

## **Environmental Information Regulations – Response - 27031**

1. *Please confirm whether Suffolk County Council has any published or internal (unpublished) policy, guidance, protocol, standard operating procedure or decision making framework relating to the exercise of powers under section 228 of the Highways Act 1980 (adoption of private streets following execution of street works).*

*If so, please provide copies of any such documents currently in force.*  
Suffolk County Council (SCC) does not have any formal policies.

2. *In addition, please provide details of any occasions within the last 10 years on which Suffolk County Council has exercised its powers under section 228 of the Highways Act 1980, including (where held) the location or name of the street or land adopted and the year in which the section 228 notice was issued.*

*If a complete list is not held, please provide any summary records, schedules, committee reports or internal logs evidencing use of section 228 powers.*

**2018: Lavenham Walk** - a missing section of ROW under a bridge where the ownership / highway status was unclear - see file:

- *Signed Scan s228 Notice - Lavenham Walk.pdf*

**2018: Bury St Edmunds, Sow Lane, Rougham Relief Road** – see files:

- *WSP-5407-SKT-0171-B.pdf*
- *FINAL s.228 Notice - Sow Lane.pdf*

**2016:** We may have used S228 related to “Ipswich, 50 Suffolk Road (called Kiln Close) - s.228 Notice, s.38 and s.104 Agreements – Documents have been archived.

**2016:** We used s228 linked to “**Beccles, Newgate** - S228 notice required – 47738”. This was to adopt a layby that had been constructed but I believe the company dissolved before it could be dedicated – see files:

- *408634.pdf (drawing)*
- *408644.pdf (s.228 Notice)*

### Redacted Information

All information released in response to a Freedom of Information Act 2000 (FOIA) or Environmental Information Regulation 2004 (EIR) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that this is personal information and is therefore exempt from disclosure under **section 40** of the FOIA and **regulation 13** of the EIR.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA or EIR is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA and regulation 13 of the EIR.

**SUFFOLK COUNTY COUNCIL**

**HIGHWAYS ACT 1980**

**SECTION 228**

**NOTICE DECLARING STREET TO BE A HIGHWAY  
MAINTAINABLE AT THE PUBLIC EXPENSE**

Street works have been executed on land in Bury St Edmunds on and adjacent to The Battlies with an access way created to connect properties adjoining the highway with the Eastern Relief Road. Part of the land which forms part of the access at the date of this notice is not highway maintainable at the public expense. The area of land is shown coloured in yellow on the attached plan.

Suffolk County Council as the street works authority for Suffolk hereby declares that the said area of land is for the purposes of the Highways Act 1980 ("the Act") a highway maintainable at public expense and on the expiration of a period of one month from the date hereof shall, subject to Section 228 (2) to (4) of the Act, become such a highway. The said area of land shall be used to provide access to all traffic to property adjoining the highway from Sow Lane.

The area of land shall become a highway maintainable at the public expense unless within a period of one month the owner or, if more than one, owners by majority in number of the area of land, by notice to Suffolk County Council as the street works authority object save that within two months from the expiration of that period the street works authority may apply to a magistrates' court for an order overruling the objection. Objections and any other representations concerning this adoption specifying the grounds on which they are made must be in writing and sent to Ian Richardson at Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX within the one month period aforementioned. Please bear in mind that any such correspondence cannot be regarded as confidential and may be inspected by any interested party.

Dated the 8<sup>th</sup> day of January 2018



Timothy Earl  
Head of Legal Services  
5 Constantine House  
Constantine Road  
Ipswich  
Suffolk IP1 2DH

**SUFFOLK COUNTY COUNCIL**

**HIGHWAYS ACT 1980**

**SECTION 228**

**NOTICE DECLARING STREET TO BE A HIGHWAY  
MAINTAINABLE AT THE PUBLIC EXPENSE**

Street works have been executed on land in Lavenham immediately beneath the Bury Road bridge.

The affected area is:

An area of land below the road bridge on the A1144 Bury Road, at Lavenham, Suffolk shown shaded green on the attached plan at Ordnance Survey Grid Reference 591,647 249,745 and measuring 10 metres in length from the north eastern side of a roadway bridge and passing below the bridge structure to the south western side of the bridge on a sealed metalled surface bounded on its northern and southern sides by the bridge walls and on the north eastern side of the bridge between the bridge buttresses.

