

DOCUMENTS SUBMITTED BY EAST SUFFOLK COUNCIL
TO THE PLANNING INSPECTORATE
(Electronic Submission)
IN THE MATTER OF THE DETERMINATION TO CONFIRM
THE CREATION OF FOOTPATH 27 HALESWORTH AND FOOTPATH 14 HOLTON
IN THE DISTRICT OF EAST SUFFOLK
SECTION 26 – HIGHWAYS ACT 1980
DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

1. Electronically sealed Order (there is no paper form of this order) and associated plan
2. Statement of the grounds on which it is considered the order should be confirmed
3. OMA's submission letter
4. Representations and objections to the order (including supporters) along with a covering list of their names
5. Statement containing the OMA's comments on the objections
6. Copy of the notice publicising the order together with a copy of the advertisement voucher copy
7. Certificate that notices have been published, served and posted on site and at the local offices
8. Certificate that the necessary consultations have been carried out
9. Copies of replies to the pre-order consultation and responses by the OMA
10. Name and address of every person notified
11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served
12. Location map to enable the Inspector to identify the site
13. Written permission from the landowner allowing Inspector access to the land
14. Name and address of the applicant
15. Confirmation that the OMA is supporting the Order
16. Details of the time and place where documents relating to the order will be made available for public inspection
17. Health and Safety questionnaire document
18. Undertaking by OMA to provide new paths in readiness for public use
19. Extract from the Definitive Map and Statement
20. Copy of relevant part of the County Councils Rights of Way Improvement Plan

1. Electronically sealed Order and plan

See submitted PDF file:

01. Sealed Made Order.pdf

2. Statement of the grounds on which it is considered the Order should be confirmed

This statement explains why in the opinion of East Suffolk Council (ESC) as the Order Making Authority (OMA) the Order meets the relevant criteria as set out in Section 26 of the Highways Act 1980 and why the creation of Footpath 27 Halesworth and Footpath 14 Holton is expedient on the grounds stated.

The OMA made the following considerations to the criteria as set out under S26 Highways Act 1980:

- 1) Where it appears to a local authority that there is a need for a footpath over land in their area and they are satisfied that, having regard to -**
 - (a) the extent to which the path or way would add to the convenience and enjoyment of a substantial section of the public, or the convenience of persons resident in the area, and**
 - (b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below,**

It is expedient that the path or way should be created, the authority may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, create a footpath over the land.

(a) An informal consultation was undertaken 17 November, which included a letter drop to 140 residents of Blythe Vale and 3 adjacent landowners. A copy of the consultee letter and draft Order plan is submitted as PDF file:

2(1). Consultee Letter & Plan (informal)

The consultation received 48 responses – 42 given in support of the proposal and 6 representations opposing the proposal were made. A merged copy of all the responses in support is submitted as PDF file:

2(2). Merged positive responses to the informal consultation

In summary those individuals that responded positively to the informal consultation mentioned the following benefits:

- The increased safety of children walking to the primary and nursery school in Holton as it would avoid walking beside a busy main road (B1123 Holton Road).
- Improved connectivity to the wider Public rights of Way network and avoids walking beside a busy main road that is less enjoyable.
- A shorter and therefore more convenient route for those with mobility issues to access activities suitable for the older demographic.
- Provides an enjoyable alternative and more sustainable method of transport to popular local destinations such as; the farm shop on Holton Road, bus stop on Bungay Road, Holton Pits, Holton Garden Centre, Holton village Hall, the church and Halesworth town centre.

The County Council Member and Holton Parish Council also responded positively. Those responses can be found under section **09. Copies of replies to the pre-order consultation**

A committee report was submitted to request approval to continue to the Made Order stage of the application process. The committee members approved the making of the Order.

Copy of the committee report and decision is submitted as PDF file:

2(3). Committee Report & Decision

The OMA is therefore satisfied that there is a need for the footpath creations, as it would add to the convenience of persons resident in the area as evidenced in the supporting statements provided.

