

NOTICE OF PUBLIC PATH ORDER

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

MID SUFFOLK DISTRICT COUNCIL (GREAT FINBOROUGH FOOTPATH NO 5(PART)) PUBLIC PATH DIVERSION ORDER 2024

The above order, made on 17 July 2024 under section 257 of the Town and Country Planning Act 1990, will divert the entire width of that part of Great Finborough Public Footpath No 5 commencing at Ordnance Survey grid reference (OSGR) TM01675684 from the U4515 road (Valley Lane) and proceeding in a north north easterly direction for approximately 360 metres to OSGR TM01835716 to a new line running from the U4515 road (Valley Lane) and proceeding in a northerly direction adjacent to and on the eastern side of the highway verge for approximately 104 metres to OSGR TM01665701 then in a north north easterly direction for approximately 21 metres to an access track at OSGR TM01675703 then crossing the access track in a north north easterly direction for approximately 6 metres to OSGR TM01675704 then curving in a north easterly direction for approximately 219 metres to join the existing route at OSGR TM01835716 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 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 August 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If no representations or objections are duly made, or if any so made are withdrawn, Mid Suffolk District Council may confirm the order as an unopposed order.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 July 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.

Mid Suffolk District Council has made an order to divert part of Great Finborough Public Footpath No 5. 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 Great Finborough Public Footpath No 5 in order to enable development to take place in accordance with planning permission number DC/23/03826 – Rewilding project including provision of woodland, construction of a wetland lake and angling lake and erection of anglers boat house/tractor shed. If the footpath is not diverted the proposed development cannot be completed in its approved form.

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

'If the development was carried out without diverting the footpath it would be obstructed by the angling lake.'

The existing alignment is also incompatible with proposed wildflower meadow and orchard planting.

Retention on the current alignment is also detrimental to the proposed rewilding project, as set out in the biodiversity supporting statement accompanying the planning application.

Footpath No 5 is little used and is a poor quality cross field route for the majority of the section to be diverted, which is a total length of 330 metres. For 85 metres the route is field headland. The significantly increased amenity value of the proposed route for the public is also set out in the submitted biodiversity supporting statement.'

The proposed route will be 2 metres wide.

Cont.

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. Visibility at the proposed exit point in Valley Lane is comparable to that at the existing junction with Valley Lane. The general direction of travel is maintained. Some walkers will prefer to walk through the native woodland corridor with some views of the newly created wetland landscape rather than across an arable field.

There will be no disadvantage or loss to the owners of nearby property. Nearby residents are the applicants' (as owners/occupiers of Tiger Lodge (previously known as Valley Farm Bungalow)) who will gain from the removal of the route from the front garden of that property and are in support of the proposal.

The diversion will also have the effect of resolving the obstruction of the footpath by a farm building.

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 August 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 July 2024

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

MID SUFFOLK DISTRICT COUNCIL (GREAT FINBOROUGH FOOTPATH NO 5(PART)) PUBLIC PATH DIVERSION 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 divert part of 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/23/03826 - Rewilding project including provision of woodland, construction of a wetland lake and angling lake and erection of anglers boat house/tractor shed, Valley Farm, Valley Lane, Great Finborough, Stowmarket, Suffolk, IP14 3BD.

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 Mid Suffolk District 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 C – D – E – F – B.
3. The diversion of the footpath 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 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 10 May 2024.

5. A R Hart and E M R Hart are hereby required to pay the cost of carrying out the necessary works.
6. Where immediately before the date on which the footpath is diverted 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
July 2024

