

Report to: The Chief Officer (Highways and Transportation)

Date: 13 February 2018

Subject: Section 116 Highways Act 1980 – Stopping Up Order – Killingbeck Bridge, Killingbeck, Leeds LS9

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Killingbeck and Seacroft	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of Main Issues

- 1 To declare the two areas of adopted highway known as Killingbeck Bridge in Killingbeck, shown hatched in red on drawing SD/217960/KB/01C (Appendix A), unnecessary for all traffic and the area shown hatched in blue unnecessary for all traffic except pedestrians, cycles and mobility scooters in accordance with Section 116 of the Highways Act 1980.

Recommendations

- 2 The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for an order under Section 116 of the Highways Act 1980 stopping up the two areas of adopted highway shown hatched in red on drawing SD/217960/KB/01C to all traffic and the area hatched in blue to all traffic except pedestrians, cycles and mobility scooters.

1 Purpose of this Report

- 1.1 To seek approval to promote a stopping up order for three areas of adopted highway, known as Killingbeck Bridge in Killingbeck.

2 Background Information

- 2.2 Killingbeck Bridge is a former alignment of York Road running between York Road and Selby Road in Killingbeck, approximately 4km east of Leeds City Centre. The road passes through a derelict site at its western end which is also accessed from

York Road. There are bollards across the road part way along and no accesses, other than to the derelict site, west of the bollards

- 2.3 The derelict site is a prominent feature at a major junction on one of the city's busiest roads and the council's Asset Management and Regeneration Service wants to redevelop the site as quickly as possible. A proposed development has outline planning consent and the site's owner is in discussion with potential operators of proposed retail units. To implement the proposed development, the length of Killingbeck Bridge passing through the site needs stopping up whilst maintaining a pedestrian, cycle and mobility scooter route linking Selby Road with Killingbeck Bridge east of the site.
- 2.4 Killingbeck Bridge is not needed for vehicular access to the development site and there are no other accesses from Killingbeck Bridge west of the existing bollards. The length inside the development site is therefore unnecessary except to provide a pedestrian, cycle and mobility scooter route linking Selby Road with Killingbeck Bridge east of the site and as it is adopted highway, it will have to be legally stopped up. The two areas to be stopped up to all traffic, totalling approximately 1,260 square metres, is shown hatched in red on Drawing SD/217960/KB/01C and the area to be stopped up to all traffic except pedestrians, cycles and mobility scooters, approximately 280 square metres, is shown hatched in blue.
- 2.5 Stopping up under Section 116 of the Highways Act 1980 is needed rather than under Section 247 of the Town and Country Planning Act 1990 because the Department for Transport currently has a backlog of Section 247 applications and would be unlikely to determine an application in less than six months. The site's owner is concerned that potential operators may withdraw if development is delayed for that long.

3 Main Issues

- 3.1 Except for a pedestrian, cycle and mobility scooter route, an area of adopted highway is no longer needed since the demolition of former buildings. The areas of highway shown hatched in red on Drawing SD/217960/KB/01C are considered unnecessary for all traffic and the area shown hatched in blue is considered unnecessary for all traffic except pedestrians, cycles and mobility scooters in accordance with Section 116 of the Highways Act 1980.
- 3.2 An application to the magistrates' court under Section 116 of the Highways Act 1980 is required to stop up the areas of adopted highway shown hatched in red and partially stop up the area shown hatched in blue on Drawing SD/217960/KB/01C.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members were consulted by email and drawing on 25 January 2018 and three responses were received, all supporting the proposal. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process.

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 An equality, diversity, cohesion and integration screening was carried out (Appendix B), confirming that a full impact assessment is not needed. The proposals will not impact on any equality characteristic more significantly than any other.

4.3 Council Policies and City Priorities

- 4.3.1 There are no consequences in relation to council policies as a result of this decision.

4.4 Resources and Value for Money

- 4.4.1 The applicant, the site's owner, has paid a standard fee of £3,800 which includes £800 for advertising. The applicant has agreed to meet the costs, if any, which may be incurred by statutory undertakers exercising their rights under Section 116 of the Highways Act 1980 to recover from the council the cost of removing, diverting or abandoning any equipment located in, on, over, along or across the highway(s) affected by an order granted under Section 116.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 None of the content of this report is exempt from public display or contains confidential information. Any decisions arising from this report are eligible for call in.

4.6 Risk Management

- 4.6.1 There is negligible risk to the council.

5 Conclusions

- 5.1 An area of adopted highway known as Killingbeck Bridge in Killingbeck is considered to be unnecessary in accordance with Section 116 of the Highways Act 1980.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for an order under Section 116 of the Highways Act 1980 stopping up the two areas of adopted highway shown hatched in red on drawing SD/217960/KB/01C to all traffic and the area hatched in blue to all traffic except pedestrians, cycles and mobility scooters.

7 Background Documents ¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix B

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Highways and Transportation
Lead person: Nick Flood	Contact number: 0113 37 87461

1. Title: Section 116 Highways Act 1980 – Stopping Up Order – Killingbeck Bridge, Killingbeck, Leeds LS9		
Is this a:		
<input type="checkbox"/> Strategy / Policy	<input checked="" type="checkbox"/> Service / Function	<input type="checkbox"/> Other
If other, please specify:		

2. Please provide a brief description of what you are screening
Declaring two areas of adopted highway known as Killingbeck Bridge in Killingbeck unnecessary for all traffic and one area unnecessary for all traffic except pedestrians, cycles and mobility scooters in accordance with Section 116 of the Highways Act 1980.

3. Relevance to equality, diversity, cohesion and integration
All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.
The following questions will help you to identify how relevant your proposals are.
When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant

characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		X X X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration
If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.
Please provide specific details for all three areas below (use the prompts for guidance).
<ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)
<ul style="list-style-type: none"> • Key findings (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another.
<ul style="list-style-type: none"> • Actions (think about how you will promote positive impact and remove/ reduce negative impact)

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.	
Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Dave Stainsby	Group Engineer, Site Development	1 February 2018

7. Publishing	
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.	
If this screening relates to a Key Delegated Decision, Executive Board, full Council or a Significant Operational Decision a copy should be emailed to Corporate Governance and will be published along with the relevant report.	
A copy of all other screening's should be sent to equalityteam@leeds.gov.uk . For record keeping purposes it will be kept on file (but not published).	
Date screening completed	
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	1 February 2018