

**ESSEX COUNTY COUNCIL  
HIGHWAYS ACT 1980 – SECTION 119  
PUBLIC PATH DIVERSION ORDER**

**IN THE MATTER OF AN APPLICATION  
BY S BROWN AND D BROWN UNDER  
SECTION 119 OF THE HIGHWAYS  
ACT ORDER 1980  
TO DIVERT FOOTPATHS 14 AND 15,  
SOUTH HANNINGFIELD**

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**LAURA DUNNELL, AREA PROW OFFICER  
STATEMENT**

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I, Laura Dunnell, c/o of Essex County Council, County Hall, Market Road, Chelmsford, Essex WILL SAY as follows:

1. I have been employed by Essex County Council as a Public Rights of Way (PROW) Officer since November 2010. My area of responsibility encompasses the districts of Chelmsford and Brentwood. In this role, as part of the PROW Maintenance Team, I have responsibility for undertaking scheduled inspections as well as responding to all customer enquiries in respect of the PROW network in my area. I also raise job packs and initiate STATs (statutory undertaker) searches in respect of any work requirements, identify, evidence and apply for Local Highways Panel schemes for PROW improvements and organise PROW volunteer activities within my area. I also respond to correspondence regarding PROW issues in my area and initiate enforcement action where appropriate in coordination with ECC's Enforcement and Liaison officer.

## **Background**

In 2019 an enquiry was received in regards to one of the stiles located on Footpath 14 South Hanningfield. As a result of this, the landowners (Mr & Mrs Brown, who are also the applicants of the diversion application) were contacted and told of the need for them to undertake repairs as required under section 147 of the Highways Act 1980. Following this contact, a meeting was held between landowners and myself on 28<sup>th</sup> October 2020 to discuss the possibility of upgrading two stiles along Footpath 14 to kissing gates. During this meeting the landowners asked about the process of applying for a diversion of this route. They subsequently submitted an application to the Definitive Map Team for the diversion of both Footpaths 14 & 15 South Hanningfield.

Following receipt of the diversion application, a site visit was undertaken on 4<sup>th</sup> November 2021 and attended by the landowners, myself and Rob Lee (Definitive map Team). During this site visit we walked both the existing definitive lines as well as the proposed diversion routes. The attendance of such a site visit by the PROW Officer for the area enables them to provide the benefit of their experience of the PROW in question and inform their colleagues of any issues arising from their inspection and enquiry experience. It also enables them to contribute to the assessment of the proposed alternative routes by giving feedback on the potential maintenance implications of the new routes as well as being able to give a walker's experience when comparing the current and proposed routes.

It would be unusual for ECC to continue with a diversion application without amendment where concerns were raised by the area PROW Officer.

## Assessment of the proposed diversions

As the PROW Officer my main concern is the maintenance of the PROW network within my area and to ensure that is available to be safely used and enjoyed and to respond to customer's enquiries. Although not a direct budget holder I am nevertheless aware of the budgetary issues which might affect the network in my area and I take into account future maintenance implications when considering the merits of diversion proposals.

Having discussed the proposals with the applicants and my colleague, I was able to give my support for this scheme.

Under section 119 of the Highways Act 1980 provision is made for the diversion of a footpath where the proposals are in the interests of the owner, occupier or lessee of the land over which the existing and proposed routes are aligned, with or without an interest to the public at large. It can clearly be evidenced that the diversion will be in the landowner's interests as they are the applicants and have instigated this diversion proposal. The applicant's reasoning for their application is primarily as a safety measure following advice from their insurer who raised safety concerns in regards to the interaction between members of the public using the footpath, grazing animals and heavy machinery used for hay cutting. By diverting the footpaths around the perimeter of the field there would be an opportunity to segregate members of the public, grazing animals as well as machinery whilst minimising the impact of the footpaths on the landowner's planned use for the field.

Although future maintenance requirements of the proposed route cannot be a deciding factor in regards to determining the outcome of this application, I would like to make it known that it is not believed that there would not be any increased maintenance liability for Essex County Council should the diversion be confirmed. The hedge-line and trees, which the diversion route would run adjacent to, will be regularly maintained by the landowners as they currently do, and it is anticipated that the upgrowth will be kept in check by use and through once-yearly mowing for hay. Should the landowners decide to fence between the footpath and the rest of the field at a later date resulting in the need for upgrowth to be maintained, the route could be added to a list of those cut but the Parish Paths Partnership volunteer group who already undertake weekly activities maintaining the PROW within the parish of South Hanningfield.

In regards to the sole objector's comments in respect of fencing-off the footpath and using the field for grazing, the decision as to whether or not the landowner fences alongside the footpath is one for them to make dependant on their planned use of the field. There would be nothing to prevent the applicants from fencing alongside the current definitive line as well as the proposed route and so I do not consider that this could be a valid reason as to why the footpath should not be diverted. The fields through which the footpaths pass have previously been grazed, although not currently (due to the issues raised by the applicant, their insurers and prospective tenants), with no incidents having been reported to Essex Council Council of such use having a negative impact on use by walkers of these particular routes. Should the landowners decide the start grazing animals on these fields again, this would be no different to many other fields where PROWs pass through or around fields which are used for grazing.

The proposed diversion route of Footpath 14 is on higher ground than the current route of this footpath. It is anticipated that this will result in improved conditions underfoot as over autumn and winter months ground conditions on FP14 can often be quite wet underfoot.

I do not consider that uninterrupted countryside views will be lost, with the views from the proposed diversion route still giving uninterrupted views of the countryside, just in slightly different directions.

In summary I do not have any maintenance concerns regarding the proposed changes nor any safety concerns and this remains my position. It is my view that the overall effect of the changes proposed will be in the interests of the landowner.

#### STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed

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Dated

05 May 2022