

Item: 1892

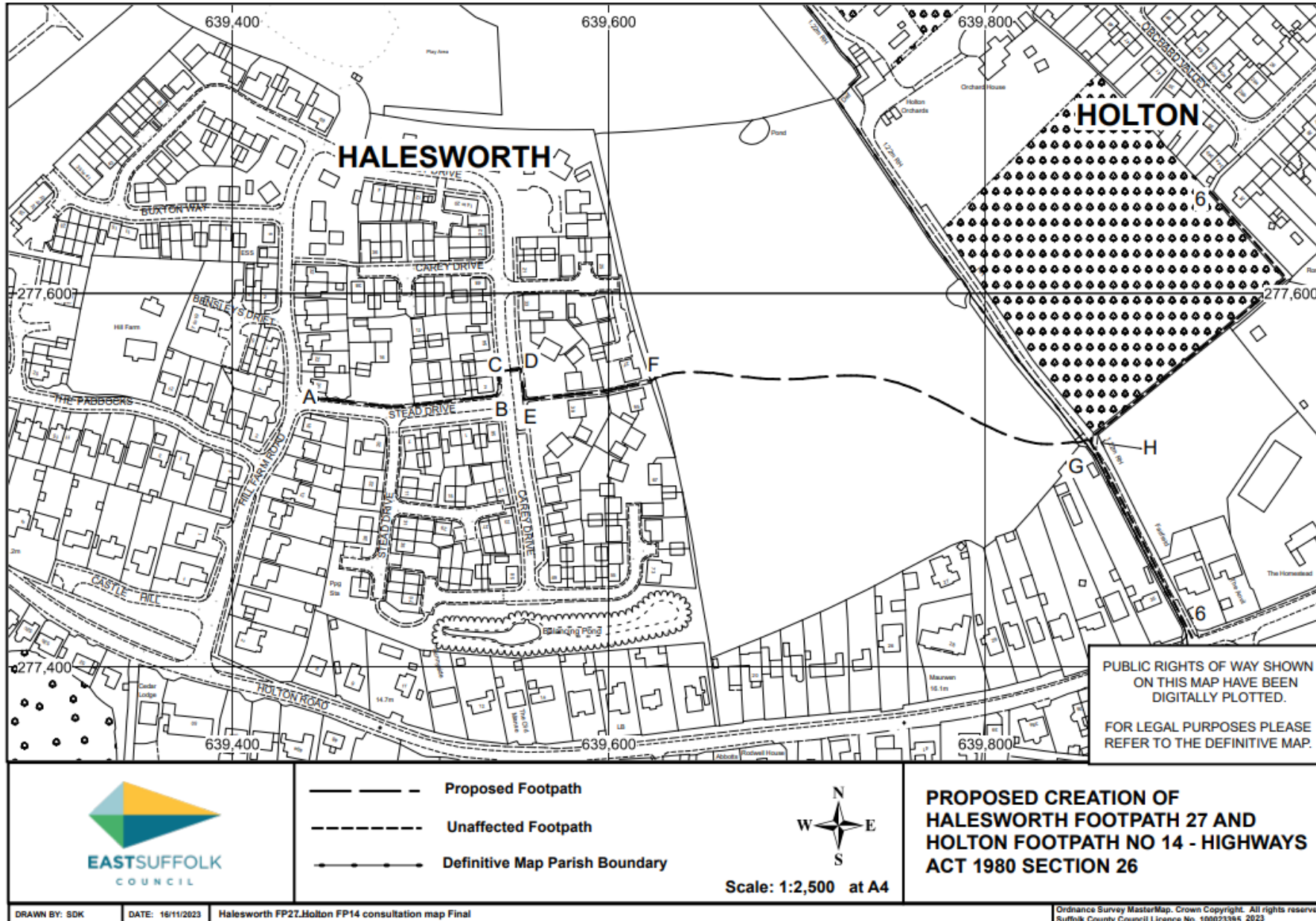
DC/24/0754/CON - Proposed Creation of a Public
Footpath (Halesworth No 27 & Holton No 14)



