

Brunel Road, Newton Abbot: Stopping-up of Highway

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that:

- (a) the Committee confirms and resolves that it has no objection to an application be made to the Magistrates Court under Section 116 of the Highways Act 1980 for the stopping-up part of the public highway in Brunel Road, Newton Abbot as shown on the accompanying Drawing attached as Appendix I; and**
- (b) authority be delegated to the local member and chair to resolve any issues following the necessary consultations specified in section 4 of this report.**

1. Background

Following an Ofsted Report, officers from the authority were tasked to improve parking for those staff working from Estuary House. A section of land in Brunel Road was identified as parking for those staff and after investigation it was identified as public highway.

Initially, in 2015 an experimental traffic order was made to restrict parking in this area to permit holders from Estuary House.

After review with the estates and legal teams, it was deemed appropriate to stop up the section of highway as it was considered that the land is no longer required to be public highway.

The section of highway is deemed unnecessary. It has no network function, existing as a stub road adjacent to Brunel Road access and egress achieved from its northern junction. Vehicular traffic is not reliant on this section to navigate the Brunel Road area, and pedestrian access through the section will be maintained on the South West side.

2. Proposal

It is recommended that an application is made to the Magistrates' Court under Section 116 of the Highways Act 1980 for the stopping-up of part of the public highway in Brunel Road, Newton Abbot as shown on the Drawing attached as Appendix I.

3. Options

The option of retaining the land as public highway is not considered appropriate as the land serves no purpose as part of the operational road network.

4. Consultations

Consultations will be carried out with Newton Abbot Town Council and Teignbridge District Councils and those statutory undertakers with utilities affected. The results of these consultations will be discussed with the local member and chair before a final decision is made whether to proceed with the application to the Magistrates Court.

5. Financial Considerations

The land will remain within the jurisdiction of Devon County Council however it will not be bound by highway safety rules and can be maintained to a different standard saving the authority money.

6. Environmental Impact Considerations

It is not proposed to change the use of the land and therefore it is considered that this proposal does not have any impact on the environment.

7. Equality Considerations

No new policies are being recommended in this report and therefore an Equality Impact and Needs Assessment are not considered necessary.

8. Legal Considerations

Under Section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to stop up this type of Road on the ground that it is 'unnecessary'. Whether a highway is unnecessary is a question of fact. It should be unnecessary for the sort of purpose for which the public might reasonably be expected to use it, for example, to reach a specific destination or for recreational purposes.

9. Risk Management Considerations

No risks have been identified.

10. Public Health Impact

It is not proposed to change the use of the land and therefore it is considered that this proposal does not have any public health impacts.

11. Reasons for Recommendations

The area in question serves no purpose as public highway and stopping up removes the requirement for the authority to maintain it.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Division: Newton Abbot North

Local Government Act 1972: List of Background Papers

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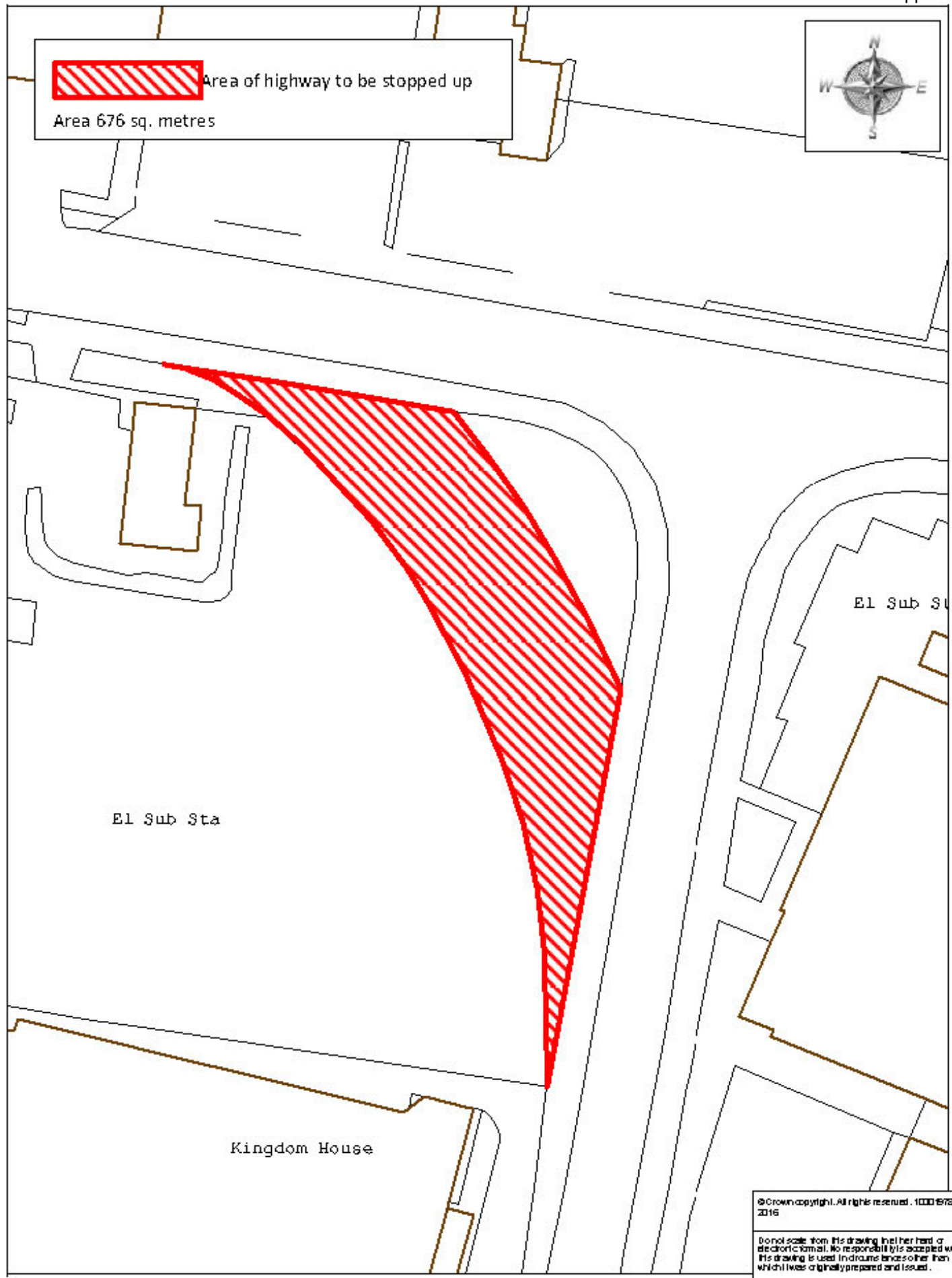
Background Paper	Date	File Ref.
None		

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sc/cr/brunel road rewtton abbot stopping up of highway
04 060716



Area of highway to be stopped up

Area 676 sq. metres



E1 Sub Sta

Kingdom House

E1 Sub Sta

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SCHEME

Brunel Road, Newton Abbot

DRAWING

Stopping Up Order

drawn by

PG

scale

1:500

date

04-Jul-2016

O.S. Ref

287050,71344

drawing number

SU16-002/1 (A)