

**DOCUMENTS SUBMITTED BY ESSEX COUNTY COUNCIL
TO THE PLANNING INSPECTORATE
(Electronic Submission)**

**IN THE MATTER OF THE DETERMINATION TO CONFIRM
PUBLIC PATH EXTINGUISHMENT ORDER 2024
FOOTPATH 4 GREAT & LITTLE LEIGHS
IN THE CITY OF CHELMSFORD
SECTION 118 – HIGHWAYS ACT 1980**

DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

1. Electronically sealed Order (there is no paper form of this order) and associated plan
2. Statement of the grounds on which it is considered the order should be confirmed
3. OMA's submission letter
4. Representations to the Informal Consultation and representation (objection) to the order along with a covering list of their name
5. Statement containing the OMA's comments on the objections
6. Copy of the notice publicising the order together with a copy of the advertisement voucher copy
7. Certificate that notices have been published, served and posted on site and at the local offices
8. Certificate that the necessary consultations have been carried out
9. Name and address of every person notified
10. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served
11. Location map to enable the Inspector to identify the site
12. Written permission from the landowner allowing Inspector access to the land
13. Name and address of the applicant
14. Confirmation that the OMA is supporting the Order
15. Details of the time and place where documents relating to the order will be made available for public inspection
16. Health and Safety questionnaire document
17. Undertaking by OMA to provide new paths in readiness for public use
18. Extract from the Definitive Map and Statement
19. Confirmation of no relevant provision within the Essex County council Rights of Way Improvement Plan (ROWIP)
20. PROW Officer's statement
21. Chelmsford City Racecourse Pedestrian Count

1. Electronically sealed Order and plan

See submitted PDF file:

1-Copy of Made Order inc. plan.pdf

2. Statement of the grounds on which it is considered the Order should be confirmed

This statement explains why in the opinion of Essex County Council (ECC) as the Order Making Authority (OMA) the Order meets the relevant criteria as set out in Section 118 of the Highways Act 1980 and why the extinguishment is expedient on the grounds stated. Please also see Document 20.PROW Officer's Statement.

Footpath 4 Great & Little Leighs (PUBLIC PATH EXTINGUISHMENT ORDER 2024).

The applicants, who are also the landowners, applied for an extinguishment of sections of the above footpath.

The relevant statutory tests that were examined in detail and categorical evidence for their applicability was sought by the County Council before agreeing to proceed with the making of the Extinguishment Order. Concerning the main criteria when considering a public path extinguishment:

Before making any extinguishment Order, it must appear to the Council expedient to stop up the path or way on the ground that it is not needed for public use.

Before then confirming any Order, the Council must be satisfied that it is expedient to do so: - a) Having regard to the extent (if any) to which it appears that the path would, apart from the Order, be likely to be used by the public; and b) Having regard to the effect which the extinguishment of path would have as respects land served by it taking into account the compensations provisions

(a) Whether the path or way to which the public path extinguishment order relates is needed for public use

The applicant undertook a 42-day bi-directional pedestrian survey of the footpath (Document Nos 21.1-21.6) which evidenced very little usage of the footpath. This is also supported by the PROW Officer's evidence (Document No.20) relating to the number and nature of the enquiries received relating to this PROW.

The A131/Great Leighs Bypass opened in 2002 (<http://news.bbc.co.uk/1/hi/england/2277798.stm>). When the A131 was designed measures were put in place to prevent some PROW (inc. Bridleway 70, Footpath 8 and Bridleway 13) from being severed by it through the provision of bridges and underpasses

respectively. There is also an underpass that carries Blackley Lane under the A131 and a bridge that carries School Lane over it both with PROW connections off them.

Such measures were not provided for footpath 4 where there is no footbridge or underpass, only a gap between an overlap in the Vehicle Restraint System (VRS).

For walkers wishing to use both sides of Footpath 4 via the A131 it is necessary to cross four lanes of traffic on the Great Leighs bypass (A131). In doing so walkers must first negotiate two lanes of traffic (running in one direction) to reach the central reservation. At that point there is a narrow gap (sub 2m) between the vehicle restraint system (VRS) intended to prevent vehicles travelling in one direction from entering the lanes of the opposing traffic if their drivers lose control. The VRS's purpose is not to protect pedestrians using the gap between the overlap to cross the A131. Because the VRS is designed to flex a little it would not protect walkers if it was struck by a vehicle when a walker was stood between the overlap. The gap in the VRS is not a traffic island or other means of pedestrian refuge. Walkers having reached halfway would then need to cross the remaining two lanes of traffic (opposite direction) when a suitable break in the traffic occurs, while having additional regard for vehicles leaving the racecourse northbound exit. The slip road for this exit is located on the western side of the A131 approximately 70 metres south from where the footpath connects to the A131, adding to the hazard of walkers trying to use Footpath 4 as a location to cross that road.