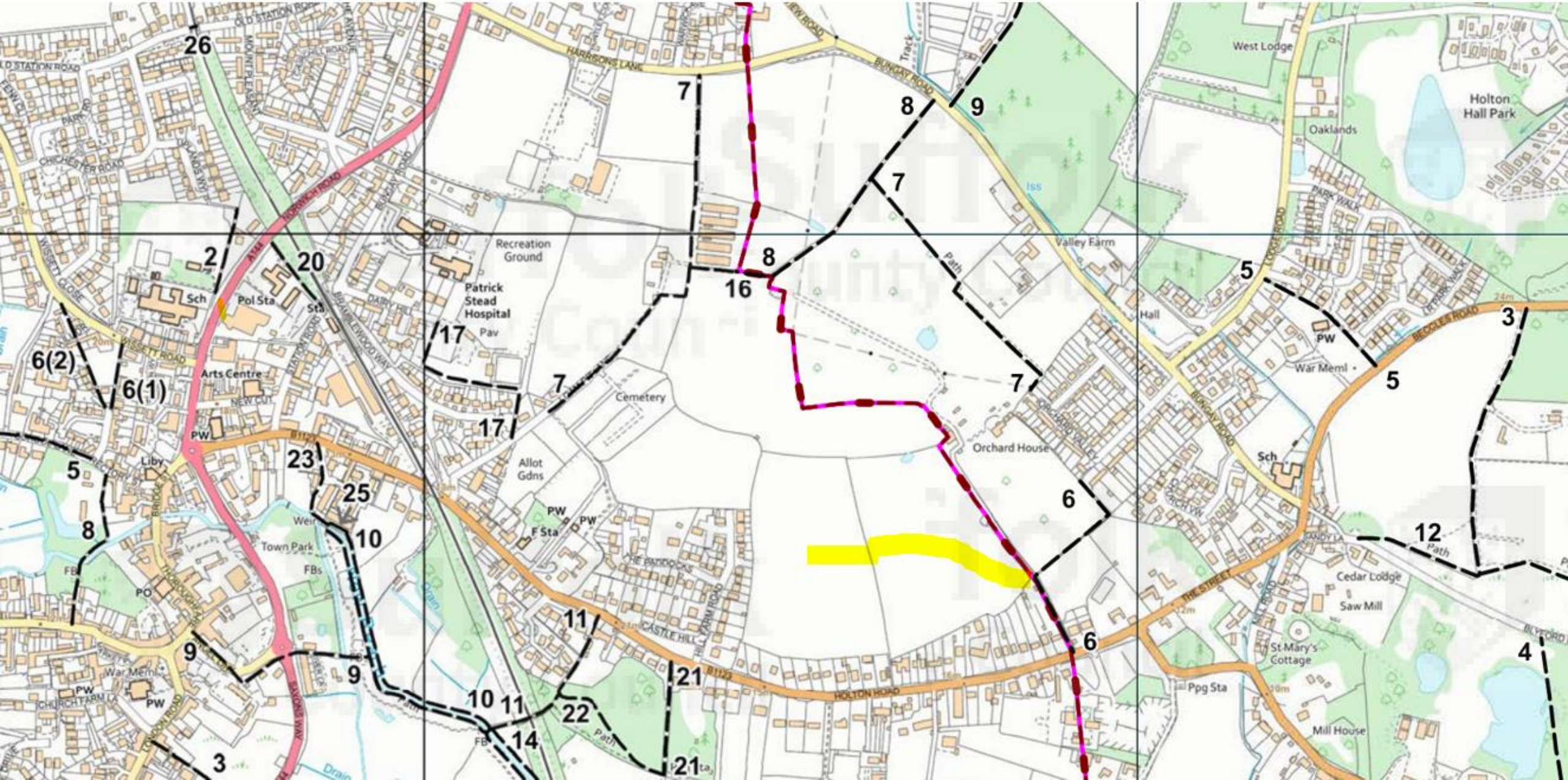
Reason for Committee

1. Paragraph 9.2 – Part 4 Codes and Protocols: No District Council application for changes to the public rights of way network will be determined under delegated authority but will be determined by the appropriate Planning Committee.
2. Opposed orders must also be brought to the Planning Committee and whilst an order has not yet been made, an informal consultation has produced objections so the proposal to proceed to make an order has been brought to the Planning Committee for determination.

