

From: [REDACTED]
[REDACTED]
[REDACTED]
Bcc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Attachments: [PROW-23-35.pdf](#)
Sent: 10/04/2024 14:48:00

PLEASE NOTE THIS IS A CONSULTATION ON A PROPOSED FOOTPATH EXTINGUISHMENT ONLY.
IT IS NOT AN ADVICE OF WORKS.

Dear Sir/Madam,

Essex County Council would welcome your thoughts on the above extinguishment proposal. This is an informal consultation only and no Order has yet been made.

Please note this informal consultation is not a statutory requirement on the Highway Authority. Its aim is to enable the principal stakeholders to comment on the proposed changes; feedback which is then considered by the Highway Authority and provided to the applicant. It is not intended as a public consultation. The public are informed and invited to respond if they so wish at the formal, Made Order consultation stage via on-site notices and plans, and the newspaper advertisement for the order. To enable us to continue this discretionary service we would appreciate it if informal consultations are not shared with the public beyond any council meetings as no order has yet been made and public comments on the proposals are not at this stage being sought.

Highways Act 1980 Section 118
Essex County Council intend to make the following orders:

It is proposed to extinguish Footpath 70 in the parish of Wimbish in the District of Uttlesford as per the attached plan as it is considered expedient that the path or way should be stopped up on the ground that it is not needed for public use.

If you have any comment to make please do so by 8 May 2024.

Please be advised that if an order is made for this proposal then any representation to that order will need to be made (in writing) at the time of that order's public consultation. Prior responses to the informal process will not be considered as carried forward to the made order consultation process.

Regards

[REDACTED] | 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



From: [National Plant Enquiries](#)
To: [REDACTED]
Subject: FW: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Attachments: [PROW-23-35.pdf](#)
Sent: 15/04/2024 03:36:29

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

New Roads and Street Works Act 1991
Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinglobal.com

To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

IMPORTANT - PLEASE READ = Your Next Step?:-

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversionary works may be necessary if the existing line of the highway/railway or its levels are altered.

Plant Enquiries Team (DS)

[REDACTED]

ATKINS working on behalf of Vodafone: Fixed



This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK (now re-named Vodafone Enterprise UK), Energis Communications Limited, Thus Group Holdings Limited and Your Communications Limited.

PLEASE NOTE:

The information given is indicative only. No warranty is made as to its accuracy. This information must not be solely relied upon in the event of excavation or other works carried out in the vicinity of Vodafone plant. No liability of any kind whatsoever is accepted by Vodafone, its servants, or agents, for any error or omission in respect of information contained on this information. The actual position of underground services must be verified and established on site before any mechanical plant is used. Authorities and contractors will be held liable for the full cost of repairs to Vodafone's apparatus and all claims made against them by Third parties as a result of any interference or damage.

From: [REDACTED]
To: [REDACTED]
Subject: FW: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Attachments: [PROW-23-35.pdf](#)
Sent: 11/04/2024 09:35:27

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello [REDACTED]

Thanks for your email.

We require some further information to progress with your enquiry, can you please provide the following details

- Your details
- Full Company address and contact details

Thanks and Regards,

[REDACTED]
Associate Engineer FND

Openreach

We build and maintain the digital network that enables more than 600 providers to deliver broadband to homes, hospitals, schools and businesses large and small. Our engineers work in every community, every day, because we believe everyone deserves decent and reliable broadband.

This email contains Openreach information, which may be privileged or confidential. It's meant only for the individual(s) or entity named above. If you're not the intended recipient, note that disclosing, copying, distributing or using this information is prohibited. If you've received this email in error, please let me know immediately on the email address above. We monitor our email system and may record your emails.

Openreach Limited

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP
Registered in England and Wales no. 10690039

From: [REDACTED]
Sent: Wednesday, April 10, 2024 7:19 PM
Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

You don't often get email from [REDACTED] [Learn why this is important](#)

PLEASE NOTE THIS IS A CONSULTATION ON A PROPOSED FOOTPATH EXTINGUISHMENT ONLY.
IT IS NOT AN ADVICE OF WORKS.

From: [REDACTED]
To: [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 11/04/2024 09:48:00

Hi [REDACTED],

I'm not sure what you meant by my details as my job title, contact details etc. are in the email that was sent out.

I work for the Highway Authority, Essex County Council and my nominal base (we mainly work from home) is Seax House, Chelmsford, Essex CM1 1QH.

