

27 IONAWR 2021

Yr Aelod o'r Bwrdd Gweithredol:	Y Portffolio:
Y Cyngorydd Hazel Evans	Yr Amgylchedd

Pwnc

**Pwrpas: CAU PRIFFORDD GYHOEDDUS GER TROED Y BRYN,
ALLTWALIS**

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

RHOI GORCHYMYN I'R PENNAETH GWEINYDDIAETH A'R GYFRAITH GAU DARN O'R BRIFFORDD GYHOEDDUS NAD YW'N CAEL EI DDEFNYDDIO, O DAN ADRAN 116 O DDEDDF PRIFFYRDD 1980.

Y Rhesymau:

Cau darn byr o'r briffordd gyhoeddus o dan Adran 116 o Ddeddf Priffyrdd 1980. Ar ôl i'r gorchymyn gael ei gwblhau'n llwyddiannus, bydd y tir yn cael ei drosglwyddo'n ôl i reolaeth y tirlfeddiannwr cyfagos i'w gofrestru'n gyfreithiol.

Y Gyfarwyddiaeth Enw Pennaeth y Gwasanaeth: Stephen Pilliner Awdur yr Adroddiad: Nigel Skinner	Swydd Pennaeth Trafnidiaeth a Phrifyrdd	Rhif Ffôn Cyfeiriad e-bost: SGPilliner@sirgar.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

27th JANUARY 2021

STOPPING UP OF PUBLIC HIGHWAY ADJACENT TO TROED Y BRYN, ALLTWALIS

The A485 Ceredigion Link Roads Improvement Scheme was completed circa 2001, Whilst split into phases, the scheme was implemented to improve highway alignment and safety along the A485 between Glangwili and Alltwallis.

The Highways Manager has requested that the old section of highway is stopped up to remove the public highway status and liability.

The area of public highway would be stopped up by way of Order at Magistrates Court under Section 116 of the Highways Act 1980. Upon a successful stopping up order, the land' under' the former public highway would revert to private control for registration. In this instance, the land would revert to adjoining landowners and Carmarthenshire County Council. Adjoining landowners have been consulted by CCC and will be further consulted under the statutory consultation to follow.

The costs associated with the stopping up order will be born by the Council to regularise the current situation.

It is therefore requested that the Head of Administration and Law is instructed to proceed with the Order to present at Magistrates Court at their earliest convenience.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S. Pilliner

Head of Transportation and Highways

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	YES

2. Legal

An application to stop up a highway has to follow a defined process and under the Highways Act 1980 can only be made on two grounds, namely the length of highway is unnecessary or that there is a more commodious route. There is an initial consultation process to be undertaken by the Environment Department which includes (inter alia) corresponding with the Community Council seeking its views on the proposal.

Should Executive Board consent be forthcoming there is then a requirement to make an application to the Magistrates Court to seek an Order pursuant to section 116 of the Highways Act 1980 to stop-up the highway. It will be necessary for an officer from the Authority to present evidence at the hearing advising why the application is appropriate and that the granting of the Order is necessary.

3. Finance

The stopping up will carry a financial implication met by CCC to administer the order but will benefit from the removal of future maintenance and public liabilities.

7. Physical Assets

On successful completion of the Order the Asset register can be amended for the removal of the Public highway.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S. Pilliner

Head of Transportation and Highways

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1.Scrutiny Committee

N/A

2.Local Member(s)

Cllr. Dorian Williams – in support of the application to Magistrates Court

3.Community / Town Council

Llanllawddog Community Council – in support of the application

4.Relevant Partners

Assistant Area Manager, Western Division - in support.

5.Staff Side Representatives and other Organisations

Wales & West Utilities

Openreach BT

Western Power Distribution

Welsh Water

Dyfed Powys Police, Mid & West Wales Fire Brigade, NHS

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW OR THERE ARE NONE (Delete as applicable)

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Location / Scheme Plan	R / 5 / 14	Electronic files