

**TRANSPORT DECISIONS COMMITTEE - 19 JULY 2007**

**STOPPING UP OF HIGHWAY  
LAND ADJACENT A329 GREAT HASELEY**

**Report by Head of Transport**

**Introduction**

1. Under S.117 of the Highways Act 1980, Countax Ltd has requested that the County Council make an application under S.116 to stop up the classified unnumbered highway adjacent to the A329 at Great Haseley as shown on the attached Drawing No. 786/G174 (Annex 1).

**Background Information**

2. In 1964 land adjacent to the original A329 at Great Haseley was purchased by Oxfordshire County Council for a highway improvement. The old road became a quiet cul-de-sac and although retaining its highway status it was downgraded after the improvement works were completed. On the south east side of this old road is a small industrial estate, one unit of which abuts the old road. This business unit called Countax Ltd. also has title to the wooded copse on the north west side of the old road which effectively screens the business units from the new A329.
3. At the end of the old road, beyond the units, an opening gives access to a large field. To the north east of the industrial estate a hedge separates the Countax business unit from this large field. Running along the field side of this hedge is a public footpath( FP17 Great Haseley) which connects with the old road, the new A329 and ultimately with another public footpath (FP11 Great Milton) leading to Great Milton.

**Recent Events**

4. Incidents of fly-tipping and encampment by travellers on the old road have caused problems for the authority and the business units. Countax is a successful business and has continued to expand to a degree that it has made use of the old road for storage of equipment. To aid site security and management of the area, Countax erected steel gates at either end of the old road in line with its boundaries. The general public have therefore been excluded from the area in question since then but footpath access to the north and west of Countax has generally not been affected. However, the owners of the large field complained they were being denied access and Countax were asked to rectify the situation. In response Countax formally requested to incorporate the old road into their site and agreed to provide the field owners with a new access.

## **Ownership Issues**

5. The old road is an ancient highway the sub-soil of which is assumed to be owned by the adjacent land owners up to its mid point. In purchasing land for the new A329, Oxfordshire County Council is considered to be one of the adjacent landowners. Should a stopping up of the old road be successful all the land concerned would revert to the frontagers in the proportions identified on the attached Drawing No. 786/G175 (Annex 2).

## **Consultation**

6. Following the request by Countax, internal consultations within the Department revealed no objection to the closure on highway grounds. Countax Ltd. with officer approval then carried out informal consultations with all affected owners/occupiers, local authorities, utility providers and amenity societies.

## **Objections**

7. There were two objections received by Countax, one of which came from The CPRE, which was withdrawn after Countax agreed to provide a new public footpath through their copse to help establish a new connection. Countax will, at their expense, permanently mark it on the ground and keep it clear. This is shown on the drawing at Annex 1. The second objection came from the owners of the field and although Countax has negotiated with them there has been no amicable resolution and the objection still stands. As part of this process Countax has planning consent to provide, all at their expense, an alternative field access directly from the A329 at what may be a former field access. This planning consent also advised that exiting the new field access should be left turn only onto the A329 on highway safety grounds. However it appears the owners of the field believe this change of access point will jeopardise any plans they may have for future commercial development of the field. To date the South Oxfordshire District Council Planning Officer has not received an application and it is difficult to judge how much substance there is in this proposal.

## **Environmental Implications**

8. There are no environmental implications although should this request fail Countax have stated it could have serious long term financial implications for the business and would leave the road open once again to possible fly-tipping and use by the travelling community. This would also prevent access for the adjacent field owner.

## **Financial and Staff implications**

9. Countax Ltd. will meet all the associated costs and there will be a saving on maintenance when the area of highway is stopped up. Oxfordshire County

Council as adjacent landowner to a small part of the proposed area for stopping up has an interest in the subsoil of the old road, which could be sold at market value on completion of the Stopping Up. There are no staffing implications.

