

NOTICE OF PUBLIC PATH ORDER

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

EAST SUFFOLK COUNCIL (TRIMLEY ST MARY FOOTPATH NO 4 (PART)) PUBLIC PATH DIVERSION ORDER 2024

The above order was made on 19 June 2024. The effect of the order will be to divert the entire width of that part of Trimley St Mary Footpath No 4 running from Ordnance Survey grid reference (OSGR) TM27389 37275 in a westerly direction for approximately 143 metres to OSGR TM27246 37286 to a line running from OSGR TM27389 37275 in a generally west north westerly direction to the spine road at OSGR TM 27380 37278; then crossing the road to OSGR TM 27372 37281; continuing in a generally south south westerly direction along the western side of the spine road to OSGR TM 27351 37222; to then run in a generally north westerly direction to join the existing route at OSGR TM 27246 37286; 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 at Felixstowe Library, Crescent Road, Felixstowe, IP11 7BY between the hours of 10am and 4pm on Sunday and Monday, 9am and 5:30pm Tuesday, Thursday and Friday, Wednesday between 9am and 7:30pm and Saturday from 9am to 5pm. Copies may be obtained by post or email free of charge by contacting the East Suffolk Public Path Orders Officer by email at publicpathorders@eastsuffolk.gov.uk or telephone 01394 444508. They can also be viewed at <http://www.eastsuffolk.gov.uk/environment/rights-of-way/>

Any representation about or objection to the order may be sent or delivered in writing addressed to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ not later than 24 July 2024. Please state the grounds on which it is 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 East Suffolk Council's Rights of Way Privacy Notice which can be viewed online at <http://www.eastsuffolk.gov.uk/assets/Your-Council/Access-to-Information/Privacy-Notices/Rights-of-Way-Privacy-Notice.pdf> or contact the Data Protection Officer at: East Suffolk House, Riduna Park, Station Road, Melton, IP12 1RT, tel: 01394 444488, email: dataprotection@eastsuffolk.gov.uk

If no such representations or objections are duly made, or if any so made are withdrawn, East Suffolk Council may itself confirm the order as an unopposed order.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.

Dated: 26 June 2024

C Bally
Chief Executive
East Suffolk Council

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.

East Suffolk Council has made an order to divert part of Trimley St Mary Footpath No 4. 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 Trimley St Mary Footpath No 4 in order to enable development to take place in accordance with planning permission number DC/23/3237/ARM Approval of reserved matters (appearance, landscaping, layout and scale) and details reserved by Conditions: 4 (internal access); 6 (self-build design code); 10 (archaeology); 12 (details of estate roads and footpaths); 14 (EV charging); 15 (parking provision); 16 (cycle storage); 17 (off-site highway improvements); 18 (refuse/recycling); 22 (surface water drainage scheme); 24 (sustainability and energy statement); 28 (M4(2)/(3)); 29 (arboricultural impact assessment); 32 (landscaping scheme); 34 (landscape management plan); 35 (LEMP); 38 (ecological enhancement); 39 (HRA mitigation measures); 47 (noise assessment); and 51 (boundary treatment) of DC/20/5279/OUT

Planning permission DC/20/5279/OUT gives outline permission for a development on land adjacent to Reeve Lodge, High Road, Trimley St Martin for up to 139 new homes, a sustainable drainage system, a two-form entry primary school, pre-school and open space.

The route of Footpath No 4 runs in a westerly direction across the development site from High Road to join Trimley St Martin Footpath No 31 and will be obstructed by the sustainable drainage basin. Two basins, one either side of the existing footpath were considered, but the infiltration rates required could not be achieved with that configuration. One large basin is required for storage and infiltration, with this specific location having the required infiltration rates to enable the drainage system to work. Three deep soakaway manhole rings will be installed to punch through the clay layers to granular material below.

The proposed alternative footpath will provide a slightly longer route of 207 metres as compared to the existing footpath, which is 143 metres, and will connect to the existing route. It will continue to provide a link between High Road and the rights of way network to the west. The definitive statement does not record a width for the present path. The new footpath will be 3 metres wide with a level and consolidated natural surface suitable for all users where it runs beside the school fence. The section crossing the spine road will use a speed table to ensure priority for pedestrians and the section beside the spine road will be tarmac.