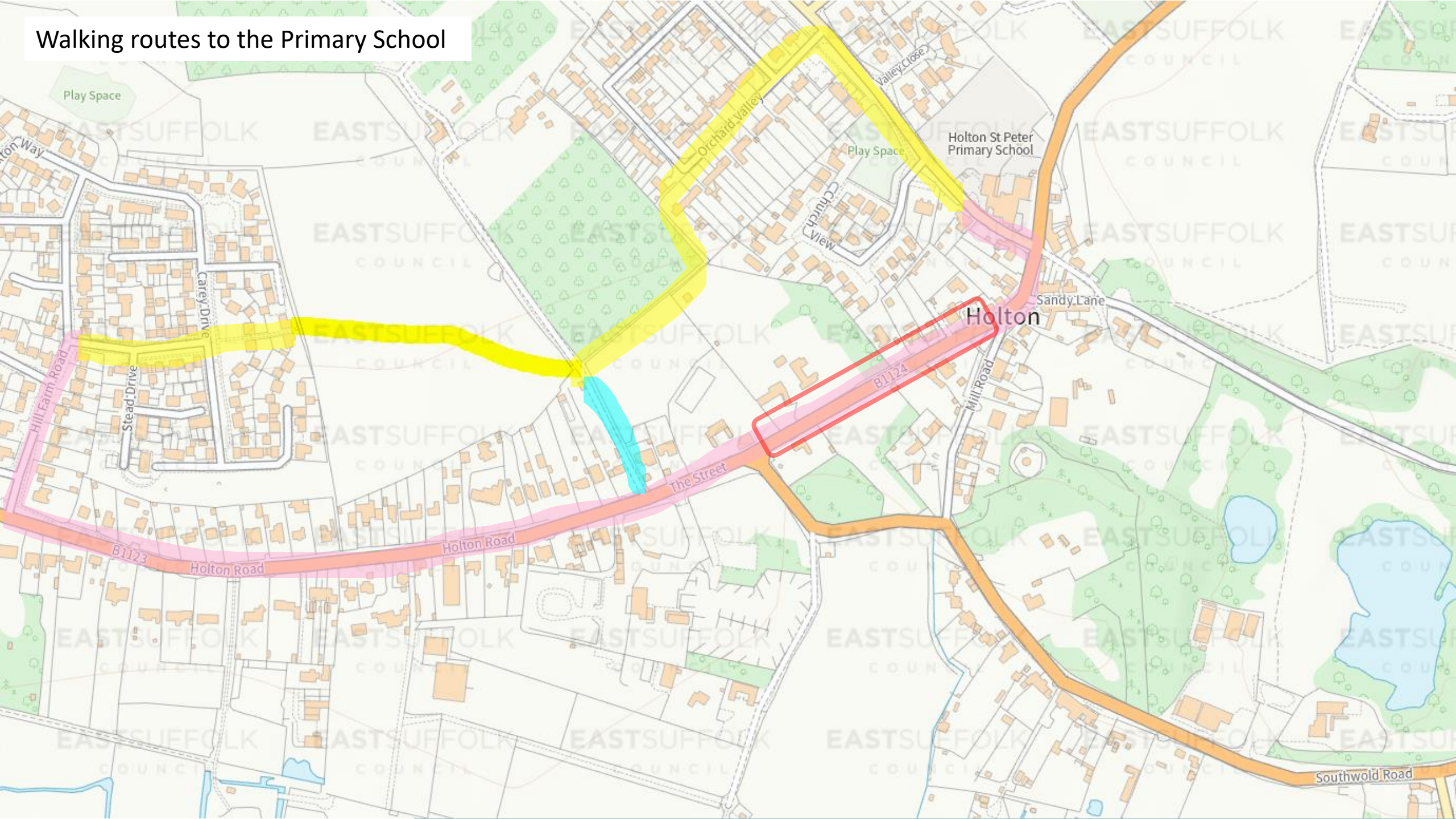
Site Location Plan



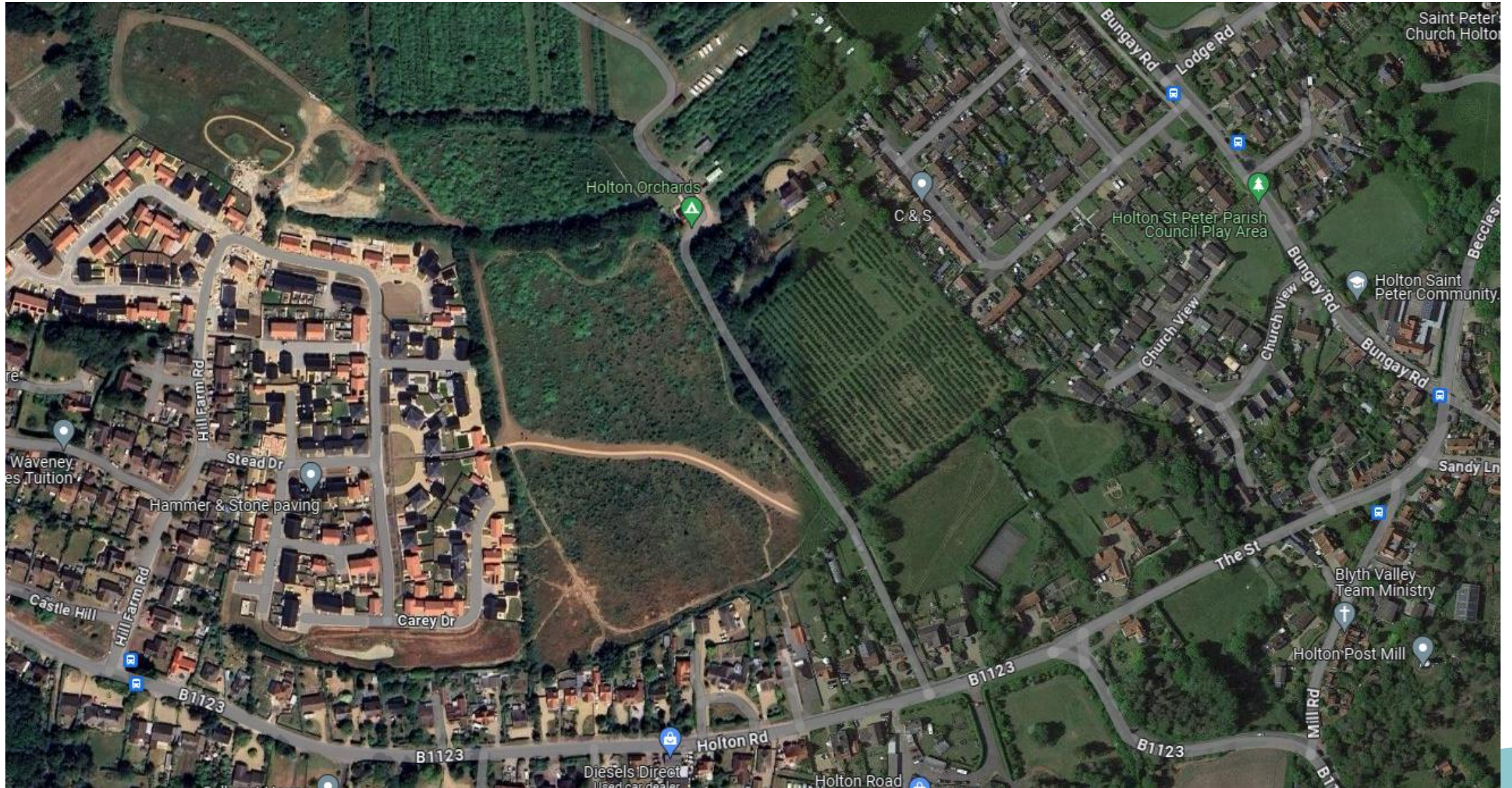
Wider Public Right of Way network



