

Notice of Public Path Order

Town and Country Planning Act 1990, Section 257 and Paragraph 1 of Schedule 14

West Suffolk Council (Wickhambrook Footpath No 10(part)) Public Path Diversion Order 2024

The above order, made on 13 June 2024 under section 257 of the Town and Country Planning Act 1990, will divert the entire width of that part of Wickhambrook Public Footpath No 10 commencing at Ordnance Survey grid reference (OSGR) TL77645476 and proceeding in a north easterly direction for approximately 108 metres to OSGR TL77715484 then in an east south easterly direction for approximately 113 metres to OSGR TL77825481 to a new line running between the aforementioned grid references in an east south easterly direction for approximately 102 metres then in an east north easterly direction for approximately 70 metres then in a north easterly direction for approximately 50 metres as described in the order and as shown on the order map.

A copy of the order and the order map and an explanatory statement have been placed and may be seen free of charge at Bury St Edmunds Library, Sergeants Walk, St Andrews Street North, Bury St Edmunds, IP33 1TZ between the hours of 8.30am and 5.30pm Monday, Wednesday and Thursday, 8.30am and 7.30pm Tuesday and Friday, 8.30am and 5pm Saturday and 10am and 4pm Sunday. A copy of the order and the order map and an explanatory statement may be obtained by post or email free of charge by contacting the council's representative, Sharon Berry, via email at public.realm@baberghmidsuffolk.gov.uk or telephone 01449 724634. They can also be viewed at <https://www.westsuffolk.gov.uk/parking/Travel/publicrightsofway.cfm>

Any representations about or objections to the order may be sent in writing to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU not later than 19 July 2024. Please state the grounds on which they are made. Please note that any such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to <https://www.westsuffolk.gov.uk/privacy/>

If no representations or objections are duly made, or if any so made are withdrawn, West Suffolk Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the order.

T Halliday
Service Manager (Legal and Governance), Legal and Information Governance Service
West Suffolk Council

Dated: 21 June 2024

This is an explanatory statement and does not form part of the order

Town and Country Planning Act 1990

Public Path Order

Under the Town and Country Planning Act 1990, county and district councils have the power to make orders to create, extinguish/stop up (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.

West Suffolk Council has made an order to divert part of Wickhambrook Public Footpath No 10. This statement has been prepared to explain various aspects of the order.

The Council may authorise the diversion of any footpath, bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to allow development to be carried out in accordance with planning permission granted under Part III of the Act. The granting of planning permission does not confer any right to obstruct a footpath, bridleway or restricted byway.

The Council has made the order because it is satisfied that it is necessary to divert part of Wickhambrook Public Footpath No 10 in order to enable development to take place in accordance with planning permission granted under reference DC/22/1352/FUL on 25 July 2023 for the construction of a conservation lake, east of Clopton Green, Wickhambrook.

If the footpath is not diverted the proposed development cannot be completed in its approved form because the conservation lake will be sited over the existing route of the footpath.

The applicant's statement of reasons for submitting the application is summarised below:

The applicant wants to build a new conservation lake on their property. No other options for the location of the lake are available because water follows the natural hollows and low points in the land and the existing footpath also follows the same low points in the landscape. Therefore to allow the conservation lake to be constructed the footpath needs to be relocated around the edge of the lake.

The proposal is to divert the public footpath around the edge of the new conservation lake. This will provide better views of the surrounding landscape and in addition provide new views and interest of the new conservation lake.

The proposed public footpath is one metre longer (222m) than the existing footpath to be stopped up (221m). The new footpath is to be located within a rewilded field

which will feature natural grasslands and flowers as the main landscaping material and the surface material of the new proposed footpath will be grass.

The Council is required to consider the disadvantage or loss, if any, likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing highway.

There will be no disadvantage or loss to members of the public generally. The proposed route is similar in length to the existing route and maintains the direction of travel. The existing footpath has no legally recorded width. The proposed footpath will be 2 metres wide with a grass surface. The proposed conservation lake and associated landscaping will add interest to the route.

There are no properties adjoining or near the existing highway.

The order will come into effect only after it has been confirmed and the necessary site works have been undertaken: making and advertising the order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing by 19 July 2024 to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU.

Please note that any such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to <https://www.westsuffolk.gov.uk/privacy/>

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the Council's representative, Ms Sharon Berry of Babergh and Mid Suffolk District Councils, telephone 01449 724634 or email public.realm@baberghmidsuffolk.gov.uk

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.

T Halliday
Service Manager (Legal and Governance), Legal and Information Governance Service
West Suffolk Council
West Suffolk House
Western Way
Bury St Edmunds
IP33 3YU

Dated: 21 June 2024

PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

WEST SUFFOLK COUNCIL
(WICKHAMBROOK FOOTPATH NO 10(PART))
PUBLIC PATH DIVERSION ORDER 2024

This order is made by West Suffolk Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: DC/22/1352/FUL, Construction of conservation lake, east of Clopton Green, Wickhambrook.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map between points A – B – C and described in Part I of the Schedule to this order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of West Suffolk Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map between points A – D – E – C.
3. The diversion of the footpath shall have effect on the date on which West Suffolk Council certifies that the terms of Article 2 have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule hereto, that is to say: The developer shall provide the footpath in accordance with the Certificate of Works issued by Suffolk County Council on 5 March 2024.
5. Giffords Hall Farm Partnership LLP is hereby required to pay the cost of carrying out the necessary works.

6. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, over or across it belonging to statutory undertakers for the purposes of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of)
WEST SUFFOLK COUNCIL)
was hereunto)
affixed in the presence of)



Authorised Signatory

Dated: 13 June 2024

SCHEDULE

PART 1

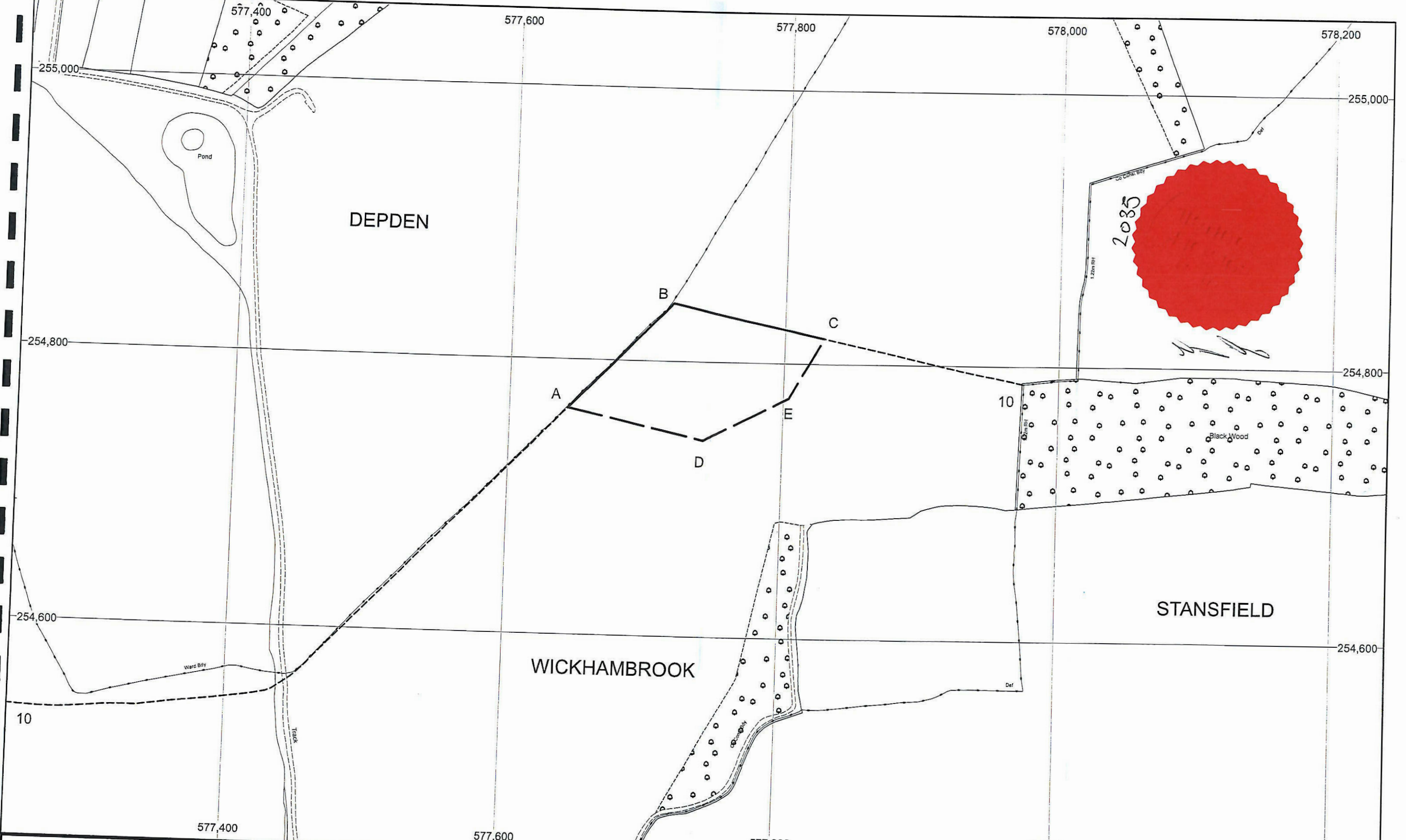
DESCRIPTION OF SITE OF EXISTING FOOTPATH

Wickhambrook Footpath No 10(part) – The entire width of that part of Wickhambrook Footpath No 10 commencing at Ordnance Survey grid reference TL77645476 at point A and proceeding in a north easterly direction for approximately 108 metres to Ordnance Survey grid reference TL77715484 at point B then in an east south easterly direction for approximately 113 metres to Ordnance Survey grid reference TL77825481 at point C; this being the route shown between points A – B – C on the order map.

PART 2
DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

Wickhambrook Footpath No 10(part) – Commencing at Ordnance Survey grid reference TL77645476 at point A and proceeding in an east south easterly direction for approximately 102 metres to Ordnance Survey grid reference TL77745474 at point D then in an east north easterly direction for approximately 70 metres to Ordnance Survey grid reference TL77805477 at point E then in a north easterly direction for approximately 50 metres to Ordnance Survey grid reference TL77825481 at point C; this being the route shown between points A – D – E – C on the order map.





Width: 2 metres



West Suffolk
Council

Scale 1:2500 at A3

Ordnance Survey MasterMap
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-  Footpath to be diverted (A - B - C)
-  Proposed Footpath (A - D - E - C)
-  Unaffected Footpath
-  Parish boundary



**MAP REFERRED TO IN THE WEST SUFFOLK COUNCIL
(WICKHAMBROOK FOOTPATH NO 10(PART)) PUBLIC PATH
DIVERSION ORDER 2024 - TOWN AND COUNTRY PLANNING
ACT 1990 SECTION 257**