

## Report to the Cabinet

Meeting to be held on Thursday, 12 October 2017

### Report of the Head of Service, Highways

**Part I**

Electoral Division affected:  
Leyland South West

#### Highways Act 1980 - Section 116

#### Proposed stopping-up of the Public Highway

#### Highway (U5847) Redwood Avenue (part), Leyland, South Ribble District

(Appendices 'A' and 'B' refer)

Contact for further information:

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#### Executive Summary

This report proposes the stopping up of part of Redwood Avenue, Leyland, following an application to the County Council as the local Highway Authority to request the Authority to make an application to the Court for the public highway to be stopped up under Section 116 Highways Act 1980.

#### Recommendation

The Cabinet is recommended to authorise the Director of Governance, Finance and Public Services to apply to the local magistrates for the stopping-up, under Section 116 Highways Act 1980, of a highway known as Redwood Avenue (part) approximately 60 square metres shown shaded on the attached plan (Appendix 'A' refers) on the basis that it is no longer necessary for public use.

#### Background and Advice

A request has been received from the owner of number 19 Redwood Avenue regarding the area shown on Appendix 'A', requesting that the area shaded red be stopped up. The applicant wishes the land to be incorporated within the curtilage of 19 Redwood Avenue. It is considered that there will be a sufficient area of the highway extent available for the public to use as a footway at this location and the land shaded on the plan is not needed. The cul de sac location will be noted from the plan. The existing footway crosses the area that is proposed to be stopped up but as part of the application the applicant will fund the construction of a new footway and vehicle crossing as shown in Appendix 'B'. This work will be carried out by the County Council prior to the application going to court. The applicant is aware that

there is a risk that the court will decline the application. The highway shown shaded red on the plan attached (Appendix 'A' refers) is therefore no longer required for highway purposes.

### **Consultations**

Statutory consultees, South Ribble Borough Council, Lancashire Constabulary and the County Councillor for Leyland South West have been consulted and one letter of objection was received from BT Openreach due to concerns that they may have had apparatus in the area proposed to be stopped up. Following further investigations confirming that they did not have apparatus in the location, BT Openreach withdrew their objection.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

No significant risks have been identified in relation to the proposals contained within this report.

### **Financial**

All the costs associated with the stopping up application and the required improvements to the footway will be met by the applicant.

### **Legal**

No significant risks have been identified in relation to the proposals contained within this report.

### **List of Background Papers**

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate		
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