

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 Stowmarket Public Footpath 8. 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 Stowmarket Public Footpath 8 in order to enable development to take place in accordance with planning permission number DC/21/03287 - Residential development of 258 No dwellings (91 No affordable) with new public open space, landscaping, access and associated infrastructure on land north west of Stowupland Road, Stowmarket, IP14 5AN.

Condition 42 of the planning permission states '*No construction work shall take place on plots 47, 48, 49, 104, 105 and 149 (as identified on the approved Site Layout drawing ref. SL.01 Rev P) until a statutory diversion order (pursuant to either the Highways Act 1980 or the Town and Country Planning Act 1990) is in place to divert Footpath No 8 (a Public Right of Way) away from those plots.*' Therefore, 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:

"This application is submitted in accordance with the planning permission for the proposed housing development, for an order which will divert the existing footpath FP8 which cross the site, to enable the development of the site, including the construction of new access roads, footpaths and open spaces to be carried out.

If the footpath is not diverted the Footpath No 8 will be obstructed by the dwelling at Plots 47,48,49 & 149. It is therefore necessary for the footpaths to be diverted to enable implementation of the planning permission for this part of the site."

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. An alternative footpath will be created a short distance from the existing footpath. The termination points of the footpath are not changed and existing connection points to other rights of way have been maintained.

The distance to be walked along the alternative route is approximately the same as along the current route. It will be an easy to follow route through open spaces and along estate footways, reflecting the approved site layout and following the natural direction of travel. The alternative route will be 3 metres wide with a tarmac surface. This is to allow for it to be upgraded to a bridleway or cycle track by Suffolk County Council using funding contributed by the developer under the terms of a Section 106 Agreement to improve public access in the area.

There will be no disadvantage or loss to the owners of nearby property.

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 5 December 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
7 November 2024

NOTICE OF PUBLIC PATH ORDER

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

MID SUFFOLK DISTRICT COUNCIL (STOWMARKET FOOTPATH NO 8(PART)) PUBLIC PATH DIVERSION ORDER 2024

The above order, made on 31 October 2024 under section 257 of the Town and Country Planning Act 1990, will divert the entire width of that part of Stowmarket Public Footpath No 8 at a new residential development off Stowupland Road known as Aspen Grange commencing at Ordnance Survey grid reference (OSGR) TM05385937 and proceeding in a north easterly direction for approximately 79 metres to OSGR TM05435944 then in a north north westerly direction for approximately 91 metres to OSGR TM05405952 to a new line running between OSGR TM05385937 and OSGR TM05405952 through open spaces and along estate paths a short distance from the existing route 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 5 December 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: 7 November 2024

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

**MID SUFFOLK DISTRICT COUNCIL
(STOWMARKET FOOTPATH NO 8(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/21/03287 - Residential development of 258 No dwellings (91 No affordable) with new public open space, landscaping, access and associated infrastructure on land north west of Stowupland Road, Stowmarket, IP14 5AN.

BY THIS ORDER:

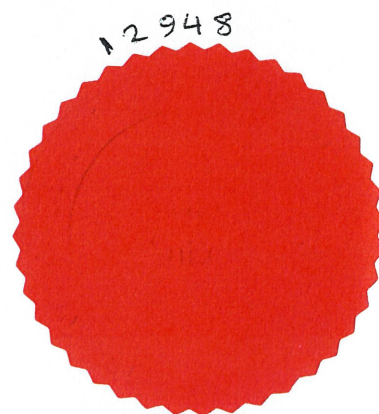
1. The footpath over the land shown by a bold black line on the attached map between points A – B – C and described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Mid Suffolk District Council an 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 A – D – E – F – G – H – C.
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 8 May 2024.

5. Crest Nicholson (Operations) Ltd is 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 31st 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 FOOTPATH

Stowmarket Footpath No 8(part) – The entire width of that part of Stowmarket Footpath No 8 commencing at Ordnance Survey grid reference TM05385937 at point A and proceeding in a north easterly direction for approximately 79 metres to Ordnance Survey grid reference TM05435944 at point B then in a north north westerly direction for approximately 91 metres to Ordnance Survey grid reference TM05405952 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

