

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980

EAST SUFFOLK COUNCIL (CLOPTON FOOTPATH 4 (PART)) PUBLIC PATH DIVERSION ORDER 2025

The above order, made on 17 April 2025 under section 119 of the Highways Act 1980, will divert the entire width of that part of Clopton Public Footpath 4 commencing at Ordnance Survey grid reference (OSGR) TM22575509 and proceeding in a north easterly direction from Shop Road for approximately 150 metres to OSGR TM22705516 and continuing in a north easterly direction for approximately 141 metres to OSGR TM22845520, to a new line running from OSGR reference TM22575505 and proceeding in a north easterly direction for approximately 109 metres from Shop Road to OSGR TM22685508 and continuing in a north easterly direction along the northern side of the field boundary for approximately 189 metres to OSGR TM22865512, with the southern edge of the path commencing 0.5 metres from the field boundary and continuing in a north westerly direction along the western side of the field boundary for a final distance of approximately 90 metres to the aforementioned OSGR TM22845520, with the southern edge of the path commencing 0.5 metres from the field boundary as shown on the order map.

A copy of the order and the order map and explanatory statement have been placed and may be seen free of charge at Woodbridge Library, New Street, Woodbridge, IP12 1DT between the hours of 10:00 and 17:00 Monday, 09:00 and 18:30 Tuesday, 09:00 and 17:30 Wednesday, 09:00 and 17:30 Thursday, and 09:00 and 19:00 Friday, 09:00 and 17:00 Saturday, and 10:00 and 16:00 Sunday. Copies of the confirmed order and map can be requested from the East Suffolk Council Rights of Way Delivery officer email: publicpathorders@eastsuffolk.gov.uk or by telephoning 01394 444508. They can also be viewed online 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 Rights of Way Delivery Officer, East Suffolk Council, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT not later than **23 May 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 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: 25 April 2025

B Woolnough
Head of Building Control and Coastal Management
East Suffolk Council

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 Clopton Public Footpath No 4. 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 purchase of the property has been recently concluded, and the footpath dissects the property. The Footpath currently runs the boundary of the property garden and is approximately 10 metres from the house and leaves 90 % of the property (the land) on the other side of the footpath. As well as privacy for the property, access to the remainder of the land 90% will be continuous, 24hrs and in constant use. Securing the path will be nearly impossible without creating a huge impact to the users of the footpath, ourselves and the ability to extend our small garden and look after our horses and other animals. Safety wise, the path would be crossed regularly by plant and machinery and would need to be secured in some way for our dogs and to protect the property and livestock from those who use the footpath. The current footpath runs along the bottom of a section of the field we plan to use as our garden. We worry for the safety of the dogs if they were in the garden and the public were walking with just a fence between them. We also worry about the safety of the horses. Due to the risk of the public feeding the horses, 2 of which have medical needs so being feed anything that is not their strict diet will likely cause the need for medical intervention. For all of these reasons we would like to propose to move the footpath to the opposite side of the field. The side of the field we propose to move the footpath to is currently used unofficially by the public and this diversion will not be any less convenient, it is not extending or reducing the length, has identical views and will have no material impact as we can determine. The proposed side of the field is just 75 metres at the widest point from the current path.

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 and occupier of the land crossed by the footpath, 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 **23 May 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](#) (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 Delivery Officer Tel: 01394 444508 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.

B Woolnough

Head of Building Control and Coastal Management

East Suffolk Council
17 April 2025

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

EAST SUFFOLK COUNCIL (CLOPTON FOOTPATH 4 (PART)) PUBLIC PATH DIVERSION ORDER 2025

This order is made by East Suffolk Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interest of the owner and occupier of the land crossed by the footpath described in paragraph 1 of the order it is expedient that the line of the footpath should be diverted.

Mr J Pierce has 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 footpath 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 has consented to the making of the order.

BY THIS ORDER:

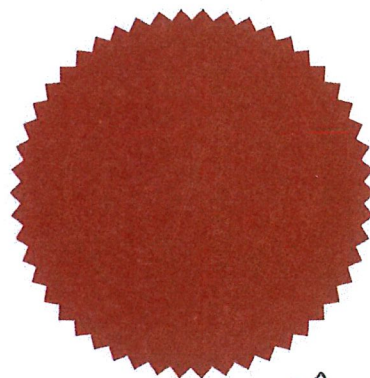
1. The public right of way over the land situated at Clopton and shown by a bold continuous line on the map contained in this order and on the Definitive Map and described in part 1 of the schedule to this order shall be stopped up with effect from the date on which Suffolk County Council certifies that the work to bring the new site of the footpath described in paragraph 2 of 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 described in paragraph 2 of this order.
2. There shall at the end of 30 days from the date of confirmation of this order be a public footpath over the land situated at Clopton 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 East Suffolk Council this 17th day
of April 2025

THE COMMON SEAL OF)
EAST SUFFOLK COUNCIL)
was hereunto affixed in the presence of:)

