

NOTICE OF PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 AND PARAGRAPH 1 OF SCHEDULE 14

MID SUFFOLK DISTRICT COUNCIL (STONHAM ASPAL FOOTPATHS 25, 28(PART) AND 36) PUBLIC PATH STOPPING UP ORDER 2024

The above order, made on 17 October 2024 under section 257 of the Town and Country Planning Act 1990, will stop up the following public footpaths and create alternative public footpaths through the site of a new housing development known as Homestead Park, The Street, Stonham Aspal as described in the order and as shown on the order map.

(1) Stop up the whole of Stonham Aspal Footpath (FP) 25 commencing at Ordnance Survey grid reference (OSGR) TM13905898 at a junction with Stonham Aspal FPs 28 and 36 and proceeding in a south south easterly direction for approximately 55 metres to a junction with Stonham Aspal FPs 24 and 26 at OSGR TM13935893 and create a new FP commencing at OSGR TM13895894 at a junction with the new route of Stonham Aspal FP 28 and proceeding in a south easterly direction for approximately 32 metres to a junction with Stonham Aspal FP 26 at OSGR TM13925892.

(2) Stop up the entire width of that part of Stonham Aspal FP 28 commencing at OSGR TM13855908 and proceeding in a south south easterly direction for approximately 116 metres to a junction with Stonham Aspal FPs 25 and 36 at OSGR TM13905898 and create a new FP commencing at OSGR TM13855908 at a junction with the new route of Stonham Aspal FP 36 and proceeding in a west south westerly direction for approximately 24 metres passing to the north of a sports pitch to OSGR TM13835907 then in a south south easterly direction for approximately 147 metres passing to the west of a sports pitch to a junction with the new route of Stonham Aspal FP 25 at OSGR TM13895894.

(3) Stop up the whole of Stonham Aspal FP 36 commencing at OSGR TM14065919 from the A1120 road (The Street) and proceeding in a west south westerly direction for approximately 146 metres to OSGR TM13935912 then in a south south westerly direction for approximately 143 metres to a junction with Stonham Aspal FPs 25 and 28 at OSGR TM13905898 and create a new FP commencing at OSGR TM14055919 from the A1120 road (The Street) and proceeding for approximately 99 metres along an estate path first in a southerly direction then in a generally west south westerly direction to an estate road at OSGR TM13975914 then crossing the estate road in a south westerly direction for approximately 11 metres to OSGR TM13965913 then following the estate path in a south westerly direction for approximately 29 metres to OSGR TM13945912 then for approximately 101 metres in a westerly and then west south westerly direction passing to the north of a sports pitch to a junction with Stonham Aspal FP 28 at OSGR TM13855908.

A copy of the order and the order map and an explanatory statement may be obtained free of charge by contacting Sharon Berry via email at public.realm@baberghmidsuffolk.gov.uk or phone 01449 724634. They can also be inspected at Stowmarket Library, Milton Road, Stowmarket, IP14 1EX between the hours of 08:30 and 18:45 Tuesday, 08:30 and 17:45 Wednesday and Thursday, 08:30 and 18:30 Friday, 08:30 and 16:00 Saturday and 10:00 and 16:00 Sunday or viewed at <https://www.midsuffolk.gov.uk/public-rights-of-way>

Any representations about or objections to the order may be sent in writing to Mr N Christo, Head of Public Realm and Parking Services at the address below not later than 21 November 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 Babergh and Mid Suffolk District Council's Countryside and Public Realm Privacy Notice which can be viewed at <https://www.midsuffolk.gov.uk/w/countryside-and-public-realm-privacy-notice-1> or contact dataprotection@baberghmidsuffolk.gov.uk

If no representations or objections are duly made, or if any so made are withdrawn, Mid Suffolk District 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.

