

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 Dalham Public Footpath 6 in the interests of the owners 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:

The diversion of the footpath is in the interest of the applicants as owners and occupiers of the land, as the proposed footpath will afford more security and privacy to their family home. The existing footpath runs close to the rear of the house, and very close to the southern wall of the property itself. The applicants have on several occasions noticed members of the public who are using the existing footpath looking into their family home and home office, and their gardens to the front and rear and this is done in particular over the 2 gateways which form part of the boundary, and also bits where there are no hedge. In the winter where there are no leaves on the trees or hedges people have been staring at the applicants' house and sometimes stopping. This has been happening at all points. Further, members of the public have been walking behind the applicants' property along the environmental field margins and not following the public path route. Members of the public could also easily enter the property from the existing footpath.

The existing footpath is used all year round by dog walkers, and they are then at the field gate straying in to the field margins behind the applicants' property as these are kept short for the farming purposes.

The proposed footpath alters the route of the termination point of Footpath FP6 by moving this approximately 100m further to the south so it then joins on to Dunston Green Road, further down the same road, which is the same public highway where the Existing Footpath terminates. The diversion brings the termination of Footpath FP6 so it is to the north of the western end of Footpath FP8, where an access through the existing hedge will be provided, and a section of hedge removed following the grant of planning permission. It is not intended that there will be a gate at this location.

Cont.

The existing footpath has a legally recorded width of 4 feet. The proposed footpath will be 2 metres wide.

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 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 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 29 May 2026 to Mrs T Halliday, Head of Service (Governance), 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
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Dated: 1 May 2026