

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 January 2011. I am responsible for maintaining the network within the District/Boroughs of Tendring and Colchester. This involves assessing and prioritising enquiries I receive, initiating maintenance work by liaising with our maintenance supervisor and landowners and requesting underground utility searches. I also undertake low-level enforcement for noncompliance issues and escalate matters to the PROW Enforcement & Liaison Officer if required. Although I have no direct involvement with the management of budgets I will always strive to provide the best value for money and prevent financial burdens for the organisation. It is therefore often the case that my colleagues within the Definitive Map & Records Team will request I attend a site visit to determine the suitability of a proposed diverted route and what (if any) requirements are needed to ensure user safety. 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

[REDACTED] (the landowner) contacted me directly during May 2021 to discuss his desire to divert Footpath 3 & 8 Tendring away from the farmyards (one at Wolves Hall, the other at Tendring Lodge) and to move sections that cross agricultural fields onto headland routes. Diversion requests of this nature are not uncommon and it meets the criteria under s119 Highways Act 1980 (referring to an application made in the interest of the landowner), so I referred his request onto my colleague [REDACTED], who is responsible for Public Path Orders. A site meeting was arranged to review [REDACTED] proposal in June 2021. During this site meeting, [REDACTED] explained his concerns over user safety where the definitive line of both footpaths pass through farmyards. I am very familiar with the network within Tendring and recognise that both Footpath 3 & 8 are quite popular walking routes, predominantly by local dog walkers and so I understood [REDACTED] concerns for user safety.

Assessment of the Proposed Diversions

[REDACTED] and I walked the proposed diverted routes in order to assess suitability and I applied my knowledge and experience of PROW maintenance to determine cost implications and benefits. The proposed diverted routes appeared to be suitable, offering natural surfaced paths along mature hedgerows/trees, which is very in keeping with the rural nature of this particular Parish. By diverting Footpath 3 onto the headland and removing the section of crossfield path at point H (Footpath 8) on the Order Plan, it would prevent the current need to provide and maintain two footbridges at the western and eastern edge of the small woodland area. A similar cost benefit is found by diverting Footpath 8 from the farmyard at Tendring Lodge onto a surfaced vehicular track, removing the Highway Authorities current responsibility to cut the natural upgrowth along the section of enclosed path just north of point J on the Order Plan. [REDACTED] agreed to install the ditch crossings at Points E & F on the Order Plan, which would prevent the need to install footbridges that would require frequent maintenance by the PROW team.

In conclusion, I determined the proposed diverted routes provide suitable alternatives that do not detract from the rural feel of the area, would meet current standards for legitimate user access and do not present any significant maintenance liabilities for our organisation. [REDACTED] felt encouraged to officially apply to divert the Footpaths and it was shortly after this that his concerns over user safety became a reality when [REDACTED], [REDACTED], was struck by an agricultural vehicle whilst walking the section of Footpath 3 that passes through the farmyard and she sustained serious injuries.

Addressing the objectors comments

I agree with the objectors' comments in reference to a landowner's responsibility to ensure a PROW is safe to use and in most circumstances our team would work with them to find the best possible solution that does not require a diversion. However, a farmyard can be a very dangerous place for a user to pass through, especially during busy seasonal periods with unavoidably frequent, large vehicle/machinery movement. The definitive line of a PROW will often run directly through the middle of a farmyard, therefore making it difficult to segregate or enclose the path and so an application to divert it away from this environment are often supported. This was the case when viewing [REDACTED] proposal.

The objectors' have suggested alternative routes, which I shall address separately:

- Fig 1a: this route would require establishment works to provide a suitable path on the ground, whereas [REDACTED] proposal is utilising an existing, wide, surfaced vehicular track. This track has significantly less vehicular movement compared to the farmyard and sightlines are much improved. It also offers a more direct link to the wider network and passes Tendring Brook at point K on the Order Plan offering a view of a pond and shade from the canopies of large, mature trees.
- Fig 1b: I understand this track is the main vehicular route to access the farmyard at Tendring Lodge and is frequently used by large vehicles. The main objective of [REDACTED] proposal is to improve user safety and this suggestion is likely to cause user conflict issues.
- Fig 2: [REDACTED] proposal also includes diverting the crossfield section of Footpath 8 between the woodland and point H on the Order Plan. The proposed diversion of Footpath 3 would see the route change to the headland where mature hedges and trees provide ample shade. Users would utilise part of this route to access Footpath 8 at point F on the Order Plan, which would also prevent the current need of the two footbridges, as previously stated.

In conclusion, I do not agree that the routes suggested by the objector's fully meet the objectives [REDACTED] has set out to achieve in his proposal and are likely to incur additional maintenance costs. I disagree with the objectors comments referring to the woodland sections offering the only two areas of cover between Tendring and Gravel Wood. The diversion of Footpath 3 to a headland lined with mature hedges and trees provides significantly more cover compared to the short distances through the small woodlands. I am therefore satisfied that [REDACTED] proposal meets the criteria under S119 Highways Act 1980 and should proceed.