

Braintree District
Definitive Statement for : **CASTLE HEDINGHAM**

DEFINITIVE
RELEVANT DATE 01/07/02

Map No. & Square	Path No.	Class.	Description	Details of changes since the previous Definitive Map	Remarks*
73NE,SE 83NW 7936,7935, 8035,7934	23	BYW	From Pannelsash Farm in a southerly and south-westerly direction to road at Horsden's Farm.	Formerly Bridleway. Reclassified as Byway (W&CA81). (Mod 47 1992) (SoS confirmed 25/05/94)	
73NE 7836	24	FP	From its junction with BYW27 near Rushley Green Farm in a south-westerly direction to its junction with footpath 3.	Change to Statement. (Gen Mod 1986)	
73NE 7836,7835	25	FP	From the southerly junction of BYW27 in a south-westerly direction to its junction with footpath 3.	Change to Statement. (Gen Mod 1986)	
73NE 7835	26	FP	From Queen Street in an easterly, south-easterly direction to meet footpath 13.		
73NE 7837,7836	27	BYW	From Hewson's Farm in a south-easterly and southerly direction to Rushley Green.	Formerly CRF. Reclassified as Byway (CA68). (Gen Mod 1986)	Shown on 1971 Draft Map.
73NE 7935	28	FP	From its junction with footpath 30 west of Little Lodge Farm in an easterly direction to its junction with BYW23.	Change to Statement consequential to reclassification of BR23 to Byway. (Mod 47 1992) (SoS confirmed 25/05/94)	
73NE 7936	29	FP	From its junction with footpath 21 in a south-easterly direction to its junction with footpath 19.		
73NE,SE 7835,7935, 7934	30	FP	From Sudbury Hill in a south-easterly direction to its junction with BR23 at the parish boundary.		

* This column includes limitations or conditions (if any) affecting the right of way, in addition to such stiles, footbridges, field gates, etc., as are indicated on the Map

Essex Rights Of Way Improvement Plan objectives

The objectives for the plan have been derived from two sources - the problems, issues and opportunities identified in the questionnaire and workshop evidence base for the plan, and a review of related policy and strategy documents and their objectives. These were discussed amongst the project Steering Group and public rights of way officers, to develop this agreed list of objectives:

Environment

- 1 To re-use and recycle, where feasible, and promote sustainable measures

Improved accessibility

- 2 To incorporate approved pathways into the public rights of way network
- 3 To better integrate rights of way with other access provision, initiatives and facilities
- 4 To reduce fragmentation in the public rights of way network
- 5 To improve accessibility on the public rights of way network

Safety

- 6 To assist in providing 'safer routes to schools'
- 7 To promote safety

Quality of life and good health

- 8 To promote improved health and quality of life through the use of the public rights of way network

Tourism and economy

- 9 To stimulate tourism and the local economy

Communities and partnership

- 10 To increase community involvement in the management of the public rights of way network

Jason Botelho, Public Rights of Way Officer
STATEMENT

I, Jason Botelho, 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 August 2009. My area of responsibility now covers parishes across the district of Braintree. In this role, as part of the PROW Maintenance Team, I have responsibility for undertaking 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

As part of a proposed diversion application along a length of Footpath 25 Castle Hedingham I was asked to attend a site meeting on 29th April 2022 to consider if the new proposed route presented any practical issues in terms of public safety, amenity and future maintenance by the Highway Authority.

Assessment of the proposed diversion

In essence the proposal is to move the Public Right of Way from one side of a field to the other. There is little difference in terms of length, gradient or surface type. Neither route has much more of an open view than the other. From a practical point of view we raised the possible issue of the overhanging trees coming from a neighbouring field and a discussion about the proximity of the proposed new route close to a ditch. We were assured that a conversation would be had with the neighbouring landowner to ensure the trees would be trimmed back to ensure there was no hazard to the users of the proposed route. We discussed the proximity of the ditch and advised that we would expect the usable width of the PROW to be set back from the crown of the ditch so that users could safely enjoy the full width of the proposed route which would have a two-metre width.

