

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