

NOTICE OF PUBLIC PATH ORDER

HIGHWAYS ACT 1980, SECTION 119

EAST SUFFOLK COUNCIL (BENHALL FOOTPATH NO 26 (PART) AND FOOTPATH NO 27 (PART)) PUBLIC PATH DIVERSION ORDER 2026

The above order, made on 28 January 2026 under section 119 of the Highways Act 1980, will divert the entire width of that part of Benhall Public Footpath 26 commencing at Ordnance Survey grid reference (OSGR) TM38106054 and proceeding in a south easterly direction from its junction with Footpath 27 Benhall for a distance of approximately 119 metres to point B at OSGR TM38146043, to a new line running from OSGR TM38086048 approximately 65 metres south from point A at OSGR TM38106054 and proceeding in a generally south easterly direction along a natural surfaced path and then continuing on a boardwalk for a total distance of approximately 78 metres to point B at OSGR TM38146043; and to divert the entire width of that part of Benhall Public Footpath 27 commencing at point D at OSGR TM38076044 and proceeding in a south westerly then westerly direction for a distance of approximately 95 metres to point E at OSGR TM38006040, to a new line running from OSGR TM38076044 and proceeding in a south westerly direction along a natural, enclosed path for a distance of approximately 71 metres to point F at OSGR TM38016041 and continuing in a southerly direction for a distance of approximately 14 metres to point E at OSGR TM38006040 as shown on the order map.

A copy of the order and the order map and explanatory statement have been placed and may be seen free of charge at Saxmundham Library, Street Farm Road, Saxmundham, IP17 1AL between the hours of 09:30 and 17:30 Tuesday, 09:30 and 17:30 Wednesday, 09:30 and 17:30 Friday, 10:00 and 13:00 Saturday, and 10:00 and 15:00 Sunday. Copies of the confirmed order and map can be requested from the East Suffolk Council Rights of Way Delivery officer email: publicpathorders@eastsuffolk.gov.uk or by telephoning 01394 444508. They can also be viewed online at <http://www.eastsuffolk.gov.uk/environment/rights-of-way/>.

Any representations about or objections to the order may be sent in writing to the Rights of Way Delivery Officer, East Suffolk Council, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT not later than **13 March 2026**. 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 <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

If no representations or objections are duly made, or if any so made are withdrawn, East Suffolk Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the order.

Dated: 13 February 2026

C Bally
Chief Executive
East Suffolk Council

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

HIGHWAYS ACT 1980

PUBLIC PATH ORDER

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish (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(s) 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 divert part of Benhall Footpath 26 and Footpath 27. This statement has been prepared to explain various aspects of the order.

The order has been made in the interests of the owners of the land crossed by the existing footpaths. The applicants' reasons for requesting the diversions are summarised as follows:

The current alignment of Footpath 27 passes in close proximity to the applicants dwelling and through the private garden. The applicants are seeking a permanent diversion of the route for privacy and security reasons and to formalise a route walked by members of the public for at least 30 years. This is in accordance with the current DEFRA Presumptions Guidance where a public right of way passes through a garden or curtilage of a residential dwelling.

The current alignment of Footpath 26 passes through the middle of a wet meadow that is subjected to boggy, unusable conditions for most of the year. The proposed route seeks to formalise a well-established path where ground conditions are much improved, including a boardwalk at point B.

The proposed routes will have a minimum width of two metres.

Government guidance dated August 2023 titled "Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises", known as the 'Presumptions Guidance', sets out Government policy on changes to public rights of way through gardens and curtilages of private dwellings, working farmyards and other commercial premises.

Paragraph 9 states "...the order-making and confirming authority should weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole. They should note that reducing or eliminating the impact of the current route of the right of way on the owner and/or occupier, in terms of privacy, security and safety, are important considerations to which due weight should be given..."

Paragraph 10 states "The order-making authority should therefore be predisposed to make, and the confirming authority will be similarly predisposed to confirm, an order if it satisfies the respective relevant legislative tests..."

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act 1980 (s119).

