# **THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE ORDER**

# **HIGHWAYS ACT 1980**

# **PUBLIC PATH ORDER**

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish (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.

The District Council has made an order to divert part of Lavenham Public Footpath 2 at Bears Lane Farm. This statement has been prepared to explain various aspects of the order.

The application has been submitted under Section 119 of the Highways Act 1980 in the interests of the owners of the land crossed by the footpath. The applicants’ statement of reasons for requesting the diversion is summarised below:

*The diversion will be of benefit to the owners of the land as:*

*The route will no longer run through the main entrance to the property, enabling the gate to be closed and locked thereby improving security.*

*The route will no longer cross the drive, and so the owners' responsibility for the safety of the public when vehicles are entering and leaving the property and when manoeuvring vehicles is removed.*

*The current route passes over, or very close to, the location of the gas tank supplying the property and any conflict is resolved.*

*The route passes over garden and close to the kitchen, conservatory and a patio area on the private side of the house. It impacts upon the owners' privacy, especially when in the garden. The proposed route does not give close views of this area.*

*The diversion allows the owners to implement their plans for further planting and*

*development of the garden area, enabling a shrubbery and borders to be created, and further lawn and orchard areas to be created, without the need to design around the footpath.*

*The footpath crosses an access to a large barn to the south of the property, used by machinery and vehicles. The owners' concern for the public's safety at the crossing point is resolved by the diversion.*

The current legally recorded width of the footpath is 1.2 metres (minimum). The proposed footpath will be 1.5 metres wide between points A – F on the order map and 2 metres wide between points F – G – H – E on the order map.

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act.

Cont.

It considers that the proposal is in the interests of the owners of the land, that the order does not alter any termination points of the footpath other than to other points on the same path or highways connected with it and which are substantially as convenient to the public, that the proposed route will not be substantially less convenient to the public as a consequence of the diversion and that the proposal will not have an adverse effect on public enjoyment of the footpath as a whole.

The order will come into effect only after it has been confirmed. Making and advertising the order simply provides an opportunity for objections or representations to be made.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.

Objections or representations relating to the order must be made in writing by 2 January 2025 to N Christo, Head of Public Realm and Parking Services, Babergh District Council, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

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.

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

Babergh District Council

5 December 2024