N Christo
Head of Public Realm and Parking Services
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Dated: 24 October 2024

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

MID SUFFOLK DISTRICT COUNCIL (STONHAM ASPAL FOOTPATHS 25, 28(PART) AND 36) PUBLIC PATH STOPPING UP ORDER 2024

This order is made by Mid Suffolk District Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to stop up the footpaths 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/19/02299 - Erection of 46 dwellings, sport pitches and a sports community building with associated access improvements, parking, play space, infiltration basin and landscaping, land south of The Street, Stonham Aspal, Suffolk, IP14 6AN.

BY THIS ORDER:

1. The footpaths over the land shown by a bold black line on the attached map between points A – B, C – A and D – E – A and described in Part 1 of the Schedule to this order ("the Schedule") shall be stopped up as provided below.
2. There shall be created to the reasonable satisfaction of Mid Suffolk District Council alternative highways for use as replacements for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map between points F – G, C – H – F, and J – K – L – M – C.
3. The stopping up of the footpaths shall have effect on the date on which Mid Suffolk District Council certifies that the terms of Article 2 have been complied with.
4. The following works shall be carried out in relation to the highways described in Part 2 of the Schedule hereto, that is to say: The developer shall provide the footpaths in accordance with the Certificate of Works issued by Suffolk County Council on 29 May 2024.

5. Orbit Homes 2020 Limited is hereby required to pay the cost of carrying out the necessary works.

6. Where immediately before the date on which the footpaths are 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.

GIVEN under the Common Seal of Mid Suffolk District Council this 17th day of *October* 2024

THE COMMON SEAL of)
MID SUFFOLK DISTRICT)
COUNCIL was hereunto)
affixed in the presence of:)



Authorised Officer



SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATHS

Stonham Aspal Footpath 25 – The whole of Stonham Aspal Footpath 25 commencing at Ordnance Survey grid reference TM13905898 at point A at a junction with Stonham Aspal Footpaths 28 and 36 and proceeding in a south south easterly direction for approximately 55 metres to a junction with Stonham Aspal Footpaths 24 and 26 at Ordnance Survey grid reference TM13935893 at point B; this being the route shown between points A – B on the order map.

Stonham Aspal Footpath 28(part) – The entire width of that part of Stonham Aspal Footpath 28 commencing at Ordnance Survey grid reference TM13855908 at point C and proceeding in a south south easterly direction for approximately 116 metres to a junction with Stonham Aspal Footpaths 25 and 36 at Ordnance Survey grid reference TM13905898 at point A; this being the route shown between points C – A on the order map.

Stonham Aspal Footpath 36 – The whole of Stonham Aspal Footpath 36 commencing at Ordnance Survey grid reference TM14065919 at point D from the A1120 road (The Street) and proceeding in a west south westerly direction for approximately 146 metres to Ordnance Survey grid reference TM13935912 at point E then in a south south westerly direction for approximately 143 metres to a junction with Stonham Aspal Footpaths 25 and 28 at Ordnance Survey grid reference TM13905898 at point A; this being the route shown between points D – E – A on the order map.

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAYS

Stonham Aspal Footpath 25 – Commencing at Ordnance Survey grid reference TM13895894 at point F at a junction with the new route of Stonham Aspal Footpath 28 and proceeding in a south easterly direction for approximately 32 metres to a junction with Stonham Aspal Footpath 26 at Ordnance Survey grid reference TM13925892 at point G; this being the route shown between points F – G on the order map.

