

**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 Nacton Public Footpath No 1. 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 part of Nacton Footpath No1 in order to enable development to take place in accordance with planning permission number DC/21/1575/ARM - Reserved Matters approval sought for details of access, appearance, layout, landscaping and scale pursuant to condition 1 of outline planning permission ref. DC/17/4257/OUT dated 28th June 2018 comprising the erection of 4 no. warehouse buildings with associated parking and servicing arrangements, along with details submitted pursuant to conditions nos. 7 (phasing management plan), 9 (construction management plan), 10 (site wide masterplan document), 14 (parameter plan), 18 (link road), 8 (surface water management strategy), 11 (external facing and roofing materials), 12 (roads and footways), 13 (electric vehicle charging points), 16 (boundary and boundary enhancements), 17 (noise attenuation measures, 4 (framework travel plan) and 5 (external lighting) - Orwell Crossing Service Area A14 Nacton East Bound Nacton Suffolk

The existing footpath route runs south southeast diagonally across an arable field from the southern side of the railway crossing for 305 metres to the boundary fence with the A14. It is subject to a right to plough and is seasonally disturbed.

The proposed alternative footpath route will provide a route running for 614 metres around the northern, eastern and southern edge of a warehouse. It will continue to provide a link between the A1156 road (Felixstowe Road) and the A14 road and the wider network. It will be 2 metres wide with a level and unsealed surface along the new route. The path will be fenced to the warehouse sides and to the west to prevent any trespass off the path at its northern end. There will be gates at the southern end to allow contractors to enter the path for maintenance purposes. The new path will not be subject to periodic ploughing and cropping as the present alignment is.

The Council is satisfied that it is necessary to divert the footpath as proposed in the order so as to facilitate the construction of warehousing and associated access routes, boundary treatments and car parks.

The Council is required to consider the disadvantage or loss, if any, likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing highway. The creation of an alternative footpath means that there will be no disadvantage or loss to those persons whose properties are near to the existing highway. Any disadvantage from the alternative route being longer than the existing route will be mitigated by the fact that the alternative route will not be subject to seasonal disturbances and will have an improved surface.

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

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 19 September 2023 to Mrs N Biddall, Rights of Way Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, Suffolk, NR33 0EQ. 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.

C Bally  
Chief Executive  
East Suffolk Council  
Dated: 22 August 2023