

TEAM MANAGER, HIGHWAY RECORDS & ADDRESS MANAGEMENT
HIGHWAY MAINTENANCE DIVISION

TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE
2 NOVEMBER 2018

HIGHWAYS ACT 1980 – SECTION 116
PROPOSED PERMANENT CLOSURE OF PART OF A WIDE PUBLIC HIGHWAY
FOOTWAY AREA AT CHARTER SQUARE, SHEFFIELD CITY CENTRE, S1

1.0 PURPOSE

- 1.1 To seek authority to apply for the Stopping-Up Order required for the permanent closure of part of a wide public highway footway at Charter Square, Sheffield city centre, S1, as shown hatched on the plan included at Appendix A.

2.0 BACKGROUND

- 2.1 Although it is part of the all-purpose adopted public highway known as Charter Square, the subject area itself is only available to pedestrians.
- 2.2 It has recently undergone height and structural changes as a result of private works undertaken by the adjacent landowner (Aberdeen UK Property Fund) in connection with construction of a new cinema and restaurant development ("The Light").
- 2.3 In view of the resultant unusual structural construction of this piece of highway (a raised 'plinth' with retaining structures), it is the strong preference of both Aberdeen (as owner of the subsoil) and the Council (as Local Highway Authority currently responsible for its maintenance) that the subject area be Stopped Up as highway and thus become the responsibility of the landowner.
- 2.4 Since the subject area only provides access to The Light and Debenhams, it is asserted that it is not necessary as public highway, and Aberdeen have asked the Council to apply to Sheffield Magistrates' Court for an Order allowing the area to be Stopped Up as Highway.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, the Emergency Services, Ward Councillors, and other relevant bodies.

- 3.2 Cadent Gas objected, because they have a gas pipe buried within the subject highway. After discussions, Aberdeen have now paid for the consequent diversionary works required by Cadent, and that objection has been withdrawn.
- 3.3 Northern Powergrid, although not formally objecting, did initially respond that they have supply cable ducts buried within the subject highway, which may require diversion. However, after investigation, they confirmed that all their underground ducting in the subject highway is actually now redundant, thus meaning that they had no problem with the proposal.
- 3.4 Not all the other consultees had responded at the time of writing this report, but of those who have replied, none have objected.

4.0 LEGAL IMPLICATIONS

- 4.1 Legal Services have been consulted and have confirmed that, in the particular circumstances of this case, it will be possible to apply to Sheffield Magistrates' Court for an Order using the powers contained within Section 116 of the Highways Act 1980.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Charter Square is a classified all-purpose adopted public highway.
- 5.2 The piece of Charter Square proposed for closure is currently available to pedestrians only, as part of a much larger pedestrian 'square' on the south-eastern side of the carriageway of Charter Square.
- 5.3 All the subsoil of the piece of highway to be Stopped Up is owned by the applicant, Aberdeen. It is understood that they have confirmed to Debenhams that, after Stopping Up, Debenhams' ability to access to their adjacent building for maintenance will remain entirely unaffected. The relevant manager at Debenhams has also confirmed with both the Council and Aberdeen that they have no objection in principle with this arrangement.
- 5.4 On that basis, it is considered that the proposed closure area is not necessary as public highway, and will not have a detrimental effect on users of the surrounding highway network, or affect the public's enjoyment of the area.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 There are no particular equal opportunities implications arising from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no particular environmental implications arising from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There will be no increase in financial liability on the Council as a result of this highway legal order.
- 8.2 All costs relating to the Highway Stopping Up proposal, and consequent utility works, will be paid by the applicant.

9.0 CONCLUSION

- 9.1 Based on the above information, I have no objections to the proposed Order, as shown on the plan included at Appendix A.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed Stopping Up, as shown hatched on the plan included at Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers with regards to any of their mains and services that may be affected.
- 10.2 Authorise the Director of Legal & Governance to take all necessary action on the matter under the powers contained within Section 116 of the Highways Act 1980, and to apply to the Magistrates' Court for the Order.