For transparency those individuals that responded negatively to the informal consultation mentioned the following:

- Trespass from members of the public wanting to follow the proposed route over land within their ownership and removing temporary fencing installed by the landowner to prevent access.
- No mention of compensation.
- Increased antisocial behaviour including trespass of dogs into neighbouring private gardens, dog faeces and litter.

A merged copy of all the responses opposed to the proposal during the informal consultation is submitted as PDF file:

2(4). Merged negative responses to the informal consultation

(b) The proposed route of Footpath 27 Halesworth crosses over land belonging to Hopkins Homes. The land was recently developed to provide extra housing to the area including a new nursery as per the approved planning application: DC/16/5410/OUT. The application can be viewed here:

[DC/16/5410/OUT | Outline Application \(with all matters other than means of access reserved\) for residential development of up to 160 dwellings with the provision of a new meadow, additional site wide open space and landscaping, land to enable an extension to the existing cemetery and vehicular accesses off Hill Farm Road | Land North And East Of Hill Farm Road Halesworth Suffolk \(eastsuffolk.gov.uk\)](#)

The Public Rights of Way team at Suffolk County Council provided a response to the planning application consultation that requested improvements to the local network in anticipation of the likelihood of increased footfall. The response also included the creation of a footpath to link FP6 (at the eastern end of the proposed route) to Holton Primary School. It was understood at the time that Hopkins Homes owned all the land over which the proposed route is located. (The response also included a proposal to create a route to the west of the new development that crosses third party land; however, the proposal was not pursued). Unfortunately, the officer failed to identify that the proposed route crosses over two other land parcels that are not within Hopkins Homes ownership.

A copy of the consultee response is submitted as pdf file:

2(5). Planning application consultee response - SCC

Hopkins Homes agreed to the proposal for the creation of a PROW across land within their ownership and a hoggan path was provided across the green (to the east of the development) as a permissive path in anticipation of a s25 Highway Act 1980 creation agreement to link to footpath 6 Holton.

A further section of land belongs to [REDACTED] who has also agreed to the proposal to create a PROW across land within [REDACTED] ownership. A copy of an email correspondence to provide confirmation of this is submitted as pdf file:

2(6). Correspondence with [REDACTED]

accepted compensation in the form of a new fence and gate to be installed at

A copy of the letter sent to the supplier (at the request of) is submitted as pdf file:

2(7). Compensation letter –

One section is unregistered land. ESC failed to identify the landowner and therefore a request to waive a requirement to serve notice on the landowner of unregistered land was submitted to the Secretary of State on 15 November 2023. A copy of this request including the letter from ESC and land registry map extract is submitted as pdf file:

2(8). Request to waiver requirement to serve notice on unregistered land

The OMA is therefore satisfied that s26 Highways Act 1980 is appropriate in this circumstance and the relevant criteria is met. Therefore, the Order should be confirmed.

3. OMA's submission letter

The Planning Inspectorate
Rights of Way Section
Room 3A Eagle
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date 29/10/2024

Our Ref: Footpath 27 Halesworth & Footpath 14 Holton

Dear Sir/Madam,

Highways Act 1980 – Section 26 Public Path Creation Order 2024
Footpath 27 Halesworth and Footpath 14 Holton, East Suffolk, Suffolk.

East Suffolk Council, being the Order Making Authority, are writing with regard to the above proposed diversion application which has undergone a statutory consultation period of the order made on 26 June 2024. Following the expiry of the statutory consultation period and ensuing negotiations the County Council were unable to achieve withdrawal of two objections.

The District Council, having considered the criteria for making and confirming the order are satisfied that the application meets the relevant tests and therefore support the Order. Accordingly, I write to formally request the Secretary of State in pursuance of section 2(2) of Schedule 6 to the Highways Act 1980 determines to confirm the above mentioned Order. I enclose by email attachment documentation required for the submission of Public Path Orders to the Secretary of State for consideration.

The list of documents follows the order given on The Planning Inspectorate's *'Documents Required By The Planning Inspectorate (Checklist for Order Making Authorities)*.

I would request that where possible the dates below are avoided in respect of possible dates for attendance at a hearing or inquiry. The Council also hereby confirms that it would be in agreement and preferable for the matter to be resolved by written representations should that be acceptable to all interested parties.

