

**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 Footpath 1 (part) and Footpath 25 (part) Wenhaston. This statement has been prepared to explain various aspects of the Order.

The Order has been made in the interests of the landowner and of the public. The applicants' reasons for requesting the diversion are summarised as follows: The existing alignment of Footpath 1 Wenhaston is in close proximity to the new Blackheath intensive chicken farm (part route C-B on the enclosed consultation plan). The proposed route seeks to move the footpath approximately 111 metres south away from the chicken sheds considerably enhancing the walking experience.

The existing footpath runs through an arable crop (part route A-B-C & B-D) whereas the proposal will have the new footpath adjoining the established hedge field boundaries (route E-F-G-H-I-J-D) and the land thereunder will not be cropped and disturbed. The new footpath will provide a green margin or buffer to the newly planted and restored boundary hedge, giving a positive environmental benefit from the proposed change. The existing footpath crosses an arable field which in winter can become very muddy and slippery. The proposed footpath will be on grass and provide a much better walking surface. There is an agricultural benefit in not having the footpath within the arable field.

Where the footpath meets Batholomew's Lane at present walkers will be in close proximity to the attenuation lagoon associated with the adjoining Blackheath chicken farm. The proposal has a lesser impact on this front.

The proposed footpath will be linked to the adjoining "Michael Gower Wood" off Bramfield Road at point D which will enable the circular route around and through this wood to be part of the walking experience.

The proposed footpath between points G and I would be located on level ground to the west of the graded slope which naturally subdivides the field into two portions and will keep walkers away from agricultural operations.

Government guidance dated August 2023 titled "*Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises*", known as the 'Presumptions Guidance', sets out Government policy on changes to public rights of way through gardens and curtilages of private dwellings, working farmyards and other commercial premises.

Paragraph 9 states "*...the order-making and confirming authority should weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole. They should note that reducing or eliminating the impact of the current route of the right of way on the owner and/or occupier, in terms of privacy, security and safety, are important considerations to which due weight should be given...*"

Paragraph 10 states *“The order-making authority should therefore be predisposed to make, and the confirming authority will be similarly predisposed to confirm, an order if it satisfies the respective relevant legislative tests...”*

The Council is satisfied that the Order complies with the legal grounds and tests laid down in the Highways Act 1980 (s119). It considers that the proposal is in the interests of the owner of the land crossed by the footpaths, that the Order does not alter the eastern termination point of the footpath and only seeks to alter the western termination point 35 metres to the south, 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 **8 August 2025** to the Rights of Way Delivery Officer, East Suffolk Council, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT. 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 (eastsoffolk.gov.uk) or contact the Data Protection Officer at: East Suffolk House, Riduna Park, Station Road, Melton, IP12 1RT, tel: 01394 444488 email: [dataprotection@eastsoffolk.gov.uk](mailto:dataprotection@eastsoffolk.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 Delivery Officer Tel: 01394 444508 email: [publicpathorders@eastsoffolk.gov.uk](mailto:publicpathorders@eastsoffolk.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.

Dated 11 July 2025

C Bally  
Chief Executive  
East Suffolk Council