

## **Stopping-Up of Public Highway – Part of UCR number 57 at Week – Milton Abbot**

Report of the Local Service Officer (Okehampton)

**Recommendation:** It is recommended that an application under Section 116 of the Highways Act 1980 be made to the Magistrates' Court for the stopping up of a short length of highway as shown on Drawing No. Week 2 on the grounds that it is unnecessary for vehicular traffic once the new road is adopted, the Committee confirms it has no objections to the stopping up.

**Note:** This recommendation is subject to confirmation by West Devon Highways and Traffic Orders Committee before taking effect.

### **1. Summary**

This report proposes the stopping-up of a length of public highway at Week farm that will serve no useful public purpose once the newly constructed development road has been adopted.

### **2. Background**

As part of the development of Week farm the developer constructed a new road intended to serve as a new access to the farm development. The road is illustrated on the plan Week 1 and has been constructed in accordance with Devon County Council requirements.

The adoption of this road as highway maintainable at public expense is imminent and can be completed once agreement is reached on a drainage issue.

Once the new road is adopted the section of old road will serve no useful public purpose. Its stopping-up would release the Highway Authority of its maintenance liabilities in respect of a short section of road that is in poor condition.

The developer owns the land on both sides of the length of road that it is recommended for stopping-up and has agreed to bear the costs of the legal process.

### **3. Consultation**

Letters have been sent to the West Devon Borough Council and the Milton Abbot Parish Council. Their views will be reported verbally to the Committee.

### **4. Reasons for reaching the Recommendation**

The length of road will no longer serve any highway purpose. There are no public rights of way leading to this section of road. The only private accesses to this section of road are in the ownership of the applicant and the principal access will be at the end of the road due to be adopted.

## 5. Sustainability Considerations

The stopping up of this section of highway will allow the developer to incorporate it into his adjoining land holdings as part of the development proposals. This will remove the possibility of it being used for fly tipping or other unauthorised purposes and so have environmental benefits.

## 6. Alternative Options Considered

- (a) Not stopping up - discounted due to ongoing maintenance liabilities.
- (b) Developing site for other uses – discounted as land not in DCC ownership and too narrow to be useful as a highway landing.

Brian George

**County Electoral Divisions:** Okehampton Rural  
**District Council Wards:** Milton Abbot

Local Government Act 1972

List of Background Papers

Contact for enquiries: Bob Temlett – Clive King

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Background Paper	Date	File Ref.
Nil		

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sc/stopping up of highway  
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