Delegated Decision

Part of Mumps, Oldham – Proposed Stopping Up of Highway

Report of: Deputy Chief Executive – People and Place

Officer contact: Sarah Robinson, Traffic Engineer
Ext. 4377

11 June 2019

Purpose of Report
The purpose of this report is to consider the stopping up of parts of highway at Mumps, Oldham which border the temporary pay and display car park (formally the Metrolink park and ride facility). The car park is earmarked for the Princes Gate development and once the car park has been closed to the general public, the areas of highway will be no longer necessary to the highway network.

Recommendation
It is recommended that the areas of highway detailed in the schedule at the end of this report be stopped up under powers contained in Section 116 of the Highways Act 1980, as no longer necessary.
Delegated Decision

Part of Mumps, Oldham – Proposed Stopping Up of Highway

1 Background

1.1 An area of land at Mumps, Oldham, known as Princes Gate, is to be redeveloped with a hotel and retail units. The development will be mainly constructed on land which is currently being used as a temporary car park, together with small areas of highway on the northerly perimeter of the site.

1.2 The areas of highway affected only provide access to the car park area; once the car park is closed and is under the control of the developer, they will be no longer necessary to the highway network. To prevent the construction process of the development from becoming frustrated it is felt that highway areas should be stopped up as no longer necessary under powers contained in Section 116 of the Highways Act 1980.

2 Options/Alternatives

2.1 Option 1: To approve the recommendation

2.2 Option 2: Not to approve the recommendation

3 Preferred Option

3.1 The preferred option is Option 1

4 Justification

4.1 As the areas of highway required to facilitate the Princes Gate development are no longer necessary once the temporary car park is closed to the general public, it is felt that they should be stopped up in accordance with the schedule at the end of this report and drawing number 439/A4/651/1.

5 Comments of St Marys Ward Councillors

5.1 The Ward Councillors have been consulted and no comments were received.

6 Financial Implications

6.1 The fee for processing a Stopping Up order is £2,611 and covers the cost of court fees and administration.

6.2 This cost will be charged to Regeneration (cost centre 24080). There is adequate funding within the 2019/20 revenue budget of that service to meet this charge. (Nigel Howard x3250/Sadrul Alam x3305)
Legal Services Comments

7.1 Section 116 of the Highways Act 1980 enables the Council as highway authority to apply to the magistrates’ court for an order stopping up a highway on the grounds that the highway is unnecessary. The magistrates have to be satisfied that the highway in question is unnecessary for the sort of purposes which the magistrates would reasonably expect the public to use that particular way. (A Evans)

Co-operative Agenda

8.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council’s Ethical Framework

Human Resources Comments

9.1 None.

Risk Assessments

10.1 None.

IT Implications

11.1 None.

Property Implications

12.1 None.

Procurement Implications

13.1 None.

Environmental and Health & Safety Implications

14.1 Energy – Nil.
14.2 Transport – Nil.
14.3 Pollution – Nil.
14.4 Consumption and Use of Resources – In accordance with current specifications
14.5 Built Environment – Alteration to visual appearance of area
14.6 Natural Environment – Nil.
14.7 Health and Safety – Nil.
Equalit, community cohesion and crime implications

None.

Equality Impact Assessment Completed?

No.

Key Decision

No.

Key Decision Reference

Not applicable.

Background Papers

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

Proposal

It is proposed that parts of Mumps, Oldham, be stopped up in accordance with drawing number 439/A4/651/1 and the following schedule under powers contained in Section 116 of the Highways Act 1980.

**Highway to be Stopped Up**

<table>
<thead>
<tr>
<th>Ref. Number</th>
<th>Road</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Mumps, Oldham</td>
<td>An irregular shaped area of highway, located at the back of the Prince Street footway, commencing from a point 55 metres north west of Oldham Way which varies in length between 8 and 24 metres and which varies in width between 16 and 26 metres</td>
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<tr>
<td>2.</td>
<td>Mumps, Oldham</td>
<td>An irregular shaped area of highway located to the south of the Mumps tram tracks; commencing at a point 40 metres north east of Prince Street which varies in length between 5 and 13 metres and which varies in width between 0 and 36 metres</td>
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<td>3.</td>
<td>Mumps, Oldham</td>
<td>An irregular shaped area of highway located to the south of the Mumps tram tracks, commencing 80 metres south east of Prince Street which varies in length between 0 and 17 metres and which varies in width between 0 and 110 metres</td>
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**APPROVAL**

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<th>Decision maker</th>
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<tr>
<td>Signed</td>
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<td>Cabinet Member, Neighbourhood Services</td>
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<td>Director Of Environmental Services</td>
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