Dates to avoid:

Sarah Potter: 24th - 28th January, 28 April – 12th May, 15th – 29th, September, 6th – 13th October, 22nd December 2025 – 5th January 2026.

Yours sincerely

Sarah Potter, Rights of Way Delivery Officer, East Suffolk Council

4. Representations and objections to the order (including supporters) with a covering list of names (includes OMA response)

A covering list of all the names that made a representation including those in support of the Order is submitted as PDF file:

04(1) Covering List of Names – representations and support

3 responses were received in support of making the Order. In summary the following points were made:

- The new routes are a significant advantage to the residents of the new Blythe Vale estate as it creates a much safer link for school children attending Holton School.
- Provides an excellent route to local shops and amenities in Holton.
- Provides a more enjoyable alternative to walking beside a busy main road.

A merged copy of all the responses in support of the Order is submitted as PDF file:

04(2). Responses in Support of the Order

5. Statement containing the OMA's comments on the maintained objections

A merged copy of the maintained representations is submitted as PDF file:

04(3). [REDACTED] representations and OMA response

The OMA's actual written responses to the objectors are included in submitted PDF file: 04(3). [REDACTED] representations and OMA response. However, for the sake of clarity this is expanded upon below.

Both [REDACTED] do not state that they are objecting to the Order, however it was considered fair to treat their letters as representations. In summary both [REDACTED] raise similar issues that are summarised below:

1. East Suffolk Council failed to notify them of a proposal to create a footpath.
2. Dogs trespassing into [REDACTED] private garden.
3. Issues with dog excrement and litter along the footpath and thrown into their private gardens.

The OMA response to these points are as follows:

1. [REDACTED] were included in both the informal and made order consultations. A public consultation notice was also posted on site to inform members of the public of the intention to make an Order, including a copy advertised in the local newspaper. The OMA is therefore satisfied that both individuals were provided with sufficient notification of the proposal and given an opportunity to comment during both consultation stages.
2. The Countryside Code advises dog owners to keep dogs under effective control. The guidance states that ***“You should always keep your dog on a lead or in sight, be confident your dog will return on command and make sure your dog does not stray from the path or area where you have right of access.”*** Trespass is committed if an owner allows their dog to stray from a PROW and into a private garden, which is a civil matter and the Highway Authority, or the landowner could place signage on a PROW to remind users to follow the Countryside Code. The local dog warden can also be informed.
3. A dog litter bin is located on Holton Road, however further considerations for additional dog and litter bins can be made if the order is confirmed.

Suffolk County Council as the Highway Authority will make every effort to prevent the issues [REDACTED] have raised, however, a decision to confirm the order will be based on the relevant criteria under s26 Highways Act 1980, which they

have failed to consider. Although it is unpleasant to hear that there are several issues causing distress to both individuals this evidence further proves that the proposed route is one the public chooses to use and therefore there is a local need for it.

6. Copy of the notice publicising the order together with a copy of the newspaper cutting

See submitted PDF file:

06. Copy of the notice publicising the order and newspaper voucher copy

7. Certificate that in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices

I hereby certify that:

1. A Notice in the form numbered 1 of Schedule 2 to the Public Path Orders Regulations 1993[Si 1993 No. 11] in respect of Orders under the Highways Act 1980 was published in the East Anglian Daily Times on 26 June, 2024. The time allowed for objections was not less than 28 days from date of publication of the Notice and the last date for objections was 24 July 2024.
2. Notices in form 1 referred to above, were duly served on every owner, lessee and occupier of the land to which the Order relates, including Suffolk County Council and prescribed persons as specified in Schedule 3 of the said Regulations. The Notices were served by email on 19 June 2024.
3. A copy of the Order and Map were uploaded to our website (<https://www.eastsuffolk.gov.uk/environment/public-rights-of-way>) on 25 June 2024. It was also specified in the site notice and newspaper advertisement that copies of the order and notice could be requested to be posted by emailing publicpathorders@eastsuffolk.gov.uk. As well as a copy of the order, order map and explanatory statement could be viewed free of charge at Halesworth Library, Bridge Street, Halesworth, IP9 8AD between the hours of 09:00 and 13:00 on Monday and 09:00 to 17:00 on Tuesday, Wednesday, Friday and Saturday and 10:00 to 15:00 on Sunday.
4. A copy of the Notice and Plan were posted on site on 26 June 2024 by Nicola Biddall, Public Path Orders Officer (since retired).

Sarah Potter
Rights of Way Delivery Officer
East Suffolk Council

8. Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers)

I hereby certify that:

1. Suffolk County Council, statutory undertakers, owners and occupiers of affected land and prescribed persons as specified in the Regulations were consulted informally on 17 November 2023 Note: the Made Order consultation took place on 26 June 2024.
2. Those responses received from statutory undertakers confirmed that no apparatus would be affected by the proposed extinguishment.

3. Such comments as were received from Suffolk County Council or other statutory and ECC policy consultees are included in the PDF Documents numbered 09.

Sarah Potter
Rights of Way Delivery Officer
East Suffolk Council

9. Copies of any replies to the pre-order consultation and the responses by the OMA

Responses from statutory consultees are submitted as pdf file:

09.Copies of replies to the pre-order consultation

(These are in addition to the letter drop undertaken at the pre-order stage as detailed in section 2.)

10. Name and address of every person, council or prescribed organisation notified under

(i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;

See submitted PDF file:

10.Name and address of every person notified under Schedule 6 of the 1980 Act.pdf

11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served

East Suffolk Council, hereby undertakes as the relevant order making authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That if the aforementioned Highways Act Order to create Footpath 27 Halesworth and Footpath 14 Holton is confirmed by the Secretary of State, the Council will duly publish and serve notice of the same

or

if not confirmed notice to that effect will be duly served in accordance with the directions of the Secretary of State.

Sarah Potter
Rights of Way Delivery Officer
East Suffolk Council

12. Location map to enable Inspector to locate the site

See submitted PDF file:

12.Location map

13. Written permission from the landowner allowing inspector access to the land

See submitted PDF file:

13. Written permission from the landowners allowing Inspector access to their land

14. Name and address of applicant

Philip Ridley, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT

15. Confirmation that the OMA is supporting the Order

I can confirm that East Suffolk Council as the Order Making Authority is in support of this Order and the Order would still be supported if an Inquiry or Hearing is held.

Sarah Potter
Rights of Way Delivery Officer
East Suffolk Council

16. Details of the time and place where documents relating to the order will be made available for public inspection by the authority

The documents relating to the Order will be made available for public inspection on East Suffolk Councils website at:

<https://www.eastsuffolk.gov.uk/environment/public-rights-of-way>

Copies of the documents relating to the order can also be made available to view at the local library or posted or emailed (subject to a recipients' email file size limitations). To arrange to view or be sent the documents, requests should be submitted by email to Sarah.Potter@eastsuffolk.gov.uk or publicpathorders@eastsuffolk.gov.uk

17. Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

The proposed route of Footpath 14 Holton has a natural surface and likely to be uneven in places. Suitable footwear is therefore recommended.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

The proposed route of both Footpath 27 Halesworth and Footpath 14 Holton are regularly used by dog walkers. Encounters of dogs off lead is likely.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The site is not considered remote, as it sits between two housing estates.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Ofcom's mobile coverage checker shows coverage for EE, limited coverage for Three and O2 and none for Vodaphone. Location of the nearest public telephone is unknown.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

Best accessed at the western end of the proposed route of Footpath 27 Halesworth. Unrestricted on street parking is available within the new housing estate.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None known.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

n/a

18. Undertaking that any new path or way to be provided will be ready for use before the order comes into operation

SCC and ESC can confirm that the new path will be provided in a condition that is considered 'fit for use' before the order comes into operation.

19. Extract from the definitive map and statement

See submitted PDF file:

19.Extract from the Definitive Map

20. Copy of relevant part of the County Councils Rights of Way Improvement Plan

Submitted as pdf file:

20. Copy of the relevant part of SCC ROWIP