

Delegated Officer Report **(Non Key and Contracts up to a value of £100k)**

Decision Maker: Nasir Dad, Director of Environment,
Date of Decision: 27 March 2024
Subject: Part of Nicholas Road, Oldham – Proposed Stopping Up of Highway
Report Author: Sarah Robinson, Traffic Engineer
Ward (s): Medlock Vale

Reason for the decision:

The resident of 71 Langham Road, Oldham, has applied for a highway stopping up order for a small area of Nicholas Road, Oldham, which is unadopted highway and runs adjacent to the applicant's property. The highway has been enclosed within the boundary of the applicant's property, and is therefore, considered no longer necessary to the highway network.

The area of highway was enclosed by the resident over 5 years ago and, during this time, the Highway Authority and has not received any reports that this action has had a detrimental effect on the operation of the highway. The length of highway in question was formerly unmaintained highway verge and was not used for either driving along or parking. The highway is now fenced off and is being used as a driveway to the property. The owners have been instructed by the Council's Legal Team to apply for a stopping up order to remove the highway status which would allow the resident control of the land.

Summary:

The purpose of the report is to seek approval to stop up part of the highway under Section 116 of the Highways Act 1980, as it is no longer necessary to the Highway Network.

<i>What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):</i>	<p>Option 1 – stop up the highway to enable resident to control the land where the driveway has been constructed.</p> <p>Option 2 – don't stop up the highway and undertake enforcement action under the Highways Act 1980 for the removal of the fence.</p>
<i>Consultation: including any conflict of interest declared by relevant Cabinet Member consulted</i>	The Ward Members have been consulted and no comments have been received.
<i>Recommendation(s):</i>	The preferred option is Option1
<i>Implications:</i>	
<i>What are the financial implications?</i>	<p>There are no adverse financial implications to the Council regarding this applications.</p> <p>The Councils Stopping Up application fee of £3,042.60, has been paid by the resident of 71 Langham Road into the Highways revenue budget.</p> <p>(John Edisbury)</p>
<i>What are the legal implications?</i>	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)
<i>What are the procurement implications?</i>	None
<i>What are the Human Resources implications?</i>	None
<i>Oldham Impact Assessment Completed (Including impact on Children and Young People)</i>	No
<i>What are the property implications</i>	None
<i>Risks:</i>	An experimental traffic order will prohibit motor vehicles from entering School Street during school days drop off and pick up times and will decrease the numbers of incidents involving

road users especially children and assist with visibility for all road users and residents access issues. There could be reputation risks around the scheme in terms of residents reactions to the proposals these have been mitigated by the public information events which has been held.

Vicki Gallacher (Head of Insurance and Information Governance)

Co-operative implications

The proposals set out in this report have been co-developed with the resident. As such this is in line with our cooperative agenda. (James Mulvaney, Policy Manager)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

None

Environmental and Health & Safety Implications

None

IT Implications

None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

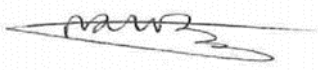
Highway to be Stopped Up
In accordance with Drawing Number 439 / A4 / 653 / 1

Highway to be Stopped Up	Description
Part of Nicholas Road, Oldham	Commencing at the back of footway adjacent to 71 Langham Road for a distance of 25.2 metres in a north easterly direction and which varies in width between 1.9 and 3.2 metres