Width: 1.5 metres

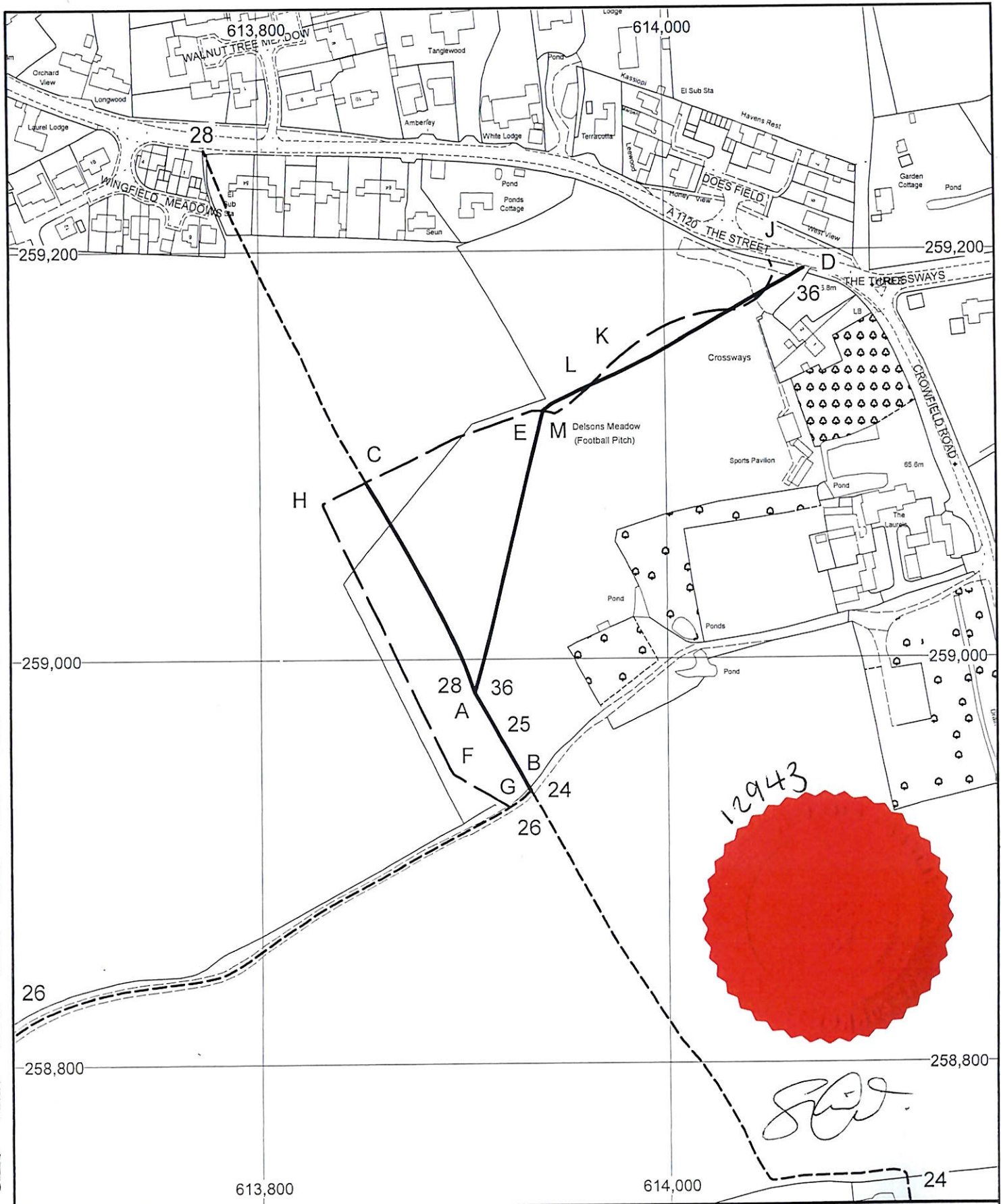
Stonham Aspal Footpath 28 (part) – Commencing at Ordnance Survey grid reference TM13855908 at point C at a junction with the new route of Stonham Aspal Footpath 36 and proceeding in a west south westerly direction for approximately 24 metres passing to the north of a sports pitch to Ordnance Survey grid reference TM13835907 at point H then in a south south easterly direction for approximately 147 metres passing to the west of a sports pitch to a junction with the new route of Stonham Aspal Footpath 25 at Ordnance Survey grid reference TM13895894 at point F; this being the route shown between points C – H – F on the order map.

