

IN THE MATTER OF:

THE DETERMINATION TO CONFIRM

PUBLIC PATH DIVERSION ORDER 2022

FOOTPATH 25 CASTLE HEDINGHAM, DISTRICT OF BRAINTREE ESSEX

SUMMARY

OF THE PROOF OF EVIDENCE OF

LYNETTE DOE

CONSENTING LANDOWNER

1. I summarise my proof of evidence as follows

Background

2. I have lived at Rushley Green for 46 years (since 1978) and have been involved with the community since that time.
3. I moved to Rushley Green when I married Tommy Doe in 1978. Our children were all christened at St Nicholas Church in the village.
4. I was involved with the local primary school, de Vere Primary School, for over 30 years. I worked at Hedingham Castle for 19 years and was a member of the local Badminton Club.

The Land and the footpath

5. My husband (Tommy) and I have owned the top section of Scotch Pasture for 46 years (since 1978). This land is registered under title number EX822691. Scotch Pasture was bought from the then owners of Hedingham Castle, Ms Majendie and Mr Tom Lindsay.

6. My father-in-law, Tom Doe, bought the lower section of Scotch Pasture in 1979 and sold it to his daughter and son-in-law in (Mr. & Mrs Toocaram) in 2005 although he had farmed it as a tenant farmer since 1956.
7. Mr Collins bought the lower section in 2019 from Mr and Mrs Toocaram
8. As such, the whole area was previously in 'Doe Family' ownership and the top section is still owned by us, members of the Doe family.
9. Throughout the years, we have encountered many issues with the current footpath including the following:
 - a. The route has itself moved over the past few decades. When Tommy first moved to the village the footpath was tighter to the hedge on the north/north-western side.
 - b. Dog walkers frequently let their pets off lead. These dogs are not always under control and are a potential risk to other members of the public and livestock.
 - c. Members of the public also deviate from the paths and there has been an increasing problem with litter and “sheep worrying”.
 - d. Walkers do not always shut the gates.
 - e. The surface can get very muddy and churned up in the autumn, winter and spring months – particularly in the vicinity of the field gates i.e. top, middle and bottom.
 - f. There was previously fencing along the boundary at the top of the Scotch Pasture which was, however, removed by members of the public wishing to use the slope as a toboggan run. It is unsafe to do so here, evidenced by a serious injury sustained by a child on this spot using the slope as a toboggan run without permission. The fence was replaced in 2019 and a field gate

compliant with the Highways Act 1980 section 147 installed. This was inspected and approved by a Public Rights of Way officer.

g. Over the last few years my sons have often expressed disbelief at how many people use the footpath compared to when they were growing up.

10. The present site of the footpath has become unfit for purpose over the last 5 to 10 years for the reasons above. Within our family we discussed the benefits of it being re-routed but didn't apply for three main reasons;

a. Firstly, we were not confident in the procedure and would have required professional input;

b. Secondly, we were/are not able to fund professional assistance/representation; and

c. Third, we were worried as to local resistance to "change" (regardless of benefit).

11. To be clear my husband and I fully support the proposed diversion.

12. I note that The Village Design Statement has no mention of Footpath 25. This suggests to me that it was not, at that time, considered sufficiently important to residents to warrant an entry into the Village Design Statement.

Proposed footpath

13. I consider that the proposed new footpath includes a number of changes which I believe to be positive:

a. The gradient of the footpath, now 22 meters longer than the previous one, will have a more gradual incline in the main. This will therefore make the path more accessible for the general public including pushchairs, mobility scooters, wheelchairs and others with reduced mobility.

- b. Mr Collins has agreed to help us re-grade the footpath in the north/north-easterly corner.
- c. The new path, which will be along the perimeter of the field, will also negate the need for any gates. This will allow a greater level of access and also prevent the “sheep worrying”.
- d. The new path will be close to an historic well that Tommy recalls his father (Tom Doe) telling him was used up until the 1950s. The diverted route will also “skirt around” historic terraces that have been cut into the land.
- e. The new path will also be closer to the Castle Woodland with the various birds, animals and plants therein including the attractive snowdrops and bluebells. This will add variety to the walk.

14. The proposed new route will still start and end at the same points and therefore walkers will be affected very little by the diversion. I do not consider that the views from the footpath will change to any material extent (if at all).

Third Party Comments

15. I am well aware of the local interest in this diversion. However, I note that a proportion of comments are from persons based many miles away, in some cases in different countries

16. In the main, the theme appears to be that “change is bad”. I do not agree for the reasons I set out above. The application is to move not remove the footpath.

17. I wish to make the following comments:

- a. There are no “sweeping views” of the village – the footpath is in a valley surrounded by hills and trees;

- b. Those using wheelchairs and pushchairs require considerable assistance to be lifted over the current field gates/kissing gates – hence the current route is restricted, the diversion would be less so;
- c. I have used the footpath and the diversion since the start of the year (1 January 2024) and there is no perceptible difference between ground conditions of the current route and the diversion;
- d. I find it difficult to believe that historic routes would pass through the medieval/Roman terraces cut into Scotch Pastures;
- e. I also believe concerns as to maintenance of overhanging trees are misplaced – there is a tree management plan in place and any dead, dying or dangerous trees would be dealt with in accordance with all relevant legal requirements and conditions.

Conclusion

I believe that the order to relocate the footpath should be made for the abovementioned reasons, and thus request that the Secretary of State confirms the Order.

LYNETTE DOE

Date: 20th February 2024