The only other issue of note that I had with the proposed route shown at the site meeting was the potential gradient at the north end of the PROW. However, since the site meeting I understand that the proposed diversion has been amended to make it more 'user friendly' and much more akin to the existing route. On the basis of the assurances we have received from the applicant and the similarity between the existing and proposed routes I have no issue with this application being progressed.

STATEMENT OF TRUTH

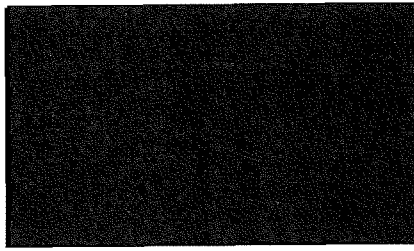
I believe that the facts stated in this witness statement are true.

Signed



Jason Botelho, Public Rights of Way Officer, LL.B (hons), MIPROW

Dated 03 January 2023



10 August 2022

Mr Alan Roscoe
Definitive Map Service
Essex County Council
Seax House
Victoria Road South
Chelmsford, CM1 1QH

Dear Mr Roscoe

Re Public Path Diversion Order 2022, Footpath 25, Castle Hedingham

I'm writing to object to the proposed diversion of this footpath for the following reasons:-

1. The proposed diversion routes along a steep hill which will be difficult for elderly or disabled walkers. This would cause considerable inconvenience.
2. Being at the bottom of the hill the proposed diversion will be much more susceptible to flooding and excessive mud.
3. I see no reason for the diversion. Is it because the land owner wants to build on the current footpath? If so surely this should be disclosed now.

Yours sincerely,

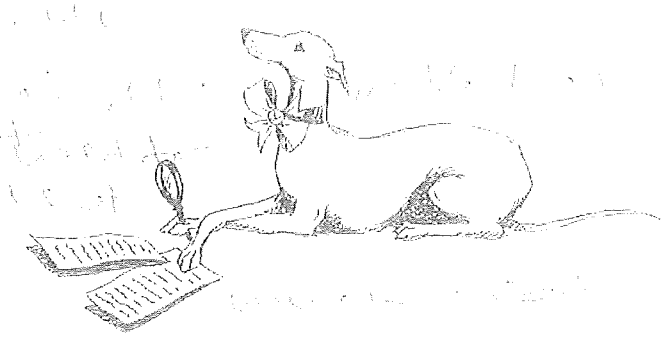
AVG Marriott

I am now writing
 a book about
 the history of
 the world.

I have been
 thinking about
 the world for
 many years.

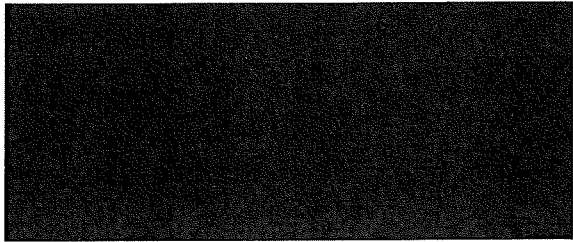
I will write
 about the past
 and the future.

I hope you
 will like it.
 I am sure
 you will.



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Mr Alan Roscoe
Definitive Map Service
Essex County Council
Seax House
2nd Floor
Victoria Road South
Chelmsford CM1 1QH

Friday, 5 August 2022

BY POST

Dear Alan

**OBJECTION TO PUBLIC PATH DIVERSION ORDER 2022 FOOTPATH 25
CASTLE HEDDINGHAM**

I am a local Castle Heddingham resident and regular user of this footpath and wish to object to the above proposed diversion.

I have 3 main reasons for objecting:-

- 1 The route is a significant diversion from the existing route and is certainly "less commodious" and convenient for pedestrians than the existing route.
- 2 The current route is very visible from Rosemary Lane and this means people feel safe using it. The new route is tucked behind a hedge and then runs close to dense woodland meaning it is and will feel less safe. We have recently had a mugging in another nearby field and personal safety is therefore an important priority for users.
- 3 This is a historic footpath and in winding down towards the village provides valuable views of the Castle
- 4 This footpath route and indeed the field itself has been used by Castle Heddingham residents for many many years as the village toboggan run. The footpath enables this and a diversion would prevent such activity continuing.

