

**PROPOSED PERMANENT CLOSURE OF PARTS OF BIRLEY WOOD
DRIVE, NEWSTEAD WAY AND PARKLAND CRESCENT IN THE BIRLEY
AREA OF SHEFFIELD**

1. PURPOSE

- 1.1 To seek authority to process a Stopping Up Order to close small Adopted parts of the all-purpose Public Highways known as Birley Wood Drive, Newstead Way and Parkland Crescent in the Birley area of Sheffield, as shown black-edged on the plan included as Appendix A.

2. BACKGROUND

- 2.1 An application has been received from developer Home Group for the closure of small Adopted parts of the all-purpose Public Highways known as Birley Wood Drive, Newstead Way and Parkland Crescent in the Birley area of Sheffield, the wider location of which is shown on the context plan included as Appendix B.
- 2.2 This housing estate, known by the developer as Newstead Phase A, was constructed around 2009. It required a different Highway layout from that of the previous Council housing on the site so, prior to construction, the developer applied directly to the Department for Transport for a Stopping Up Order under Section 247 of the Town & Country Planning Act 1990, which was duly made on 11 July 2008. However, for reasons which are unclear, the areas of Adopted Highway now proposed for Closure were left off the developer's application for this Order, despite being outwith the proposed new Highway layout.
- 2.3 This has left four slivers on Birley Wood Drive/Newstead Way which have either been built on or enclosed in private gardens, and three slivers on Parkland Crescent which are outwith the new Highway layout and not required as Highway.
- 2.4 As an alternative to enforcement action against the developer with regard to the sections on Birley Wood Drive and Newstead Way which have been either built on or enclosed, Home Group have applied for

permanent Closure of these sections, on the grounds that they are no longer necessary as Public Highway. At the same time, it makes sense to also close the slivers abutting Parkland Crescent which are no longer necessary as Highway, even though they have not been physically enclosed.

3. CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers, Emergency Services, and other relevant bodies.
- 3.2 BT Openreach have affected equipment within one of the areas on the north side of Parkland Crescent but, bearing in mind that there is no plan to develop that location, and it will remain unfenced open space, they do not require diversion or wayleave. (If that site is ever developed then, clearly, the BT equipment will need to be moved anyway, regardless of whether the Highway status is extinguished).
- 3.3 No other respondents have raised any concerns or said that they have any affected equipment.
- 3.4 The Chair and Manager of the South Community Assembly, along with the three Birley Ward Councillors, were also consulted, and have not objected.

4. LEGAL IMPLICATIONS

- 4.1 The Director of Legal Services has been consulted and has advised that, assuming the Highway needs to be closed, and that it will not be detrimental to the public, then it would be appropriate to process the closure using powers contained within Section 116 of the Highways Act 1980.

5. HIGHWAYS IMPLICATIONS

- 5.1 The parts of Birley Wood Drive, Newstead Way and Parkland Crescent proposed for Closure are adopted sections of all-purpose unclassified Highways, forming part of the Highway network in the area. They are slivers of the former estate's Highway network which were erroneously omitted from a previous Stopping Up Order and thus retain their legal status as Public Highway. This is despite being outwith the new Highway layout on the site and, in the cases on Birley Wood Drive and Newstead Way, enclosed within private property. This retrospective application is to

regularise the situation, as an alternative to Highway enforcement action.

- 5.2 The subject pieces of Highway are not needed for public use in the new Highway layout of the estate. As such, it is considered that the proposed closure will not have a detrimental affect on the surrounding highway network and its users, and will not affect the public's enjoyment of the area.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8. FINANCIAL IMPLICATIONS

- 8.1 There will be no increase in liability on the Highway Maintenance revenue budget as a result of these highway closures.
- 8.2 All associated costs are being met by the applicant.

9. CONCLUSION

- 9.1 Based on the above information, I have no objections to the proposed closure of the small Adopted parts of the all-purpose Public Highways known as Birley Wood Drive, Newstead Way and Parkland Crescent in the Birley area of Sheffield, as shown black-edged on the plan included as Appendix A.

10. RECOMMENDATIONS

- 10.1 That the Head of Transport, Traffic and Parking Services: -
- i. Raises no objection to the proposed closure of the small Adopted parts of the all-purpose Public Highways known as Birley Wood Drive, Newstead Way and Parkland Crescent in the Birley area of Sheffield, as shown black-edged on the plan included as

Appendix A, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to any of their mains and services that may be affected.

- ii. Authorises the Director of Legal Services to take all necessary action on this matter under powers contained within Section 116 of the Highways Act 1980, and to apply to Sheffield Magistrates' Court for a Closure Order.

Richard Day
Senior Engineer, Highway Records.

7 February 2013

REPORT APPROVED BY HEAD OF TRANSPORT, TRAFFIC AND PARKING SERVICES

Signed

Date