

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 parts of Wortham Public Footpaths Nos 21 and 22 at Long Green, Wortham. This statement has been prepared to explain various aspects of the order.

The application to divert the footpaths was submitted on the grounds that it is in the interests of the owners of the land crossed by the footpaths to divert them. The statement of reasons for requesting the diversions is summarised below:

“This Application for Diversion of Footpaths is made following the discovered inconsistencies between what has been available and walked on the ground and what is actually shown on the Definitive Maps following accurate plotting, to rectify the situation and to facilitate the complete build out of approved development MSDC Ref: 2480/16.

The current position of Footpath 22 is through the garden of Meadow End Cottage, this is not accessible on the ground and has not been for many years. The footpath has been diverted round onto the headland of the adjoining field and as a result the County Council have positioned signage and apparatus (bridge) in the assumed positions. The actual position of the footpath should be through the private garden, which pushes the position and connection to FP21 within the private garden also. Therefore, the landowner is seeking to divert this route onto the one which has been walked by default and is on the adjoining landowner (and Applicants) land.

The Applicant has agreed to this diversion subject to Footpath 21 also being diverted to remove it from the development of 12 no. dwellings which is currently under construction. The route has caused limitations to Plot 1 due to the close proximity of it to the building (the development land is constrained due to areas of unknown archaeology which was determined to remain in situ and not be excavated).

Since September 2019 Roberts Molloy as Agents have been working on behalf of the Applicant, Ward Duffin Developments Ltd., to seek a resolution which is agreeable to all landowners which provides the public right of way and allows the development as proposed to be constructed and anomalies resolved. The Application is made to facilitate the continued build out of the approved development and to maintain the private garden of Meadow End Cottage.

This diversion would provide a new route which would be useful and provide a more enhanced connection to the wider landscape as the existing route of FP21 would be through a housing development, crossing driveways and of varying

materials.

The diversion as shown on the submitted drawing will create a clear and well-defined route available to locals and walkers, connecting them to the wider network whilst rectifying the situation on the ground and preventing walkers and animals potential conflict with vehicles accesses properties within the proposed development or impacting on the private amenity of the neighbouring dwelling.”

The proposed footpaths will be 1.5 metres wide.

The two diversions have been submitted as a combined proposal. One change will not proceed without the other.

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 footpaths other than to other points on the same paths or highways connected with them and which are substantially as convenient to the public, that the proposed routes will not be substantially less convenient to the public as a consequence of the diversions and that the proposals will not have an adverse effect on public enjoyment of the footpaths as a whole.

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 3 June 2022 to C Clements, Assistant Director Environment and Commercial Partnerships, Mid Suffolk District Council, 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 emailing public.realm@baberghmidsuffolk.gov.uk or by telephone on 01449 724634.

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner.

If any objections are made and not withdrawn then this order will be withdrawn. 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: 6 May 2022