

## **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 4 July 2019 following a submission of the application on 8 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 ninth 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 or 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 or years and will avoid conflict between contrasting uses in future years.

The existing footpath has no legally recorded width. The proposed footpath will be two

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 more information please refer to [Privacy and how we use information](#)

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](mailto: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.

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Dated: 23 May 2025