On both sides of the A131 there are sloping (towards the carriageway) grass verges, and on the eastern side a shallow drainage channel. There is, however, no dedicated footway along either side of this road for walkers trying to make additional connections from where the PROW meets the A131.

Great & Little Leighs village is subject to ongoing and (proposed) future development of various sizes. The Highway Authority are aware that the provision of a Toucan crossing has been mooted to be sited to the south of this footpath close to Moulsham Hall Lane south of the roundabout, (in the approximate location of a current at-grade crossing), though final details are not yet known. Such a provision, along with the existing facilities for Bridleways 13 and 70, Footpath 8 and the use of Blackley and School Lanes, make these options safer and more likely routes for pedestrians looking to walk from east to west and vice versa than Footpath 4.

(b) Having regard to the effect which the extinguishment of path would have as respects land served by it taking into account the compensations provisions

The issue of compensation is not applicable as the applicant is the owner of the land for both sections of Footpath 4 that are proposed to be extinguished and is additionally the owner of the racecourse. They are seeking in due course to separate the quarry and racecourse accesses for reasons of safety and convenience. The separated (quarry) access would be situated directly adjacent to where Footpath 4 meets the western side of the A131, which in the view of the OMA in their capacity as the Highway Authority with a responsibility for PROW, would exacerbate the safety concerns of this footpath. It clearly therefore benefits the landowners for the access to their businesses to be improved, which would be possible if the proposed sections of Footpath 4 were extinguished. There is no legitimate means of pedestrian access into the racecourse site from Footpath 4, and so again no loss to that land and its owner (the applicant) from removal of sections of Footpath 4. In the view of the OMA there is no

negative effect on land currently served by the footpath that would arise were the extinguishment order confirmed. There would, however, be a positive effect for the landowner/applicant in respect of managing their land and the access to it.

In summary:

The low usage of this footpath, safety issues concerned with using the route to cross the A131, the provision of alternative means of crossing the A131 and the lack of any negative effect on land served by the footpath support, in the view of the OMA, the confirming of this order.

3. OMA's submission letter

The Planning Inspectorate
Rights of Way Section
Room 3A Eagle
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date 21.06.24
Our Ref: Footpath 4 Great & Little
Leighs (partial) Extinguishment

Dear Sir/Madam,

Highways Act 1980 – Section 118 Public Path Extinguishment Order 2024 Footpath 4 Great & Little Leighs Parish, Chelmsford City, Essex

Essex County Council, being both the Order Making Authority and Highway Authority, are writing with regard to the above proposed extinguishment application, which has undergone a statutory consultation period of the order made on 08.04.24. Following the expiry of the statutory consultation period and an attempt to negotiate with the sole objector by letter the County Council were unable to achieve the withdrawal of the sole duly made objection.

The County Council having considered the criteria for making and confirming the order are satisfied that the application meets the relevant tests and therefore support the Order. Accordingly, I write to formally request the Secretary of State in pursuance of section 2(2) of Schedule 6 to the Highways Act 1980 determines to confirm the above-mentioned Order. I enclose by email attachment documentation required for the submission of Public Path Orders to the Secretary of State for consideration.

The list of documents follows the order given on The Planning Inspectorate's *'Documents Required By The Planning Inspectorate (Checklist for Order Making Authorities)*.

I would request that where possible the dates below are avoided in respect of possible dates for attendance at a hearing or inquiry. The Council also hereby confirms that it would be in agreement and preferable for the matter to be resolved by written representations should that be acceptable to all interested parties.

[REDACTED]

[REDACTED]

Yours sincerely

[REDACTED] PROW & Records Analyst, Essex County Council

4.a.Representations to the informal consultation

4.b.Representations and objections to the order (including supporters) with a covering list of names (includes OMA response)

See submitted PDF files:

- 04.a.-Informal Consultation
- 04.a.-Representations utilities
- 04.b.-Made Order consultation
- 04.b.-Representation Contact details.pdf
- 04.b. [REDACTED]

5. Statement containing the OMA's comments on the maintained objections

The OMA's written response to the objection letter is included in Document no.4.

