

THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE ORDER

HIGHWAYS ACT 1980

PUBLIC PATH ORDER

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The District Council has made an order to divert part of Polstead Public Footpath No 35 following an application from the owners of the land crossed by the footpath. This statement has been prepared to explain various aspects of the order.

The applicants' reasons for requesting the diversion are summarised below:

Planning permission has been granted under reference DC/19/02014 for the conversion of a storage barn to 1 dwelling, erection of a cart lodge and creation of vehicular access.

The permission will result in the footpath passing across the morning/kitchen garden and very close to the windows and doors on the side of the property.

The proximity of the footpath will therefore impact on the applicants' privacy in the garden and will raise concerns about security in such a remote area. Walkers will be passing very close to the main living area windows and by the utility room door.

It is therefore in the interest of the applicants to divert the footpath to a location outside the immediate vicinity of the dwelling, to improve their privacy and enable the quiet enjoyment of the dwelling and the garden area. A concern about security is also addressed by the diversion.

The diversion of the footpath which currently runs through a small paddock to the east of the storage barn will also be of benefit to the applicants. It will enable the area to be secured and used for livestock, without any concern about the public passing through.

The route currently takes an irregular line across the grazing land. Diverting the route to the edge of the field will enable fencing in the area to be altered. It will enable the land to be fenced adjacent to one side of the footpath, improving the efficient use of the land for grazing to the benefit of the applicants.

- The proposed route will be 1.5 metres wide.
- There will be a self closing pedestrian gate adjacent to the field gate north of the dwelling (point G on the order map).
- A stile which is currently in place adjacent to Shelley Road will be replaced by a self closing pedestrian gate (point J on the order map).

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act. It considers that the proposal is in the interests of the owners of the land, that the order does not alter any termination points of the footpath other than to other points on the same path or highway connected with it and which are substantially as convenient to the public, that the proposed route will not be substantially less convenient to the public as a consequence of the diversion and that the proposal will not have an adverse effect on public enjoyment of the footpath as a whole.

There will be no adverse impact on the needs of agriculture or on forestry, flora, fauna or nature conservation.

The proposal is not contrary to any of the provisions of Suffolk County Council's Rights of Way Improvement Plan 2020-2030.

The order will come into effect only after it has been confirmed. Making and advertising the order simply provides an opportunity for objections or representations to be made.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.

Objections or representations relating to the order must be made in writing by 12 March 2021 to Mrs C Clements, Babergh and Mid Suffolk District Councils, Assistant Director Environment and Commercial Partnerships, Endeavour House, 8 Russell Road, Ipswich IP1 2BX.

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Sharon Berry by email at sharon.berry@baberghmidsuffolk.gov.uk or telephone 01449 724634 or 07801 587853.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the council will have to refer the order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council will be able to confirm the order itself but it has no power to modify orders.

C Clements

Assistant Director Environment and Commercial Partnerships

Babergh and Mid Suffolk District Councils

Date: 12 February 2021