

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

**TOWN AND COUNTRY PLANNING ACT 1990**

**PUBLIC PATH ORDER**

Under the Town and Country Planning Act 1990, county and district councils have the power to make orders to create, extinguish 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 ("the Council") has made an order to divert part of Felixstowe Public Footpath No 28. This statement has been prepared to explain various aspects of the order.

The Council may authorise the diversion of any footpath, bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to allow development to be carried out in accordance with planning permission granted under Part III of the Act. The granting of planning permission does not confer any right to obstruct a footpath.

The Council has made the order because it is satisfied that it is necessary to divert parts of the footpaths in order to enable development to take place in accordance with planning permission DC/21/1322/ARM Approval of reserved matters (layout, scale, appearance and landscaping) on DC/16/2778/OUT: Hybrid application seeking outline planning permission for demolition of existing buildings and phased construction of up to 385 dwellings, associated infrastructure, new public open space and a new link road and linear park between Walton High Street and Candlet Road with all matters reserved except access and full planning permission and listed building consent for demolition of existing buildings and conversion of curtilage listed stables to B1 business use, associated infrastructure and enhancements to the curtilage of 362 High Street - Land North Of Walton High Street Felixstowe Suffolk

The route of Footpath No 28 runs in a north north east direction across the development site from High Street to Candlet Road and will be obstructed by 15 properties and their associated boundary treatments and driveways.

The new footpath will be 3.5 metres wide throughout and will be constructed in accordance with a specification agreed between the applicant and Suffolk County Council.

The Council is satisfied that there will be no disadvantage or loss to members of the public generally or to persons whose properties adjoin the footpath as a consequence of the stopping up and creation of an alternative highway. The proposed footpath will continue to be a part of a cohesive footpath network linking the development and to the wider community.

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 20 January 2023 to Mrs N Biddall, Rights of Way Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk, NR33. 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](mailto: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 Officer Telephone 01394 444508 email: [rightsofway@eastsuffolk.gov.uk](mailto:rightsofway@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.

P Ridley  
Head of Planning and Coastal Management  
East Suffolk Council

16 December 2022