Walking routes to the Primary School



Aerial Photograph





11/2003

Access Strategy Plan from the Outline Planning Permission

Landscape Strategy Plan
from the Reserved Matters
approval



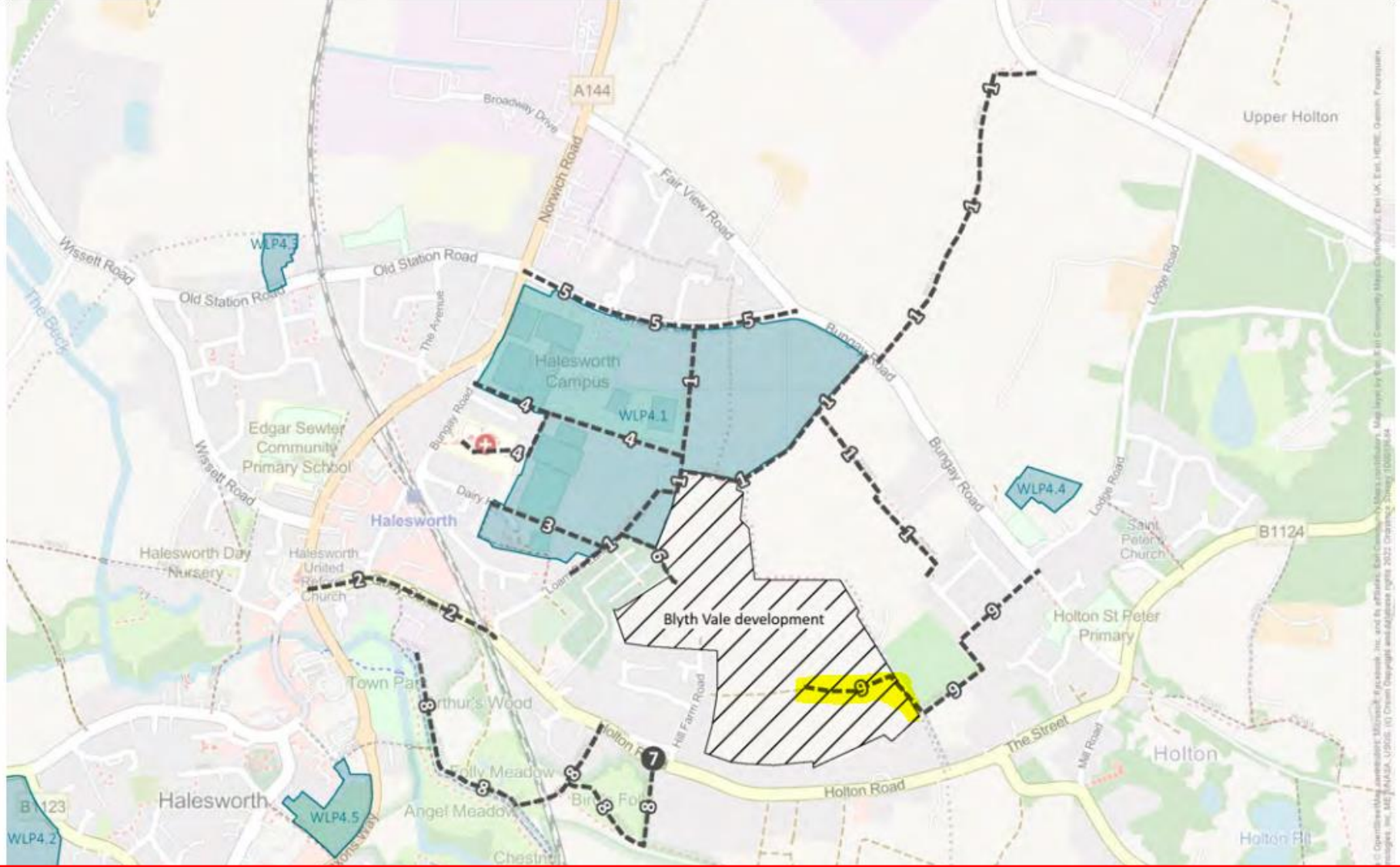
PLAY SPACE (NEAP)



