

THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE ORDER

HIGHWAYS ACT 1980

EAST SUFFOLK COUNCIL (HALESWORTH FOOTPATH NO 27 AND HOLTON FOOTPATH NO 14) PUBLIC PATH CREATION ORDER

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish/stop up (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 create a new public footpath connecting Stead Drive in Halesworth to the existing public footpath Holton No 6. This statement has been prepared to explain various aspects of the order.

The Council may authorise the creation of a footpath under section 26 of the Highways Act 1980 if it appears to the authority that there is a need for a footpath over the land and it is satisfied that, having regard to a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and b) the effect which the creation of the path would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contain in Section 28 of the Highways Act 1980, it is expedient that the path should be created.

This new route will allow pedestrians safe, off-road access from the Hill Street Farm/Blyth Vale development area of Halesworth to Orchard Valley, Holton. From that point there are onward routes to Holton St Peter Primary School, a new Nursery and the Village Hall. It will also aid the cohesion of existing and new communities and increase access to new public open space for the existing community.

An informal consultation was carried out between November 16 and December 15 2023. One hundred and forty letters were hand delivered to the Blyth Vale Estate, the two parish councils, district councillors and three landowners adjacent to the proposed new route. Forty-two responses in support of the proposed path were received. Six objections were received. It can be seen from their responses and their attempts to use the route prior to an order being confirmed that local residents wish to use the proposed route and would derive enjoyment and convenience from it.

A person can claim compensation if the value of their interest in the land is depreciated or if they have suffered damage by being disturbed in their enjoyment of land in consequence of a public path creation order coming into effect.

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 24 July 2024 to the Public Path Orders Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ

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

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the Public Path Orders Officer, telephone 01394 444 508 or 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