Width: 1.5 metres

Stonham Aspal Footpath 36 – Commencing at Ordnance Survey grid reference TM14055919 at point J from the A1120 road (The Street) and proceeding for approximately 99 metres along an estate path first in a southerly direction then in a generally west south westerly direction to an estate road at Ordnance Survey grid reference TM13975914 at point K then crossing the estate road in a south westerly direction for approximately 11 metres to Ordnance Survey grid reference TM13965913 at point L then following the estate path in a south westerly direction for approximately 29 metres to Ordnance Survey grid reference TM13945912 at point M then for approximately 101 metres in a westerly and then west south westerly direction passing to the north of a sports pitch to a junction with Stonham Aspal Footpath 28 at Ordnance Survey grid reference TM13855908 at point C ; this being the route shown between points D – K – L – M – C on the order map.



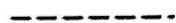
Width: 2 metres between points J – K – L – M

1.5 metres between points M – C



MAP REFERRED TO IN THE MID SUFFOLK DISTRICT COUNCIL (STONHAM ASPAL FOOTPATHS 25, 28(PART) AND 36) PUBLIC PATH STOPPING UP ORDER 2024 - TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257



-  Footpath to be stopped up (A-B) (C-A) (D-E-A)
-  Proposed Footpath (F-G) (C-H-F) (J-K-L-M-C)
-  Unaffected footpath



Scale: 1:2,500 at A4

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.

Mid Suffolk District Council has made an order to stop up Footpath 25, part of Footpath 28 and Footpath 26 in Stonham Aspal and to create alternative footpaths. This statement has been prepared to explain various aspects of the order.

The Council may authorise the stopping up 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 stop up Footpaths 25 and 36 and part of Footpath 28 and create alternative footpaths in order to enable development to take place in accordance with planning permission number DC/21/02299 – Erection of 46 dwellings, sport pitches and a sports community building with associated access improvements, parking, play space, infiltration basin and landscaping, land south of The Street, Stonham Aspal, Suffolk, IP14 6AN. If the footpaths are not stopped up the proposed development cannot be completed in its approved form.

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

"It is submitted that it is necessary to stop up or divert the footpaths in order to enable development to be carried out, as, if the development was carried out without diverting the routes Footpath No 36 would be obstructed by the corner of the dwelling immediately adjacent to The Street and the garden fencing immediately south of the dwelling, the frontages and fencing of three other dwellings and the steel mesh fencing around a floodlit sports training area. It would also be incompatible with the approved layout of the new access road and footway, landscaping and a children's play area.

Footpaths Nos 28 and 25 would be on an alignment incompatible with an approved footpath pitch area and be within the area of play."

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

Cont.

There will be no disadvantage or loss to members of the public arising as a result of the proposed changes.

The current route of Footpath 36 provides access from The Street and this link will be maintained. Walkers will still be able to conveniently reach the wider network to either go north to rejoin The Street along the unaffected part of Footpath 28 or westwards along Footpath 26 or southwards along Footpath 24. The proposed new routes will be easy to follow along the access road footway from The Street westwards and then around the sports field areas, reflecting the approved site layout.

Footpath 36 currently has no recorded width. The proposed route will have a specified width of 2 metres adjacent to the access road and then 1.5 metres around the perimeter of the sports facilities.

Footpath 25 and 28 currently have recorded widths of 2-3 feet. The proposed routes will have an improved width of 1.5 metres.

The proposed footpaths will be set out on the ground, easy to follow and will be usable at all times of the year. They will provide easy access to and from The Street and also to the sports facilities with views of the sports grounds and fields at the western side of the development and will be well integrated into the layout of the site in accordance with the approved site layout.

No properties currently adjoin or are 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 21 November 2024 to N Christo, Head of Public Realm and Parking Services, Mid Suffolk District Council, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

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 Babergh and Mid Suffolk District Council's Countryside and Public Realm Privacy Notice which can be viewed at

<https://www.midsuffolk.gov.uk/w/countryside-and-public-realm-privacy-notice-1>
or contact dataprotection@baberghmidsuffolk.gov.uk

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. 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.

N Christo
Head of Public Realm and Parking Services
Mid Suffolk District Council

24 October 2024