

27-6-24

As mentioned before neither me or my neighbours were never informed of the proposed foot path there was never a footpath through the proposed area. I have had logs in my garden and cans thrown over the hedge not to mention the amount of dog excrement leading up to the proposed footpath bearing in mind there's a dog bin at the end of the road.

Due to all the stress and vandalism this has caused my neighbour, to sadly pass away



Your ref:
Our ref: RoW.013
Date: 29 July 2024
Please ask for: Nicola Biddall
Customer Services: 03330 162 000
Direct dial: 01394 444 508
Email: public.pathorders@eastsoffolk.gov.uk

Dear 

**East Suffolk Council (Halesworth Footpath No27 and Holton Footpath No 14) Public Path
Creation Order 2024**

Thank you for your letter dated 27 June 2024.

Would it be possible for me to come and meet you and explain the process that will now be followed regarding this footpath?

I am free on Tuesday 13 August if that would be convenient for you.

Please let me know what time would be best for you either by post or by leaving a message on my landline number.

Yours sincerely,



Nicola Biddall | Public Path Orders Officer
East Suffolk Council

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Your ref:
Our ref: RoW.013
Date: 15 August 2024
Please ask for: Nicola Biddall
Customer Services: 03330 162 000
Direct dial: 01394 444 508
Email: public.pathorders@eastsuffolk.gov.uk

Dear [REDACTED]

East Suffolk Council (Halesworth Footpath No27 and Holton Footpath No 14) Public Path Creation Order 2024

Thank you for your letter dated 27 June 2024 and for meeting me on Tuesday.

I wanted to put in writing what I spoke about with you.

The process for creating a new public footpath by order involves a number of stages.

Although not required by legislation, it is good practice to undertake an informal consultation in the local area prior to commencing the legally required process. So questionnaires were hand delivered to the new housing that was occupied on the Blyth Vale development and to Fairfield and Eyston House, bordering the existing footpath number 6 on 17 November 2023 asking for responses by 15 December 2023. Six objections or representations were received and forty-three responses of a positive nature.

As there were objections the decision on whether to go ahead and make an order was taken to the Planning Committee North on 12 March 2024 who decided that an order should be made.

The order was made on 19 June 2024 and duly advertised in the East Anglian Daily Times on 26 June 2024, on site, on the East Suffolk Council and Suffolk County Councils website and at Halesworth library giving details of the timescale for representations or objections to be submitted by 24 July 2024.

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I have received two representations. I note that you have not said that you object to the order, however, I have treated your letter as a representation.

The next stage of the order making process would be to confirm the order. This confirmation would again be published in the same manner as the order making but there would then be a six week period in which anyone could make an application to the high court if a person aggrieved by the order wants to question its validity on the grounds that it is not within the powers of the Highways Act 1980 or that any requirement or regulation of the Act has not been complied with.

If the six week period passed without a challenge then the works necessary to finish the path, such as surfacing and signage, would be undertaken. Suffolk County Council would then certify that the necessary works were complete and add the new route to their working copy of the definitive map.

However, if there are representations at the order making stage which are not withdrawn then the authority is not able to confirm the order itself but must send the order and the representations to the secretary of State for confirmation.

Before making an order under Section 26 of the Highways Act 1980 ("the Act") the following legal tests must be met: it appears to the 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 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 contained in section 28.

These are the legal tests that an inspector will consider before confirming an order and which East Suffolk Council believes can be met.

The need for the footpath is evident from the response to the informal consultation and the amount of use taking place as soon as the public open space was opened up, despite repeated attempts by the developer to fence off the route.

The directly affected landowner has been made aware of the provisions for compensation. They have decided not to object to the made order and would wish

for the process to go ahead without delay. At the moment there is a twelve month delay in an inspector being appointed by the Secretary of State if the order has to be sent to him for confirmation.

Regarding compensation, Section 28 (1) of the Highways Act 1980 says, "Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage."

Section 28 (4) states, " Nothing in this section confers on any person, in respect of a footpath, bridleway or restricted byway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been affected otherwise than in the exercise of statutory powers."

Compensation can only be claimed once an order has been confirmed.

Whilst I understand your comments regarding the amount of dog mess on the existing path and the litter being thrown into your garden, I am hopeful that these can be addressed by the dog warden and by the provision of more fido bins and litter bins locally.

I appreciate that you feel that you were never informed of the proposal to connect the new development to the existing right of way coming up from Holton Road during the planning application stage but I have contacted you, both for the informal consultation and the formal consultation, as soon as I was made aware that you wish to be involved.

I would therefore ask you to consider if you wish to withdraw your letter of representation. If so please let me know, in writing, as soon as possible. East Suffolk Council may confirm the order if it is not opposed or if all duly made representations and objections have been withdrawn.

If you wish your letter to stand then I will send it on to the Secretary of State with the order. The Secretary of State, or his appointed inspector, will then correspond with you directly.

If you have any questions that I have not answered please don't hesitate to ring my landline number and leave a message and I will return your call as soon as I am able.

Yours sincerely,

A handwritten signature in black ink that reads "N Biddall". The signature is written in a cursive style, with the first letter of the first name being a large, stylized 'N'.

