



Department
for Transport

Brendan McGarry
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Via e-mail

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Your Ref:

Our Ref: NATTRAN/EM/S247/2676

Date: 5 October 2017

Dear Mr McGarry

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247

PROPOSED STOPPING UP OF HIGHWAY AT NEW PINGLE STREET, NEW HENRY STREET, SWAN STREET, LEICESTER LE3 5AW

SECRETARY OF STATE'S DECISION – ORDER TO BE MADE

1. In accordance with section 247 of the Town and Country Planning Act 1990, the Secretary of State for Transport (the Secretary of State) has decided that the application made by Leicester City Council (the Applicant) for a stopping up Order (the Order), should be approved.

CONSIDERATIONS FOR DECISION

2. The application was referred to the Secretary of State for a decision as one non-statutory objection remained outstanding. It was decided that a local Public Inquiry should be held for the purposes of hearing the objection and an Inquiry was held on 6 June 2017 at The Tea Rooms, Leicester Town Hall, Town Hall Square, Leicester, LE1 9BG before R J Jackson BA MPhil DMS MRTPI MCMI, an independent Inspector appointed by the Secretary of State.
3. The inquiry was held in conjunction with The Leicester City Council (Leicester Waterside) Compulsory Purchase Order 2016. A separate decision letter will be issued by the Secretary of State for the Department of Communities and Local Government in relation to the Compulsory Purchase Order.

4. The Inspector considered all representations and objections about the Order during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of other relevant issues, in reaching his final decision on this Order, namely:
 - Whether there is a valid planning permission
 - Whether the area in question is public highway
 - Whether the closure is necessary to allow development to take place in accordance with the planning permission
 - Whether any disadvantages arising as a result of the stopping up outweigh the advantages of making the order

CONCLUSION

5. Overall, the Secretary of State is satisfied that the advantages of removing the highway rights, to enable the development, conferred by the Order, would outweigh the disadvantages which have been put forward by the objectors.
6. The Secretary of State notes the Inspector's conclusions and agrees with the recommendation that this Order be made. This is to enable the permitted development to be carried out, for which planning permission was granted by Leicester City Council, under reference 20151587. The Order is therefore approved and is entitled "The Stopping up of Highways (East Midlands) (No.36) Order 2017".
7. In making this Order, the Secretary of State has relied on the information that the parties have provided, as contained in the application and related plans, diagrams, statements and correspondence, as being factually correct.
8. A copy of this letter has been sent to the objector. Copies will be placed on deposit for public inspection when the Order is advertised and copies will also be made available, on request, to any other persons directly concerned. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State to view any document appended to this report. This must be done by writing to the above address within 6 weeks of receipt of this letter.
9. In accordance with section 287 of the Act, any person aggrieved by or desiring to question the validity of any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may within 6 weeks of when the Order is advertised, apply to the High Court for the suspension or quashing of the Order or of any provision included.

Yours sincerely,



DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf