

## Scott Hall Drive Section 116 Stopping Up Order

Date: 18 May 2022

Report of: Site Development

Report to: Chief Officer, Highways & Transportation

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

### **What is this report about?**

#### **Including how it contributes to the city's and council's ambitions**

- This report seeks to declare an area of adopted highway comprising portions of the former turning circle, now beyond the current north-western termination of Scott Hall Drive, as unnecessary in accordance with Section 116 of the Highways Act 1980 via an application to the magistrates Court.
- Planning permission was granted in November 2021 (ref: 21/03388/FU) for 12 new council houses as part of Leeds City Councils Housing Growth programme. The approved site layout is shown on drawing SCOT-HLP-ZZ-00-DR-A-1004\_P16 at Appendix A of this report. This housing development will support the Council's priorities of providing quality, affordable housing where it is needed.
- The planning permission alters the layout of the existing highway and part of the adopted carriageway of Scott Hall Drive will become unnecessary on completion of the development. The areas concerned are hatched red on drawing SD/217960/Z245/01 at Appendix B of this report.
- An application will be required to the Magistrates Court to stop up (remove the adopted highway status from) the areas of adopted highway identified. If the Order is granted by the Magistrates Court, ownership of the areas to be stopped up will revert to the original landowner (in this case Leeds City Council) to be incorporated in the new housing layout.

### **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 as shown in red on drawing SD/217960/Z245/01 in Appendix B.

### Why is the proposal being put forward?

- 1 To seek approval to promote a Stopping Up Order for an area of adopted highway comprising portions of the former turning circle, now beyond the current north-western termination of Scott Hall Drive, as shown in red on drawing SD/217960/Z245/01 in Appendix B unnecessary in accordance with Section 116 of the Highways Act 1980.
- 2 The area of adopted highway is no longer necessary because a new road layout will be used, including carriageway and footway routes.

### What impact will this proposal have?

**Wards Affected:** Chapel Allerton

Have ward members been consulted?

Yes

No

- 3 Ward Members were consulted by e-mail dated 7<sup>th</sup> October 2021 and one response was received in support of the proposal. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a stopping up order.

### What consultation and engagement has taken place?

- 4 Ward Members were consulted by e-mail dated 7<sup>th</sup> October 2021 and one response was received in support of the proposal. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a stopping up order.

### What are the resource implications?

- 5 The applicant Leeds City Council – Council Housing Growth Team, City Development, have 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.
- 6 This report is not eligible for call-in, as it is not a key decision.
- 7 There are no specific legal implications arising from this report. All work will lie within the framework of highways legislation, specifically the Highways Act 1980.

### What are the legal implications?

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

### What are the key risks and how are they being managed?

- 9 There is negligible risk to the council.

## Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 10 This housing development will support the Council's priorities of providing quality, affordable housing where it is needed.
- 11 A contribution to green space improvements in the local area would also be made as part of the development.
- 12 All our homes are built to the Leeds Standard specification, with a focus on: improved energy performance; reducing carbon emissions; improving air quality and tackling fuel poverty.

## Options, timescales and measuring success

### a) What other options were considered?

- 13 Taking no action would result in portions of the buildings and gardens of the council houses proposed under planning reference 21/03387/FU to be constructed within the extents of the adopted highway.

### b) How will success be measured?

- 14 The objective will be to ensure that the Stopping Up Order permits the construction of 16 council houses proposed under planning reference 21/03387/FU. Success will be measured by this objective having been achieved

### c) What is the timetable for implementation?

- 15 An application to the Magistrates Court could be achieved in the spring of 2022.

## Appendices

- 16 Appendix A - SCOT-HLP-ZZ-00-DR-A-1004\_P16 – Proposed housing development.
- 17 Appendix B - SD/217960/Z245/01 – Stopping Up Order Extents.
- 18 Appendix C - Equality, Diversity, Cohesion and Integration screening.

## Background papers

- 19 None