

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting:	3 August 2009
Report of:	Head of Environmental Services
Subject/Title:	Proposal to Stop Up Highway Land at 134 Nantwich Road, Crewe

1.0 Report Summary

- 1.1 An application has been received from the owners of the property at 134 Nantwich Rd to stop up an area of highway land shown hatched on the attached plan.

2.0 Recommendations

That the Cabinet Member for Environmental Services declare unnecessary and surplus to Highways Operations requirements, the area of highway land shown hatched on the attached plan, and authorise the submission of an application to the Magistrates' Court, for all rights to be stopped-up over this area, in accordance with Section 116 of the Highways Act 1980.

3.0 Reasons for Recommendations

- 3.1 The proposals are consistent with the Council's Policy on Highways Maintenance and are in accordance with the duty placed on the Authority under Section 116 of the Highways Act 1980.
- 3.2 The Council has the power under Section 117 of the Highways Act 1980 to make such an application on behalf of another person.

4.0 Wards Affected

- 4.1 Crewe South

5.0 Local Ward Members

- 5.1 Cllr David Cannon
Cllr Dorothy Flude
Cllr Betty Howell

6.0 Policy Implications

None

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Before an application can be made to the Magistrates' court it will be necessary to notify certain parties of the proposal and to publicly advertise the council's intention to make the application. In considering the application, the court will determine whether the highway is unnecessary and in doing so, will take into account any representations received. It is a possibility, therefore, that the Magistrates may refuse the application. If the application is successful, the highway rights are extinguished and ownership of the surface will revert to the subsoil owner.

10.0 Risk Management

10.1 No risks identified

11.0 Background and Options

11.1 The area of highway land is considered to be unnecessary and surplus to requirements.

11.2 The Utility Companies have been consulted and they have no objection to the stopping up order. The Companies would still retain their right of access to any apparatus as exists. The applicant has agreed to bear the cost of any equipment diversions if required.

11.3 The company plan to install decorative fencing, contiguous with their adjacent property (No 136 Nantwich Road) thereby enhancing the street scene in the area.

11.4 The proposals are consistent with the Council's policy on Highways Maintenance and the application will be submitted in accordance with the procedures required within Section 116 of the Highways Act 1980.

11.5 The matter has been considered and approved by the Crewe and Nantwich Local Joint Highways and Transportation Committee at their meeting on 26 January 2009.

12.0 Overview of Year One and Term One Issues

12.1 None

13.0 *Access to Information*

The background papers relating to this report can be inspected by contacting the report writer:

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