

**From:** BMSDC Planning Area Team Pink <PlanningPink@baberghmidsuffolk.gov.uk>  
**Sent:** 12 Dec 2023 04:37:42  
**To:**  
**Cc:**  
**Subject:** FW: BDC Planning Consultation Request - DC/23/05656 - FUL \*Land At Grove Farm And Land East Of The Railway Line, Bentley  
**Attachments:** ufm32\_Standard\_Consultation.pdf, Solar Farms - PROW Position Statement.pdf

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**From:** GHI PROW Planning <PROWplanning@suffolk.gov.uk>  
**Sent:** Tuesday, December 12, 2023 11:46 AM  
**To:** BMSDC Planning Area Team Pink <PlanningPink@baberghmidsuffolk.gov.uk>  
**Cc:** GHI PROW Planning <PROWplanning@suffolk.gov.uk>; Martin Williams (Environment & Transport) <Martin.Williams@suffolk.gov.uk>; Ben Chester <Ben.Chester@suffolk.gov.uk>; Sharon Berry (MSDC) <Sharon.Berry@baberghmidsuffolk.gov.uk>  
**Subject:** RE: BDC Planning Consultation Request - DC/23/05656 - FUL \*Land At Grove Farm And Land East Of The Railway Line, Bentley

## **PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE**

**REF: DC/23/05656 - FUL**

Thank you for your consultation concerning the above application.

There are a number of public rights of way (PROW) within and in the vicinity of the proposed site including:

- Bentley Public Footpath 2
- Bentley Public Footpath 18
- Bentley Public Footpath 19
- Bentley Public Footpath 21
- Bentley Public Footpath 40
- Bentley Public Footpath 50
- Bentley Public Footpath 55
- Bentley Bridleway 65

The Definitive Map for Suffolk parishes can be located at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/view-definitive-maps-of-public-rights-of-way/> but a more detailed plot of public rights of way **must** be requested by the applicant to accurately plot PROW on relevant plans. Please note, OS maps do not always accurately depict the definitive alignment of the PROW network. Please contact [DefinitiveMaps@suffolk.gov.uk](mailto:DefinitiveMaps@suffolk.gov.uk) for more information. Note, there is a fee for this service.

**We do not object to this proposal but have the following comments:**

- There is reference to the PROW network in the 'Planning Design and Access Statement' under 2.2.6 and 5.2.13, and in the 'Landscape and Visual Impact Assessment' under 'Roads and Public Rights of Way', 4.2.20, 4.2.21, and 4.2.22.
- The 'Planning Design and Access Statement', 2.2.6 states that Bentley Public Footpath 50 crosses the access track to the Main Site between Station Road and Grove Farm but omits to state that Bentley Public Footpath 55 aligns with the same access track.
- Attention must therefore be given to bullet point 4 below regarding obtaining permissions to work on a PROW.
- As stated in the 'Planning Design and Access Statement' 2.2.6, and in the 'Landscape and Visual Impact Assessment' 4.2.21, Bentley FP18 crosses the access track to the Substation Site from Bentley Bridge.
- The crossing will need to be managed during construction to ensure it can be safely used.
- In the 'Planning Design and Access Statement', under 5.2.13, Bentley Bridleway 65 is mislabelled 'FP65'. This should be corrected to 'BR65'.

Attached is a Position Statement regarding Solar Farm developments and Public Rights of Way in Suffolk. Specific attention must be given to:

- All PROW must be protected on their legally recorded alignment both within and around the site and where appropriate, accommodated within wide green corridors. Any new planting proposed as screening should be of mixed

native species and a **minimum of 10m** from the edge of the PROW. This is to ensure routes remain well-lit and ventilated and do not create a corridor effect.

- The effect of glint and glare on users of PROW must be properly considered. This is particularly relevant in the case of PROW that may be used by horse riders.

We would also highlight the following:

Suffolk County Council's Green Access Strategy (2020-2030) sets out the council's commitment to ensuring and promoting sustainable travel options for all. The strategy focuses on walking and cycling for commuting, accessing services and facilities, and for leisure reasons. Specifically, 2.1 "Seeks opportunities to enhance public rights of way, including new linkages and upgrading routes where there is a need, to improve access for all and support healthy and sustainable access between communities and services. Funding to be sought through development and transport funding, external grants, other councils and partnership working."

The Public Rights of Way network supports all 3 of the overarching objectives of the Ministry of Housing Communities & Local Government's (MHCLG) National Planning Policy Framework (NPPF) (v3.0 2021):

1. Build a strong, responsive and competitive economy;
2. Support strong, vibrant and healthy communities;
3. Protect and enhance our natural, built and historic environment.

The NPPF refers to the Public Rights of Way network specifically:

100. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

In addition, the Public Rights of Way network supports NPPF sections:

85. make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport);
92. achieve healthy, inclusive and safe places a) ...that allow for easy pedestrian and cycle connections within and between neighbourhoods; b) ...use of attractive, well-designed, clear and legible pedestrian and cycle routes; c) support healthy lifestyles,... through the provision of safe and accessible green infrastructure,... that encourage walking and cycling;
98. Access to a network of high quality open spaces;
104. c) opportunities to promote walking, cycling and public transport use are identified and pursued;
106. d) provide for attractive and well-designed walking and cycling networks;
112. a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;
112. c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Furthermore, we ask that the following is taken into account:

1. **PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period.** If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed (please see points 4 and 5 below).
2. PROW are divided into the following **classifications**:
  - Public Footpath – only for use on foot or with a mobility vehicle
  - Public Bridleway – use as per a public footpath, and on horseback or by bicycle
  - Restricted Byway – use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
  - Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the **Definitive Map** and described in the **Definitive Statement** (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact [DefinitiveMaps@suffolk.gov.uk](mailto:DefinitiveMaps@suffolk.gov.uk).

3. The applicant, and any future owners, residents etc, must have **private rights to take motorised vehicles over a PROW** other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

4. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.** It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:
- **To apply for permission to carry out work on a PROW**, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE, that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
  - **To apply for permission for structures** such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
5. **To apply for permission for a PROW to be stopped up or diverted** within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> PLEASE NOTE, that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
6. Under Section 167 of the Highways Act 1980 any **structural retaining wall** within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
7. **There may be a further requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.**

**In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at [www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/](http://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/).**

Thank you for taking the time to consider this response.

Public Rights of Way Team  
Growth, Highways and Infrastructure  
Suffolk County Council  
Phoenix House, 3 Goddard Road, Ipswich IP1 5NP  
[PROWplanning@suffolk.gov.uk](mailto:PROWplanning@suffolk.gov.uk)

-----Original Message-----

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Sent: Thursday, December 7, 2023 12:29 PM

To: GHI PROW Planning <[PROWplanning@suffolk.gov.uk](mailto:PROWplanning@suffolk.gov.uk)>

Subject: BDC Planning Consultation Request - DC/23/05656 - FUL \*Land At Grove Farm And Land East Of The Railway Line, Bentley

Please find attached planning consultation request letter relating to planning application - DC/23/05656 - Land At Grove Farm And Land East Of The Railway Line, Bentley, , ,

Kind Regards

Planning Support Team

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