

	General Purposes Committee
	7 March 2022
Report from the Strategic Director, Regeneration and Environment	
Stopping Up Order – Engineers Way (Southside footway between Wembley Park Boulevard and Rutherford Way)	

Wards Affected:	Tokyngton	
Key or Non-Key Decision:		
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open	
No. of Appendices	Three	
	Appendix 1	Stopping Up Order plan WBL-BHE-ENW-ZZ-DR-C-2702 Rev P02
	Appendix 2	Utility plan WBL-BH-W03-00-DR-IN-C270 WBL-BHE-ENW-ZZ-DR-C-C2709 WBL-BHE-ENW-ZZ-DR-C-C2703
	Appendix 3	Existing Highway Boundary Plan
Background Papers:		
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	San Pirabakaran Senior Engineer Development Control Planning and Development Services San.pirabakaran@brent.gov.uk 020 8937 5277	

1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a stopping up order for slivers of land parcels of public highway consisting of footway on the south side of Engineers Way under Section 116 and 117 of the Highways Act 1980.
- 1.2 This Order is required to complete the development situated on lands south of Engineers Way, which consist of the newly built retail, housing units and public realm areas.

1.3 The highway land in question is deemed surplus to highway requirements and on completion of a successful application the County Council would be relinquished from any future maintenance liability.

1.4 The highway boundary has been staggered previously, as shown in the attached plan. The new proposal will result in a straight line highway boundary along the affected length of street, thereby regularising the width of the footway.

2.0 Recommendations

2.1 The stopping up order under Section 116 of the Highways Act 1980 can only be authorised by the Magistrates Court.

2.2 That the Committee approve the submission of an application to the Magistrate Court.

3.0 Detail

3.1 Hybrid and full planning consent was granted in 23 December 2016 (planning ref: 15/5550) for the redevelopment of the land surrounding Wembley Stadium, in accordance with Wembley Master Plan.

3.2 However, the stopping up of these areas of highway through Section 247 of the Town and Country Planning Act 1990 was not sought in association with any of the plot developments along Engineers Way.

3.3 A Stopping up Order under Section 116 of the Highways Act 1980 for the sections of footway on the south side of Engineers Way between Wembley Park Boulevard and Rutherford Way is therefore required to straighten the highway boundary. This will enable the developer to place landscaping planters and Hostile Vehicle Measures (HVM) along a straight line on land within their control, thereby enhancing the security of the patrons of the stadium and the arena and relieving Brent Council of any duty to maintain the security features.

3.4 The Council received 20 responses from utility companies, with either no objections or no record of apparatus in the immediate vicinity of our enquiry.

These were from:

- Atkins Global working on behalf of Vodafone (05.02.2020)
- CA Telecom UK Ltd (previously Colt Technology Services) (18.02.2020)
- Brent Street Lighting (31.01.2020)
- Cadent National Grid (16.10.20)
- CenturyLink Communications UK Limited (06.02.2020)
- ESP Utilities Group Ltd (05.02.2020)
- Fibernet UK Ltd *06.02.2020)
- Fibespan Ltd (06.02.2020)
- Global Crossing (UK) Ltd (06.02.2020)
- Global Crossing PEC (06.02.2020)
- GTC –BU UK (31.01.2020)

- LUL Infrastructure (31.01.2020)
- LUL HV Power assets (01.02.2020)
- Network Rail Asset Protection (31.01.2020)
- Network Rail – OP Buried Services (06.02.2020)
- Network Rail 2 – OP Buried Services (31.01.2020)
- Spatial Planning – TfL dated 29th October 2019
- TFL signals (31.01.2020)
- Virgin Media – Plant Enquiries (05.02.2020)
- London Underground & Cross Rail (04.02.2020)

The following two companies have indicated that they may have plant within the vicinity though. In this respect, the developer states that these utility companies already have buried services within Quintain land anyway and the stopping up will not affect access to their plant, as the land will remain in use a public realm. This is shown in the appended utility plans.

- Openreach –BT
- Cadent and National Grid.

3.5 When a request that an area of Highway Land be stopped up is received and the Strategic Director for Regeneration and Environment considers that it is no longer necessary for the land to be part of the highway, the Council will apply to the Magistrates Court for an order stopping up the land as highway

3.6 At least 28 days before the making of an application to the Magistrate Court for a Stopping Up order the highway authority must serve notice of their intention to apply for the order on:

- the owners and occupiers of all lands adjoining the highway;
- any utility company having apparatus under, in, upon, over, along or across the highway;
- if the highway is a classified road, the Minister for Transport, Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.

3.7 Members are now requested to approve the submission of the Stopping Up Order to the Magistrate Court.

4.0 Financial Implications

4.1 The costs for the application will be borne by the developer Quintain. There is no additional cost to LBB.

4.2 The Stopping Up of these parcels of land will mean that future maintenance costs for the landscaping planters and Hostile Vehicle Measures (HVM) will pass from Brent Council to Quintain, reducing future financial liabilities for LBB.

5.0 Legal Implications

The Council's policy on applying for stopping up orders was drafted to meet the requirements of the Highways Act 1980 ("the Act"). Section 116 of the Act provides the

power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on behalf of a third party. Schedule 12 to the Act determines the form of notices that must be given in connection with an application for a stopping up order.

6.0 Equality Implications

- 6.1 The proposal does not alter the space available for the general public to pass and repass as the stopped up land will remain available for the public to use. The proposal is therefore not considered to have positive or negative impacts on age, disability, gender, belief or any social exclusion issues.
- 6.2 The process for applying for a stopping up order includes opportunities for anyone who feels they may be disadvantaged to object and, if they wish, be heard in court, the assessment did not identify any actions necessary to address the potential negative impacts.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 None specific.

Report sign off:

Alan Lunt

Strategic Director Regeneration &
Environment