Nicola Biddall | Public Path Orders Officer
East Suffolk Council



25.6.24

Dear Sir / Madam,

In March '23 I discovered workmen putting in a footpath adjacent to my property. I had NOT been informed, nor my neighbour [REDACTED], by the council or Hopkins developer. Numerous letters phone calls (I do not have internet) etc etc to Council, developer & local green councillor asking how this can happen. I am still awaiting some 15 months later for a call back from Miss Glass' superior!! I have had to endure rubbish including cans, food wrappers & dog poo thrown into my garden. Also the path is NOT over a metre from my boundary. I require a security fence erected to stop intruders & rubbish. Please reply by post.

Yours Sincerely

[REDACTED]



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I wanted to put in writing what I spoke about with you.

The process for creating a new public footpath by order involves a number of stages.

Although not required by legislation, it is good practice to undertake an informal consultation in the local area prior to commencing the legally required process. So questionnaires were hand delivered to the new housing that was occupied on the Blyth Vale development and to Fairfield and Eyston House, bordering the existing footpath number 6 on 17 November 2023 asking for responses by 15 December 2023. A questionnaire was also sent to your brother on your request. Six objections or representations were received and forty-three responses of a positive nature.

As there were objections the decision on whether to go ahead and make an order was taken to the Planning Committee North on 12 March 2024 who decided that an order should be made.

The order was made on 19 June 2024 and duly advertised in the East Anglian Daily Times on 26 June 2024, on site, on the East Suffolk Council and Suffolk County Councils website and at Halesworth library giving details of the timescale for representations or objections to be submitted by 24 July 2024.

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POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

All previous objectors were written to again and two letters of representation were received. I note that you have not said that you object to the order, however, I have treated your letter as a representation.

The next stage of the order making process would be to confirm the order. This confirmation would again be published in the same manner as the order making but there would then be a six week period in which anyone could make an application to the high court if a person aggrieved by the order wants to question its validity on the grounds that it is not within the powers of the Highways Act 1980 or that any requirement or regulation of the Act has not been complied with.

If the six week period passed without a challenge then the works necessary to finish the path, such as surfacing and signage, would be undertaken. Suffolk County Council would then certify that the necessary works were complete and add the new route to their working copy of the definitive map.

However, if there are representations at the order making stage which are not withdrawn then the authority is not able to confirm the order itself but must send the order and the representations to the secretary of State for confirmation.

Before making an order under Section 26 of the Highways Act 1980 ("the Act") the following legal tests must be met: it appears to the local authority that there is a need for a footpath over land in their area and they are satisfied that, having regard to:

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These are the legal tests that an inspector will consider before confirming an order and which East Suffolk Council believes can be met.

The need for the footpath is evident from the response to the informal consultation and the amount of use taking place as soon as the public open space was opened up, despite repeated attempts by the developer to fence off the route.

The directly affected landowner has been made aware of the provisions for compensation. They have decided not to object to the made order and would wish for the process to go ahead without delay. At the moment there is a twelve month delay in an inspector being appointed by the Secretary of State if the order has to be sent to him for confirmation.

Regarding compensation, Section 28 (1) of the Highways Act 1980 says, "Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage."

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Compensation can only be claimed once an order has been confirmed.

Whilst I understand your comments regarding the amount of dog mess on the existing path and the litter being thrown into your garden, I am hopeful that these can be addressed by the dog warden and by the provision of more fido bins and litter bins locally.

I appreciate that you feel that you were never informed of the proposal to connect the new development to the existing right of way coming up from Holton Road during the planning application stage but I have contacted you, both for the informal consultation and the formal consultation as soon as I started the pre-order making process for the path creation.

I would therefore ask you to consider if you wish to withdraw your letter of representation. If so please let me know, in writing, as soon as possible. East Suffolk Council may confirm the order if it is not opposed or if all duly made representations and objections have been withdrawn.

If you wish your letter to stand then I will send it on to the Secretary of State with

the order. The Secretary of State, or his appointed inspector, will then correspond with you directly.

If you have any questions that I have not answered please don't hesitate to ring my landline number and leave a message and I will return your call as soon as I am able.

Yours sincerely,

A handwritten signature in black ink, reading 'N J Biddall'. The signature is written in a cursive style with a large 'N' and 'J'.

Nicola Biddall | Public Path Orders Officer
East Suffolk Council

27/8/24

M/S Biddall.

Re letter 15/8/24 - a few pointers :-

- ① I do not have access or, can afford, the internet. Which means the excessive costs of stamps.
- ② Re Page 3 Para. 6. Do NOT call me a liar. I do not feel I was never informed of the footpath - IT IS A FACT & TRUE!
- ③ Why letter drop in 43 places at Blyth Estate & only 2 to Holton Road (3 when I ordered one for my neighbour as we are the only ones affected?) IS THAT FAIR? You knew the outcome would have been completely different if you had been impartial.
- ④ Why was footpath created in March '23 before going to Planning Committee? This is a complete waste of public money
- ⑤ Page 2 para 5 (a) Convenience or inconvenience?
- ⑥ Page 2 para 1 The footpath is already there!
- ⑦ I have measured the end of footpath & if it goes in line as it is now it will be LESS than a metre from my boundary
- ⑧ I am unable to use my summer house at the end of my garden because of noisy rowdy hooligans using the path. WHAT CAN I DO?

Consequently I will NOT be withdrawing my complaints & await the outcome.