Width: Varying between 8 and 10 metres (between the bridge wall and buttresses)

Suffolk County Council as the street works authority for Suffolk hereby declares that the said area of land is for the purposes of the Highways Act 1980 a footpath and on the expiration of a period of one month from the date hereof shall subject to Section 228 (2) to (4) of the Act become such a highway maintainable at public expense. The said area of land shall be used to provide access for pedestrians between Old Station Close and the Lavenham Railway Walk (Footpath 26 Lavenham).

The strip of land shall become a highway maintainable at the public expense unless within a period of one month the owners of it by majority in number, by notice to the authority object. Objections and any other representations concerning this adoption specifying the grounds on which they are made must be made in writing and must reach Jonathan Lockington at the address below within the one-month period aforementioned.

Please note that in submitting an objection the personal data and correspondence relating to any objection will not ordinarily be regarded as confidential and may be inspected by any interested party. If any objector does not wish personal data to be open to inspection by other parties, they should state this when submitting the objection and the Council will

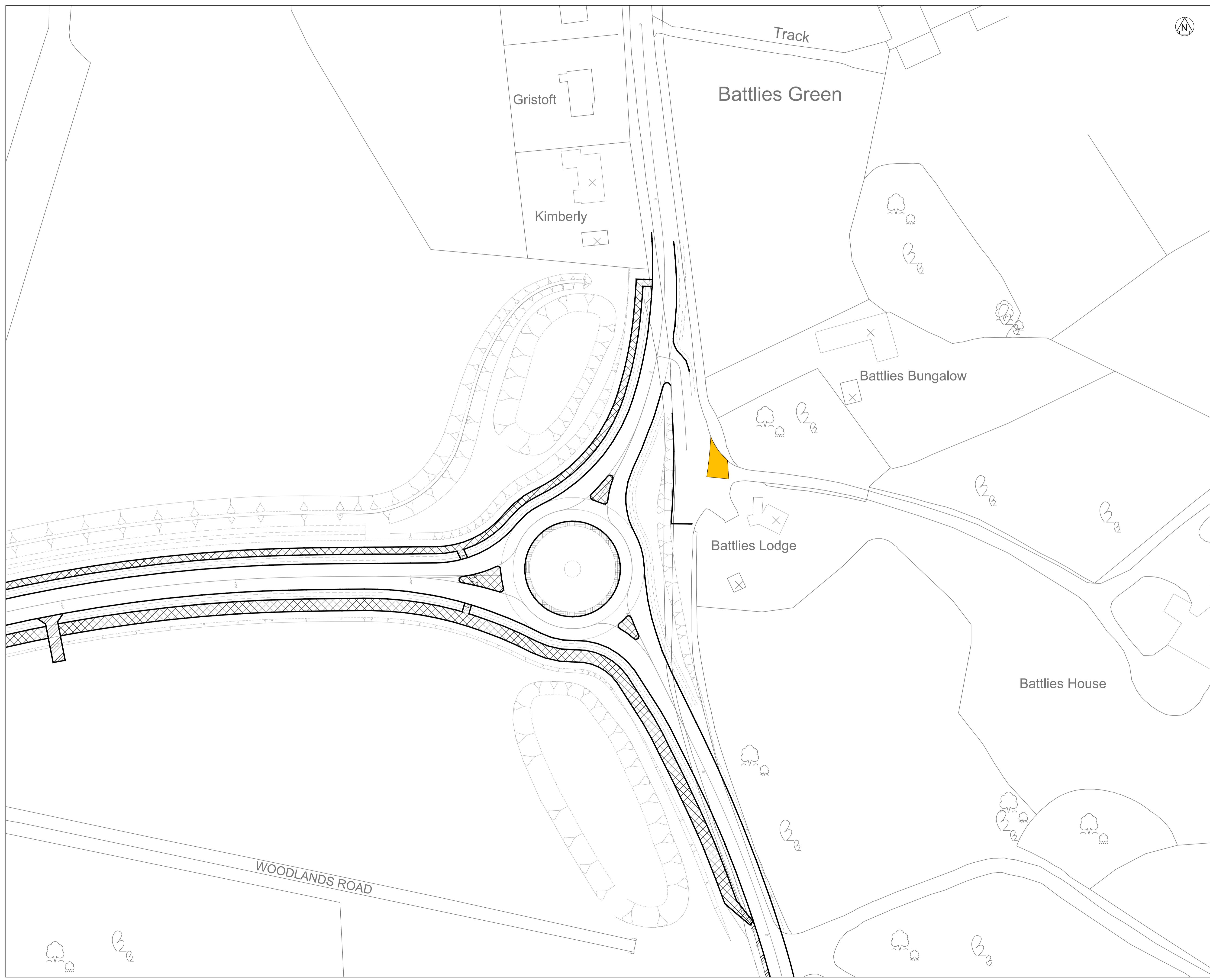
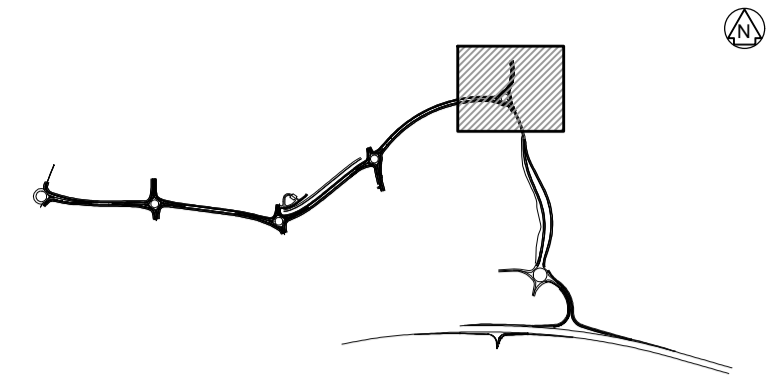
respond to any third-party request to disclose objections with their name and address removed.

