

**From:** Mary George

**Sent:** 02 May 2018 14:55

**To:** Steve Kerr <[Steve.Kerr@suffolk.gov.uk](mailto:Steve.Kerr@suffolk.gov.uk)>; Andrew Woodin <[Andrew.woodin@suffolk.gov.uk](mailto:Andrew.woodin@suffolk.gov.uk)>

**Subject:** DRAFT ORDER E/3169 - PROPOSED STOPPING UP OF HIGHWAY AT U6318 CATTISHALL LANE, BURY ST EDMUNDS IP31 2QU: DRAFT DOCUMENTS

Hi Steve and Andrew

As requested Andrew, please find attached the draft s247 order, public notice and site plans 1 and 2 for the Inspector. These were emailed to the County Council by DfT on 12 February 2018.

I can confirm that the draft order is in the public domain. The public notice was advertised in the London Gazette on 21 February 2018. It will also have been posted on site and advertised in a local newspaper on that date (I can ask Neil Crass for details re the local press advert if required). The notice states that copies of the order were available for public inspection at Bury St Edmunds library.

Suffolk County Council was consulted by the DfT and has concerns regarding maintaining access directly to the level crossing if the order were made as drafted. The County Council is currently in discussions with DfT and the applicant to resolve these concerns, in the meantime a holding objection has been submitted to the draft order.

A bridleway is to be created through the planning process. To address part of the County Council's concerns it is proposed that the draft order should be amended by inserting a clause stating that the stopping up cannot come into operation until the new bridleway has been provided to the reasonable satisfaction of the County Council. The wording suggested by DfT is as below. (A suitably revised site plan 2 will be required).

2. *No part of the said highway shall be stopped up pursuant to this Order until the Council certify to the developer that the provisions of article 3 (1) of this Order have been complied with.*
3.
  - (1) *The developer shall to the reasonable satisfaction of the Council provide new highways, shown on site plan 2, as proposed and detailed in the approved planning permission and associated plans.*
  - (2) *The new highways shall be highways which for the purposes of the Highways Act 1980 are highways maintainable at the public expense and the Council shall be the highway authority for them.*

A second issue that the County Council has raised with DfT is the extent of the proposed stopping up, which the draft order site plan 1 depicts extending to the level crossing itself i.e. beyond the development site boundary. The proposed bridleway creation will not provide a link to the existing level crossing therefore if the road is stopped up as depicted on the draft order site plan 1 the access to the level crossing would be lost. In order to avoid this the length of road to be stopped up needs to be reduced and draft order site plan 1 amended accordingly.

Let me know if you require any other information.

Mary

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# PUBLIC NOTICE

## DEPARTMENT FOR TRANSPORT

### TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a length of U6318 Cattishall Lane at Bury St Edmunds, in the Borough of St Edmundsbury.

If made, the Order would authorise the stopping up only to enable development as permitted by St Edmundsbury Council, under reference DC/14/1881/HYB.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Bury St Edmunds Library, Sergeants Walk, St Andrews Street North, Bury St Edmunds, IP33 1TZ in the 28 days commencing on 21 February 2018, and may be obtained, free of charge, from the address stated below (quoting NATTRAN/E/S247/S247/3169).

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk) or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on **21 March 2018**. Any person submitting any correspondence is advised that your personal data and correspondence will be passed to the applicant/agent to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your correspondence.



S Zamenzadeh, Casework Manager

# **TOWN AND COUNTRY PLANNING ACT 1990**

## **THE STOPPING UP OF HIGHWAY (EAST) (NO. ) ORDER 201**

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown on site plan 1, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act by St Edmundsbury Borough Council, under reference DC/14/1881/HYB.

2. (1) The developer shall to the reasonable satisfaction of the Council provide a new highway, shown on site plan 2, as proposed and detailed in the approved planning permission and associated plans;

(2) The new highway shall be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense and the Council shall be the highway authority for it.

3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

4. In this Order -

"the Council" means Suffolk County Council

"the developer" means Taylor Wimpey East Anglia

"site plan 1 and site plan 2" means the plans numbered NATTRAN/E/S247/3169A and NATTRAN/E/S247/3169B, marked "Highway at Bury St Edmunds in the borough of St Edmundsbury", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards-on-Sea, Hastings, East Sussex TN37 7GA.

5. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highway (East) (No. ) Order 201.

