

From:



Subject: PUBLIC PATH EXTINGUISHMENT ORDER FOOTPATH 4 GREAT & LITTLE LEIGHS, CITY OF CHELMSFORD
MADE ORDER CONSULTATION

Date: 17 April 2024 09:40:00

Attachments: [HIGH13135FSealedE0786MadeOrderdd08042024S118FP4GreatLittleLeighs.pdf.V1.pdf](#)
[s119 MO site notice FP4 Great Little Leighs.pdf](#)

Dear Sir/Madam,

Highways Act 1980 Section 118

Essex County Council has Made an Order to extinguish Footpath 4 in the parish of Great & Little Leighs in the City of Chelmsford.

It is proposed to extinguish Footpath 4 in the parish of Great and Little Leighs in the City of Chelmsford as per the attached order and plan as it is considered expedient that the path or way, which is bisected by the A131, should be stopped up on the ground that it is not needed for public use.

Attached is a copy of the Made order and the Notice which will be posted on site and appear in the Essex Chronicle on Thursday 18 April 2024.

You have already been informed of this proposal, but if you have any further comments to make, please do so by 16 May 2024.

Kind regards

 | **PROW & Records Analyst**




www.essex.gov.uk/highways



Essex Highways is a partnership between
Ringway Jacobs and Essex County Council

Please consider the environment before printing this email



4. Made Order Representation Contact details:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Our Ref: FP4 G.Leighs
Date: 24.05.24

Dear [REDACTED],

Re: proposal to extinguish part of Footpath 4 Great & Little Leighs

Thank you for your letter of 13 May 2024 in respect of the above, which I herein acknowledge.

The order was made under Section 118 of the Highways Act 1980 and proposes to stop up a section of Footpath 4 (only the sections which lead up to the A131 – the footpath itself does not cross the A131) on the grounds that it is 'not needed for public use'.

The relevant test of the above legislation is need rather than usage, however the applicants undertook a camera survey of the footpath's use on September and October last year which evidenced very little use of the relevant section of the footpath.

You are of course entitled to retain your objection should you wish to do so, however, I think it would be useful for me to address in order the points raised in your letter with a request that you give consideration after reading them to withdrawing your objection.

1. The remainder of Footpath 4 was deliberately excluded from the extinguishment order to preserve the connection between this Footpath and Footpaths 3 and 4.
2. The historicity or otherwise of a footpath is not a criteria of the legislation and not a determining factor in the success of a Public Path Order (PPO) as evidenced in Planning Inspectorate PPO decisions.
3. Other public rights of way (PROW) do cross the A131 namely Footpath 4 (via a footbridge) and Bridleway 13 (via an underpass). There is also a proposed new Pegasus crossing intended to be located south of Moulsham Hall Lane. Crossing four lanes of the A131 via a gap between the vehicle restraint system (designed to deflect vehicles from crossing into opposing traffic and not to protect pedestrians) is inherently unsafe by comparison.

CONTINUED

4. A consultation was sent directly by email to user groups and other stakeholders (inc. the parish and City Councils) at the *Informal (pre-Order) stage. It was then advertised in a local newspaper and by notices on site at the formal, Made Order stage with the aforementioned consultees reconsulted. Yours was the only objection received in this process. The absence of other responses and the applicant's camera survey do not support the contention that the affected section of the footpath is widely used. It reinforces that the footpath is not needed for public use and that the proposal was acceptable to those consulted and by the majority of those using the footpath.
5. See *above. In processing this application Essex County Council fully complied with the requirements of the Section 118 legislation and treated this application exactly the same as all other Public Path Orders.
6. The law allows for landowners to apply to make changes to the PROW (Public Right of Way) network in their interest. Applications to divert or extinguish PROW are made for a variety of reasons. There are no other extinguishment applications in the parish of Great and Little Leighs such as you refer to and each PPO application received is judged on its applicability to the criteria of the relevant legislation.
7. The section of Footpath 4 linking to Footpaths 2 and 3 is being retained. These PROW are also accessible via Blackley Lane and Moulsham Hall Lane.
8. See 1 and 7 above. There are a large number of PROW in the parish providing access to the countryside. The section of Footpath 4 proposed to be extinguished leads to the A131.
9. See 1, 3, 7 and 8 above.
10. Footpath 4 does not exclusively or in itself (it lies entirely within the parish of Great & Little Leighs) provide a link between Witham and Felsted that is not replicated by other PROW (see 3 above). The consultation period has now ended and yours was the sole objection received to this order, which together with the very low usage indicates that opposition to is not as widespread.

If you wish to withdraw your objection I would be grateful if you could please confirm this by email. The decision to withdraw the order, continue via an alternative option, or to proceed with the order if it remains opposed by a referral the Secretary of State in the form of the Planning Inspectorate, has yet to be taken, but will be a decision made by the applicant and the order making authority.

Yours Sincerely

Essex Highways



www.essex.gov.uk/highways

www.essex.gov.uk/enquiries

Enc. Objection letter scan

13 MAY 2024



TO WHOM IT MAY CONCERN

FOOTPATH 4 GREAT AND LITTLE LEIGHS

I MUST STRONGLY OBJECT TO THE
EXTINGUISHMENT ORDER ON THE
FOLLOWING GROUNDS

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

①

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 LITHAM TO FELSTEAD AND IS A ROUTE OF TRAVEL WHICH CANNOT BE REPLACED AND ~~THE~~ CLOSURE WILL CAUSE INCONVENIENCE AND IMPEDIMENT TO LOCAL PEOPLE AND OTHERS INCLUDING RAMBLERS, RUNNERS, HASHERS, BIRDWATCHERS AND DOG-WALKERS

THIS PROPOSAL REQUIRES PROPER
AND FULL CONSIDERATION BY THE
SECRETARY OF STATE FOR THE
ENVIRONMENT.

YOURS SINCERELY

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

LOCAL RESIDENT

IMPORTANT (SEE BELOW)

SENT TO :-

[REDACTED] [REDACTED] - ESSEX COUNTY COUNCIL

BY HAND DELIVERY ON 13 MAY 2024

PLEASE PROVIDE ACKNOWLEDGMENT
OF SAFE RECEIPT AND THAT THIS
LETTER OF OBJECTION WILL BE
REFERRED TO THE SECRETARY OF STATE

(3)