

CYNGOR SIR POWYS COUNTY COUNCIL.

**Planning, Taxi Licensing & Rights of Way Committee
2018**

**REPORT AUTHOR: Adrian Jervis
Acting Head of Highways, Transport and Recycling**

SUBJECT: U0268 Blaen Clydach, near Trecastle, Brecknockshire

REPORT FOR: Decision

Summary

This report seeks Committee approval to commence formal consultation with a view to the stopping-up of a short section of county unclassified road at Blaen Clydach near Trecastle in Brecknockshire under Sections 116/117 of the Highways Act 1980.

Proposal

The Authority has received an application to stop-up and remove all public highway rights on a section of unclassified county road U0268 at Blaen Clydach near Trecastle as shown in Appendix A to the report. The basis for this is that the applicant considers that the way is no longer necessary.

Removal of the public rights from this section of highway will have no impact on the rest of the public highways and rights of way network and would remove the current liability for the council to maintain this section. Currently there is a partially collapsed retaining wall on this section which the council is liable for and is in the early stages of design with a view to undertaking repairs this year. The applicant has stated that they are wholly prepared to accept liability for the wall in its current state should the stopping up be successful and undertake the repairs at their own cost.

Under Powys County Council Constitution Section 13 (Responsibility for Functions) decisions relating to applications under Sections 116/117 of the Highways Act 1980 are delegated to the Planning, Taxi Licensing & Rights of Way Committee.

If Committee agree to progress there will be a need to undertake consultation with a range of parties as set out under Sections 116/117 of the Highways Act 1980. This will include adjacent landowners, parish council(s), statutory undertakers and other potential interest groups. If no significant objections are received an application would be made to the Magistrates Court. Notification of the application is required on site and in local media so that the public are able to present their objection(s) at court.

Powys Change Plan

The recently published Powys Vision 2025 document details the vision for the future of Powys.

This proposal would remove a liability from the Council.

Options Considered/Available

Three options have been considered:

1. Not to make an application to stop up highways rights on the section of road;
2. To make an application to stop up highway rights and to ask the adjacent land owner(s) to meet the costs of the process;
3. To make an application to stop up highway rights with Powys County Council meeting the costs.

Preferred Choice and Reasons

The preferred choice is Option 2 with the Council making an application to the Magistrate Court to remove all highway rights. The cost of the process, estimated to cost up to £3,000 would be borne wholly by the applicant.

The Highways Act 1980 sets out the requirements for making such an application. The Council is required to undertake certain steps before making the application to ensure that the interests of any interested parties are duly considered.

Local Member(s)

Cllr Phyl Davies Portfolio Holder for Highways comments that he is happy with the proposal and would welcome comment from the local member.

Cllr Edwin Roderick has been made aware of the request and will have further opportunity to comment on the matter under a formal consultation should Committee support the recommendation.

Other Front Line Services

Countryside Services have been consulted in respect of confirming that it is not necessary to retain the rights of a footpath or bridleway on the section of route. They have commented that there are no footpaths, bridleways, restricted byways or byways open to all traffic currently shown on the definitive map and statement and therefore have no objection to the proposal.

Local Service Board/Partnerships/Stakeholders etc

Stakeholder views are accounted for through Sections 116/117 of the Highways Act 1980.

Recommendation:	Reason for Recommendation:
1. That the process for making an application under Sections 116/117 of the Highways Act 1980 to stop-up all public rights on the section of the U0268 as shown in Appendix A to the report be commenced.	To provide the necessary consent for the process to commence in accordance with the Council Constitution.
2. Subject to there being no significant objection(s) an application be made to the Magistrates Court to stop up the highway with all costs of the process being met by the applicant.	To allow for the section of U0268 identified in Appendix A to be stopped up.

Relevant Policy (ies):	
Within Policy:	Y / N
Within Budget:	Y / N

Relevant Local Member(s):	County Councillor Edwin Roderick, Maescar & Llywel
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Person(s) To Implement Decision:	Network Manager & Legal Services
Date By When Decision To Be Implemented:	As soon as practicable

Contact Officer Name(s):	Tel:	Fax:	Email:
Antony Roberts	01597 826619		antony.roberts@powys.gov.uk

Background Papers used to prepare Report:

Highways Act 1980.

Definitive Map.