There are no background papers for this report

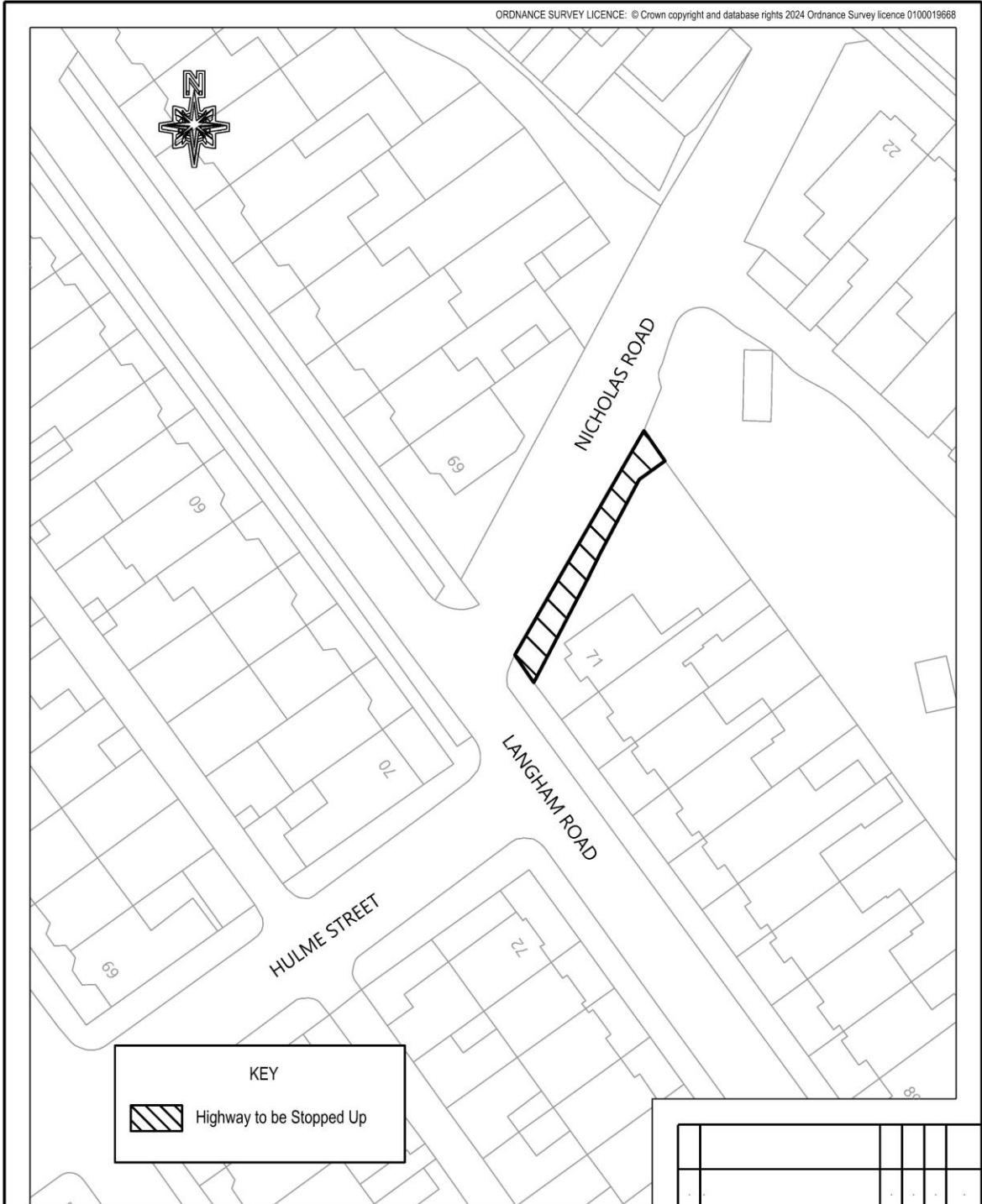
Report Author Sign-off:	
Sarah Robinson	
Date: 27 March 2024	

In consultation with Director of Environment




Signed :

Date: 2.4.2024



KEY

 Highway to be Stopped Up

Rev	Revision details	By	Chk	App	Date
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Client: Oldham MBC

Project: File Reference: TM1/293

Drawn by: RW Date: 02/24 Purpose of issue: information

Checked by: SR Date: 02/24 Scale at A4 size

Approved by: Date: 1:500

Title: Proposed Stopping Up of Highway, Part of Nicholas Road, Oldham

Place and Economic Growth
HIGHWAYS & ENGINEERING
Henshaw House, Cheapside, Oldham OL1 1NY

Drawing No. **439/A4/653/1** Rev. .

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