

Agenda Item IMD16

INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2016/16

TITLE	Stopping Up of Highway – Part of Whitley Wood Lane Spur Road, Shinfield
DECISION TO BE MADE BY	John Kaiser, Executive Member for Planning and Highways
DATE AND TIME	12 April 2016 at 10:00
WARD	Shinfield North
DIRECTOR	Director of Environment, Heather Thwaites
REPORT TO BE PUBLISHED ON	4 April 2016
VENUE	WSP Room, 2 nd Floor, Shute End Offices.

OUTCOME / BENEFITS TO THE COMMUNITY

As this area of publicly maintained highway is considered to be 'surplus to requirements', the outcome and benefits of stopping it up will be a proportionate reduction the Council's maintenance and cleansing responsibilities and the mitigation of possible future "abuse" liabilities.

RECOMMENDATION

That an application is made by Wokingham Borough Council, to the local Magistrates' Court, to stop up a part of the Whitley Wood Lane spur road adjacent to the Shinfield Players Theatre.

SUMMARY OF REPORT

A request has been received from the Chairman of the Shinfield Players Theatre to stop up part of the Whitley Wood Lane spur road adjacent to the Theatre, as it is considered by them to be no longer necessary for public highway purposes. The area in question previously provided access to the former Met Office buildings and land but these have now been redeveloped as residential properties and access is no longer possible. In officers' opinion the area is 'surplus to requirements'. To stop up an area of public highway the Council is required to make an application to the local Magistrates' Court for a stopping up order and approval is being sought to make the appropriate application.

Background

A request has been received from Mr. Graham G. Vockins, the Chairman of the Shinfield Players Theatre, for the area of publicly maintained highway, beyond the existing access point to the Theatre, to be stopped up. The area is part of the Whitley Wood Lane spur road that gives access to the theatre and previously gave access to Met Office buildings and land. These buildings have subsequently been demolished and the land redeveloped as residential properties. The residential properties now gain access via a new road (Cirrus Drive) and the former access to and from the Whitley Wood Lane spur road has been closed off by fencing. Please see photograph in Appendix 1.

The request from Mr. Vockins is made to the Council pursuant to section 117 of the Highways Act 1980, whereby the Council is able to make an application to the Magistrates' Court for an order that the highway be stopped up on the grounds that it is 'unnecessary for public highway purposes'. In the event that the stopping up order is made, all public rights of way over the area will be extinguished and the ownership of the existing highway construction will be vested with the owner of the sub-soil. The owner of the sub-soil is the Met Office, who is also the owner of the theatre. The area can then be enclosed and/or fenced off.

There is a pedestrian right of way (FP10) adjacent to the area and this will be maintained by retaining a two metre wide strip from the existing narrow section of FP10, passed the stopped up area, to the public highway. Please see Stopping Up plan in Appendix 2.

Analysis of Issues

The reasons given by Mr. Vockins for the request were: the highway beyond the access to the Theatre is no longer required for its original purpose and is now a cul de sac; there is potential and a risk that it could be subject to fly-tipping and/or occupation; proposals exist, in conjunction with a Sec 106 Planning Agreement associated with the surrounding residential development, to replace the theatre and the inclusion of the land, currently forming the public highway, would be of benefit to this future community development.

In evaluating the request from Mr. Vockins, officers consider that the area of highway is surplus to highway requirement, as it is no longer serves its original use and has little or no useful purpose for the public. It is also agreed that there is potential and a genuine risk that the area could be the subject of abuse, placing a responsibility on the Highway Authority to take remedial action and to bear any financial consequences. Mr. Vockins' original request was for the highway to be stopped up immediately beyond the entrance gate for the Theatre but, after examining the registration of land ownerships and taking into account the location of the existing telegraph pole, the limit of the stopping up area is proposed to be 6 metres beyond the Theatre's gate. This aligns to the land ownership boundary between the Met Office and Highways England and facilitates access to the telegraph pole for maintenance by its owner – BT Openreach. In the event that the stopping up order is made, it is considered that it will not reduce the enjoyment to the public in exercising their rights of way over footpath FP10 or to gain access to the theatre.

Before taking the decision to seek approval to apply for the making of a stopping up order, informal consultations took place with Shinfield Parish Council, organisations representing the interests of Definitive Rights of Way, potentially affected Statutory Undertakers and adjacent land owners. No objections to the proposed stopping up have been received.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil		
Next Financial Year (Year 2)			
Following Financial Year (Year 3)			

Other financial information relevant to the Recommendation/Decision

As the area to be stopped up is so small, in relation to the extent of the Council's highway assets, the direct financial implications are 'de minimis'. The stopping up will, however, negate any future maintenance costs and the potential costs of dealing with any abuse that could occur in the future. The cost of the process is being met by Sec 38/Sec 278 developer contributions.