Signed by authority of  
the Secretary of State  
201

DAVE CANDLISH  
An Official in the  
National Transport Casework Team  
Department for Transport

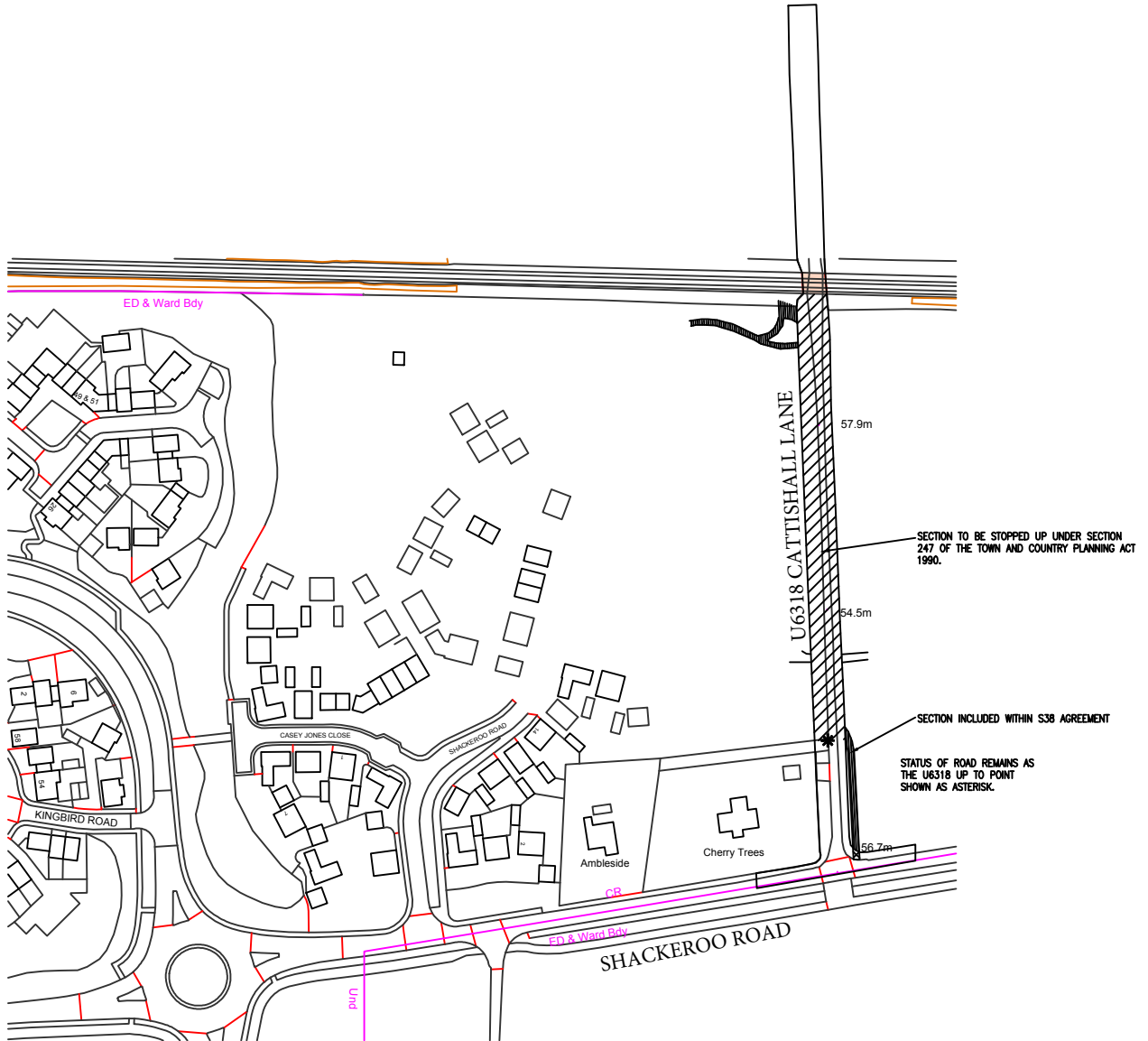
## THE SCHEDULE

### Description of highway to be stopped up

The highway to be stopped up is at Bury St Edmunds in the Borough of St Edmundsbury, shown on site plan 1 and is a length of U6318 Cattishall Lane. It commences from the north eastern boundary of Cherry Trees as lies off Shackeroo Road extending in a northerly direction for a distance of 164 metres.