Richard Day
Principal Engineer
Highway Records & Address Management
Highway Maintenance Division

2 November 2018

REPORT APPROVED BY
HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

Signed 

Date 5 November 18



Highway Records
Culture & Environment
Howden House
Union Street
Sheffield
S1 2SH

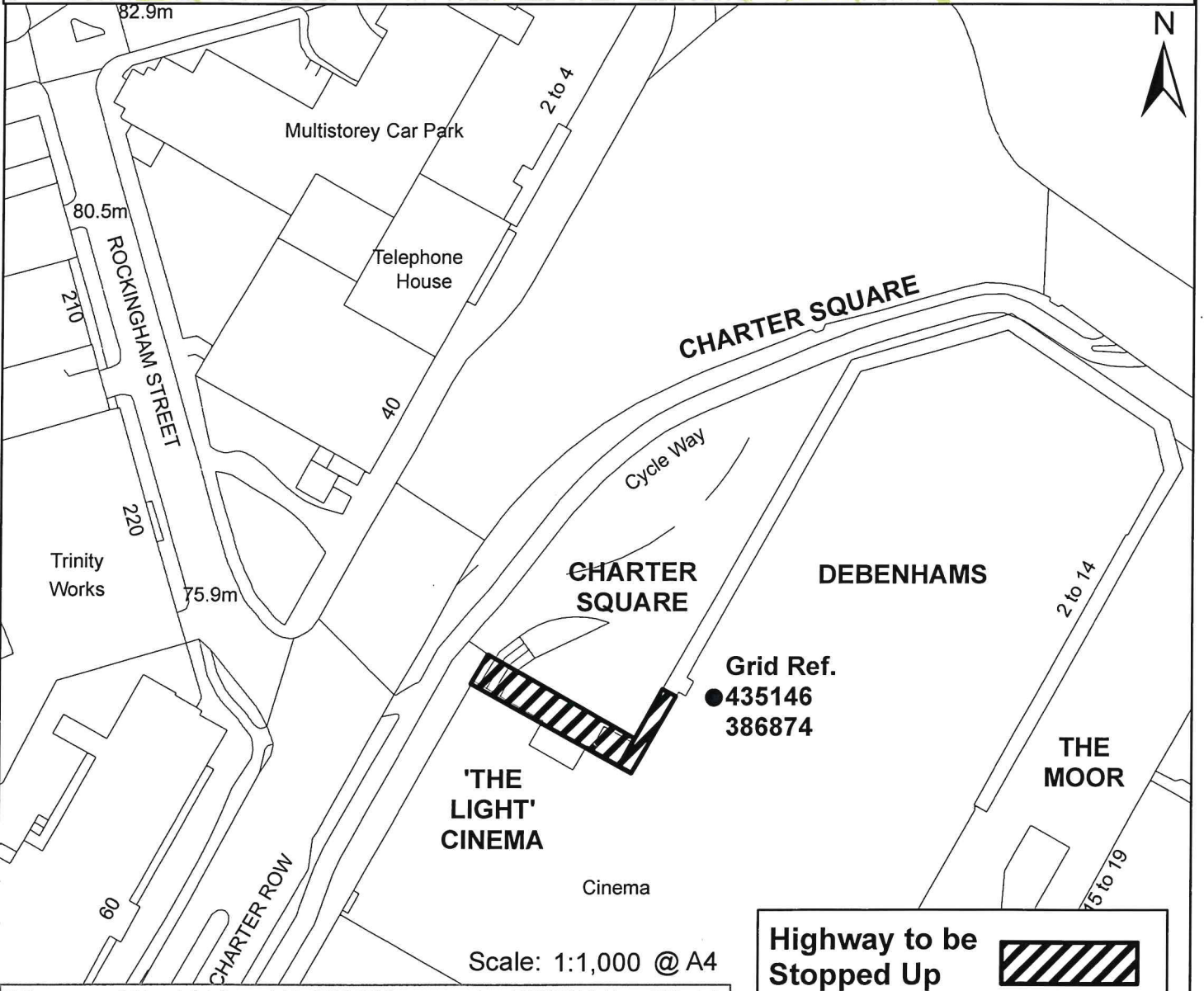
APPENDIX A

Highways Act 1980 Section 116

Stopping Up of Highway at

Charter Square, Sheffield city centre, S1

Ref.: 4029



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