

NOTICE OF PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 AND PARAGRAPH 1 OF SCHEDULE 14

EAST SUFFOLK COUNCIL (BRIGHTWELL FOOTPATH NO 9(PART)) PUBLIC PATH STOPPING UP ORDER 2024

The above order, made on 26 April 2024 under section 257 of the Town and Country Planning Act 1990, will stop up (extinguish) the entire width of that part of Brightwell Footpath No 9 at a site known as Brightwell Lakes commencing at Ordnance Survey grid reference (OSGR) TM25494420 at a junction with Brightwell Bridleway No 12 and proceeding in a northerly direction for approximately 469 metres to a junction with Brightwell Footpath No 10 at OSGR TM25444467 as described in the order and as shown on the order map.

A copy of the order and the order map and an explanatory statement have been placed and may be seen free of charge at Kesgrave Library, Kinsey House, Kays Close, Kesgrave, IP5 2HL between the hours of 09:00 and 12:00 Monday, 09:00 and 12:00 and 14:30 and 17:00 Tuesday, 14:30 and 18:00 Wednesday, 14:30 and 20:00 Thursday, 09:00 and 12:00 and 14:30 and 18:00 Friday, 10:00 and 17:00 Saturday and 10:00 and 15:00 Sunday. A copy of the order and the order map and an explanatory statement may be obtained by post or email free of charge by contacting the council's representative, Sharon Berry, via email at public.realm@baberghmidsuffolk.gov.uk or telephone 01449 724634. They can also be viewed at <http://www.eastsuffolk.gov.uk/environment/rights-of-way/>.

Any representations about or objections to the order may be sent in writing to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ not later than 31 May 2024. 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

If no representations or objections are duly made, or if any so made are withdrawn, East Suffolk Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the order.

Dated: 3 May 2024

C Bally
Chief Executive
East Suffolk Council

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 stop up part of Brightwell Public Footpath No 9. This statement has been prepared to explain various aspects of the order.

The Council may authorise the stopping up 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 application to stop up part of Brightwell Public Footpath No 9 was submitted under Section 257 of the Town and Country Planning Act 1990 to enable development to take place in accordance with planning permission DC/17/1435/OUT, which gives outline permission for a development known as Brightwell Lakes, and permission DC/18/2774/ARM, which gives approval to a number of reserved matters on the Brightwell Lakes site, including the provision of swales on the northern and southern side of the spine road which will result in the obstruction of part of Footpath No 9. The statement of reasons for the application is summarised below:

The implementation of the outline planning permission and DC/18/2774/ARM will result in the obstruction of Footpath No 9 by the provision of the swales on the northern and southern side of the spine road. The approved design of the swales introduces slopes of 1:3 at four locations on the footpath. This is too steep to accommodate the public's right of way; a slope of 1:20 is the recommended maximum.

The swales are designed to contain water of not more than 50mm deep, with overflows into the wider network if that is exceeded. However, in heavy storm events this depth may be exceeded. The installation of the swales would therefore result in the installation of drainage infrastructure which would obstruct the route of Footpath No 9.

The Council is satisfied that it is necessary to stop up the footpath as proposed in the order to allow development to take place. The Council is required to consider the disadvantage or loss, if any, likely to arise as a result of the stopping up to members of the public generally or to persons whose properties adjoin or are near the existing highway. The Council is satisfied that there is no loss to the public. Comprehensive provision for public access is provided within the new development, including the provision of a new bridleway to the east of the footpath to be stopped up, and the

approved road layout sets out how pedestrian traffic is to be provided for within the development. There are currently no nearby properties which are accessed by the route.

Please note that the section of Footpath No 9 which is to be stopped up was stopped up by the 'Suffolk County Council (Parish of Brightwell) (Footpath 9) Temporary Footpath Stopping Up Order 2013' until 31 December 2023 for the purposes of mineral extraction. The footpath is currently subject to a temporary closure order in the interests of public safety.

The public path stopping up 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.

Objections or representations relating to the order must be made in writing by 31 May 2024 to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ.

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 Council's representative, Ms Sharon Berry of Babergh and Mid Suffolk District Councils, telephone 01449 724634 or email public.realm@baberghmidsuffolk.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

3 May 2024

PUBLIC PATH STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

EAST SUFFOLK COUNCIL (BRIGHTWELL FOOTPATH NO 9(PART)) PUBLIC PATH STOPPING UP ORDER 2024

This order is made by East Suffolk Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to stop up the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: DC/17/1435/OUT - Outline application for up to 2000 dwellings, an employment area of c0.6ha (use Class B1), primary local centre (comprising use Classes A1, A2, A3, A4, A5, B1, C3, D1 and D2), secondary centre (comprising possible use Classes A1, A3 and A4), a school, green infrastructure (including Suitable Accessible Natural Greenspace (SANGs), outdoor play areas, sports ground and allotments/community orchards), public footpaths and cycleways, vehicle accesses and associated infrastructure - Land South And East Of Adastral Park Martlesham Heath Martlesham Suffolk; and DC/18/2774/ARM - site entrance and boulevard comprising the detail of the following elements: the new junction with the A12; the entrance to the site, including the new entrance feature / acoustic bund along the A12 boundary; the new boulevard from the site entrance to the junction with the eastern spine road; the new western spine road and new junction with the Ipswich Road, incorporating measures required by Condition 43 of DC/17/1435/OUT; the landscaping to the entrance and zone along the boulevard / spine road; the new drainage to the boulevard and spine road, including pumping station off the Ipswich Road, in the valley corridor; the new incoming utility supplies along the route of the boulevard and spine road.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map between points A – B and described in Part I of the Schedule to this order ("the Schedule") shall be stopped up as provided below.

