

**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](mailto: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](mailto: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