However, for the sake of clarity the objector's reasons and the OMA's response to them have been expanded upon below.

Representation (objection maintained) - [REDACTED]

[REDACTED] objected on the following numbered points which are provided verbatim below resulting in a degree of repetition in the points raised:

1. It destroys the network of public footpaths which surround the Essex showground now trading as Chelmsford City racecourse.
2. It extinguishes an historic and important right of way.
3. It makes traverse east to west and across the A131 impossible.
4. Footpath 4 remains in use and is used by many walkers, local inhabitants and visitors.
5. No earlier consultation or communication with local people or prior notice – other than minimum statutory requirements.
6. The public footpaths around the racecourse are being eliminated for commercial reasons.
7. Footpath 4 is important because it links to other routes and footpaths which cannot be reached by walkers and local people if it is extinguished.

8. Extinguishment will result in ordinary people being denied access to the countryside and other footpaths surrounding the racecourse.

9. Footpath 4 is an important part of the local network of footpaths and closure will make it difficult for people to cross the A131 and lead to a longer passage to cross the A131.

10. This footpath links Witham to Felstead(sic.) and is a route of travel which cannot be replaced and closure will cause inconvenience and impediment to local people and others including ramblers, runners, hashers, bird watchers and dog walkers.

OMA response:

1. The OMA deliberately excluded from the Section 118 order the sections of Footpath 4 that it was necessary to retain to maintain the existing connections to other PROW (Footpaths 2 and 3). These connections therefore remain as they were before. The sections of Footpath 4 proposed to be extinguished do not surround the racecourse. They are instead spurs of footpath to the east of the racecourse, with, it should be noted, no further PROW connections to link to them in that direction (e.g. by the A131 and at the London Road end).

2. The historicity or otherwise of a PROW has no bearing on its applicability for extinguishment under Section 118 of the Highways Act 1980. The sections proposed to be extinguished do not afford views of any historic sites and Essex County Council Historic Environment team who were consulted on the proposal at the Informal and Formal stages did not make a response.

3. As stated in the OMA's Statement of the grounds on which it is considered the Order should be confirmed, there are several other PROW (Footpaths 8 and 71 (The Essex Way), Bridleways 13 and 70) that can be used to cross over or under the A131 as well as the carriageways Blackley Lane and School Lane, both of which have their own PROW connections, and also the likely future provision of a Toucan crossing on the A131. Clearly, the proposed extinguishment of sections of Footpath 4 would not therefore make a traverse of the A131 from east to west impossible as is claimed by the objector.

4. The camera survey undertaken by the applicant evidences low usage of this PROW, and such usage as was recorded did not necessarily extend to all or indeed any of those recorded users going on to cross the A131. However, the test of the legislation is 'need', so while the OMA do not dispute that there is some usage of this footpath, we do not believe that the amount of usage (especially including by those who may/may not then cross the A131), when considered against the hazard of the road crossing and the alternate provisions available, demonstrate a public need for this PROW. The OMA also believe that the lack of responses to both the informal and formal consultations from stakeholders, including user groups and the public respectively, evidence a need for these sections of PROW.

5. Essex County Council (ECC) as the OMA fully complied with the requirement of the Section 118 legislation in respect of the consultation of this proposal. We choose to undertake an optional informal consultation in advance of making orders for public path processes with the consultees including stakeholders such as user groups, the parish and City Council and the elected ECC member for the area (none of whom raised any queries or objections to this proposal). At the formal, made order stage we

consulted the same parties and in addition we placed notices on site and advertised the public path order in a local newspaper (Document 6.). This proposal was no different to any other public path order processed in the county in that respect. The OMA are confident in their compliance with the legislation and that this process reflects an adequate consultation of proposed PROW changes.

6. Footpaths 3 and 4 Great and Little Leighs are subject to long-term temporary diversion orders (until June 2045) in respect of mineral extraction, which do not affect the sections of Footpath 4 proposed for extinguishment. Other than these long-term, temporary orders there are no extinguishment or diversion orders or applications for public path orders for PROW around the racecourse. The objector has provided no evidence to support their statement, which the OMA as the authority who would receive and process such applications, assert has no basis in fact.

