

Notice of Public Path Order



Highways Act 1980

West Suffolk Council (Fornham St Martin Footpath 3(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 Fornham St Martin Public Footpath 3 within the grounds of All Saints Hotel commencing at Ordnance Survey grid reference (OSGR) TL84436754 and proceeding in a north westerly direction for approximately 100 metres to a junction with Fornham St Genevieve Footpath 2 at the parish boundary at OSGR TL84386763 to a new line commencing at OSGR TL84436754 and proceeding in a north north westerly direction for approximately 16 metres then joining a surfaced path and continuing in a north north westerly direction for approximately 3.5 metres to OSGR TL84426756 then along a surfaced path first in a westerly direction for approximately 46 metres to OSGR TL84376756 then in a north westerly and then northerly direction for approximately 55 metres to OSGR TL84366761 then in a generally north easterly direction for approximately 24 metres to the end of the surfaced path then in a northerly direction for approximately 4 metres to a junction with Fornham St Genevieve Footpath 2 at the parish boundary at OSGR TL84386763 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 Bury St Edmunds Library, Sergeants Walk, St Andrews Street North, Bury St Edmunds, IP33 1TZ between the hours of 8.30am and 5.30pm Monday, Wednesday and Thursday, 8.30am and 7.30pm Tuesday and Friday, 8.30am and 5pm Saturday and 10am and 4pm 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 sharon.berry@baberghmidsuffolk.gov.uk or telephone 01449 724634. They can also be viewed at <https://www.westsuffolk.gov.uk/parking/Travel/public-rights-of-way.cfm>

Any representations about or objections to the order may be sent in writing to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU not later than 20 June 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 West Suffolk Council's Privacy Notice which can be viewed which can be viewed at <https://www.westsuffolk.gov.uk/privacy/>

If no representations or objections are duly made, or if any so made are withdrawn, West 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: 23 May 2025

T Halliday
Service Manager (Legal and Governance), Legal and Information Governance Service
West Suffolk Council

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

WEST SUFFOLK COUNCIL (FORNHAM ST MARTIN FOOTPATH 3(PART)) PUBLIC PATH DIVERSION ORDER 2025

This order is made by West Suffolk 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 owner 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.

D H Harris 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 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 Fornham St Martin 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 seventy days from the date of confirmation of this order be a public footpath over the land situate at Fornham St Martin described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this order.

THE COMMON SEAL of)
WEST SUFFOLK COUNCIL)
was hereunto)
affixed in the presence of)



Authorised Signatory:

Dated:

17/4/2025

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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH

Fornham St Martin Footpath 3(part) – The entire width of that part of Fornham St Martin Footpath 3 commencing at Ordnance Survey grid reference TL84436754 at point A and proceeding in a north westerly direction for approximately 100 metres to a junction with Fornham St Genevieve Footpath 2 at the parish boundary at Ordnance Survey grid reference TL84386763 at point B; this being the route shown between points A – B on the order map.

