

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.

East Suffolk Council has made an order to divert part of Badingham Public Footpath No 15. This statement has been prepared to explain various aspects of the order.

The order has been made in the interests of the owners of the land crossed by the existing footpath. The applicants' reasons for requesting the diversion are summarised as follows: the path crosses farmland (including land for which change of use partly to paddock for the use of horses and partly to residential garden, has been granted) and a farmyard (for which the conversion and extension of existing agricultural barns to form a single dwelling has been granted). The existing route is obstructed by a building in the farmyard and would pass through land that will become the garden of the dwelling thus impacting on privacy for the occupiers. The existing route also crosses an arable field in three directions whereas the proposed route will run along a new field headland with a planted tree belt to the east and then use a more direct, shorter crossfield route, making agricultural operations easier.

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act. It considers that the proposal is in the interests of the owners of the land crossed by the footpath, that the order does not alter any termination point of the footpath, 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 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 7 April 2023 to Mrs N Biddall, Rights of Way Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk, NR33 0EQ. Please state the grounds on which they are made. 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 East Suffolk Council's Rights of Way Privacy Notice which can be viewed online at [Rights-of-Way-Privacy-Notice.pdf \(eastsuffolk.gov.uk\)](#) or contact the

Data Protection Officer at: East Suffolk House, Riduna Park, Station Road, Melton, IP12 1RT, tel: 01394 444488 email: dataprotection@eastsuffolk.gov.uk

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the Council's Rights of Way Officer Tel: 01394 444508 email: rightsofway@eastsuffolk.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.

P Ridley
Head of Planning and Coastal Management
East Suffolk Council

10 March 2023