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| **Order Decision** |
| Site visit made on 16 January 2024 |
| **by Claire Tregembo BA (Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 18 June 2024** |

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| **Order Ref: ROW/3304242M** |
| * This Order is made under section 119 of the Highways Act 1980 and is known as the Babergh District Council (Polstead Footpath No 35 (Part)) Public Path Diversion Order 2021.
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| * Babergh District Council submitted the Order for determination to the Secretary of State for Environment, Food and Rural Affairs.
* The Order is dated 4 February 2021.
* The Order proposes to divert part of Polstead Footpath No 35 as shown on the Order plan and described in the Order Schedule.
* In accordance with Paragraph 2(3) of Schedule 6 to the Highways Act 1980, notice has been given of my proposal to confirm the Order with modifications.
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| **Summary of Decision: The Order is confirmed subject to the modifications I previously proposed.** |
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Procedural Matters

1. The effect of the Order, if confirmed with the modifications I previously proposed, would be to amend the alignment of the proposed new footpath to reflect the line provided as a temporary diversion during building works. I also proposed to amend the alignment of the existing footpath to match the route shown on the Definitive Map and Statement.
2. In my interim decision dated 8 February 2024, I proposed to confirm the Order subject to the modifications described in paragraph 1 above. As the modification proposed would affect land not affected by the Order as submitted, I was required by virtue of Paragraph 2(3) of Schedule 6 to the Highways Act 1980 to give notice of my proposal to modify the Order and give an opportunity for objections and representations to be made to the proposed modifications.
3. No objections were received following advertisement of the notice and deposit of the associated documents relating to the proposed modifications. The owners of Red Barn Cottage and Babergh District Council support the proposed modifications.
4. This decision should be read in conjunction with my interim decision into the Order, which outlined the main issues to be addressed and my findings on these matters.

###### Conclusions

1. Bearing in mind the above, I conclude the Order should be confirmed subject to the modifications set out in paragraph 41 of my interim decision dated 8 February 2024.

###### Formal Decision

1. I confirm the Order subject to the following modifications previously proposed:

In Part 1 of the Order Schedule

* Delete ‘28’ and replace with ‘11’
* Delete ‘TM00083779’ and replace with ‘TM00073780’
* Delete ’71’ and replace with ‘88’

 In Part 2 of the Order Schedule

* After ‘point E then in an’ add ‘east south’
* Delete ’28’ and replace with ‘49’
* Delete ‘TM00093780’ and replace with ‘TM00113779’
* Delete ‘36’ and replace with ‘15’

Claire Tregembo

Inspector

**Modified Order Map**