It considers that the proposal is in the interests of the owners of the land, that the order does not alter any termination points of the footpaths other than to other points on the same paths or highways connected with them and which are substantially as convenient to the public, that the proposed routes will not be substantially less convenient to the public as a consequence of the diversions and that the proposal will not have an adverse effect on public enjoyment of the footpaths as a whole.

The order will come into effect only after it has been confirmed: making and advertising the order simply provides an opportunity for objections or representations to be made.

Where a new path is being created (by a diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.

Objections or representations relating to the order must be made in writing by **13 March 2026** to the Rights of Way Delivery Officer, East Suffolk Council, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT. 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

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 Delivery Officer Tel: 01394 444508 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

5 February 2026

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980, SECTION 119

**EAST SUFFOLK COUNCIL
(BENHALL FOOTPATH NO 26 (PART) AND FOOTPATH NO 27 (PART))
PUBLIC PATH DIVERSION ORDER 2025**

This order is made by East Suffolk Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interest of the owners of the land crossed by the footpath described in paragraph 1 of the order it is expedient that the line of the footpath should be diverted.

Mr J M Hotopf and Mrs R Hotopf have agreed to defray any compensation which becomes payable in consequence of the coming into force of the order, and any expenses which are incurred in bringing the new site of the footpath into a fit condition for use by the public.

Suffolk County Council has been consulted as required by section 120(2) of the 1980 Act and has consented to the making of the order.

BY THIS ORDER:

1. The public rights of way over the land situated at Benhall and shown by a bold continuous line on the map contained in this order and on the Definitive Map and described in part 1 of the schedule to this order shall be stopped up with effect from the date on which Suffolk County Council certifies that the work to bring the new sites of the footpaths described in paragraph 2 of this order into a fit condition for use by the public has been carried out. Certification shall not take place prior to the creation of the new routes described in paragraph 2 of this order.
2. There shall at the end of 60 days from the date of confirmation of this order be a public footpath over the land situated at Benhall described in part 2 of the schedule and shown by a bold broken line on the map contained in this order.

GIVEN under the common seal of East Suffolk Council this 20th day
of January 2026

THE COMMON SEAL OF)
EAST SUFFOLK COUNCIL)
was hereunto affixed in the presence of:)



Authorised Officer
NCE MARTIN CURRY
LEGISLATIVE MANAGER AND
POLITICS LEAD COUNCIL

SCHEDULE

Part 1

Description of Site of Existing Path

Benhall Public Footpath 26 (part) - The entire width of that part of Benhall Public Footpath 26 commencing at point A at Ordnance Survey grid reference TM38106054 and proceeding in a south easterly direction from its junction with Footpath 27 Benhall for a distance of approximately 119 metres to point B at Ordnance Survey grid reference TM38146043; this being the route shown between points A – B on the order map.

Benhall Public Footpath 27 (part) - The entire width of that part of Benhall Public Footpath 27 commencing at point D at Ordnance Survey grid reference TM38076044 and proceeding in a south westerly then westerly direction for a distance of approximately 95 metres to point E at Ordnance Survey grid reference TM38006040; this being the route shown between points D – E on the order map.

