

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 part of Benhall Public Footpath No 28. This statement has been prepared to explain various aspects of the order.

The order has been made in the interests of the owners of the land crossed by the existing footpath. The applicants' reasons for requesting the diversion are summarised as follows:

Sizewell C submitted an application for a Development Consent Order (DCO) to erect a nuclear power station in May 2020. The examination of the application was conducted by the Planning Inspectorate and approved in July 2022. The DCO includes the Two Village Bypass scheme. A water basin (attenuation pond) is required to support the bypass for essential drainage purposes and is proposed to be excavated where the existing footpath is located. It is therefore in the interest of the landowner (Sizewell C) to permanently divert Footpath 28 Benhall.

The diversion of the footpath is also considered to be in the interest of the wider public. The existing path extends up to Friday Street in the west where there is no public path adjoining the highway. This means that footpath users walk directly out on to the carriageway, whereas the proposed diversion would extend on to a dedicated path adjoining the carriageway. This is considered to result in a betterment in terms of pedestrian and highway safety.

The proposed diversion is also considered to provide betterment in terms of public convenience and enjoyment. The diversion would also be more conveniently located for footpath users who are walking from the retained elements of Footpaths 28 and 28A to the Friday Street Farm Shop which is located on the western side of the carriageway.

Sizewell C also contends that the proposed diversion would have a positive effect upon public enjoyment of the route as a whole, on other land served by the existing route, and on the land where the new route is created, given the path would extend around and animate the proposed water basin, and be close to ecological features.

The proposed route will have a minimum width of two metres.

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 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 highways 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: 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 **26 December 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.

C Bally
Chief Executive
East Suffolk Council

21 November 2025