7. The objector's statement here repeats their claims made in 1. and 3. above and the OMA's response to those points therefore applies. No connections to other PROW would be lost by this confirmation of this order.

8. See 7. above. The OMA would additionally advise that the only public access within the racecourse and quarry sites is via the PROW. There are no other public areas within those sites. Within the parish of Great and Little Leighs there are significant number of PROW (61) affording access to a variety of countryside. By the order retaining a section of Footpath 4 within the racecourse/quarry site, and the unaffected Footpaths 2 and 3, the public would continue to have access to the countryside within that site.

9. This point again repeats statements already made by the objector (1, 3 and 7) to which the OMA's responses apply. Regarding the question of the order leading to 'a longer passage to cross the A131' they are therein acknowledging (contrary to their statements in 3, 7 and 8) that alternative means of crossing the A131 do exist. The question of length depends on the origin and destination of the walker. The main settlement (inc. proposed future development) of Great Leighs unquestionably lies some distance to the south of Footpath 4 where Bridleway 13, Footpath 8 and School Lane would all provide more convenient (plus easier and safer – no waiting for, or conflict with traffic) means of crossing the A131.

10. As can be seen from the location plan Footpath 4 does not in itself provide a link between the parishes of Felsted (to the west) and Witham (to the east). There is some distance between Witham and Footpath 4 with very many potential options of routes utilising various PROW (and necessarily roads, too) available and required to reach the Footpath 4. Felsted as parish is closer to the footpath, but here again there are plenty of options to connect via the PROW network to that parish from Great and Little Leighs using other PROW (and/or roads) within the parish. It should be noted that there is no direct, off-road (PROW) connection between the aforementioned parishes that avoids road walking whether utilising Footpath 4 or other routes. The impression given by the objector in this objection point is that there is a recognised route or trail between the parishes of Witham and Felsted via Great and Little Leighs directly and solely facilitated by Footpath 4 and that is simply not the case. The OMA would also reiterate that Mr Roby Smith was the sole objector to the order, the groups of users that he references in his point not having made representations themselves.

6. Copy of the notice publicising the order together with a copy of the newspaper cutting

See submitted PDF file:

6-Copy of notice publicising the order plus newspaper cutting.pdf

7. Certificate that in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices

I hereby certify that:

1. A Notice in the form numbered 1 of Schedule 2 to the Public Path Orders Regulations 1993[Si 1993 No. 11] in respect of Orders under the Highways Act 1980 was published in the Essex Chronicle on 18th April, 2024. The time allowed for objections was not less than 28 days from date of publication of the Notice and the last date for objections was 16th May 2024.
2. Notices in form 1 referred to above, were duly served on every owner, lessee and occupier of the land to which the Order relates, Chelmsford City Council, Great and Little Leighs Parish Council and prescribed persons as specified in Schedule 3 of the said Regulations. The Notices were served by email on 17th April 2024.
3. A copy of the Order and Map were uploaded to our website (<https://www.essexhighways.org/public-path-notices>) on 17th April 2024. It was also specified in the site notice and newspaper advertisement that copies of the order and notice could be requested to be posted or viewed by emailing publicpathorders@essexhighways.org to arrange a suitable time to inspect the documents quoting the Order title. Documents can be made available for inspection 8.30am-4.30pm Mon-Fri at Essex County Council, County Hall, E block main reception, Market Road, Chelmsford if so required following the current social distancing restrictions.
4. A copy of the Notice and Plan were posted on site on 18th April, 2024 by [REDACTED], Area Public Rights of Way Officer.

[REDACTED]
PROW & Records Analyst
Essex County Council

8. Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers)

I hereby certify that:

1. Chelmsford City Council, Great and Little Leighs Parish Council, statutory undertakers, owners and occupiers of affected land and prescribed persons as specified in the Regulations were consulted informally on 6th February 2024. Note: the Made Order consultation took place on 17th April 2024.
2. Those responses received from statutory undertakers confirmed that no apparatus would be affected by the proposed diversions.
3. No comments as were received from the District Council, Parish Council or other statutory and ECC policy consultees.


