Planning Committee
3 October 2016
Agenda Item 7

Ward: [Insert details]

Request for a Stopping Up Order at Tarmount Hard

Report by the Director for the Economy

1.0 Summary

1.1 Members will recall that at its meeting on the 11th July 2016, it was resolved to grant planning permission for the infilling of Tarmount Hard and the creation of a stepped quay subject to a legal agreement securing appropriate compensatory habitat (AWDM/0784/14). The requirement for a contribution to the provision of an off site public slipway was dropped in view of the benefits of providing improved flood defence and the fact that the Hard is not a public slipway (and that direct access off the A259 restricts any such use in any event).

2.0 Background

2.1 As the Committee report indicated, following the grant of planning permission, there is a need to stop up the public right of way prior to development commencing. In accordance with s257 of the Town and Country Planning Act, a competent Authority (Local Planning) can make an Order, if it is satisfied that the Order is in accordance with a planning permission granted, under Part III of the Town and Country Planning Act. The Order can also provide for the creation of an alternate highway (as in this instance).

3.0 Proposals

3.1 The proposal is to infill Tarmount Hard and stop up the existing right of way to extend the Yacht Clubs boat storage yard and create a stepped quay. Public access would still be retained to the stepped quay by creating a 3 metre footpath leading to steps down to the water's edge. A draft Order has been prepared and consultation is underway with West Sussex Rights of Way Officer in connection with the appropriate plans to identify the existing right of way.

3.2 Members are asked to confirm that the stopping up is necessary to implement the planning permission. Some work has been undertaken on site in relation to improvements to the existing Hard, however, if any works are undertaken prior to the Order being confirmed, the stopping up would have to be undertaken under the Highways Act (s118).

4.0 Legal

4.1 The relevant powers to stop up a public right of way are set out in paragraph s257 of the Town and Country Planning Act as set out in the report.

5.0 Financial implications

5.1 The applicant is aware of the need to pay for the costs of the Stopping Up Order and appropriate advertisement/consultation and legal fees.

6.0 Recommendation

6.1 The Committee is recommended to authorise making an Order under s257 of the Town and Country Planning Act to stop up Tarmount Hard and create an alternative 3 metre footpath across the new stepped quay. If, at any, point work progresses in advance of the Order, the Committee is also requested to authorise the relevant powers set out in s118 of the Highways Act.

Local Government Act 1972
Background Papers:
None.

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Schedule of Other Matters

1.0 Council Priority

1.1 To deliver improved flood defence measures for Shoreham.

2.0 Specific Action Plans

2.1 As above

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Matter considered and no issues identified.

8.0 Consultations

8.1 (A) [Details of relevant internal (staff UNISON etc) and external (including Stakeholder Groups; etc.) consultation]
(B) Include how have you used the feedback from the consultation in this proposal

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Project would require partnership working between Yacht Club, WSCC and the District Council.