NATURALISTIC SOFT LANDSCAPE TREATMENT TO PLAY SPACE

TIMBER PLAY EQUIPMENT



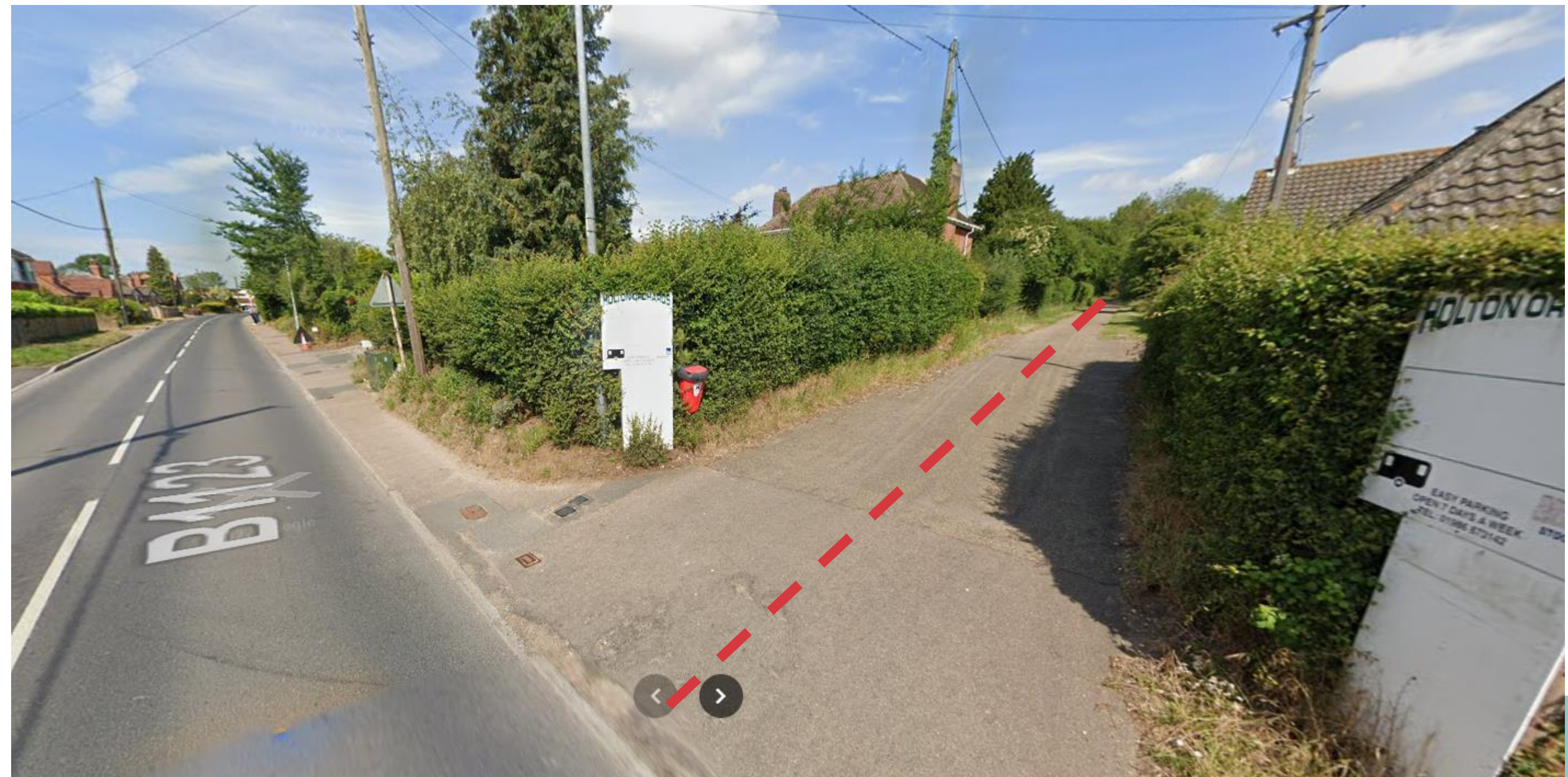
Parish	Policy	Recommendations
Halesworth / Holton	WLP4.1 Halesworth/Holton Healthy Neighbourhood	 <p data-bbox="596 1310 2405 1378">9 - Introduce walking connections between the open space route of the Hill Farm Road development onto Footpath 6, to allow safe off-road access to Holton St Peter Primary School.</p>











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No footway
for 300 yds



est
e

Informal consultation

Prior to the statutory consultation conducted when an order is made, the Council follows national best practice to achieve unopposed orders wherever this is possible, as recommended by the 'Rights of Way Review Committee Practice Guidance Note No 1'. Upon receipt of a technically correct application the Council will consult widely with representatives of user groups and other bodies and individuals it considers may be affected by or interested in proposals as appropriate.

Consultees and interested parties are asked to submit their views in writing in order that a true record can be placed on the appropriate file and used in informing the decision-making process. A period of 28 days is usually allowed for consultation responses. Responses can be submitted electronically or in hard copy form.

At the end of the consultation process it is usual procedure for the views of the consultees to be forwarded to applicants for consideration. Officers are responsible for managing such subsequent negotiation as is deemed useful in respect of the Council's intention to achieve unopposed public path orders wherever possible. Negotiation may result in changes to the original proposals and re-consultations would be carried out as appropriate.

Legislation and Key Issues

Before making an order under Section 26 of the Highways Act 1980 (“the Act”) where (1) 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;

it is expedient that the path or way should be created, the authority may by order made by them and submitted to the Secretary of State, or confirmed by them as an unopposed order, create a footpath over the land.

3a) The considerations to which—

(a) the Secretary of State is to have regard in determining whether or not to confirm or make a public path creation order, and

(b) a local authority are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath would be created.

Legislation and Key Issues

Section 29 of the Act requires that in exercising its function under Section 26 of the Act an authority must have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. The term 'agriculture' includes the breeding or keeping of horses. This is not applicable, as this route is no longer agricultural land.

It is appropriate for an authority to consider whether the tests for confirmation can be met when deciding whether to make an order.

An order must satisfy all the legal tests if it is to be confirmed. It is not sufficient for an order to satisfy some of the tests but not others.

The intention of the legislation is to balance the private interests of the owners of the land with the public interest.

Recommendation

Recommended that the Committee determine that an order to create a public footpath (Halesworth number 27 and Holton number 14) be made as shown on the consultation plan on slide 3.

(As per Section 9 of the report)