However, the site is in Lower Green, Wimbish (in Uttlesford District, Essex) and is a public right of way (Footpath 70 Wimbish).

Kind regards

[REDACTED] | **PROW & Records Analyst**



[REDACTED]
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



From: [REDACTED]
Sent: Thursday, April 11, 2024 9:35 AM
To: [REDACTED]
Subject: FW: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Robert,

Thanks for your email.

From: [REDACTED]
To: [REDACTED]
Subject: Openreach REF:915891/KJ - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Attachments: [915891_KJ.pdf](#); [915891_KJ_Ordnance Extract.pdf](#);
Sent: 30/04/2024 11:18:39

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Robert,

Further to your recent registration for highway extinguishment passed to our department to assess the impact upon the existing Openreach network, please see attached regarding Openreach's response to the extinguishment REF:915891/KJ, no objection from Openreach is proposed. For your information I have included an extract from our ordnance survey records. Please read the requirements sections.

I trust this clarifies the situation?

Kind regards,

[REDACTED]
openreach

Network Alterations Project Engineer
[REDACTED]

Web: openreach.co.uk

We're the people that make the net work as the nation's largest wholesale broadband network, we're rolling out Ultrafast Full Fibre broadband across the UK. It's our fastest and most reliable broadband yet, and we're well on our way to making it available to 25m homes and businesses—building the UK's fibre future.

[Check to see when Ultrafast Full Fibre may be available at your address](#)



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Openreach Limited

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP
Registered in England and Wales no. 10690039

From: [REDACTED]
Sent: Wednesday, April 10, 2024 2:49 PM
Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

From: [REDACTED]
To: [REDACTED]
Subject: RE: Openreach REF:915891/KJ - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 30/04/2024 11:21:00

Good morning [REDACTED]

Thank you for the confirmation of no objection.

Kind regards



| PROW & Records Analyst



www.essex.gov.uk/highways



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From: [REDACTED]
Sent: Tuesday, April 30, 2024 11:18 AM
To: [REDACTED]
Subject: Openreach REF:915891/KJ - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Importance: High

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning [REDACTED]

Further to your recent registration for highway extinguishment passed to our department to assess the impact upon the existing Openreach network, please see attached regarding Openreach's response to the extinguishment REF:915891/KJ, no

From: [>Plant Enquiries Team](#)
To: [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 16/04/2024 16:16:59

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Thank you for your recent enquiry.

After checking where VM apparatus are located, we are happy for a no objection.

Regards,

[REDACTED]
Plant Enquiries Team

From: [REDACTED]
Sent: Wednesday, April 10, 2024 2:49 PM
Subject: [External] INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

[Caution: This email originated from outside of the business. Do not click links or open attachments unless you recognise the sender [REDACTED] or know the content is safe. If in doubt, click 'Report Message' at the top of your inbox and select 'Phishing']

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From: [REDACTED]
To: [Devcon Team](#)
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 11/04/2024 10:56:00

Thank you [REDACTED]

Kind regards

Robert Lee | PROW & Records Analyst



[REDACTED]
www.essex.gov.uk/highways



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

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From: Devcon Team [REDACTED]
Se [REDACTED]
[REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning,

Thank you for your e-mail.

Having reviewed the details, we have no comments to as this is not within Thames Water area.

Kind Regards,



abase Administrator

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ



It's everyone's water

Sent: Wednesday, April 10, 2024 2:49 PM

Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT
EXTINGUISHMENT

This e-mail originated from outside of Thames Water. Do not click links, open attachments or reply, unless you recognise the sender's e-mail address and know the content is safe. If in doubt, contact the Digital Service Desk. Report Phishing via the Report Message option.

PLEASE NOTE THIS IS A CONSULTATION ON A PROPOSED FOOTPATH
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To enable us to continue this discretionary service we would appreciate it if informal consultations are not shared with the public beyond any council meetings as no order has yet been made and public comments on the proposals are not at this stage being sought.

Highways Act 1980 Section 118

Essex County Council intend to make the following orders:

It is proposed to extinguish Footpath 70 in the parish of Wimbish in the District of Uttlesford as per the attached plan as it is considered expedient that the path or way

From: [Devcon Team](#)
To: [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 11/04/2024 10:44:19

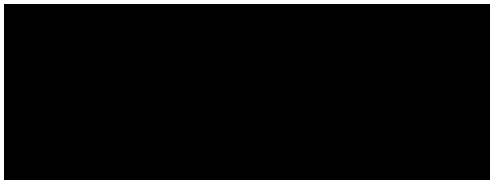
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning,

Thank you for your e-mail.

