

Agenda Item No. 5(b)

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS COMMITTEE

12 September 2016

Report of the Strategic Director – Economy, Transport and Communities

**SECTION 129 OF THE HIGHWAYS ACT 1980 – PROPOSED STOPPING-UP OF PUBLIC FOOTPATH NO.6 – PARISH OF LONG EATON**

(1) **Purpose of Report** To seek the Committee's approval to the making of an application to the Derby Magistrates' Court seeking the stopping-up of Public Footpath No.6 in the Parish of Long Eaton.

(2) **Information and Analysis** The County Council has received an application from Network Rail for the extinguishment of this footpath (route **A-B-C** on the appended plan TE/DM/X4062/Cttee/2016) on the basis that it is unnecessary.

The application is made by Network Rail as stopping-up the footpath would facilitate the cost-effective management of the railway infrastructure, in particular, not having to repair or replace a footbridge (at Point **B**) that is subject to corrosion. The footpath proposed to be stopped-up is considered to be unnecessary as there is an alternative route between the ends of the footpath along Cross Street and Station Street (route **A-D-C**). A level crossing (Point **C**) allows access across the railway on this route, which at 235 metres is some 60 metres shorter than Public Footpath No. 6. That part of the path to the rear of properties on Bonsall Street would be retained as a private access for these properties and Network Rail proposes to provide keys for a locked gate at Station Road.

Network Rail carried out a survey of the use of the route over a 10 day period in August 2015, during which time 139 people used the route. It is not known what proportion of these were residents of Bonsall Street as distinct from other members of the public.

Erewash Borough Council has been consulted as required by Section 116 of the Highways Act 1980 and no objections were received. There are no Parish or Town Councils with which to consult. Enquiries with the statutory undertakers have confirmed that they are not affected by the proposals and, although one objection was raised initially by National Grid, this has now been withdrawn. Consultation with adjacent landowners has also taken place with

two responses outstanding. However, it is not anticipated that any objections will be received. The local Member, Councillor Roland Hosker, was consulted and raised no objections.

(3) **Financial Considerations** Network Rail has agreed in writing to defray all costs relating to the extinguishment, including Officer time, court fees and advertising, which are estimated to be in the region of £5,000.

(4) **Legal Considerations** Section 116 of the Highways Act 1980 bestows the power of a Magistrates' Court to authorise stopping-up or diversion of highways. The owner of a property is unable to apply to the Court for a Stopping-Up Order for closure of a footpath but Derbyshire County Council, as Highway Authority, is empowered under Section 117 of the Act, to apply for an Order on their behalf and recover its reasonable costs from them.

Following the stopping-up of the route, the responsibility for the land will revert to the subsoil owner.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

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

(6) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details - David McCabe, extension 39770.

(7) **OFFICER'S RECOMMENDATION** That the Committee approves the making of an application by the Director of Legal Services under Section 116 of the Highways Act 1980 for the stopping-up of Public Footpath No.6 in Long Eaton.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**



Ref: TE/DM/X4062/Cttee/2016



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## Highways Act 1980, Section 116

### Proposed Extinguishment of Footpath no. 6 - Parish of Long Eaton

**Key:**

- Proposed Footpath Extinguishment
- Alternative route
- Other recorded public footpaths