Yours sincerely

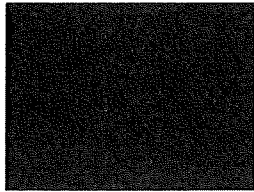


Andrew P Temperton

E-mail

:





11 August 2022

Alan Roscoe
Definitive Map Service
Essex County Council
Seax House, 2nd Floor
Victoria Road South
Chelmsford CM1 1QH

Dear Sir:

We write in reference to the proposed granting of the order to move Footpath 25 (Pye Corner to Rosemary Lane), Castle Heddingham, Essex.

We strongly object to said movement on the grounds that the path will be substantially less convenient to the public in consequence of the diversion.

This path, which provides the best and most accessible route from the bottom to the top of the pasture, is very long-established.

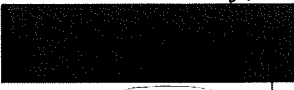
The proposed diversion is over much steeper, less accessible ground.

We can see no reason why it should be moved.

Please take our objection into account when determining whether to confirm the order.

Thank you.

Yours sincerely,

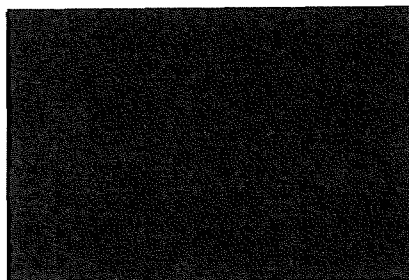


Antony Leaney



Cynthia Leaney

Definitive Map Service



8 August 2022

Mr Alan Roscoe
Definitive Map Service
Essex County Council
Seax House
Victoria Road South
Chelmsford, CM1 1QH

Dear Mr Roscoe

Re Public Path Diversion Order 2022, Footpath 25, Castle Heddingham

I'm writing to object to the proposed diversion of this footpath for the following reasons:-

1. The proposed diversion routes along a steep hill which will be difficult for elderly or disabled walkers.
2. Being at the bottom of the hill the proposed diversion will be much more susceptible to flooding and excessive mud.
3. I see no reason for the diversion. Is it because the land owner wants to build on the current footpath? If so surely this should be disclosed.

Yours sincerely,



Barry Smith

[REDACTED]

Alan Roscoe, Definitive Map Services
Essex County Council
Seax House, 2nd Floor
Victoria Road South
Chelmsford
Essex
CM1 1QH

23rd August 2022

Re Public Path Diversion Order 2022, Footpath 25

Dear Mr Roscoe

I am writing to object to the proposed change in location of the above mentioned foot path. I have been a resident of Castle Hedingham for 16 years and use the path regularly. I cannot see a reason for the proposed changes anywhere. Would it not make sense to publish this somewhere, so that the local residents can see the reason behind the request to alter the route?

I have listed below the reasons why I (and my children) would like to oppose this proposal.

1. The path provides a beautiful view for those using it and is a direct, convenient and gradually-sloping route to the bottom gate.
2. The bottom of the hill becomes boggy and slippery where the water flows down hill, meaning it will be treacherous for those wishing to use the path in wetter months since the hill is steeper at the other end!
3. Residents with limited mobility will find the steep very difficult to navigate, meaning they would be required to walk a much larger distance to reach the same point if avoiding this footpath. This includes those with wheelchairs, and small children (the local nursery often walk this way)
4. Moving the path closer to the fence would encroach on the wildlife which thrives in long grass in spring and summer, and is usually undisturbed by anyone passing by. (This observation and objection made by my 10 year old son)
5. Local children (and adults) have enjoyed using the hill to sledge down for years. Whilst I do appreciate that this is not a valid reason for opposing the path, and the landowners likely object to this activity, I would say that in the winter, not much motivates children to leave the house more than the promise of fun in the snow. (Observation and objection from 10 and 12 year old children)

Many of those who use this path have been residents in the village for several years. Of course nobody likes change and there will always be those who complain about everything. But this seems to be an unnecessary change which, by the amount of signatures I have seen on a petition, will affect much of the community.