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


Authorised Officer



12916

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

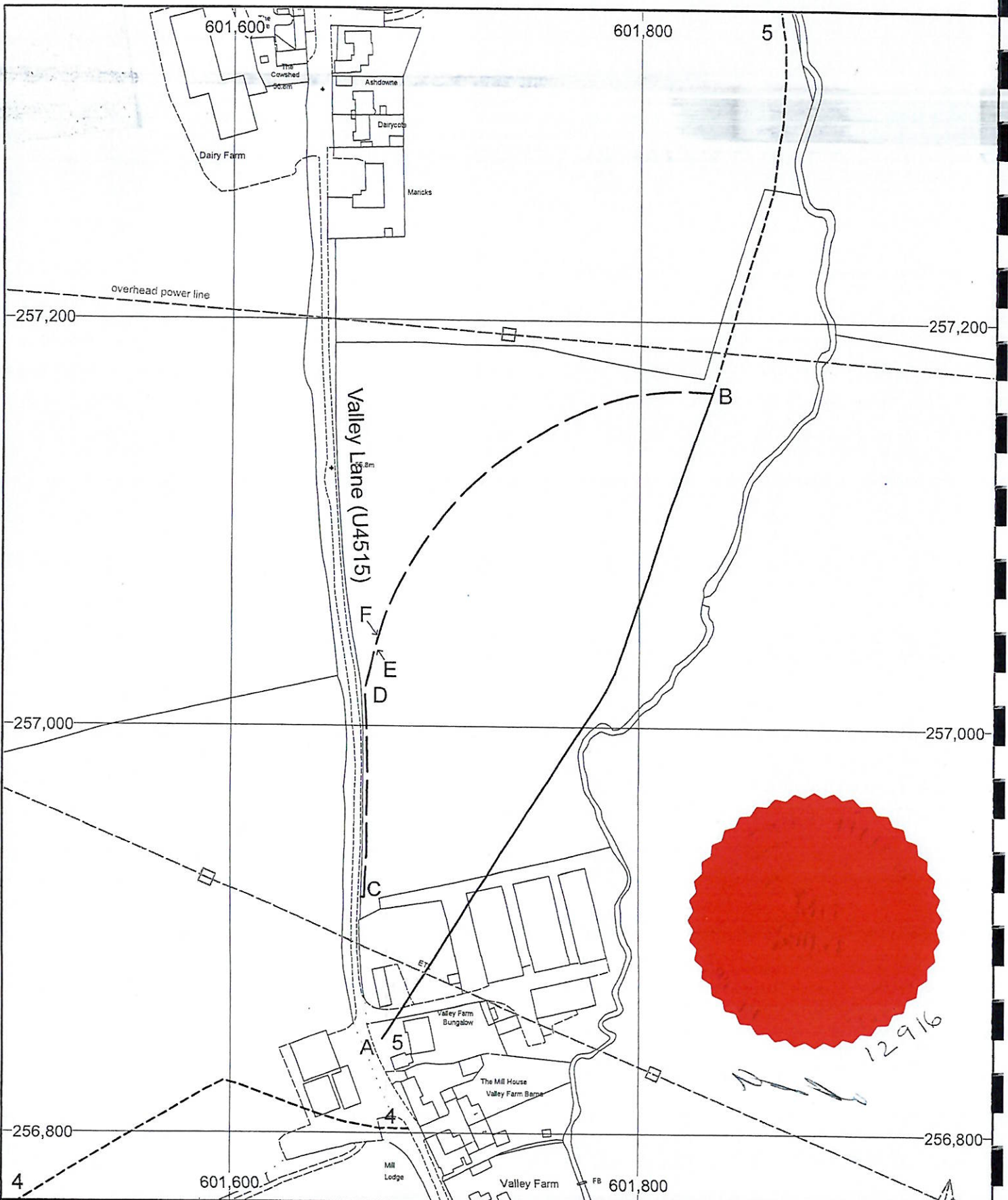
Great Finborough Footpath No 5(part) – The entire width of that part of Great Finborough Footpath No 5 commencing at Ordnance Survey grid reference TM01675684 at point A from the U4515 road (Valley Lane) and proceeding in a north north easterly direction for approximately 360 metres to Ordnance Survey grid reference TM01835716 at point B; this being the route shown between points A – B on the order map.

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

Great Finborough No 5(part) – Commencing at Ordnance Survey grid reference TM01665691 at point C from the U4515 road (Valley Lane) and proceeding in a northerly direction adjacent to and on the eastern side of the highway verge for approximately 104 metres to Ordnance Survey grid reference TM01665701 at point D then in a north north easterly direction for approximately 21 metres to an access track at Ordnance Survey grid reference TM01675703 at point E then crossing the access track in a north north easterly direction for approximately 6 metres to Ordnance Survey grid reference TM01675704 at point F then curving in a north easterly direction for approximately 219 metres to join the existing route at Ordnance Survey grid reference TM01835716 at point B; this being the route shown between points C – D – E – F – B on the order map.

Width: 2 metres



**MAP REFERRED TO IN THE MID SUFFOLK DISTRICT COUNCIL
(GREAT FINBOROUGH FOOTPATH NO 5(PART)) PUBLIC PATH DIVERSION ORDER 2024 -
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**



- Footpath to be diverted (A - B)
- Proposed footpath (C - D - E - F - B)
- Unaffected footpath



Scale: 1:2,500 at A4