

From: [REDACTED]
Sent: 10 May 2018 13:10
To: NATIONALCASEWORK <NATIONALCASEWORK@dft.gov.uk>
Subject: REF NATTRAN/SE/S247/3254

The order is being sought under section 247 of the Town and Country Planning Act 1990 which allows the Secretary of State to stop up a road if he/she is satisfied that it is necessary in order for development to be carried out. So the key to fighting this is to show that it is not necessary to the development.

Can I suggest therefore that you:

This development is unacceptable and creates significant harm, but if the development were to be granted planning permission there is no overriding need to move the road as the proposed buildings could be served from the existing road. It is therefore not necessary for it to be stopped up and realigned for this development to take place.

I Ask for the stopping up order to be considered by the Secretary of State at the same time as the planning application so that he may see the full picture. (Note that we have already asked him to call in the application should planning permission to be granted though there is no guarantee that he will.)

Some guidance we have read suggests that as well as a necessity test, a merits test could be applied as well:

“In the exercise of that discretion the relevant authority is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order. In such a case they must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development. They must then decide whether any such disadvantages or losses are of such significance or seriousness that they should refuse to make the order”

So you might also like to add a comment as to how the closure of the road would affect you personally and/or your concerns about the impact the new diverted road would have on the canal, the effect on traffic on other roads etc

Having spent so much of local people's money installing parking meters, I think this road closure notice demonstrates the lack of financial planning, coordination and planning which the Council apply to their project

Dave Barlow

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