DRAFT

# HIGHWAY AT BURY ST. EDMUNDS IN THE BOROUGH OF ST EDMUNDSBURY



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Key Scale 1:2500 @ A4

Highway to be  
stopped up



National Transport Casework Team

Department for Transport

Plan No: NATTRAN/E/S247/3169A

SITE PLAN 1

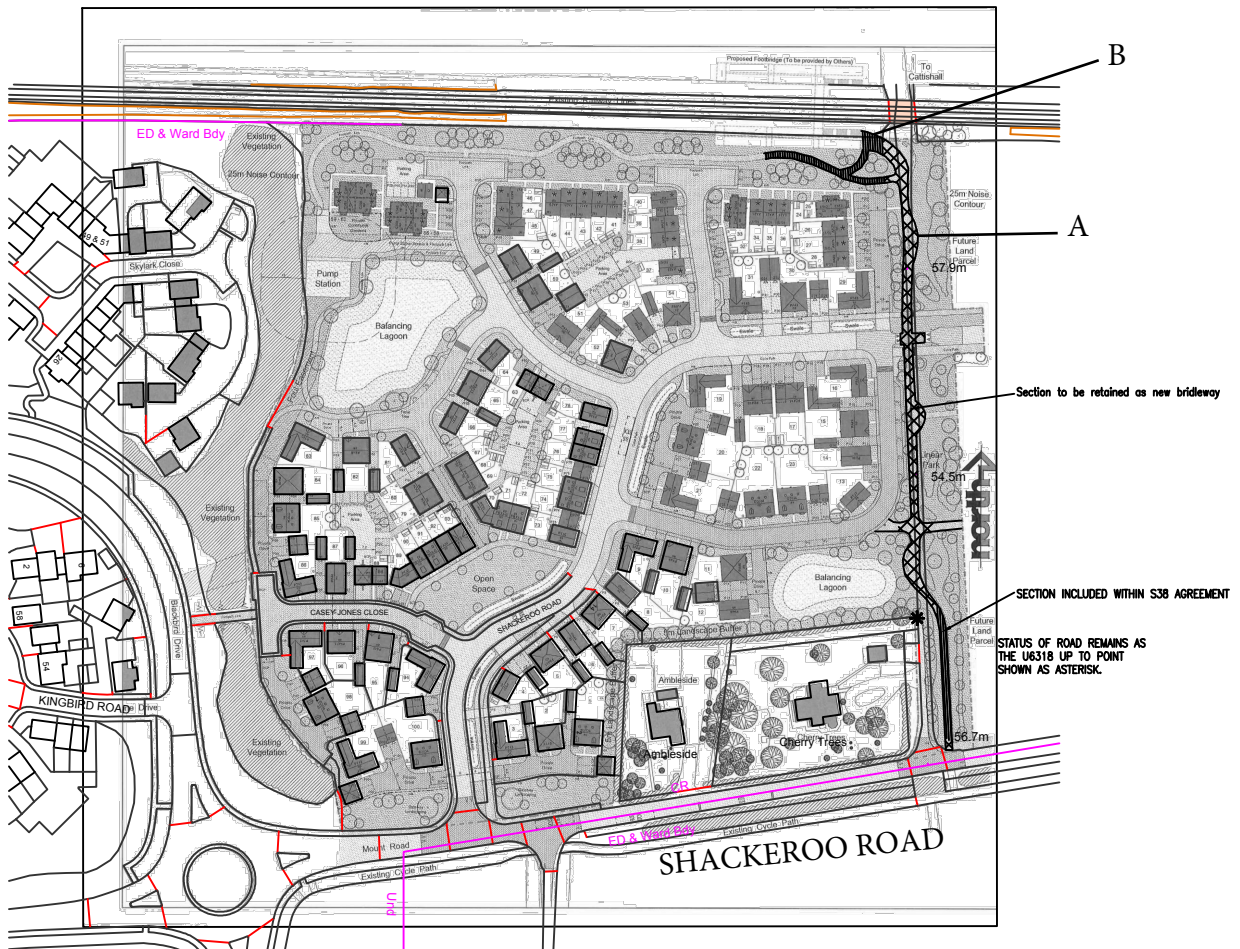
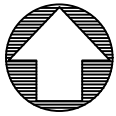
Signed by Authority of the  
Secretary of State

on.....2018

Signature.....

DAVE CANDLISH  
An Official in the  
National Transport Casework Team  
Department for Transport

# HIGHWAY AT BURY ST. EDMUNDS IN THE BOROUGH OF ST EDMUNDSBURY



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Key Scale 1:2500 @ A4

Proposed new  
brideway to be  
provided (marked  
A)



Proposed new  
footpath/  
cycletrack/  
bridleway to be  
provided (marked  
B)



National Transport Casework Team

Department for Transport

Plan No: NATTRAN/E/S247/3169B

SITE PLAN 2

Signed by Authority of the  
Secretary of State

on.....2018

Signature.....

DAVE CANDLISH  
An Official in the  
National Transport Casework Team  
Department for Transport