

Policy for the removal of public rights over areas of highway land - Annexe 2

Policy to be applied to requests for the removal of public rights over areas of highway land.

Where a person (“the requester”) requests the County Council to apply to the Magistrate’s Court for an order removing the public rights over an area of highway land (a “stopping up order”) the County Council will make the application, subject to the following conditions and provisions of sections 116 & 117 of the Highways Act 1980.

- 1) The Cabinet Member for Transport considers that the land is surplus to highway requirements and it being stopped up would be in the best interest of the general public.
- 2) The requester is to bear all costs associated with the making of the application, regardless of whether it is successful.
 - i) Initially sufficient funds to cover the estimated cost of making the necessary searches and notifying the owners and occupiers of land and premises adjoining the land and other interested and relevant parties are to be deposited with the County Council.
 - ii) Subsequently such funds as are required to cover the County Council’s costs in progressing the application shall be deposited in advance of any work being carried out.
 - iii) The requester will undertake to pay final costs as confirmed by the Council following any hearing at the Magistrate’s Court.
- 3) If, following an initial notification exercise, objections to the proposed stopping up are received that cannot be resolved, a report will be submitted to the Local Committee(s) for decision on whether to proceed with the making of the application.
- 4) The requester shall indemnify the County Council for all claims made against the County Council in relation to the land following any stopping up order made by the Magistrate’s Court.
- 5) The owners are to indemnify the County Council for the cost incurred by any statutory undertakers exercising their rights to relocate their apparatus under Part II of Schedule 12 to the Highways Act 1980.
- 6) The requester is responsible for making the necessary arrangements for the future maintenance of the land.
- 7) Where the stopping up is subject to the reservation of a footpath or bridleway the owners of the land must undertake to ensure it is maintained in a safe condition and indemnify the County Council against any claims for loss or damage arising from its disrepair.

The requester is responsible for securing any rights of way they require over the land.

(For the purpose of this policy the terms “person” and “requester” should be taken as including the plural.)