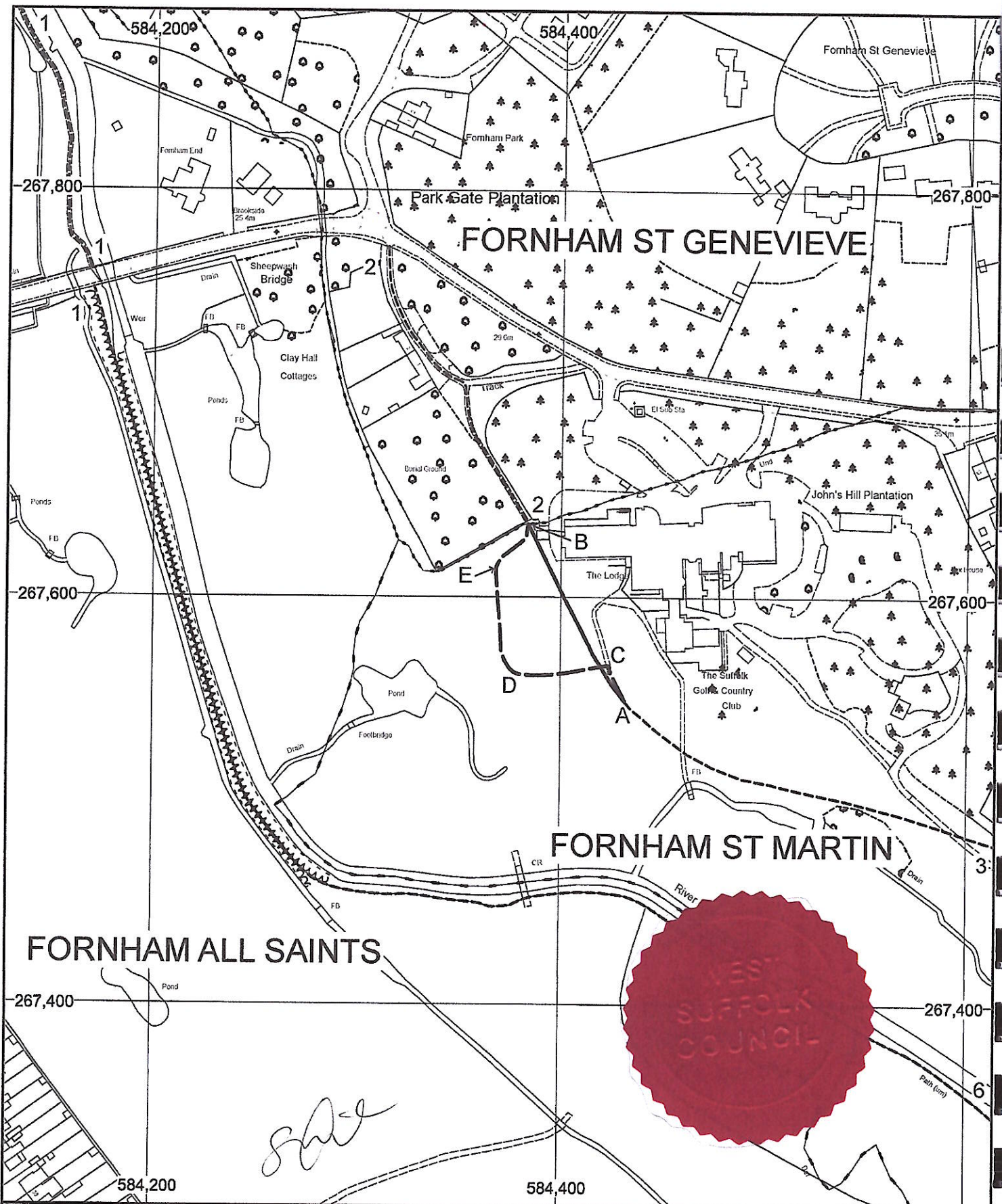
PART 2

DESCRIPTION OF SITE OF NEW PATH

Fornham St Martin Footpath 3(part) – Commencing at Ordnance Survey grid reference TL84436754 at point A and proceeding in a north north westerly direction for approximately 16 metres then joining a surfaced path and continuing in a north north westerly direction for approximately 3.5 metres to Ordnance Survey grid reference TL84426756 at point C then along a surfaced path first in a westerly direction for approximately 46 metres to Ordnance Survey grid reference TL84376756 at point D then in a north westerly and then northerly direction for approximately 55 metres to

Ordnance Survey grid reference TL84366761 at point E then in a generally north easterly direction for approximately 24 metres to the end of the surfaced path then in a northerly direction for approximately 4 metres to a junction with Fornham St Genevieve Footpath 2 at the parish boundary at Ordnance Survey grid reference TL84386763 at point B; this being the route shown between points A – C – D – E – B on the order map.

Width: 2 metres



MAP REFERRED TO IN THE WEST SUFFOLK COUNCIL (FORNHAM ST MARTIN FOOTPATH 3(PART))
PUBLIC PATH DIVERSION ORDER 2025 - HIGHWAYS ACT 1980 SECTION 119



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



Scale: 1:2,500 at A4

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.

West Suffolk Council has made an order under section 119 of the Highways Act 1980 to divert part of Fornham St Martin Public Footpath 3 within the grounds of All Saints Hotel in the interests of the owner of the land crossed by the footpath. This statement has been prepared to explain various aspects of the order.

The applicant's statement of reasons for requesting the diversion is summarised below:

Planning approval for an extension to the All Saints Hotel (reference DC/18/1372/FUL) was originally granted on 4th July 2019 following a submission of the application on 8th August 2018. This included retention of what was believed to be the existing right of way which was documented on drawing 7400/RW01A which routed at ground floor between the existing hotel and the hotel extension.

This was agreed on site and with Suffolk County Council rights of way officers and within the planning application. There was no objection to the proposal within the planning application.

Following the submission of the planning application and granting of planning permission for application reference DC/23/0290/VAR to infill the link between the extension and the hotel at ground floor, it was established that the route of the right of way was affected by the location of the hotel bedroom wing extension, which is under construction.

The 1:500 scale plan prepared using GIS data provided by Suffolk County Council to clarify the route of the existing footpath in relation to the hotel extension also showed that the existing route ran through what was the 9th green on the golf course.

The proposal is to divert the public footpath away from the complex and around the hotel extension following the route shown in purple. This will move the footpath away from the working and the access areas (both pedestrian and vehicular) of the hotel and create a more rural identity/aspect to the footpath. This will also allow the footpath to be defined clearly, which it has not been for some considerable length of time/years and will avoid conflict between contrasting uses in future years.

The existing footpath has no legally recorded width. The proposed footpath will be 2 metres wide surfaced in part with granite fines and with the remainder of the route being a combination of tarmac and grass.

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act. It considers that the proposal is in the interests of the owner 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 highway 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 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 20 June 2025 to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at the address below.

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 <https://www.westsuffolk.gov.uk/privacy/>

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.

T Halliday
Service Manager (Legal and Governance), Legal and Information Governance Service
West Suffolk Council
West Suffolk House
Western Way
Bury St Edmunds
IP33 3YU

Dated: 23 May 2025