

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980

BABERGH DISTRICT COUNCIL (LAVENHAM FOOTPATH 2(PART)) PUBLIC PATH DIVERSION ORDER 2024

The above order, made on 28 November 2024 under section 119 of the Highways Act 1980, will divert the entire width of that part of Lavenham Public Footpath 22 at Bears Lane Farm commencing at Ordnance Survey grid reference (OSGR) TL92034800 and proceeding in a west north westerly direction for approximately 57 metres to OSGR TL91974801 then in a northerly direction for approximately 26 metres to OSGR TL91974804 then in a westerly direction for approximately 58 metres to OSGR TL91924804 then in a northerly and then west south westerly direction for approximately 8 metres to OSGR TL91914804 to a new line running from OSGR TL92034800 in a northerly direction with a post and wire fence to the west and a ditch to the east for approximately 7 metres to OSGR TL92034801 then in a north westerly direction between two rows of post and wire fencing for approximately 68 metres to OSGR TL91984805 then in a westerly direction between two rows of post and wire fencing for approximately 61 metres to a point adjacent to the entrance gate to Bears Lane Farm at OSGR TL91914805 then in a south south westerly direction for approximately 4 metres to join the existing route on the driveway leading to Bears Lane Farm at OSGR TL91914804 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 may be obtained free of charge by contacting Sharon Berry via email at public.realm@baberghmidsuffolk.gov.uk or phone 01449 724634. They can also be inspected at Lavenham Library, Lavenham Village Hall, Church Street, Lavenham, CO10 9QT between the hours of 10am and 1pm Monday, 10am and 1pm and 2pm and 5pm Tuesday, Thursday and Friday and 10am and 2pm Saturday or viewed at <https://www.babergh.gov.uk/environment/public-rights-of-way/>

Any representations about or objections to the order may be sent in writing to Mr N Christo, Head of Public Realm and Parking Services at the address below not later than 2 January 2025. 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 Babergh and Mid Suffolk District Council's Countryside and Public Realm Privacy Notice which can be viewed at [Countryside and Public Realm Privacy Notice](#) or contact dataprotection@baberghmidsuffolk.gov.uk

If no representations or objections are duly made, or if any so made are withdrawn, Babergh District 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: 5 December 2024

N Christo
Head of Public Realm and Parking Services
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

**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

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

**BABERGH DISTRICT COUNCIL
(LAVENHAM FOOTPATH 2(PART))
PUBLIC PATH DIVERSION ORDER 2024**

This order is made by Babergh District Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owners of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

A M Hedderwick and M A Hedderwick have agreed to defray any compensation which becomes payable in consequence of the coming into force of the order, and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

Suffolk County Council has been consulted as required by section 120(2) of the 1980 Act and Suffolk County Council has consented to the making of the order.

BY THIS ORDER:

1. The public right of way over the land situate at Lavenham and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up with effect from the date on which Suffolk County Council certifies that the work to bring the public footpath described in Part 2 of the Schedule to this order into a fit condition for use by the public has been carried out. Certification shall not take place prior to the creation of the new route as described in Paragraph 2 of this order.
2. There shall at the end of sixty three days from the date of confirmation of this order be a public footpath over the land situate at Lavenham described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order.

GIVEN under the Common Seal of Babergh District Council this 28th day of
November 2024

THE COMMON SEAL of)
BABERGH DISTRICT)
COUNCIL was hereunto)
affixed in the presence of:)