Dated the 18th day of June 2018



Nigel Inniss  
Head of Legal Services  
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Constantine Road  
Ipswich  
Suffolk IP1 2DH

DO NOT SCALE



Rev	Date	By	Description	Chk	Apd
B	11/12/17		UPDATED TO SCC INSTRUCTIONS		
A	14/09/17		FIRST ISSUE		

DRAWING STATUS: FOR INFORMATION ONLY



7 Lochside View, Edinburgh Park, Edinburgh, EH12 9DH  
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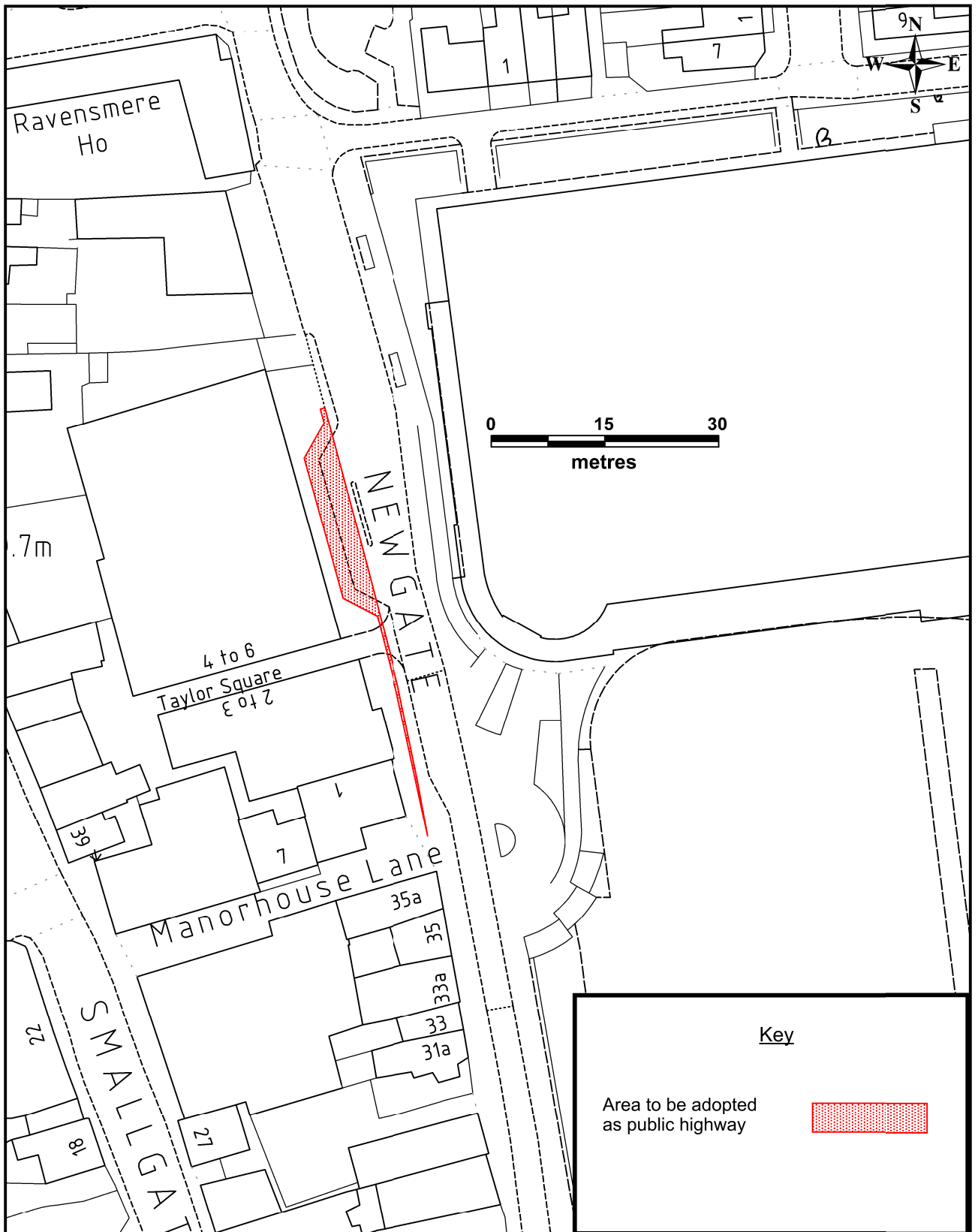
PROJECT: BURY ST EDMUNDS EASTERN RELIEF ROAD  
TITLE: SECTION 228 PLAN

SCALE @ A1:	CHECKED:	APPROVED:
1:500		
CAD FILE:	DESIGN-DRAWN:	DATE:
		14/09/2017

PROJECT No:	DRAWING No:	REV:
70005407	WSP-5407-SKT-0171-B	B

WSP Group Ltd

M:\70005407 - BURY ST EDMUNDS ERR\F MODELS AND DRAWINGS\HIGHWAYS\CONTRACT 2\SKETCHES\WSP-5407-SKT-0171-B.DWG 11/12/2017 14:57:44 Murdoch, Collum



### S228 Adoption - Newgate, Beccles



Resource Management,  
Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX.

Scale - as per scale bar

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PRODUCED BY

CHECKED BY

DRAWING No.  
320/132/01

DATE Oct. 2016

**SUFFOLK COUNTY COUNCIL**

**HIGHWAYS ACT 1980**

**SECTION 228**

**NOTICE DECLARING STREET TO BE A HIGHWAY  
MAINTAINABLE AT THE PUBLIC EXPENSE**

Street works have been executed on an area of land forming a layby with adjoining footway on the west side of Newgate, Beccles. The area of land commences at the north side of Manorhouse Lane at its junction with Newgate and continues to a point 1.5 metres north of the north end of the layby. The area of land is shown in red on the attached plan.

Suffolk County Council as the street works authority for Suffolk hereby declares that the said section of footway and layby is for the purposes of the Highways Act 1980 a highway maintainable at public expense and on the expiration of a period of one month from the date hereof shall subject to Section 228 (2) to (4) of the Act become such a highway. The said layby shall be used to enable deliveries to adjacent units without vehicles blocking the carriageway of Newgate and the footway was relocated and widened to accommodate the layby.

The strip of land shall become a highway maintainable at the public expense unless within the aforementioned period of one month the owners of it by majority in number, by notice to the authority object. Objections and any other representations concerning this adoption specifying the grounds on which they are made must be in writing and must reach Jonathan Lockington at the address below within the one month period aforementioned. Please bear in mind that any such correspondence cannot be regarded as confidential and may be inspected by any interested party.

Dated the 18th day of October 2016

Timothy Earl  
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