Having reviewed the details, we have no comments to as this is not within Thames Water area.

Kind Regards,



Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ



It's everyone's water

From: [REDACTED]
Sent: Wednesday, 10 April 2024, 10:44 AM
Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

This e-mail originated from outside of Thames Water. Do not click links, open attachments or reply, unless you recognise the sender's e-mail address and know the content is safe. If in doubt, contact the Digital Service Desk. Report Phishing via the Report Message option.

PLEASE NOTE THIS IS A CONSULTATION ON A PROPOSED FOOTPATH EXTINGUISHMENT ONLY.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT
Sent: 24/06/2024 12:49:47

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]
Thanks for letting me know.

I look forward to hearing from you.

From: [REDACTED]
Sent: Monday, June 24, 2024 12:37 PM

[REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

Hi [REDACTED]
Thank you for confirming the parish council's position.

I will discuss the response with the applicant, however, as the legal criteria is 'need' and not want the likelihood is that we will proceed with making an order.

Kind regards

[REDACTED] | **PROW & Records Analyst**

Essex
Highways 

[REDACTED]
www.essex.gov.uk/highways



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Ringway Jacobs and Essex County Council

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From: [REDACTED]

Sent: [REDACTED]

Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT
EXTINGUISHMENT

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]

Apologies about not replying earlier – I emailed from my Wimbish email which I have just realised is not sending the emails for some annoying reason.

The PC discussed the footpath application to be extinguished at the last meeting and concluded:

The PC unanimously agree that the footpath should be retained and not extinguished. Although the alternate route is functionally the same destination. The experience of walking of a metalised road or grassland is totally difference and a woody copse.

Kind regards

From: [REDACTED]

Sent: Monday, June 24, 2024 10:03 AM

To: clerk@wimbish.org.uk [REDACTED]

Cc: [REDACTED]

Subject: FW: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT
EXTINGUISHMENT

Good morning [REDACTED]

Due to the time that has elapsed since the informal consultation ended (8th May) and because we firmly believe the criteria of the legislation have been fully met by this proposal, I am now going to have to issue instructions for an order to be made (and in due course consulted upon).

Hopefully, the Parish Council will be able to give consideration to not objecting at the formal stage.

Kind regards

[REDACTED] **PROW & Records Analyst**

Essex
Highways 

[REDACTED]
www.essex.gov.uk/highways



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From: [REDACTED]
Sent: Thursday, June 13, 2024 3:12 PM
To: clerk@wimbish.org.uk; [REDACTED]
Cc: [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

Good afternoon [REDACTED]

Can you advise if the Parish Council have had the opportunity to discuss the contents of my email as yet?

Kind regards

[REDACTED]

[REDACTED] | PROW & Records Analyst



[REDACTED]

www.essex.gov.uk/highways



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From: clerk@wimbish.org.uk <clerk@wimbish.org.uk>

Sent: Monday, June 3, 2024 3:11 PM

[REDACTED]
>
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]
Thank you for your extremely detailed email.

The PC meets on Wednesday and I have forwarded your email to the PC to discuss at the meeting.

Kind regards
[REDACTED]

From [REDACTED]
Sent: Monday, June 3, 2024 10:07 AM

Cc: clerk@wimbish.org.uk; [REDACTED]
Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

Good morning [REDACTED]

Thank you for your email communicating the Parish Council's response. Don't worry too much re the deadline as that is not so important for the Informal Consultation.

In terms of the Parish Council's response I hope you won't mind if I provide some detail as to the decision making behind the Highway Authority's agreement to process this application and also the criteria of the legislation used.

I would be grateful if you could then share that information with councillors for discussion at your next meeting please.

In terms of the applicable criteria of the legislation a public right of way (PROW) (or as here a section of a PROW) is: 'Where it appears to a council as respects a footpath [bridleway or restricted byway] in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use.' The key word here being 'needed.'

When we undertook our assessment of this application it was clear that Byways 98 and 100 Wimbish perform the same function in terms of access as the section of footpath to be extinguished with very little divergence in terms of route, and no substantial increase in distance. We purposefully retained a section of Footpath 70 to ensure that connections to Footpath 67 were retained. I should add that we are very circumspect with Public Path Order (PPO) applications to ensure that they meet the criteria of the legislation under which they will be processed.

