

NOTICE OF PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 AND PARAGRAPH 1 OF SCHEDULE 14

EAST SUFFOLK COUNCIL (NACTON FOOTPATH NO 1(PART)) PUBLIC PATH DIVERSION ORDER 2022

The above order, made on 11 November 2022 under section 257 of the Town and Country Planning Act 1990, will divert the entire width of that part of Nacton Footpath No 1 commencing at Ordnance Survey grid reference (OSGR) TM21744145 on the south side of the railway and proceeding in a south south easterly direction for approximately 297 metres to OSGR TM21844117 just north of the A14 to a new line running from OSGR TM21744145 to the west and then south south westerly for 357 metres to OSGR TM21564121 and then generally south easterly for 75 metres to OSGR TM21624117 where an uncontrolled tactile crossing runs generally easterly for 36 metres across the road into the car park and warehouse to OSGR TM21654116 and then for approximately 195 metres in an easterly direction to join the existing route at OSGR TM21844117 as described in the order and as shown on the order map.

A copy of the order and the order map and an explanatory statement have been placed and may be seen free of charge at Gainsborough Community Library, Clapgate Lane, Ipswich, IP3 0RL between the hours of 09:00 and 18:00 Monday and Friday, between 09:00 and 17:00 Tuesday, Wednesday, Thursday and Saturday and between 11:00 and 16:00 on Sunday. Copies of the order, map and the explanatory statement can be requested from the East Suffolk Rights of Way Officer email: rightsofway@eastsuffolk.gov.uk or by telephoning 01394 444508. They can also be viewed 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 Officer, East Suffolk Council, Riverside, 4 Canning Road, Lowestoft, NR33 0EQ not later than 23 December 2022. 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

If no representations or objections are duly made, or if any so made are withdrawn, East Suffolk Council may confirm the order as an unopposed order.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: 11 November 2022

P Ridley
Head of Planning and Coastal Management
East Suffolk Council

**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/stop up (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 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 Nacton Footpath No1. This statement has been prepared to explain various aspects of the order.

The Council may authorise the stopping up or 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, bridleway or restricted byway.

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 proposed alternative footpath route will provide a route of slightly longer length running around the northern, western and southern edge of a warehouse. It will continue to provide a link between the A1156 road (Felixstowe Road) and the A14 road. It will be 2.5 metres wide with a level and consolidated natural surface along the northern and western sections with a bound surface along the southern side of the site.

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 members of the public generally. The new path will not be

subject to periodic ploughing and cropping as the present alignment is. There are no properties adjoining or near the existing highway. Therefore, there is no disadvantage or loss to persons whose properties adjoin or are near the footpath.

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 23 December 2022 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

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.

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

11 November 2022

PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990

EAST SUFFOLK COUNCIL
(NACTON FOOTPATH NO 1 (PART))
PUBLIC PATH DIVERSION ORDER 2022

This order is made by East Suffolk Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: 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

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map between points A - B as described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of East Suffolk Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map between points A – C – D – E – B.
3. The diversion of the footpath shall have effect on the date on which East Suffolk Council certifies that the terms of Article 2 have been complied with.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule hereto, that is to say: The developer shall provide the footpath in accordance with the Certificate of Works issued by Suffolk County Council on 12 October 2022.
5. Orwell Truck Stop Ltd is hereby required to pay the cost of carrying out the necessary works.

THE COMMON SEAL of the said

EAST SUFFOLK COUNCIL

was hereunto affixed this 11th day of November 2022

in the presence of:-

Authorised Officer:

MC

MARIA CLARK
JULICTION

Authorised Officer:

