

Policy to be applied to requests by residents for the removal of public rights over a road*.

Where a significant majority of the owners of properties served by a road that is a highway (“the owners”) wish it to cease to be a highway the County Council will, subject to the following conditions and provisions of sections 116 & 117 of the Highways Act 1980, apply to the Magistrate’s Court for an order stopping up the road as a highway.

- 1) The Cabinet Member for Transport considers that it is unnecessary for the road to be a highway.
- 2) The owners are 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 served by the road 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 owners 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 owners shall indemnify the County Council for all claims made against the County Council in relation to the road 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 owners are responsible for making the necessary arrangements for the future maintenance of the road, including any highway structures, drains, soakaways, street lighting equipment, etc.
- 7) Where the stopping up is subject to the reservation of a footpath or bridleway the owners of the road 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.
- 8) The owners are responsible for securing their own rights of way over the road.

* The term “road” does not include public footpaths, bridleways or byways open to all traffic appearing on the definitive map of public rights of way, or cycle tracks.