In light of the availability of alternative nearby PROW, our site visit assessment concluded that the application fully complied with the criteria of the legislation. I believe that due to the proximity of the alternative routes it would be difficult for anyone to substantiate an argument for retention of the section of footpath proposed to be extinguished on the basis that it is 'needed' for public use – this being the relevant legal test.

The Parish Council may/may not be aware, but DEFRA also recently issued official guidance (attached) to order confirming authorities (which includes the County Council and the Planning Inspectorate on behalf of the Secretary of State) to ensure that those authorities give additional consideration where a PROW passes through a (in this case) a 'garden or curtilage of a residential property.' The proposal to extinguish a section of Footpath 70 is applicable to this guidance as sections of it pass through three separate property gardens, making the advice and presumption therein relevant.

Lastly, I need to outline the consequences if the Parish Council were to maintain an objection at the Made Order stage.

I should first say though that it is very likely that we will, after discussions with the applicant, go ahead and make an order despite the objection. It would be difficult for me to make a case for not doing so as the proposal in our view and my experience meets the criteria of the legislation. Consequently it is perfectly reasonable for the applicant to expect Essex County Council as the Order Making Authority (OMA) to stand behind the initial decision to accept the application.

I can advise that the Parish Council were the sole objectors to the Informal Consultation – none of the user groups objected, which I would expect to happen where a PROW is viewed by them as genuinely needed.

If your objection was maintained at the formal, Made Order stage it is highly probable, for the reasons outlined above, that we would proceed with a referral of the order for determination to the Secretary of State in the form of the Planning Inspectorate (PINS). This referral and the time and expense occurred therein cannot be charged to the applicant under the current legislation, so the taxpayer is therefore obliged to absorb the costs of referral.

Because the Parish are a tier of government the determination would automatically be by means of a Public Inquiry. This not only adds considerably to the costs of the referral but can result in a more combative environment and added costs of legal representation etc., which does seem to me to be unnecessary for what in our view, in legislative terms, is a straightforward matter. A PINS Inspector would be operating under the same guidance mentioned above and I am confident that they would conclude the same as the OMA, namely that proposal meets the criteria of the Section 118 Highways Act 1980 legislation. The potential of an award of costs against the Parish Council or other parties (for unreasonable behaviour) is another risk with a PINS referral, which cannot be ruled out especially if an applicant chooses to employ a legal representative who may then look for an award of costs (inc. their time) against a party where unreasonable behaviour at an Inquiry (which could be something as simple as late submission of evidence) occurs.

I appreciate that I have given you and the councillors a lot to read and to consider and I appreciate the time that you all are able to give to do doing that.

The choice of whether to sustain an objection or not of course lies with the Parish Council and it is right that that is so.