## **RECOMMENDATIONS**

10. **The Committee is RECOMMENDED to:**

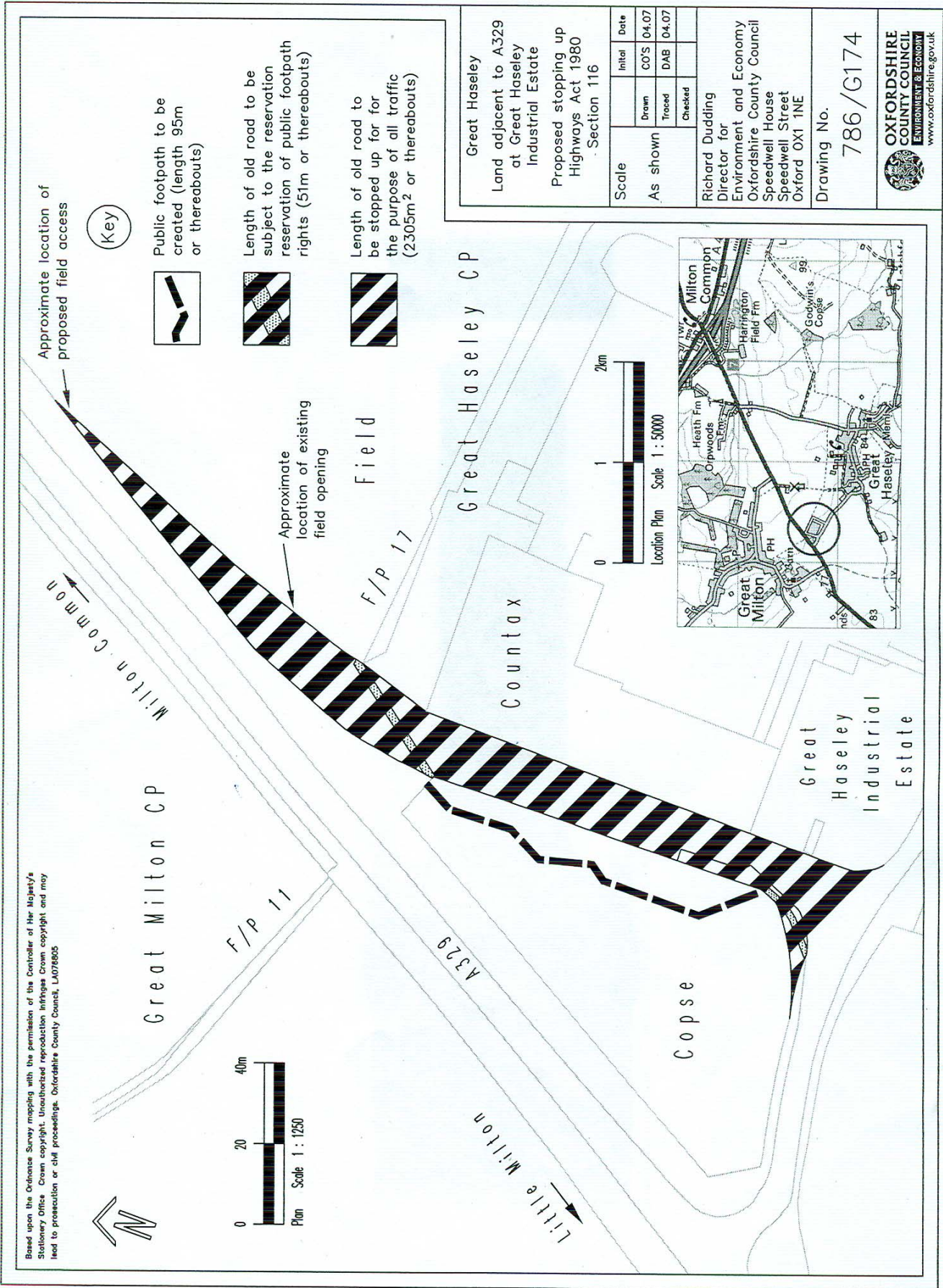
- (a) authorise the Solicitor to the Council to make application to the Magistrates under section 116 of the Highways Act 1980 for the stopping up of the highway as shown on drawing No. 786/G174 on the grounds that it is unnecessary as highway subject to:**
  - (1) the reservation of footpath rights over the two areas shown on drawing no. 786/G174 which are to be permanently marked on the ground all at the expense of Countax Ltd;**
  - (2) the dedication and satisfactory provision of the connecting footpath with any associated signage, stiles etc. by and at the expense of Countax Ltd. as shown on drawing No. 786/G174;**
  - (3) the satisfactory provision of the alternative field access and signage all at the expense of Countax Ltd;**
- (b) declare surplus to the County Council's requirements as local highway authority any interest the Council may have in the area of land (404sq. m. or thereabouts) shown small cross hatched on drawing no. 786/G175 subject to the road being stopped up by the Magistrates.**

STEVE HOWELL  
Head of Transport  
Environment & Economy

Background Papers: Informal consultation report compiled by Countax

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July 2007



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Great Haseley		Initial	Date
Land adjacent to A329 at Great Haseley Industrial Estate		Drawn	COS 04.07
Proposed stopping up Highways Act 1980 - Section 116		Traced	DAB 04.07
Scale		Checked	
As shown		Richard Dudding Director for Environment and Economy Oxfordshire County Council Speedwell House Speedwell Street Oxford OX1 1NE	
Drawing No.		786/G174	
OXFORDSHIRE COUNTY COUNCIL ENVIRONMENT & ECONOMY www.oxfordshire.gov.uk			



