

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980, SECTION 119

EAST SUFFOLK COUNCIL (WENHASTON FOOTPATH 1 (PART) AND FOOTPATH 25 (PART)) PUBLIC PATH DIVERSION ORDER 2025

The above order, made on 4 July 2025 under section 119 of the Highways Act 1980, will divert the entire width of that part of Wenhaston Public Footpath 1 commencing at Ordnance Survey grid reference (OSGR) TM41427501 and proceeding in a north easterly direction from Bartholomew's Lane immediately south of the poultry houses and then across an agricultural field for approximately 344 metres to OSGR TM41757511 and continuing in a north easterly direction across an agricultural field for approximately 115 metres to OSGR TM41867514, to a new line running from OSGR TM41467494 approximately 79 metres south from the aforementioned OSGR TM41427501 on Bartholomew's Lane in a easterly direction for approximately 5 metres across a 2 metre wide culvert adjacent to a field gate to OSGR TM41477494 then in a south easterly direction following the eastern side of the field edge boundary for approximately 32 metres to OSGR TM41487491 then in a north easterly direction following the northern side of the field edge boundary for approximately 184 metres to OSGR TM41667497 where it crosses an existing field boundary then continues in a north easterly direction following the northern side of the field edge boundary for approximately 131 metres to OSGR TM41787500 then in a southerly direction following the eastern side of the field edge boundary for approximately 57 metres to OSGR TM41797495 then in a generally easterly direction following the northern side of the field edge boundary for a final distance of approximately 98 metres to OSGR TM41887496; and to divert the entire width of that part of Wenhaston Public Footpath 25 commencing at OSGR TM41757511 and proceeding in a generally south easterly direction across an agricultural field for approximately 218 metres to OSGR TM41887496, to a new line running from OSGR TM41867514 and proceeding in a southerly direction across an agricultural field for approximately 178 metres to the OSGR TM41887496 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 Halesworth Library, Bridge Street, Halesworth, IP19 8AD between the hours of 09:00 and 13:00 Monday, 09:00 and 17:00 Tuesday, 09:00 and 17:00 Wednesday, 09:00 and 17:00 Friday, 09:00 and 17:00 Saturday, and 10:00 and 15:00 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 **8 August 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: 11 July 2025

C Bally
Chief Executive
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 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 (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.

Dated 11 July 2025

C Bally
Chief Executive
East Suffolk Council

EAST SUFFOLK COUNCIL

PUBLIC PATH DIVERSION ORDER 2025

WENHASTON FOOTPATH 1(PART) AND FOOTPATH 25(PART)

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 of the land crossed by the footpaths described in paragraph 1 of the order it is expedient that the lines of the footpaths should be diverted.

Mr D Parker 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 rights of way over the land situated at Wenhaston and shown by a bold continuous lines 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 routes 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 public footpaths over the land situated at Wenhaston described in part 2 of the schedule and shown by a bold broken lines on the map contained in this order.

GIVEN under the common seal of East Suffolk Council this 4th day
of July 2025

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

Mr MARTIN CLARK
LICKWILL PARADE AND
ROSE CRAN CATERA

Authorised Officer



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SCHEDULE

Part 1

Description of Site of Existing Path

Wenhaston Public Footpath 1 (part) – The entire width of that part of Wenhaston Public Footpath 1 commencing at point A at Ordnance Survey grid reference TM41427501 and proceeding in a north easterly direction from Bartholomew's Lane immediately south of the poultry houses and then across an agricultural field for approximately 344 metres to point B at Ordnance Survey grid reference TM41757511 and continuing in a north easterly direction across an agricultural field for approximately 115 metres to point C at Ordnance Survey grid reference TM41867514; this being the route shown between points A – B – C on the order map.

Wenhaston Public Footpath 25 (part) – The entire width of that part of Wenhaston Public Footpath 25 commencing at the aforementioned point B and proceeding in a generally south easterly direction across an agricultural field for approximately 218 metres to point D at Ordnance Survey grid reference TM41887496; this being the route shown between points B – D on the order map.