PROW & Records Analyst
Essex County Council

9. Name and address of every person, council or prescribed organisation notified under

- (i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;

See submitted PDF file:

9-Name and address of every person notified under Schedule 6 of the 1980 Act.pdf

10. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served

Essex County Council, hereby undertakes as the relevant order making authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That if the aforementioned Highways Act Order to extinguish sections of Footpath 4 Great and Little Leighs is confirmed by the Secretary of State, the Council will duly publish and serve notice of the same

or

if not confirmed notice to that effect will be duly served in accordance with the directions of the Secretary of State

, PROW & Records Analyst
Essex County Council

11. Location map to enable Inspector to locate the site

The extinguishment of Footpath 4 Great and Little Leighs is located at;

Either side of the A131 Great Leighs bypass, north of Chelmsford City racecourse CM3 1PZ

See submitted PDF file:

11-Location map Footpath 4 Great and Little Leighs.pdf

12. Written permission from the landowner allowing the Inspector access to the land

See submitted PDF file:

12-Landowner consent form .pdf

13. Name and address of the applicant



14. Confirmation that the OMA is supporting the order

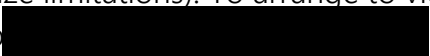
Essex County Council as the Order Making and Highway Authority hereby confirms it is supporting the order as made to extinguish part of Footpath 4 in the parish of Great and Little Leighs.

We also confirm the County Council will continue to support the order should the matter be dealt with by Inquiry or Hearing.


PROW & Records Analyst
Essex County Council

15. Details of the time and place where documents relating to the order will be made available for public inspection by the authority

The documents relating to the Order will be made available for public inspection on Essex Highways website at: <https://www.essexhighways.org/getting-around/opposed-orders>

Copies of the documents relating to the order can also be made available to view at Essex County Council Offices, County Hall, E block main reception, Market Road, Chelmsford, Essex CM1 1HQ between the hours of 8.30am to 4.30pm Monday to Friday, or posted or emailed (subject to a recipients' email file size limitations). To arrange to view or be sent the documents, requests should be submitted by email to  or publicpathorders@essexhighways.org

17. Health and Safety issues questionnaire

Health and safety at the site questionnaire

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

If accessing the sections of Footpath proposed to be extinguished by means of crossing the A131 then hi-viz clothing may be advisable. Timing the crossing to avoid rush hour and racecourse events would also be advisable.

The (unaffected) continuation of Footpath 4, as well as Footpaths 2 and 3 west of the A131 run around and within an operational mineral extraction site. There should be no special measures/PPE required other than an awareness of this land usage and additional care when crossing haul roads.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

The footpath and the above-mentioned PROW may be used by dog walkers making an encounter with dogs possible. There are no livestock on the route.

3. Is the site remote and/or can it be seen from other highways or rights of way?

Part of the footpath (western end) is visible from its unaffected section. The connections to the A131 are visible from that road and from London Road respectively. The site is not remote.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Ofcom's mobile availability checker shows that there is likely to be outdoor coverage for all networks around the footpath. We have been unable to locate any nearby public telephones.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

There are laybys located either side of the A131 in the vicinity of the racecourse. There is no parking along London Road or directly adjacent to where the footpath meets the A131. It may be possible to park in one of several unofficial laybys alongside Blackley Lane or Moulsham Hall Lane (see Document 11.) and to access the footpath via PROW from those directions.

There is a bus stop (Lynderswood Farm) located close to (a few metres south of) the eastern end of Footpath 4 on London Road. Buses will likely run from Braintree town bus station and possibly also Braintree railway station, which is a branch line (via Witham) off the Liverpool Street mainline service.

Parking in the racecourse northern car park may also be possible by prior arrangement with the applicant (see contact details in 13. above). This location provides a private means of accessing Footpath 4 directly from the car park.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None known of.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

Fuel, toilet facilities and food and drinks are most closely available at the Tesco Superstore in Great Notley accessed via the A131/Great Notley bypass north of the site. There is also an electric vehicle charging station accessed via the same road.