[Signature]
SAMER FALLOO



876

SCHEDULE

Part 1

DESCRIPTION OF SITE OF EXISTING PATH

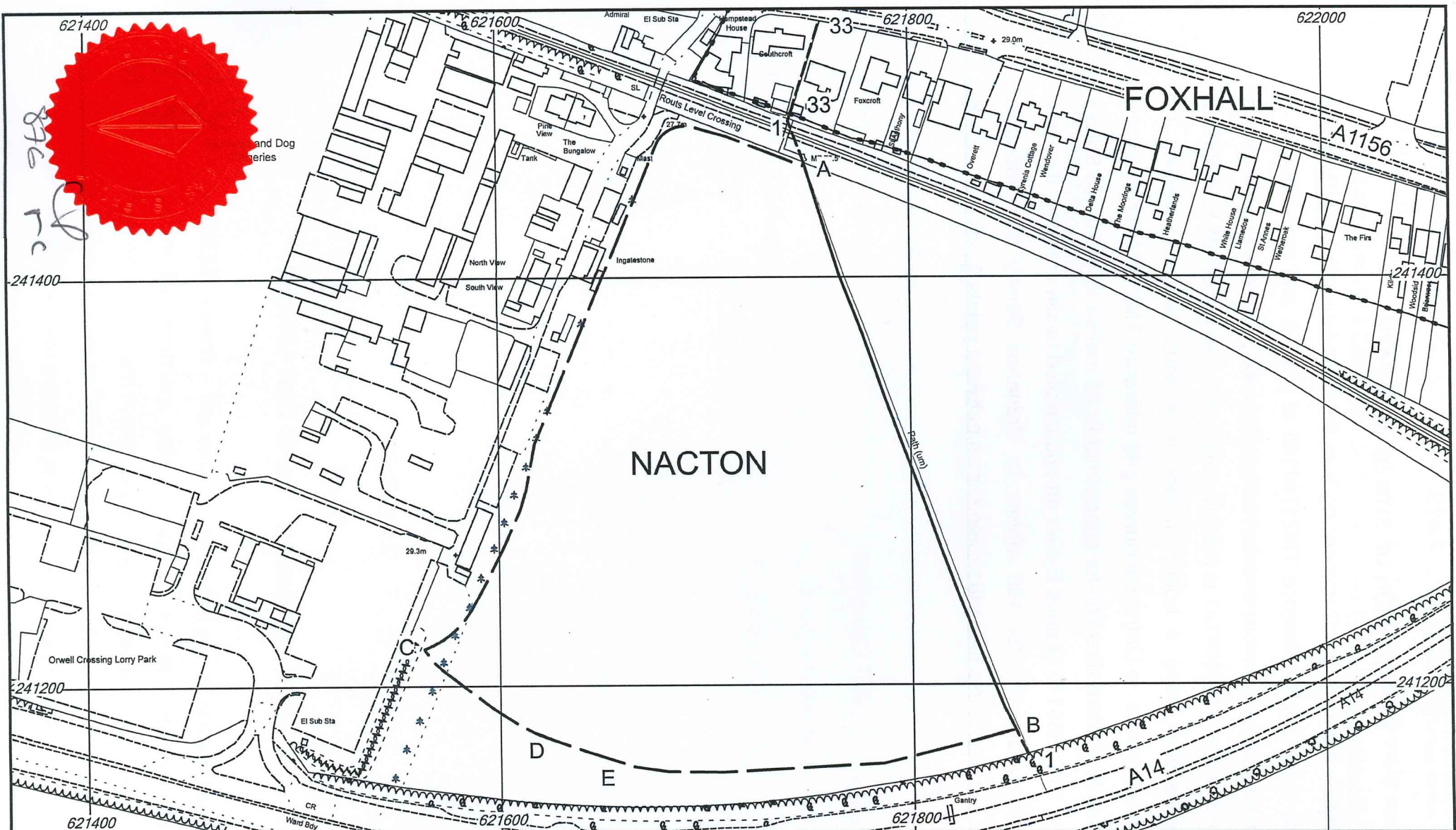
Nacton Footpath No 1(part) – The entire width of that part of Nacton Footpath No 1 commencing from the boundary with the railway line at Ordnance Survey grid reference TM21744145 at point A and proceeding in a south south easterly direction for approximately 297 metres to Ordnance Survey grid reference TM21844117 at point B; this being the route shown between points A – B on the order map.

Part 2

DESCRIPTION OF SITE OF NEW PATH

Nacton Footpath No 1(part) – Commencing from the boundary with the railway line at Ordnance Survey grid reference TM21744145 at point A and proceeding in a westerly then south south westerly direction for approximately 357 metres to Ordnance Survey grid reference TM21564121 at point C composed of an unbound/stone surface and then proceeding along a bound surface in a south easterly direction for approximately 75 metres to Ordnance Survey grid reference TM21624117 at point D then in a generally easterly direction for approximately 36 metres to Ordnance Survey grid reference TM21654116 at point E over an uncontrolled tactile crossing, then in a generally easterly direction for 195 metres to Ordnance Survey grid reference TM21844117 at point B; this being the route shown between points A – C – D – E – B on the order map.

Width: 2.5 metres



Scale 1:2500 @ A4
Ordnance Survey MasterMap

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

**MAP REFERRED TO IN THE EAST
SUFFOLK COUNCIL (NACTON FOOTPATH
NO 1 (PART)) PUBLIC PATH DIVERSION
ORDER 2022 - TOWN AND COUNTRY
PLANNING ACT 1990 SECTION 257**

Filed at: 2022-11-04 Order Map FINAL