Part 2

Description of Site of New Path

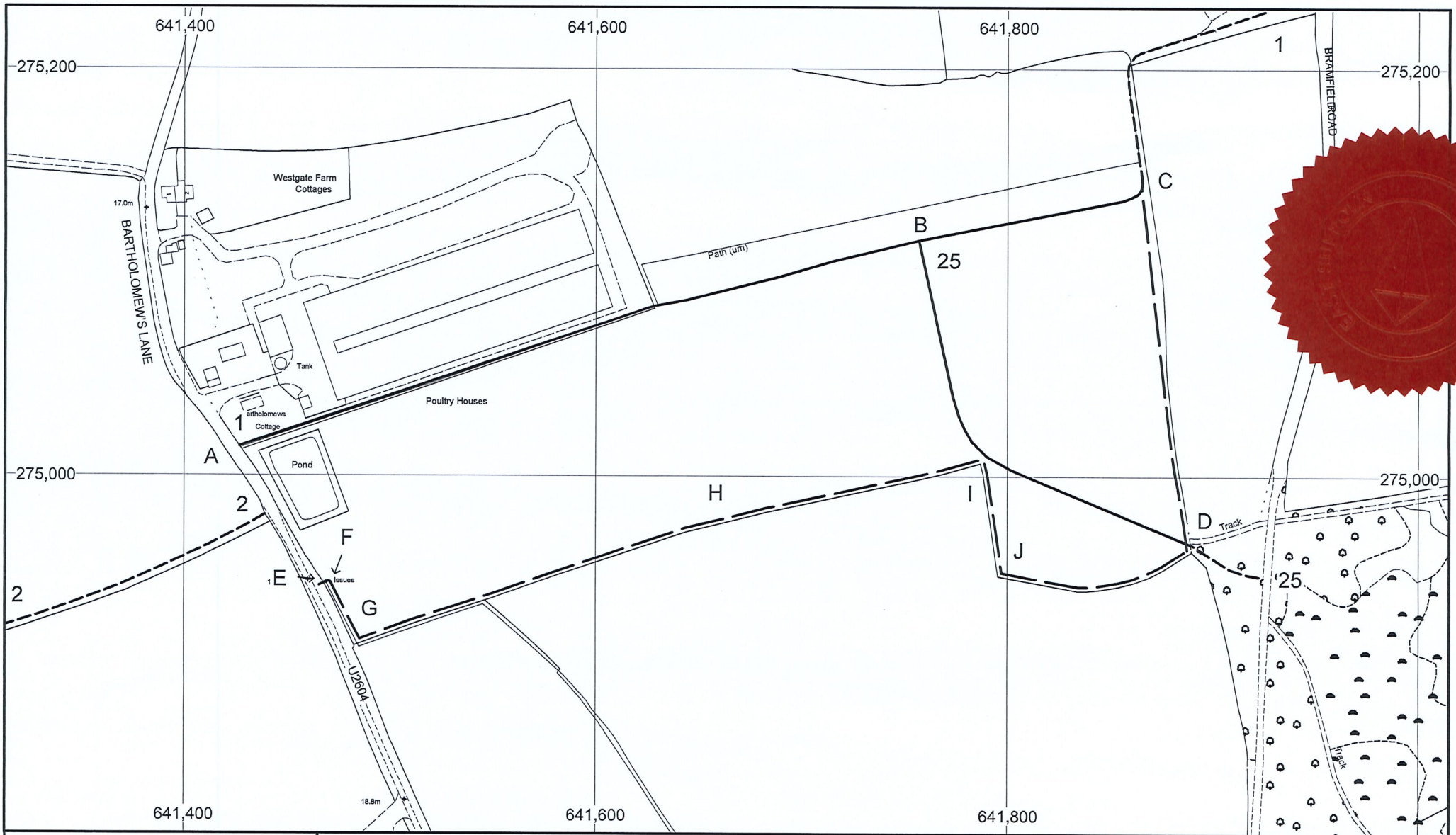
Wenhaston Public Footpath 1 (part) – Commencing at point E at Ordnance Survey grid reference TM41467494 approximately 79 metres south from the aforementioned point A on Bartholomew's Lane in a easterly direction for approximately 5 metres across a 2 metre wide culvert adjacent to a field gate to point F at Ordnance Survey grid reference TM41477494 then in a south easterly direction following the eastern side of the field edge boundary for approximately 32 metres to point G at Ordnance Survey grid reference TM41487491 then in a north easterly direction following the northern side of the field edge boundary for approximately 184 metres to point H at Ordnance Survey grid reference TM41667497 where it crosses an existing field boundary then continues in a north easterly direction following the northern side of the field edge boundary for approximately 131 metres to point I at Ordnance Survey grid reference TM41787500 then in a southerly direction following the eastern side of the field edge boundary for approximately 57 metres to point J at Ordnance Survey grid reference TM41797495 then in a generally easterly direction following the northern

side of the field edge boundary for a final distance of approximately 98 metres to the aforementioned point D; this being the route shown between points E – F – G – H – I – J on the order map.

Width: 2 metres

Wenhaston Public Footpath 25 (part) – Commencing at the aforementioned point C and proceeding in a southerly direction across an agricultural field for approximately 178 metres to the aforementioned point D; this being the route shown between points C – D.

Width: 2 metres



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



Scale: 1:2,500 at A4

**EAST SUFFOLK COUNCIL
PUBLIC PATH DIVERSION ORDER 2025
WENHASTON FOOTPATH 1(PART) AND
WENHASTON FOOTPATH 25(PART)**