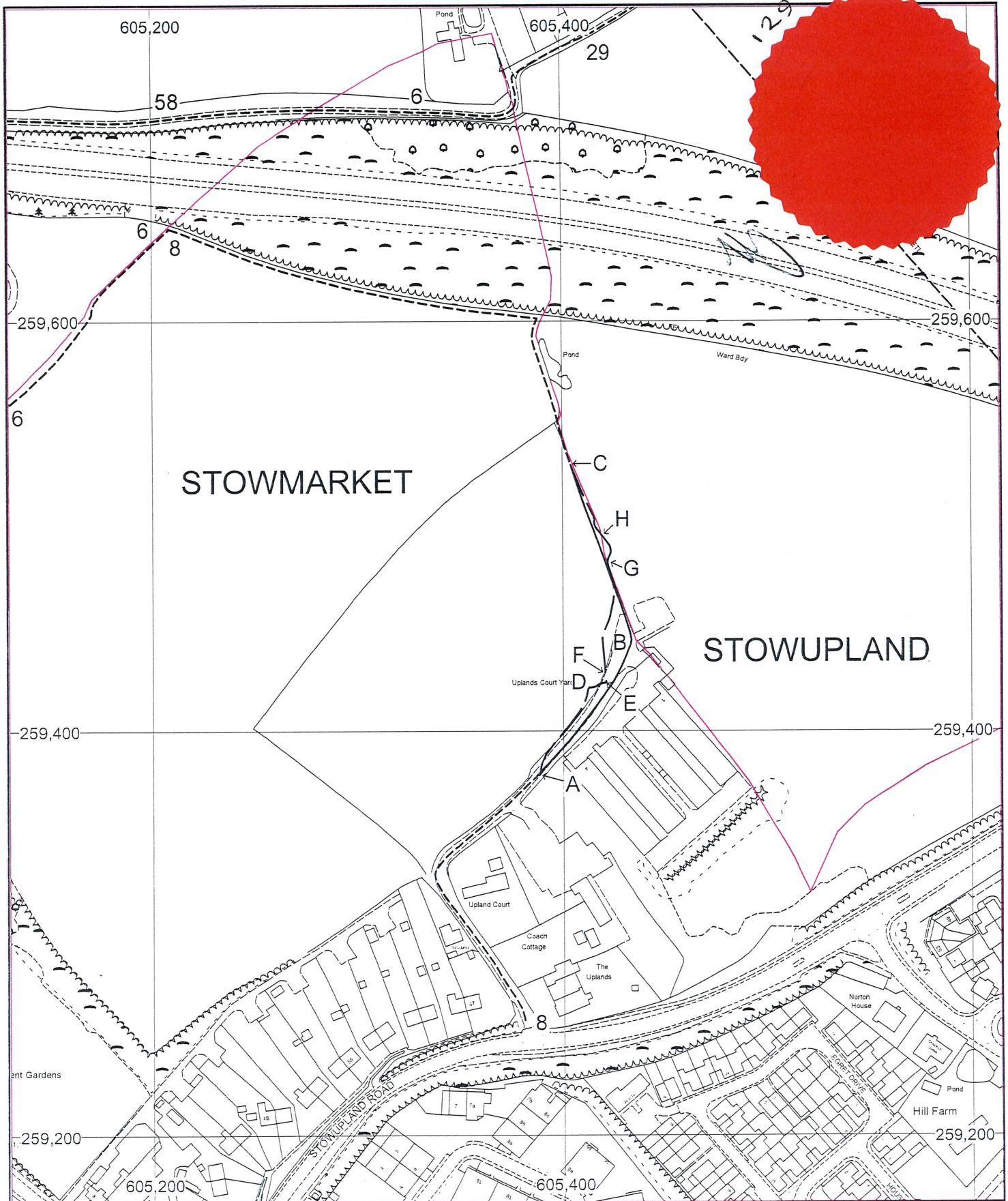
Stowmarket Footpath No 8(part) – Commencing at Ordnance Survey grid reference TM05385937 at point A and proceeding in a north easterly direction along an estate path for approximately 49 metres to Ordnance Survey grid reference TM05415942 at point D then in an easterly direction along an estate path for approximately 10 metres to Ordnance Survey grid reference TM05425942 at point E then crossing an estate road in a northerly direction for approximately 8 metres to Ordnance Survey grid reference TM05425943 at point F then in a generally northerly direction along an estate path for approximately 51 metres to the Definitive Map parish boundary at Ordnance Survey grid reference TM05425948 at point G; recommencing at Ordnance Survey grid reference TM05415949 at point H at the Definitive Map parish boundary and proceeding in a generally north north westerly direction on an estate road and then along an estate path for approximately 37 metres to join the existing route at Ordnance Survey grid reference TM05405952 point C; this being the route shown between points A – D – E – F – G and points H – C on the order map.

Width: 3 metres

Stowupland Footpath No 65 (to be known as Stowmarket Footpath No 8) - Commencing at Ordnance Survey grid reference TM05425948 at point G at the Definitive Map parish boundary and proceeding for approximately 18 metres along an





estate path in a north easterly and then northerly direction then curving in a north north westerly direction to the Definitive Map parish boundary on an estate road at Ordnance Survey grid reference TM05415949 at point H; this being the route shown between points G – H on the order map.

Width: 3 metres



**MAP REFERRED TO IN THE MID SUFFOLK DISTRICT COUNCIL
(STOWMARKET FOOTPATH NO 8(PART)) PUBLIC PATH DIVERSION ORDER 2024 -
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**



-  Footpath to be diverted (A - B - C)
-  Proposed footpath (A - D - E - F - G - H - C)
-  Unaffected footpath
-  Definitive Map Parish Boundary



Scale: 1:2,500 at A4