Cross-Council Implications (how does this decision impact on other Council services, including property and priorities?)

There will be a similar 'de minimis' affect for the street cleansing service.

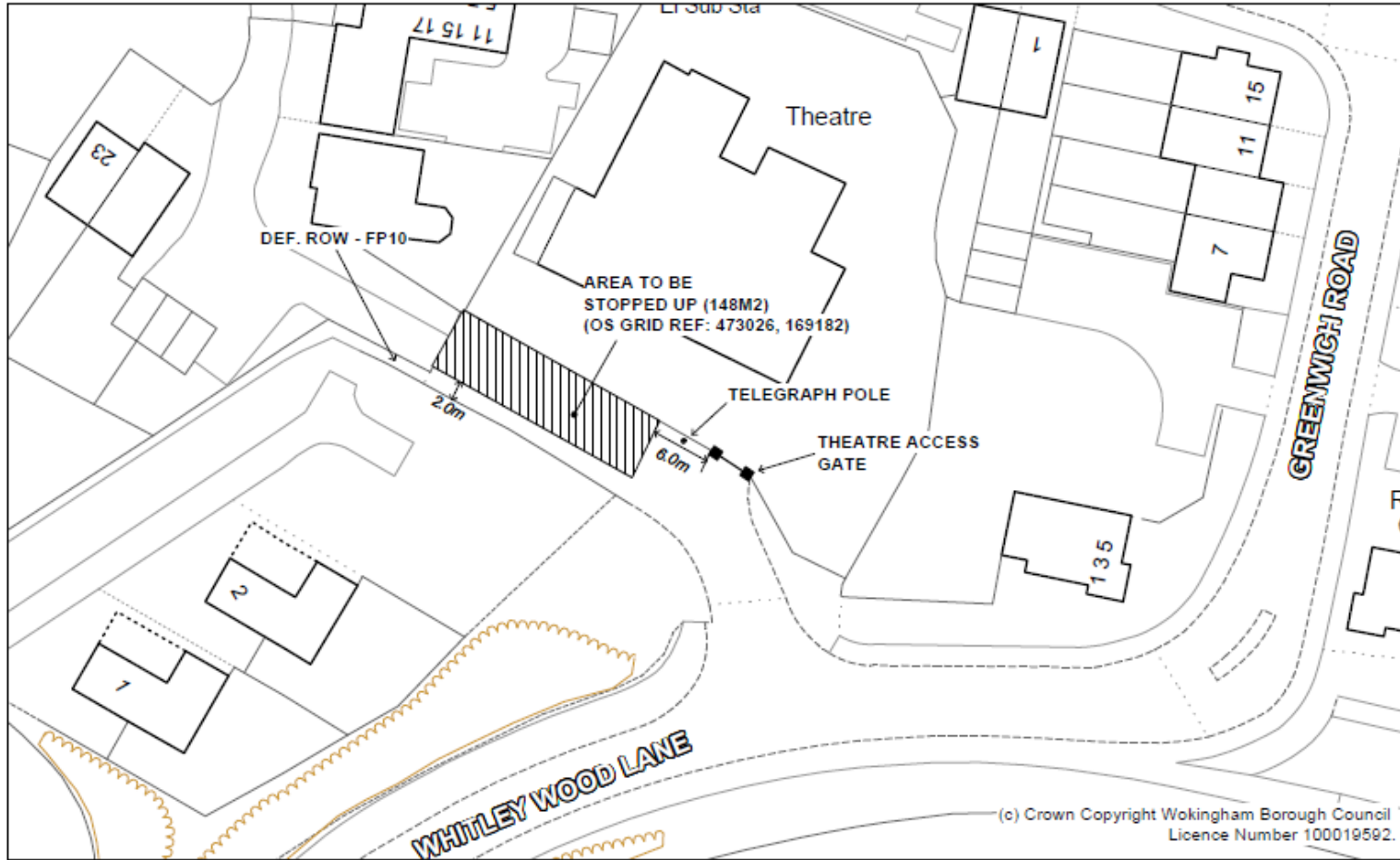
SUMMARY OF CONSULTATION RESPONSES

Director – Finance and Resources	No comments
Monitoring Officer	No comments
Leader of the Council	No comments
Town and Parish Councils	They will consent to the application
Local Ward Members	
Parry Batth	No comments

List of Background Papers
None

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Date 30/03/2016	Version No. 1





PROPOSED STOPPING UP OF PUBLIC HIGHWAY
HIGHWAYS ACT 1980 - S116
SHINFIELD PLAYERS THEATRE

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DWG No : 002
SCALE: 1:500