Part 2

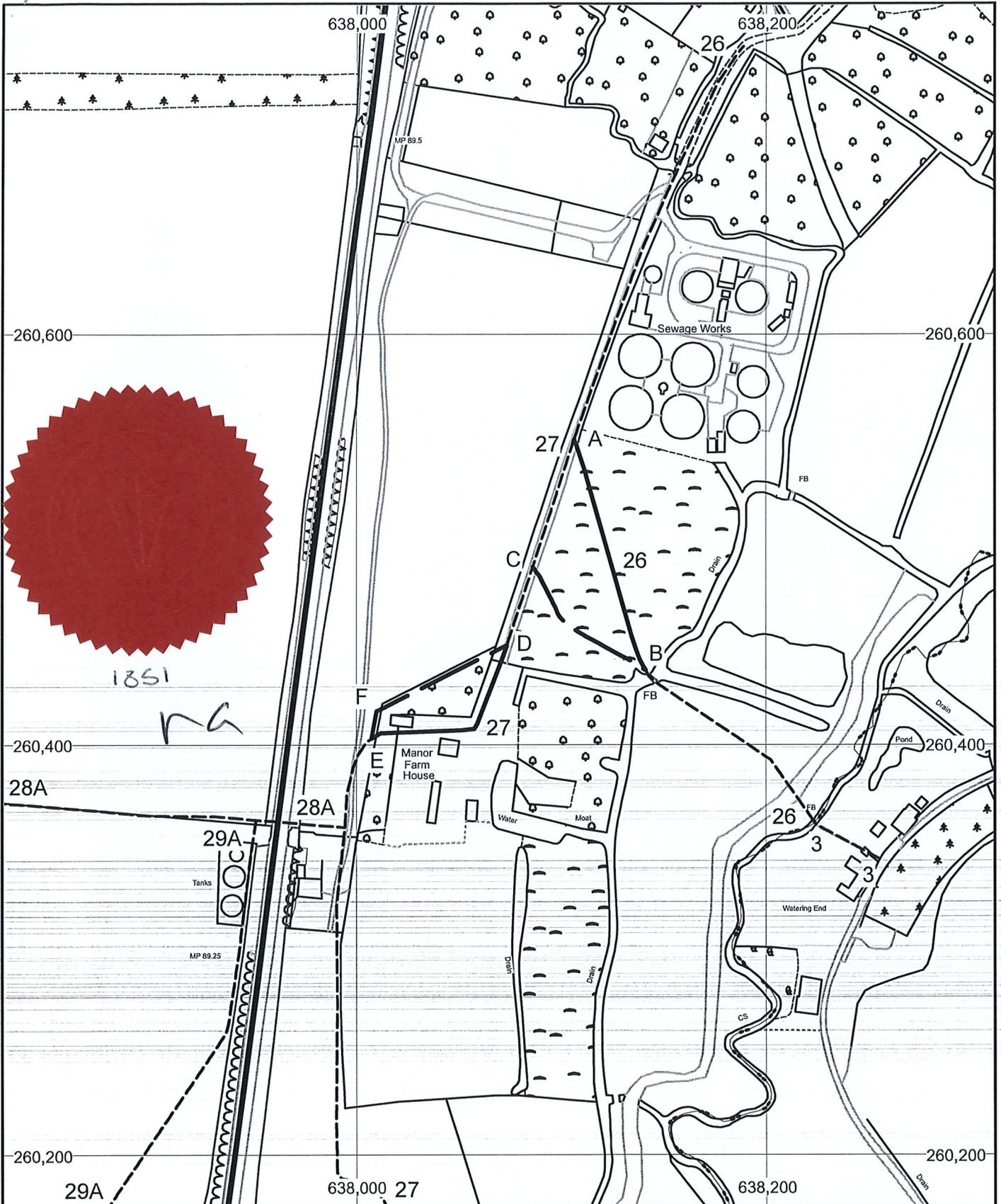
Description of Site of New Path

Benhall Public Footpath 26 (part) - Commencing at point C at Ordnance Survey grid reference TM38086048 approximately 65 metres south from point A at Ordnance Survey grid reference TM38106054 and proceeding in a generally south easterly direction along a natural surfaced path and then continuing on a boardwalk for a total distance of approximately 78 metres to point B at Ordnance Survey grid reference TM38146043; this being the route shown between points C - B on the order map.

Width: 2 metres

Benhall Public Footpath 27 (part) - Commencing at point D at Ordnance Survey grid reference TM38076044 and proceeding in a south westerly direction along a natural, enclosed path for a distance of approximately 71 metres to point F at Ordnance Survey grid reference TM38016041 and continuing in a southerly direction for a distance of approximately 14 metres to point E at Ordnance Survey grid reference TM38006040 this being the route shown between points D – F – E on the order map.

Width: 2 metres



MAP REFERRED TO IN THE EAST SUFFOLK COUNCIL (BENHALL FOOTPATH 26 (PART) AND FOOTPATH 27 (PART)) PUBLIC PATH DIVERSION ORDER 2025 – HIGHWAYS ACT 1980 SECTION 119



- Footpaths to be diverted (A-B) (D-E)
- Proposed Footpath (B-C) (D-F-E)
- Unaffected Footpath
- Definitive Map Parish Boundary



Scale: 1:2,500 at A4