

1. Purpose of Report

- 1.1. The purpose of this Report is to consider giving consent to a proposal by Wiltshire County Council to stop up a piece of highway land adjacent to Footpath 39, Sherston.

2. Recommendation

- 2.1. The Committee are recommended to consent to the proposals by Wiltshire County Council for the stopping up of highway land adjacent to Footpath 39, Sherston, as shown on the plan attached as Appendix 1.

3. Link to Corporate Business Plan

- 3.1. This report arises from a request from the Highways Authority for this Council's consent to a stopping-up application, which is a statutory requirement before such an application can be made. There is therefore no direct link to any item in the Council's Corporate Business Plan.

4. Background

- 4.1. The County Council, as Highways Authority, has the power to apply to the Magistrates Court for an Order to 'stop up' or divert a highway under s.116 Highways Act 1980. Where such an application is made to stop up highway land, the court may make an Order if it considers that the highway concerned is unnecessary.
- 4.2. Before making an application to the Court, the County Council are required to consult the appropriate District and Parish councils and they cannot make the application if either of those authorities refuse to give their consent.

5. The Proposals

- 5.1. A proposal has been received from Wiltshire County Council for the stopping up of an area of highway land adjacent to Footpath 39, Sherston, on the grounds that it is unnecessary for public use. The County Council have stated that, if the application to stop-up succeeds, they understand that Hawthorn Developments Ltd. will then be able to plant trees on the land to replace those removed in 2004 while building work was taking place in the area. The owners of the directly adjacent properties would then be responsible for the on-going maintenance of those trees. The District Council are asked to consent to this proposal.

6. Financial Implications, Legal Implications, Human Resources Implications, Equal Opportunities Implications and Community and Environmental Implications

- 6.1. None.

Documents used in the Report

Letter from Wiltshire County Council 28 April 2006

Report prepared by Paul Taylor, Corporate Services
Telephone: 01249 706598
Email: ptaylor@northwilts.co.uk