

Date: 30 August 2023
Enquiries to: Isaac Nunn
Tel: [REDACTED]
Email: [REDACTED]

IP Number: 20031377

Dear Mr Wheadon,

Re: Request for information

Thank you for your letter of 23 August 2023 requesting information from Suffolk County Council. The matters raised in your letter are addressed in turn.

Stone Curlew

Subsequent to the applicant's comments at deadline 7 [REP7-057] Suffolk County Council Archaeological Service discussed the requirement for a brief with the applicant. It is the council's understanding that it was agreed with the applicant that an archaeological brief can only be provided once there is certainty as to whether or not implementation of the stone curlew plots requires a topsoil strip, as the methodology would affect the expected level of archaeological impact. The council will provide an archaeological brief to the applicant once the methodology has been settled in due course (presumably through submission of materials pursuant to requirements 8 or 10).

Final position with landowners and councils

Although paragraph 7 of your letter is addressed to the applicant, the council can confirm that agreement has been reached over the highways side agreement between Suffolk County Council and the applicant. The parties are in the process of executing engrossments.

In relation to plots 1-02, 1-03 and 5-11, it is not known whether these plots are within the highway boundary or indeed whether they are within the councils' ownership. The common law presumption in relation to highway boundary features is that, unless there is evidence to the contrary, hedges bounding the highway are part of the adjoining private land and therefore the responsibility of the relevant landowner; the council believes that presumption is likely to apply in this instance. Associated with this, only a landowner can dedicate land to become highway maintainable at public expense. It follows that if the applicant were to pursue acquisition of rights only, they may not subsequently be able to dedicate the completed works as highway. It is the position of the council that if the applicant wishes for any works in plots 1-02, 1-03 and 5-11 to ultimately become part of the publicly maintainable highway, the freehold title to those land parcels will need to be acquired.

Kind regards,

Isaac Nunn

Senior Planning Officer (NSIPs),
Growth Highways & Infrastructure,
Suffolk County Council