The Council is satisfied that it is necessary to divert the footpath as proposed in the order so as to facilitate the development. 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. The creation of an alternative footpath a short distance from the existing footpath with the same onward connections means that there will be no disadvantage or loss to members of the public generally. The diversion will move the footpath further away from the houses in Nigel Way. Therefore, there is no disadvantage or loss to persons whose properties adjoin or are near the footpath.

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 24 July 2024 to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ. 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 East Suffolk Council's Rights of Way Privacy Notice which can be viewed online at <http://www.eastsuffolk.gov.uk/assets/Your-Council/Access-to-Information/Privacy-Notices/Rights-of-Way-Privacy-Notice.pdf> or contact the Data Protection Officer at: East Suffolk House, Riduna Park, Station Road, Melton, IP12 1RT, tel: 01394 444488 email: dataprotection@eastsuffolk.gov.uk

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the Public Path Orders Officer telephone 01394 444 508 or email publicpathorders@eastsuffolk.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.

C Bally
Chief Executive
East Suffolk Council

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

EAST SUFFOLK COUNCIL (TRIMLEY ST MARY FOOTPATH NO 4 (PART)) PUBLIC PATH DIVERSION ORDER 2024

This order is made by East 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/23/3237/ARM Approval of reserved matters (appearance, landscaping, layout and scale) and details reserved by Conditions: 4 (internal access); 6 (self-build design code); 10 (archaeology); 12 (details of estate roads and footpaths); 14 (EV charging); 15 (parking provision); 16 (cycle storage); 17 (off-site highway improvements); 18 (refuse/recycling); 22 (surface water drainage scheme); 24 (sustainability and energy statement); 28 (M4(2)/(3)); 29 (arboricultural impact assessment); 32 (landscaping scheme); 34 (landscape management plan); 35 (LEMP); 38 (ecological enhancement); 39 (HRA mitigation measures); 47 (noise assessment); and 51 (boundary treatment) of DC/20/5279/OUT – Land Adjacent to Reeve Lodge, High Road, Trimley St Martin.

BY THIS ORDER:

- 1.** The footpath over the land shown by a bold black line on the attached map between points A – B and described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted as provided below.
- 2.** There shall be created to the reasonable satisfaction of East 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 – C – D – E – B.
- 3.** The stopping up of the footpath shall have effect on the date on which East Suffolk Council certifies that the terms of Article 2 above have been complied with.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule, that is to say: The developer shall provide the footpath in accordance with the Certificate of Works issued by Suffolk County Council on 23 May 2024.
5. Bellway Homes Ltd are hereby required to pay the cost of carrying out the said works.
6. When immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of the said
EAST SUFFOLK COUNCIL

was hereunto affixed this 19th day of June 2024

in the presence of:

Authorised Officer:

