

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Keith Ferrin
Cabinet Member for
Environment, Highways &
Waste

DECISION NO.

08/01163

If decision is likely to disclose exempt information please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972

Subject:

Wingfield Bank, Northfleet

Decision:

The land shown hatched on Drawing No. 203113_59 Rev A be declared surplus to highway requirements and a Stopping Up Order applied for under the provision of the Highways Act.

Reason for the Decision:

This follows the publication of a Report on 24 April 2008.

A development at Wingfield Bank will occupy a section of redundant highway. The highway rights need to be Stopped Up under an Order in accordance with S116 of the Highways Act 1980 and considered by the local Magistrates Court. The County Council owns the underlying freehold of the redundant highway and that will be sold to the developer.

Before the Stopping Up Order can proceed and the consequent sale there needs to be confidence that the land can be formally declared surplus to highway requirements. This process requires inter alia local Member consultation.

Mr Ray Parker the local Member has concerns that the highway development control advice was influenced by the attraction of a capital receipt.

It has been explained to the Mr Parker that this is not the case and indeed the issue of development control, stopping up order procedures and land disposal are all handled independently with no vested interest in each others role. However, Mr Parker remains unwilling to support the Declaration of Land Surplus to Highway Requirements and hence a Report was published for a Cabinet Member Decision.

The development has a valid planning consent, the highway in question is redundant and has no continuing highway function and terms for the acquisition have been agreed. It would be inappropriate for the County Council to frustrate this development proceeding.

Any Interest Declared when the Decision was Taken

None

Background Information

The Report published on 24 April 2008.

signed

Mr Ferrin

date

2 May 2008