18. Extract from the definitive map and statement;

See submitted PDF file:

18-Extract from the Definitive Map and Statement.pdf

19. Copy of relevant part of the County Councils Rights of Way Improvement Plan;

See submitted PDF file:

19-Confirmation of no relevant provision with the Essex ROWIP

20. PROW Officer's Statement;

See submitted PDF file:

20-PROW Officer's Statement.pdf

22. Chelmsford City Racecourse Pedestrian Count;

See submitted Excel (.xlsx) files:

21.(1)Chelmsford City Racecourse Pedestrian Count Monday 4th to Sunday 10th September 2023.xlsx

21.(2)Chelmsford City Racecourse Pedestrian Count Monday 11th to Sunday 17th September 2023.xlsx

21.(3)Chelmsford City Racecourse Pedestrian Count Monday 18th to Sunday 24th September 2023.xlsx

21.(4)Chelmsford City Racecourse Pedestrian Count Monday 25th September to Sunday 1st October 2023.xlsx

21.(5)Chelmsford City Racecourse Pedestrian Count Monday 2nd to Sunday 8th October 2023.xlsx

21.(6)Chelmsford City Racecourse Pedestrian Count Monday 9th to Sunday 15th October 2023.xlsx

20. Confirmation of no relevant provision with the Essex ROWIP

In the view of the Order Making Authority there are no relevant provisions within the Essex Right of Way Improvement Plan (ROWIP) that would apply to the proposed PROW changes in this extinguishment order.

I, [REDACTED], c/o of Essex County Council, County Hall, Market Road, Chelmsford, Essex

WILL SAY as follows:

I have been employed (full time) by Essex County Council as a Public Rights of Way (PROW) Officer since November 2010. At the time of this application, I was responsible for maintaining the network within the District/Boroughs of Brentwood, Chelmsford, Castle Point and Basildon. This involves assessing and prioritising enquiries I received, initiating maintenance work by liaising with our maintenance supervisor and landowners and requesting underground utility searches. I also undertook first line enforcement for non-compliance issues and escalated matters to the PROW Enforcement & Liaison Officer where required for formal legal action. Although I had no direct involvement with the management of budgets, I always strived to provide the best value for money and prevent financial burdens for the organisation. It was therefore often the case that my colleagues within the Definitive Map & Records Team requested my attendance at site visits to determine the suitability of a proposed diversion or extinguishment. I am also able to provide knowledge on the local demographic, the types and frequency of users on that particular PROW and common issues reported.

Background

The proposed extinguishment of the relevant section of Footpath 4 Great and Little Leighs has been applied for by the landowner to enable construction of a new in/out access for both Blackley Quarry and Chelmsford City Racecourse. This proposed new vehicle access is to be constructed adjacent to the current line of Footpath 4 and due to the volumes and frequency of proposed traffic movement it is considered that the footpath cannot safely be maintained in its current location along with the proposed vehicle access.

In addition, the footpath currently crosses the A131, a 4 lane 70mph dual carriageway, at grade. Where the footpath meets the A131 there is direct access onto the dual carriageway with no form of barrier between the road and footpath. There is a short section of tarmac path running over the roadside verge to accommodate pedestrians which then leads directly onto the carriageway. In the middle of the carriageway there is staggered gap in the existing vehicle restraint system (VRS) however the space between the barriers available for pedestrians is narrow (under 2m). In March 2020 a temporary traffic count was undertaken by Essex Highways on the northeast carriageway of the A131 between Footpath 4 and Notley Green Roundabout, with the traffic count being positioned approx. 480m northeast of the location where Footpath 4 crosses the A131. This count recorded a daily average of 11,024 vehicle movements with the average speed being 57.4mph with 7.6% of vehicles speeding above the 70mph speed limit.

The enquiry reporting system used by Essex Highways has been assessed and no reports have been received from members of the public for any reason regarding the section of Footpath 4 proposed to be extinguished as far back as our records go (2010).

The footpath is currently included on our annual cutting programme with upgrowth being cut by contractors working on behalf of Essex Highways once a year.

Assessment of the Proposed Extinguishment

Although a camera survey of this path has shown some usage of this path, usage is low. When considered alongside the alternative routes that are present and the hazard of the dual carriageway crossing I do not consider this a strong enough case that the path is needed for public use. In addition to the current alternative routes for pedestrians to cross, a Toucan crossing is being proposed as part of nearby development which will maintain pedestrian access across the A131 and is a safer way than Footpath 4 currently provides.

Footpath 4 provides limited connectivity to the wider PROW network with no direct link to any other PROW to the east. It is considered that if this footpath is extinguished connectivity would not be reduced as there is an acceptable footway along London Road to enable pedestrian access towards other PROW.

In conclusion, I determined the proposed extinguishment of the route would not detract in terms of accessibility for walkers in the area, especially considering the improvements to the PROW and Highway network that are planned in the area as part of ongoing development. Also, extinguishment would essentially remove a very hazardous crossing point where the footpath interfaces with the dual carriageway.