

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP AND DIVERSION OF HIGHWAYS

(SOUTH 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 and diversion of the highways described in the Schedules to this Order and shown on site plans 1 to 6, in order to enable development to be carried out in accordance with the planning permissions granted under Part III of the Act by Tonbridge and Malling Borough Council, under references TM/05/00989/OAEA, TM/05/00990/FLEA, TM/07/00436/RD, TM/07/03045/RM, TM/07/03042/RM, TM/13/03948/FL and by Medway Council under reference MC2005/0756.
2. No part of the said highways shall be stopped up pursuant to this Order until the Council certify to the developer that the provisions of article 3 (1) and 3 (2) of this Order have been complied with.
3. (1) The developer shall to the reasonable satisfaction of the Council provide:-
 - (a) new highways which shall be roads along the routes shown by stipple on site plans 1 to 6;
 - (b) improvement of the highways Hall Road, Old Church Road, Court Road and Rochester Road shown by cross hatching on site plans 1 to 6; and
 - (c) improvement of a public right of way along the route shown by solid black on site plan 5.
- (2) The diversion of the said highways shall be affected by:-
 - (a) the stopping up of the length of highway specified in column (1) of Part B of the Schedule to this Order as is described in column (2) of Part B of the Schedule and shown on the plan; and
 - (b) the provision by the developer to the reasonable satisfaction of the Council of new highways along the diverted routes described in column (3) of Part B of the Schedule (to take the place of the aforementioned length of stopped up highway in (a) above) and shown on the plan and given the reference letters H and I.
 - (c) No part of the highway to be stopped up in pursuance of Article 3 (2) (a) of this Order shall take place earlier than the date on which the Council certify to the developer that the provisions of Article 3 (2) (b) have been complied with.
- (3) 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.

4. 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.

5. In this Order -

"the Council" means Kent County Council

"the developer" means Trenport (Peters Village) Limited

"site plan 1, 2, 3, 4, 5 & 6" means the plan numbered NATTRAN/SE/S247/1384A, NATTRAN/SE/S247/1384B, NATTRAN/SE/S247/1384C, NATTRAN/SE/S247/1384D, NATTRAN/SE/S247/1384E, AND NATTRAN/SE/S247/1384F marked "Highways at Wouldham, Rochester in the boroughs of Tonbridge and Malling and Medway", 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.

6. 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 and Diversion of Highways (South East) (No.) Order 201 .

Signed by authority of
the Secretary of State
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VICTORIA POINTER
An Official in the
National Transport Casework Team
Department for Transport

THE SCHEDULE

Description of highways to be stopped up and diverted

The highways to be stopped up are at the Parishes of Wouldham and Burham in the Borough of Tonbridge and Malling and Rochester, Medway, shown on the plan, and are as described in Part A below. The highways to be diverted are as described in Part B below.

PART A

Description of highways to be stopped up

1. A length and part width of Hall Road commencing from grid reference E: 571269, N: 163263 extending in a south westerly direction for a distance of 55.2 metres and having a maximum width of 7.4 metres (marked 1 on site plan 1).
2. A length and part width of Hall Road commencing from grid reference E: 571250, N: 163154 extending in a south westerly direction for a distance of 108.4 metres and having a maximum width of 9.7 metres (marked 2 on site plan 1).
3. A length and part width of Hall Road commencing from grid reference E: 571238, N: 163039 extending in a south westerly direction for a distance of 27.9 metres and having a maximum width of 8.5 metres (marked 3 on site plan 1).
4. A length of Hall Road commencing from grid reference E: 571230, N: 163012 extending in a generally south easterly direction for a distance of 108.1 metres (marked 4 on site plan 2).
5. A length of Hall Road commencing from grid reference E: 571248, N: 162923 extending in a south easterly direction for a distance of 58.8 metres (marked 4a on site plan 2).
6. A length and part width of Hall Road commencing from grid reference E: 571328, N: 162904 extending in a south easterly direction for a distance of 95.2 metres and having a maximum width of 6.3 metres (marked 5 on site plan 2).
7. A length of Old Church Road commencing from grid reference E: 571240, N: 162907 extending in a south easterly direction for a distance of 226.8 metres (marked 6 on site plan 2).
8. A length and part width of Old Church Road commencing from grid reference E: 571315, N: 162696 extending in a generally south easterly direction for a distance of 72.9 metres and having a maximum width of 19.9 metres (marked 7 on site plan 3).
9. A length and part width of Old Church Road commencing from grid reference E: 571337, N: 162629 extending in a generally south easterly direction for a distance of 48.9 metres and having a maximum width of 6.5 metres (marked 8 on site plan 3).
10. A length of public right of way MR15 commencing from grid reference E: 571325, 162680 extending in an easterly direction for a distance of 15 metres (marked B to C on site plan 3).

11. A length and part width of Court Road commencing from grid reference E: 572772, N: 161765 extending in a south easterly direction for a distance of 127.7 metres and having a maximum width of 25.7 metres (marked 9 on site plan 6).

PART B

Description of highways to be diverted

Column (1)	Column (2)	Column (3)
Highway to be diverted	Length of Highway to be stopped up	Reference Letter of diverted Highway
MR10	A length of Bridleway MR10 commencing from grid reference E: 571239, 162918 extending in a south easterly direction for a distance of 345 metres (marked A to B on site plan 2 and B to D on site plan 3).	(H) From point Z on Old Church Road heading north westerly by the east bank of the River Medway before turning easterly then northerly to Point Y to the south of the village of Wouldham (the length of the diversion being approximately 922 metres with a maximum width of 4 metres. (marked H on site plans 1, 2 and 3)
MR29	A length and part width of public right of way MR29 commencing from grid reference E: 572270, N: 161861 extending in a north easterly direction for a distance of 15 metres and having a maximum width of 2 metres (marked E to F on site plan 4).	(I) Public right of way MR29. From point E to point G (the length of the diversion being approximately 31 metres with a maximum width of 2.5 metres (marked I on site plan 4)