W. A. MARTIN COUNCIL
LICENSING MANAGER AND
PROVINE VAS CANTON

Authorised Officer



1592

SCHEDULE

Part 1

Description of Site of Existing Path

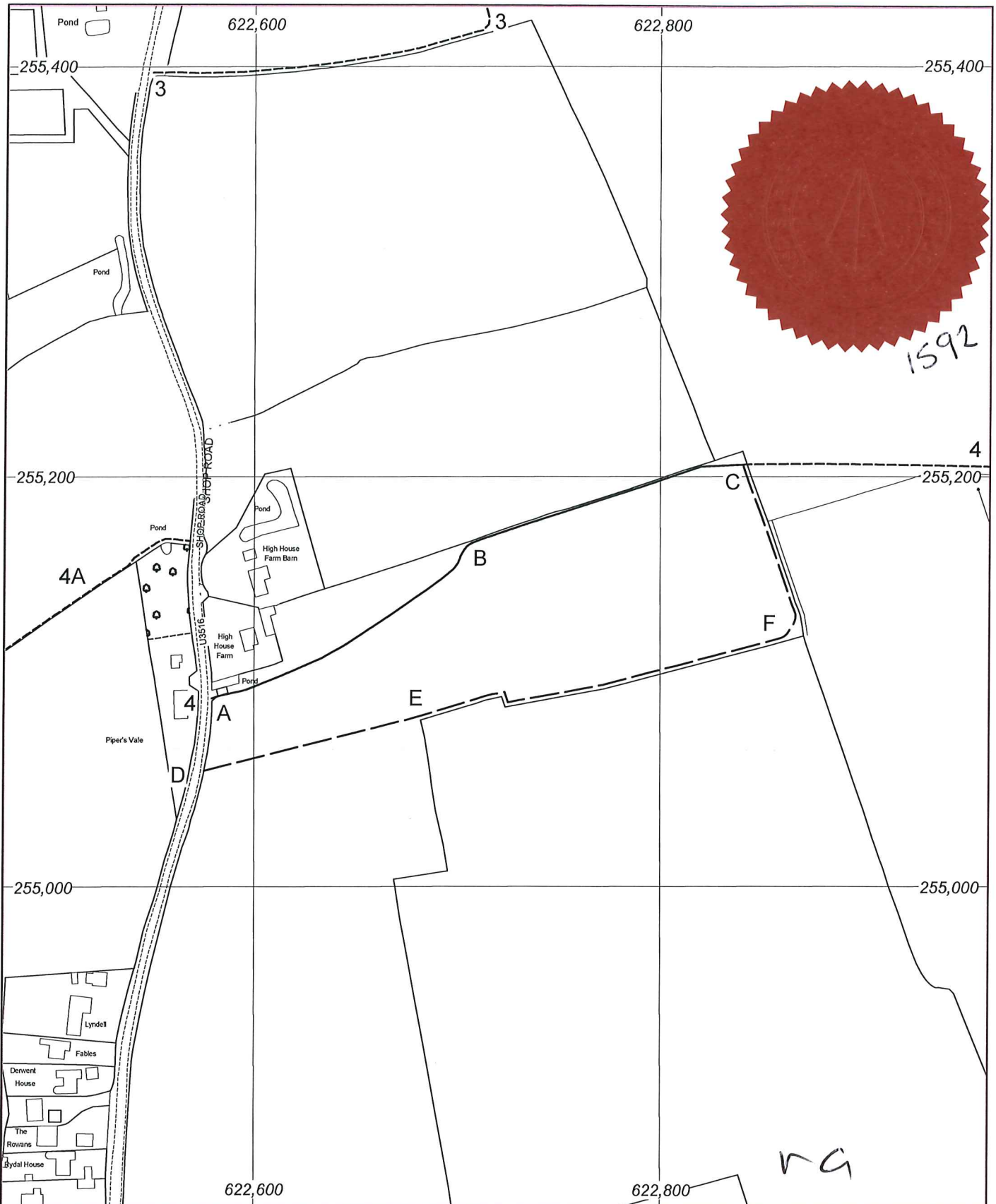
Clopton Public Footpath 4 (part) – The entire width of that part of Clopton Public Footpath 4 commencing at point A at Ordnance Survey grid reference TM22575509 and proceeding in a north easterly direction from Shop Road for approximately 150 metres to point B at Ordnance Survey grid reference TM22705516 and continuing in a north easterly direction for approximately 141 metres to point C at Ordnance Survey grid reference TM22845520; this being the route shown between points A – B – C on the order map.

Part 2

Description of Site of New Path

Clopton Public Footpath No 4(part) – Commencing at point D at Ordnance Survey grid reference TM22575505 and proceeding in a north easterly direction for approximately 109 metres from Shop Road to point E at Ordnance Survey grid reference TM22685508 and continuing in a north easterly direction along the northern side of the field boundary for approximately 189 metres to point F at Ordnance Survey grid reference TM22865512, with the southern edge of the path commencing 0.5 metres from the field boundary and continuing in a north westerly direction along the western side of the field boundary for a final distance of approximately 90 metres to the aforementioned point C, with the southern edge of the path commencing 0.5 metres from the field boundary; this being the route shown between points D – E – F – C on the order map.

Width: 2 metres



**MAP REFERRED TO IN THE EAST SUFFOLK COUNCIL (CLOPTON FOOTPATH 4(PART))
PUBLIC PATH DIVERSION ORDER 2024 - HIGHWAYS ACT 1980 SECTION 119**



- Footpath to be diverted (A - B - C)
- - - Proposed Footpath (D - E - F - C)
- Unaffected Footpath
- Definitive Map Parish Boundary



Scale: 1:2,500 at A4