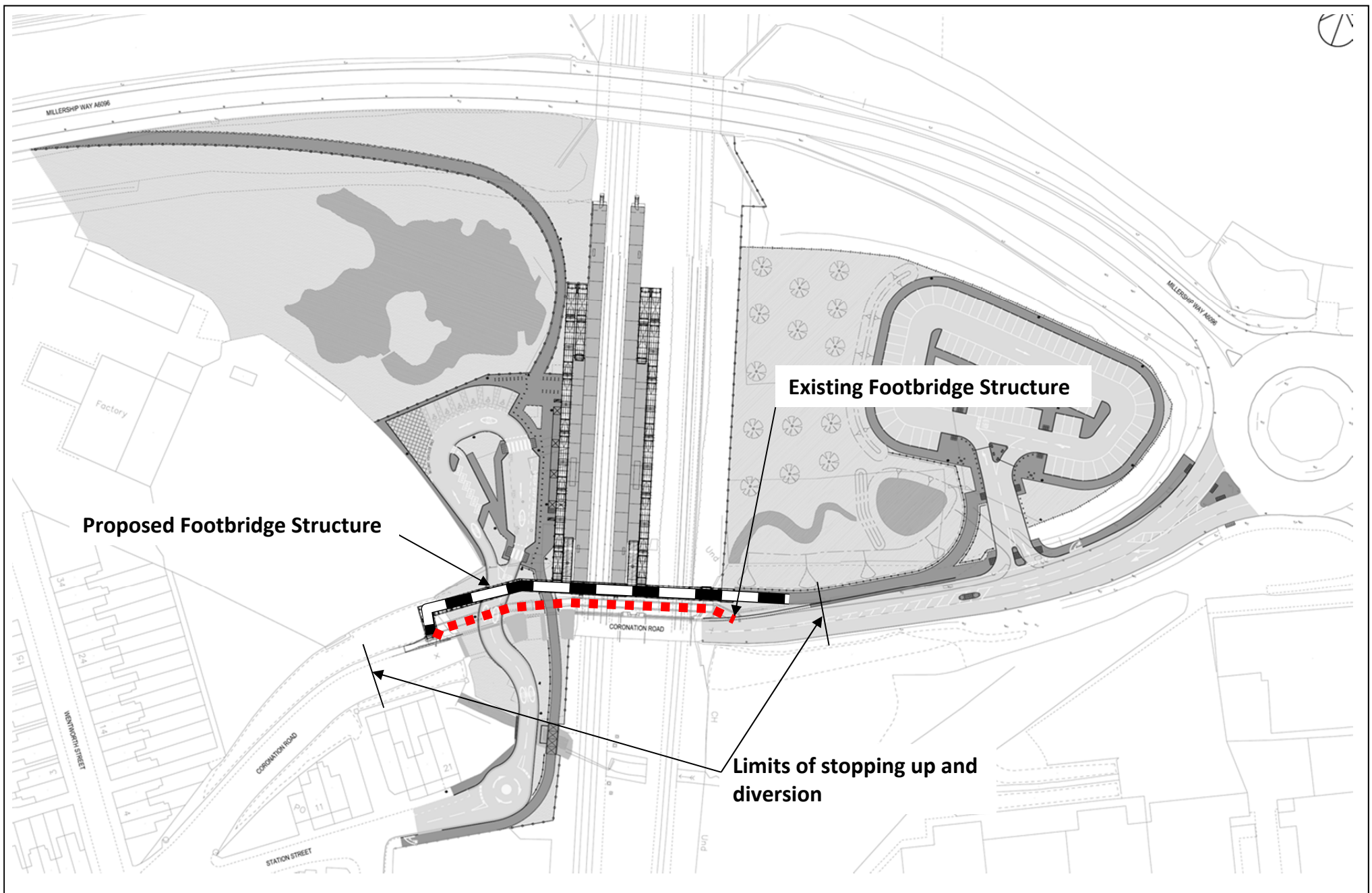
(5) **Key Decision** No.


(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 – Geoff Pickford, extension 38194.

(8) **OFFICER'S RECOMMENDATIONS** That Cabinet authorises the making of an application under Section 116 of the Highways Act 1980 to divert a public highway on to the new footbridge access to Ilkeston Rail Station and stop up the public highway over the existing footbridge adjacent to Coronation Road, Ilkeston.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



 <p>DERBYSHIRE County Council Improving life for local people</p>	<p>Project</p> <p>Ilkeston Rail Station</p>	<p>Title</p> <p>Layout and Pedestrian Bridge</p>	<p>September 2015</p> <p>Drawing No.</p>	<p>N.T.S</p> <p>Figure 1</p>
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