

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.

East Suffolk Council has made an order to divert part of Trimley St Mary Footpath No 4. 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 Trimley St Mary Footpath No 4 in order to enable development to take place in accordance with planning permission number DC/23/3237/ARM Approval of reserved matters (appearance, landscaping, layout and scale) and details reserved by Conditions: 4 (internal access); 6 (self-build design code); 10 (archaeology); 12 (details of estate roads and footpaths); 14 (EV charging); 15 (parking provision); 16 (cycle storage); 17 (off-site highway improvements); 18 (refuse/recycling); 22 (surface water drainage scheme); 24 (sustainability and energy statement); 28 (M4(2)/(3)); 29 (arboricultural impact assessment); 32 (landscaping scheme); 34 (landscape management plan); 35 (LEMP); 38 (ecological enhancement); 39 (HRA mitigation measures); 47 (noise assessment); and 51 (boundary treatment) of DC/20/5279/OUT

Planning permission DC/20/5279/OUT gives outline permission for a development on land adjacent to Reeve Lodge, High Road, Trimley St Martin for up to 139 new homes, a sustainable drainage system, a two-form entry primary school, pre-school and open space.

The route of Footpath No 4 runs in a westerly direction across the development site from High Road to join Trimley St Martin Footpath No 31 and will be obstructed by the sustainable drainage basin. Two basins, one either side of the existing footpath were considered, but the infiltration rates required could not be achieved with that configuration. One large basin is required for storage and infiltration, with this specific location having the required infiltration rates to enable the drainage system to work. Three deep soakaway manhole rings will be installed to punch through the clay layers to granular material below.

The proposed alternative footpath will provide a slightly longer route of 207 metres as compared to the existing footpath, which is 143 metres, and will connect to the existing route. It will continue to provide a link between High Road and the rights of way network to the west. The definitive statement does not record a width for the present path. The new footpath will be 3 metres wide with a level and consolidated natural surface suitable for all users where it runs beside the school fence. The section crossing the spine road will use a speed table to ensure priority for pedestrians and the section beside the spine road will be tarmac.

The Council is satisfied that it is necessary to divert the footpath as proposed in the order so as to facilitate the development. 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. The creation of an alternative footpath a short distance from the existing footpath with the same onward connections means that there will be no disadvantage or loss to members of the public generally. The diversion will move the footpath further away from the houses in Nigel Way. Therefore, there is no disadvantage or loss to persons whose properties adjoin or are near the footpath.

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 24 July 2024 to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, 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 <http://www.eastsuffolk.gov.uk/assets/Your-Council/Access-to-Information/Privacy-Notices/Rights-of-Way-Privacy-Notice.pdf> 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 Public Path Orders Officer telephone 01394 444 508 or email publicpathorders@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.

C Bally
Chief Executive
East Suffolk Council