

October 2021		ITEM: dem services to add number
Delegated Decision Report		
Stopping up Order at Stonehouse Lane, Purfleet-on-Thames		
Wards and communities affected: West Thurrock and South Stifford/ Aveley and Uplands	Key Decision: No	
Report of: Councillor B Maney – Highways & Transport		
Accountable Assistant Director: Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection		
Accountable Director: Julie Rogers Director of Public Realm		
This report is Public		

Executive Summary

To authorise the making of an application to the Magistrates' Court in accordance with Section 116 Highways Act 1980 in order to stop up part of Stonehouse Lane, Purfleet-on-Thames.

1. Recommendation(s)

1.1 To authorise the Transport Development Team with assistance of other relevant departments within the Council as are required, to undertake the relevant statutory procedures outlined in Section 116 Highways act 1980 related to applying for and publishing a stopping up order (as outlined in this report) and to amend the highways map in accordance with that order if it is made.

2. Introduction and Background

2.1 Following the approval of the DSV planning development (Ref: 17/01669/FUL) a request has been made to the Council that it pursue the stopping up of part of the carriageway, footway and verge of Stonehouse Lane, Purfleet-on-Thames by DSV Limited; this application was made on the 30th April 2019.

2.2 Stonehouse Lane is located east of the development site and connects Junction 31 and London Road/Purfleet Bypass, in the borough of Thurrock. It is a vehicular highway with a width of approximately 7.5 to 10.5 metres with a

footway on the western side and a verge of varying widths, on both sides of the highway, and along its length.

- 2.3 The Applicant wants an area of highway that was previously designated as the access to the DSV site stopped up as they have created a new access from the highway and intend to include the land within the boundary of their property to facilitate an extension to one of their buildings.
- 2.4 The Council has entered into a S278/38 agreement Highways Act 1980 to adopt the new access road (See Appendix 1 where the proposed area of stopping up are indicatively coloured brown, the adoptable road sections are coloured pink and the existing highway areas are coloured yellow). The internal new access road complies with the Council's Estate Road Construction Specification.
- 2.5 In relation to the current use of these areas of land, no pedestrian footpath is located within these areas. A new footway way has been created across the old access and highway equipment diverted accordingly.

EFFECT OF STOPPING UP

- 2.6 The effect of stopping up will be to remove all highway rights (i.e. vehicular, pedestrian and equestrian) over the several areas of the carriageway, footway and verge coloured in brown on the plan in Appendix 1. The new access road has already been constructed and the highways carriage, footway and verge is already segregated from other areas of highway; the stopping up order will distinguish the highway rights over the areas of land and rights would revert to the original landowners; in this case the areas of land are within the Councils' ownership.
- 2.7 The applicant of this order can then negotiate the sale of this land with the Council to include these areas within the development site.

3. Issues, Options and Analysis of Options

- 3.1 The following alternative option has been considered:

Not to stop up

The area of the Stonehouse Lane to be stopped up has already been partially built upon and accommodation works carried out for the closure of the original access to the DSV site, and so a refusal to promote the stopping up would create a legal discrepancy. It would also raise issues as to whether the Council should enforce the obstruction of Stonehouse Lane under highways law. These are not realistic or justified responses to the Applicant's application, particularly in view of the importance of the scheme and the fact that the stopping up was contemplated by the Planning Application.

4. Reasons for Recommendation

- 4.1 The proposal is necessary in order to facilitate rationalisation of the adopted highway boundary which the Council supports.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The proposal is necessary in order to facilitate rationalise the adopted highway boundary which the Council supports. The scheme falls within the wards of Aveley and Uplands and West Thurrock and South Stifford members from these two wards have been consulted on this DDR and Councillor Watson has set out that she is happy with the Stopping Up Order. No responses have been received from the remaining Ward Members so it is assumed that there are no objections.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The removal of highway carriageway, footway and verge as part of the DSV development will rationalise the current adopted highway network in this location and will help to meet the Council's corporate priority of improving health and well-being. These actions accord with the Council priorities to create a safer environment.

7. Implications

7.1 Financial

Implications verified by: **Mark Terry**
Senior Financial Accountant

The financial aspect of the stopping up order is to be funded by the developer.

7.2 Legal

Implications verified by: **Linda Saunders**
Planning and Highways Solicitor

Section 116 permits the Council, on request by a person under Section 117 to apply to the Magistrates Court for an order to stop up a highway when it has become unnecessary. The procedure under Schedule 12 of the Act will be followed so that notice is given to landowners and the public of the intention to seek the order.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

With regards to equality implications the proposal to introduce restrictions will improve road safety, visibility and accessibility for disabled users. The equality impacts on not upholding the restrictions have been considered and it is considered it would have a negative impact for disabled users.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Highways plans showing current rights of way

9. **Appendices to the report**

Various plans

Report Author:

Julian Howes

Senior Engineer

Transport Development