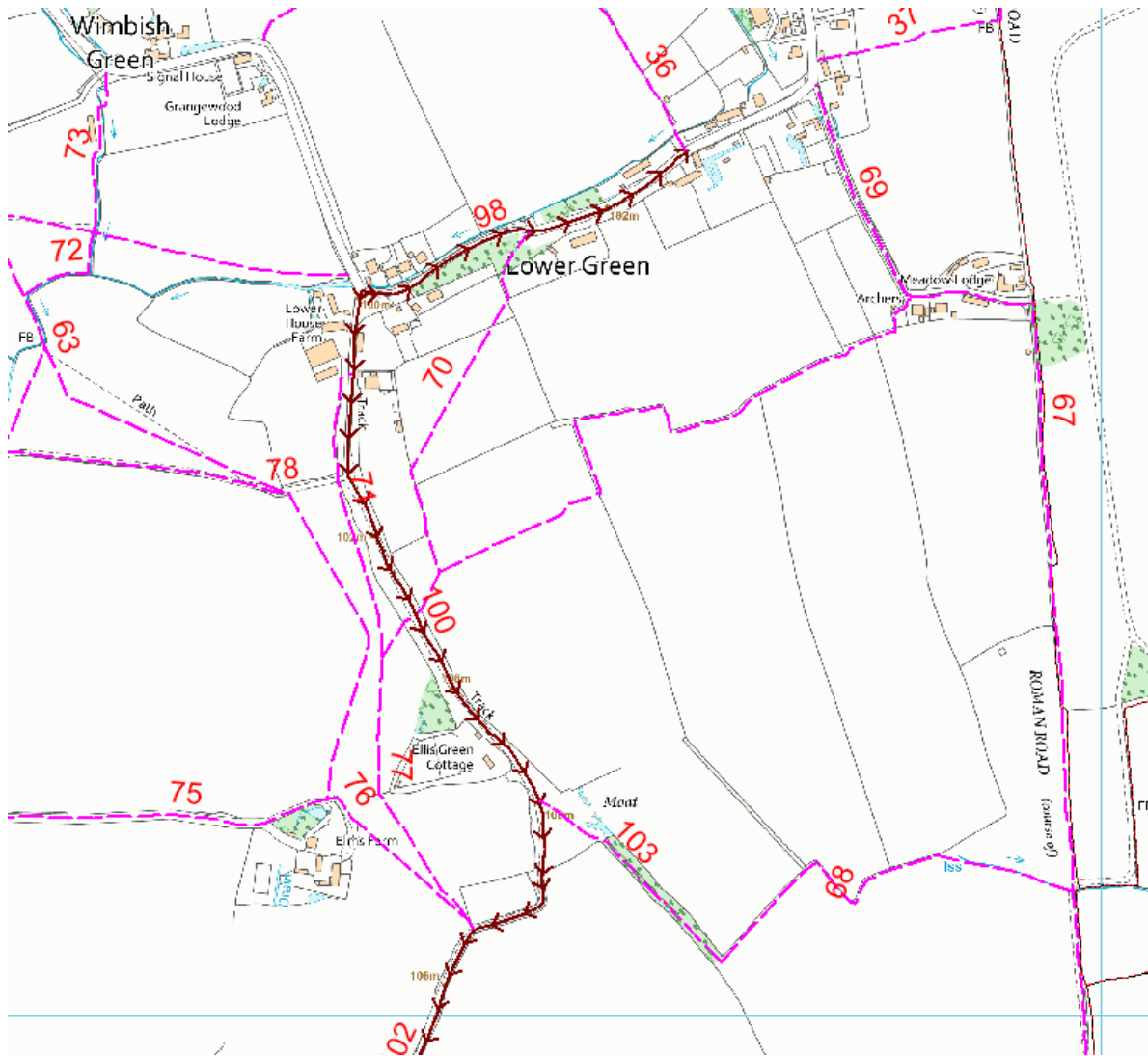
In this case, however, my experience of confirming over a hundred public path orders including a number of those via referrals to PINS and the assessment on site by myself and the area PROW Officer, leads me to conclude that the extinguishment proposal does fully meet the criteria of the legislation and should for that reason be confirmed and it would be remiss of me not to advise that.

I would be very grateful if you could in due course let me know the thoughts of the Parish Council.

If you or they have any questions please do not hesitate to get in touch.

Kind regards





[REDACTED] | PROW & Records Analyst



[REDACTED]

www.essex.gov.uk/highways



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Please consider the environment before printing this email



From [REDACTED]
Sent: Friday, May 31, 2024 10:42 PM

Subject: RE: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT EXTINGUISHMENT

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]

I am really sorry but I have missed the reply date on your email.

The PC have discussed the content of your email and they have agreed to reinstate the path and do not want to have it closed and it is required for public use.

Please confirm receipt of this email.

Kind regards

[REDACTED]
Clerk to Wimbish PC

Fro [REDACTED]

Sent: Wednesday, April 10, 2024 2:49 PM

Subject: INFORMAL CONSULTATION - FOOTPATH 70 WIMBISH, UTTLESFORD DISTRICT
EXTINGUISHMENT

Dear Sir/Madam,

Essex County Council would welcome your thoughts on the above extinguishment proposal. This is an informal consultation only and no Order has yet been made.

Please note this informal consultation is not a statutory requirement on the Highway Authority. Its aim is to enable the principal stakeholders to comment on the proposed changes; feedback which is then considered by the Highway Authority and provided to the applicant.

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To enable us to continue this discretionary service we would appreciate it if informal consultations are not shared with the public beyond any council meetings as no order has yet been made and public comments on the proposals are not at this stage being sought.

Highways Act 1980 Section 118

Essex County Council intend to make the following orders:

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If you have any comment to make please do so by 8 May 2024.

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Prior responses to the informal process will not be considered as carried forward to the made order consultation process.

Regards

[REDACTED] | PROW & Records Analyst

Essex
Highways 