2. The stopping up of the footpath shall have effect on the date of confirmation of this order.

3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, over or across it belonging to statutory undertakers for the purposes of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of the said
EAST SUFFOLK COUNCIL
was hereunto affixed this 26th day of April 2024



in the presence of:

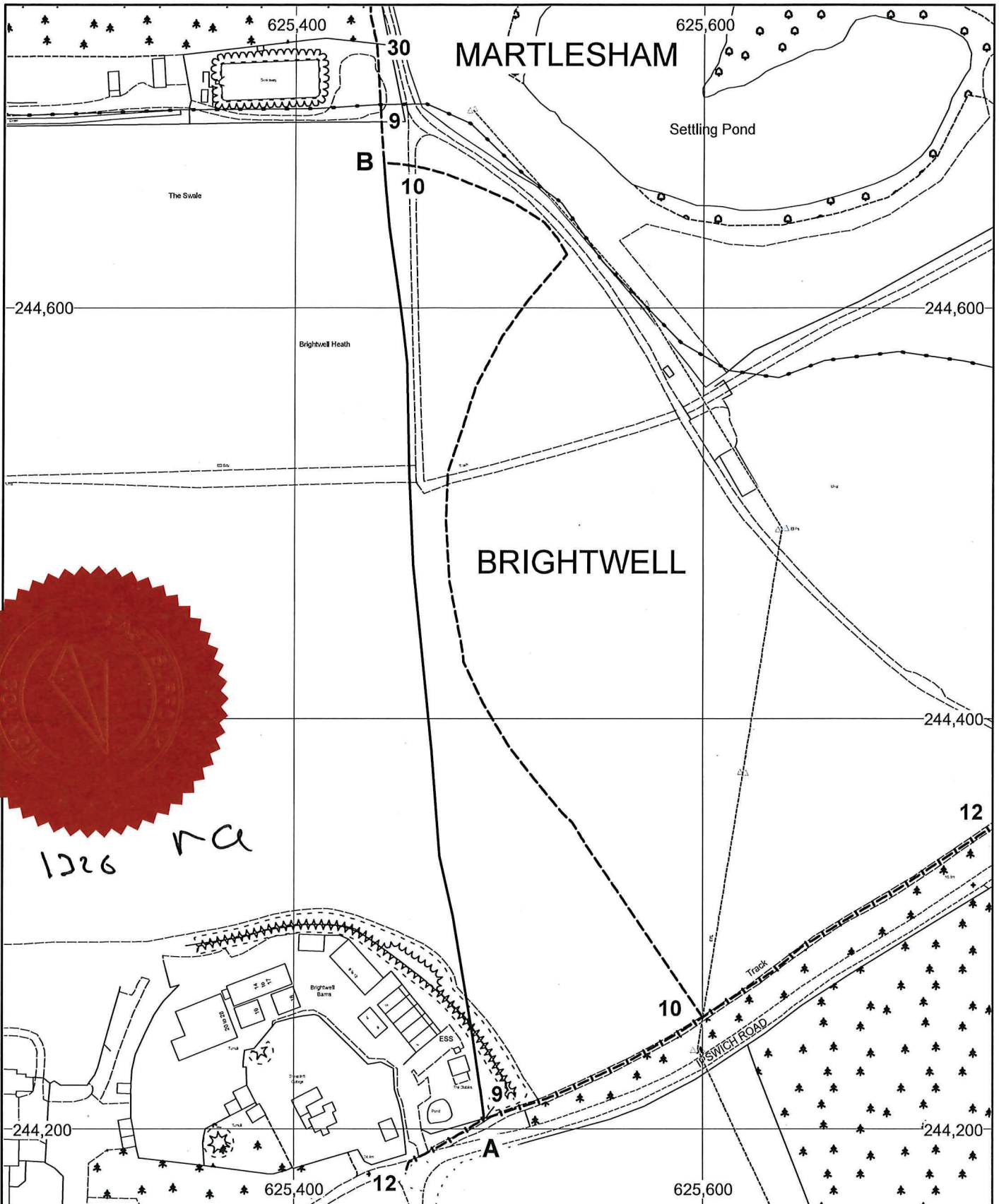
Authorised Officer: *MC MARTIN CLARK*
LEASING MANAGER AND
HOUSING LEAS COUNCIL

SCHEDULE

PART 1



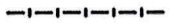

DESCRIPTION OF SITE OF EXISTING FOOTPATH

Brightwell Footpath No 9(part) – The entire width of that part of Brightwell Footpath No 9 commencing at Ordnance Survey grid reference TM25494420 at a junction with Brightwell Bridleway No 12 at point A and proceeding in a northerly direction for approximately 469 metres to a junction with Brightwell Footpath No 10 at Ordnance Survey grid reference TM25444467 at point B; this being the route shown between points A – B on the order map.



**MAP REFERRED TO IN THE EAST SUFFOLK COUNCIL (BRIGHTWELL FOOTPATH NO 9(PART))
PUBLIC PATH STOPPING UP ORDER 2024 – TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257**



-  Footpath to be stopped up (A - B)
-  Unaffected Footpath
-  Unaffected Bridleway
-  Definitive Map Parish Boundary



Scale: 1:2,500 at A4