I appreciate your time in taking the above points into consideration.

Yours Sincerely

[REDACTED]

Miss C Smith



Castle Hedingham Parish Council and Burial Board

Mrs Claire Waters
Clerk to the Parish Council
Telephone 07845 056597
E.Mail: castlehedinghamparishclerk@gmail.com



To: Mr Alan Roscoe
Definitive Map Service,
Essex County Council,
Seax House, 2nd Floor,
Victoria Road South,
Chelmsford
CM1 1QH

23rd August 2022

Dear Mr Roscoe

PUBLIC PATH DIVERSION ORDER 2022, FOOTPATH 25 CASTLE HEDINGHAM


With reference to the Made Order for the diversion of Footpath 25 in Castle Hedingham, the matter was again considered at the August Parish Council meeting. The specific concerns of the Parish Council have been reported to you in previous correspondence, most recently our letter dated 17th June during the informal consultation. Your response by email dated 24th June has been noted by Councillors and the willingness of the landowner to consider the points raised is appreciated.

At our August meeting, it was the decision of the Parish Council to respond to the formal consultation by again objecting to the diversion on the grounds of the effect it would have on public enjoyment of the path or way as a whole, and that the diversion would be substantially less convenient to the public. (Highways Act 1980 s119 (6)). Specifically, the proposed new route and fencing in of the footpath will have a detrimental effect on the open views enjoyed by walkers, and there remain concerns from Councillors about the increased gradient.

As you are aware, during the informal consultation the Parish Council considered the likelihood of a strong public feeling about Footpath 25 which links the village centre with the Rushley Green community. They also considered its significance in relation to Castle Hedingham's historic involvement in Magna Carta, which the village commemorated on the 800th anniversary in 2015 with a variety of events and permanent memorials, including Footpath 25 as the start of the "Magna Carta walk" between Castle Hedingham and Clare. Since the Made Order was posted on the Parish Council noticeboard and at the footpath itself at the beginning of August, the strength of public feeling has been confirmed by a large number of parishioners expressing their objections and we are also aware of a petition signed by over 400 local residents.

For these reasons, the Parish Council objects to this proposed diversion of Footpath 25.

Yours sincerely


Claire Waters
Parish Clerk



22.08.22

Mr Alan Roscoe
Definitive Map Service
Essex County Council
Seax House
2nd Floor
Victoria Road South
Chelmsford
CM1 1QH

Dear Mr Roscoe,

Diversion of Footpath 25, Castle Hedingham
Section 119 Highways Act 1980
Plan. no. PROW-22-12

May we take this opportunity of lodging our objection to the proposed change of route of the public footpath (Magna Carta Walk) down Scotch Pastures.

We can see no compelling reasons for this footpath to be moved from its present position where it has historically been situated for possibly many hundreds of years.

The current owners have this year cut the pasture for hay.

The footpath down the pasture is eighteen (18) inches at its widest so it is effectively neither here nor there as far as the production of hay is concerned.

At the very best the owners might be losing one hay bale per year.

So the question has to be asked, is the loss of one bale of hay per year a compelling reason or indeed the real reason for wanting to have the footpath rerouted.

It is common knowledge among the dog walking fraternity that there was something of an altercation early on in the current owners' tenure involving one of the owners and a group of dog walkers when they were approached and told, somewhat unceremoniously, to keep their dogs on leads and it has allegedly been stated that she did not want them 'pooing' (not her exact word) all over the place. This as we understand it was not an isolated incident.

My wife and I have been using the existing footpath to walk our dogs since we arrived in Rushley Green over eighteen years ago and have never seen visible dog mess on or close to the path. The majority of dog owners are responsible people who pick up after their dogs.

Anecdotal evidence would therefore suggest that the current owners who have no dogs themselves are not dog friendly and are indeed possibly just anti dogs.