MA
LICENSING MANAGER AND
HOUSING LEADS MANAGER



SCHEDULE

PART 1

Description of site of existing path

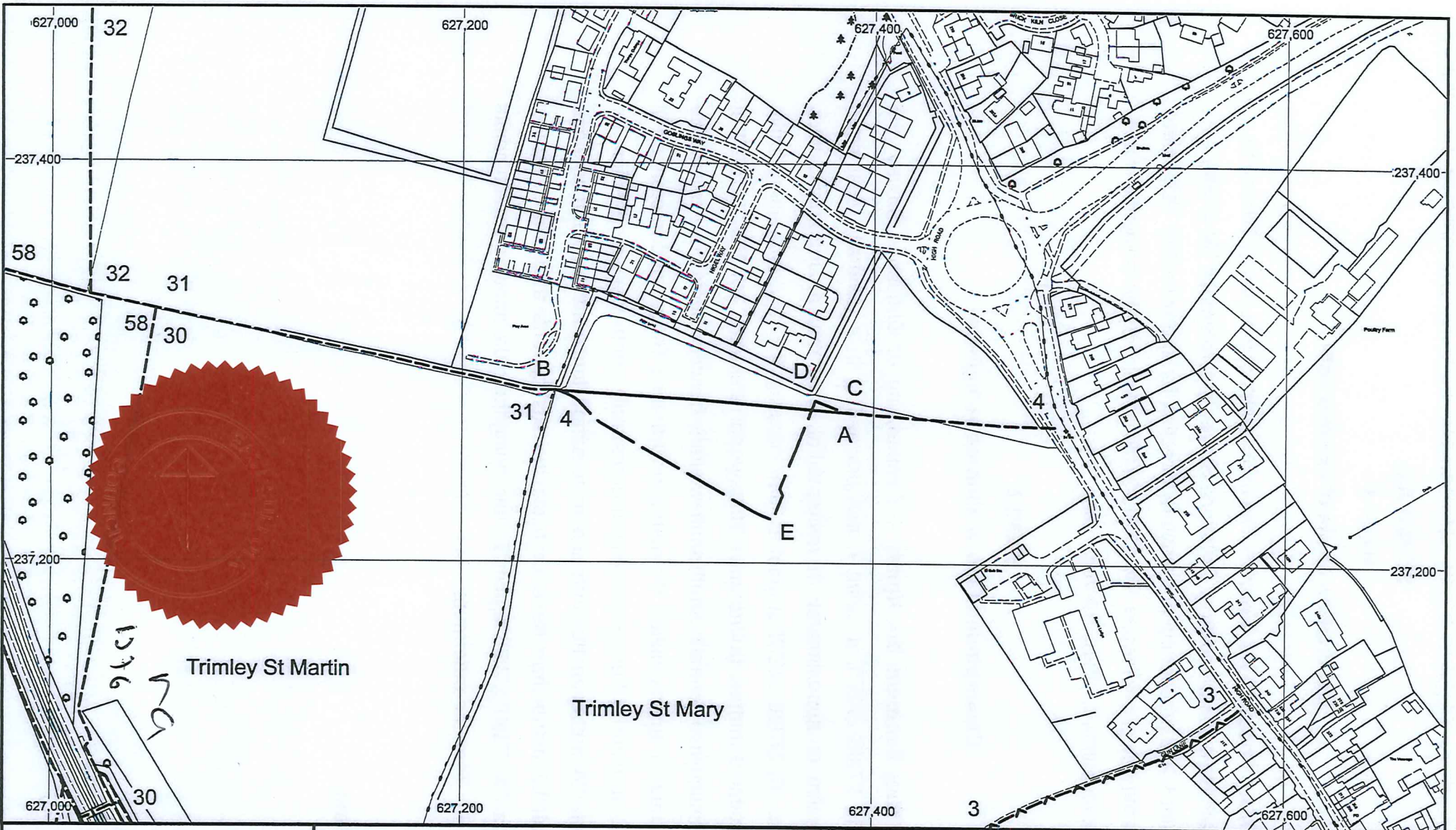
Trimley St Mary Footpath No 4(part) – The entire width of that part of Trimley St Mary Footpath No 4 commencing at Ordnance Survey grid reference TM 27389 37275 at point A and proceeding in a westerly direction for approximately 143 metres to Ordnance Survey grid reference TM 27246 37286 at point B; this being the route shown between points A – B on the order map.






PART 2

Description of site of alternative highway

Trimley St Mary Footpath No 4(part) – Commencing at Ordnance Survey grid reference TM 27389 37275 at point A and proceeding in a generally west north westerly direction for approximately 10 metres to the spine road at Ordnance Survey grid reference TM 27380 37278 at point C; then crossing the road on a speed table for approximately 9 metres to Ordnance Survey grid reference TM 27372 37281 at point D; continuing in a generally south south westerly direction along the western side of the spine road for approximately 64 metres to Ordnance Survey grid reference TM 27351 37222 at point E; then proceeding in a generally north westerly direction for approximately 124 metres on the north side of the school fence with the southern edge of the footpath 0.5 metres from the fence to join the existing route at Ordnance Survey grid reference TM 27246 37286 at point B ; this being the route shown between points A – C – D – E – B on the order map.

Width: 3 metres



-  Footpath to be diverted (A-B)
-  Proposed Footpath (A-C-D-E-B)
-  Unaffected Footpath
-  Restricted Byway
-  Definitive Map Parish Boundary



Scale: 1:2,500 at A4

MAP REFERRED TO IN THE EAST SUFFOLK COUNCIL (TRIMLEY ST MARY FOOTPATH NO 4(PART)) PUBLIC PATH DIVERSION ORDER 2024