

**Report to: The Chief Officer (Highways and Transportation)**

**Date: 10 October 2019**

**Subject: Section 116 Highways Act 1980 – Stopping Up Order – Areas of Adopted Highway at Meynell Approach, Meynell Walk and Nineveh Gardens in Holbeck, Leeds LS11.**

Are specific electoral wards affected? If yes, name(s) of ward(s): Beeston and Holbeck	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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**

To declare the areas of adopted highway at Meynell Approach, Meynell Walk and Nineveh Gardens in Holbeck, Leeds LS11, shown in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03 in Appendix A, unnecessary in accordance with Section 116 of the Highways Act 1980.

**1. Main issues**

- The areas of adopted highway at Meynell Approach, Meynell Walk and Nineveh Gardens are no longer needed since a refurbishment of the area was undertaken. The areas of highway to be stopped up are therefore considered unnecessary in accordance with Section 116 of the Highways Act 1980 and are shown in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.
- 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 in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.

**2. Best Council Plan Implications**

- This report supports the Best Council Plan and Key City Priorities. The stopping up orders support the recent housing regeneration of the Meynell and Nineveh areas of

Holbeck providing Housing of the right quality, type, tenure and affordability in the right places.

### **3. Resource Implications**

- The applicant, the private finance initiative contractor responsible for refurbishing the neighbourhood, has paid the 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 any highway affected by an order granted under Section 116.

### **Recommendations**

- a) The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for a stopping up order under Section 116 of the Highways Act 1980 for the areas of adopted highway shown in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.

### **1. Purpose of this report**

To seek approval to promote a stopping up order for the areas of adopted highway at Meynell Approach, Meynell Walk and Nineveh Gardens in Holbeck, Leeds LS11, shown hatched on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.

### **1. Background information**

- 1.1 Meynell Approach, Meynell Walk and Nineveh Gardens are situated in Holbeck, approximately 1.3km south west of Leeds City Centre. The areas to be stopped up originally formed part of the highway network serving the area which has recently been revised as part of a comprehensive refurbishment programme.
- 1.2 The area proposed for stopping up at Meynell Approach, shown hatched on Drawing SD/217960/Z212/01, forms part of a parking area serving Meynell Heights at the head of Meynell Approach and includes the adjacent footways. The area proposed for stopping up will be incorporated into the grounds of Meynell Heights allowing for the area to be managed more effectively by the Meynell Heights Management team.
- 1.3 The areas of adopted highway to be stopped up at Meynell Walk and Nineveh Gardens shown hatched on Drawings SD/217960/Z212/02 and SD/217960/Z212/03 formed part of redundant tarmacked areas in and around the residential area. As part of the regeneration of the area, these areas have been reassessed and it was considered that the green space could be increased without affecting the pedestrian routes.
- 1.4 There are still fully accessible pedestrian routes throughout the area. Some extents of tarmac hard surfacing have been replaced with grass to provide a more attractive environment for residents.

- 1.5 The stopping up orders will increase green space provision through the removal of hard standing areas and improve the environment of the area.
- 1.6 The areas of highways to be stopped up are shown in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03. The redundant areas are council owned.

## **2. Main issues**

- 2.1 Several areas of adopted highway are no longer needed since refurbishment of the area. The areas of highway to be stopped up are therefore considered unnecessary in accordance with Section 116 of the Highways Act 1980 and are shown in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.
- 2.2 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 in red on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.

## **3. Corporate considerations**

### **3.1 Consultation and engagement**

- 3.1.1 Ward Members were consulted by e-mail dated 25<sup>th</sup> September 2019. No comments have been received to date. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a stopping up order.

### **3.2 Equality and diversity / cohesion and integration**

- 3.2.1 An Equality, Diversity, Cohesion and Integration screening (Appendix B) has been carried out and confirms that a full impact assessment is not required. The proposals will not impact on any equality characteristic more significantly than any other.

### **3.3 Council policies and the Best Council Plan**

- 3.3.1 This report supports the Best Council Plan and Key City Priorities. The stopping up orders support the recent housing regeneration of the Meynell and Nineveh areas of Holbeck providing Housing of the right quality, type, tenure and affordability in the right places.

#### **3.3.2 Climate Emergency**

- 3.3.3 The stopping up orders will increase green space provision through the removal of hard standing areas and improve the environment of the area. This supports the wider housing regeneration improvements and aims at tackling some issues affecting the climate emergency in Leeds.

### **3.4 Resources, procurement and value for money**

- 3.4.1 The applicant, the private finance initiative contractor responsible for refurbishing the neighbourhood, has paid the 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 any highway affected by an order granted under Section 116.

### **3.5 Legal implications, access to information, and call-in**

- 3.5.1 None of the content of this report is exempt from public display or contains confidential information.

### **3.6 Risk management**

- 3.6.1 There is negligible risk to the council.

## **4. Conclusions**

- 4.1 The areas of adopted highway at Meynell Approach, Meynell Walk and nineveh Gardens in Holbeck, Leeds LS11, shown hatched on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03 are considered unnecessary in accordance with Section 116 of the Highways Act 1980.

## **5. Recommendations**

- 5.1 The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for a stopping up order under Section 116 of the Highways Act 1980 for the areas of adopted highway shown hatched on Drawings SD/217960/Z212/01, SD/217960/Z212/02 and SD/217960/Z212/03.

## **6. Background documents<sup>1</sup>**

- 6.1 None

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<sup>1</sup> 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.