Authorised Officer

SCHEDULE
PART 1
DESCRIPTION OF SITE OF EXISTING PATH

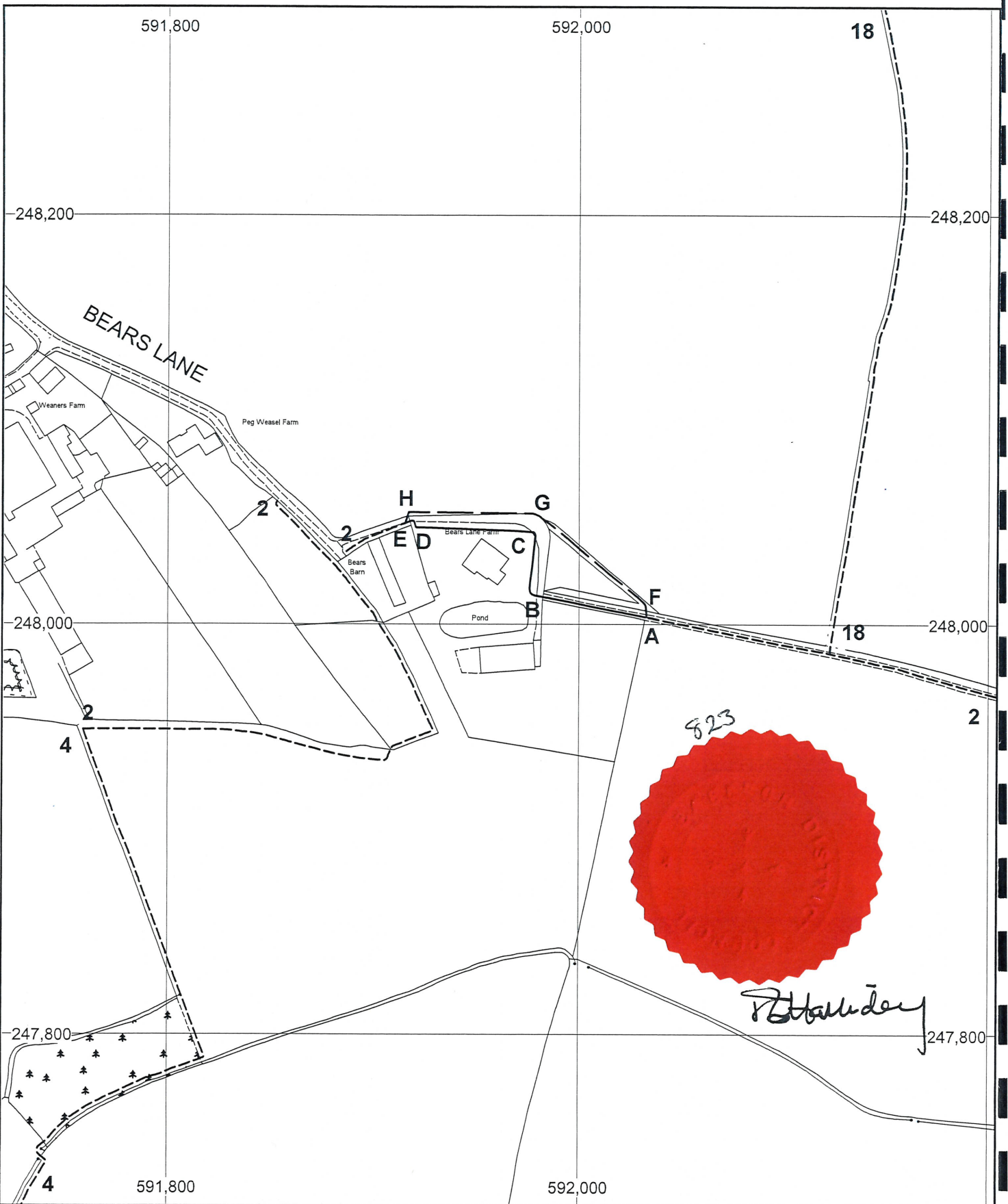
Lavenham Footpath 2 - The entire width of that part of Lavenham Footpath 2 commencing at Ordnance Survey grid reference TL92034800 at point A and proceeding in a west north westerly direction for approximately 57 metres to Ordnance Survey grid reference TL91974801 at point B then in a northerly direction for approximately 26 metres to Ordnance Survey grid reference TL91974804 at point C then in a westerly direction for approximately 58 metres to Ordnance Survey grid reference TL91924804 at point D then in a northerly and then west south westerly direction for approximately 8 metres to Ordnance Survey grid reference TL91914804 at point E; this being the route shown between points A – B – C – D – E on the order map.

PART 2
DESCRIPTION OF SITE OF NEW PATH

Commencing at Ordnance Survey grid reference TL92034800 at point A and proceeding in a northerly direction with a post and wire fence to the west and a ditch to the east for approximately 7 metres to Ordnance Survey grid reference TL92034801 at point F then in a north westerly direction between two rows of post and wire fencing for approximately 68 metres to Ordnance Survey grid reference TL91984805 at point G then in a westerly direction between two rows of post and wire fencing for approximately 61 metres to a point adjacent to the entrance gate to Bears Lane Farm at Ordnance Survey grid reference TL91914805 at point H then in a south south westerly direction for approximately 4 metres to join the existing route on the driveway leading to Bears Lane Farm at Ordnance Survey grid reference TL91914804 at point E; this being the route shown between points A – F – G – H – E on the order map.

Width: 1.5 metres between points A – F

2 metres between points F – G – H – E



MAP REFERRED TO IN THE BABERGH DISTRICT COUNCIL (LAVENHAM FOOTPATH 2 (PART)) PUBLIC PATH DIVERSION ORDER 2024 - HIGHWAYS ACT 1980 SECTION 119



- Footpath to be diverted (A – B – C – D – E)
- Proposed footpath (A – F – G – H – E)
- Unaffected footpath



Scale: 1:2,500 at A4