# **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