

From: [Sarah Potter](#)
Bcc: ["admin@acu.org.uk"](#); [Andy Reynolds](#); [BDS](#); [BHS \(accessorders@bhs.org.uk\)](#); [Byways & Bridleways Trust; consultations \(accessandrights.ofwaysconsultations@naturalengland.org.uk\)](#); [Environment Agency \(Enquiries_EastAnglia@environment-agency.gov.uk\)](#); [Essex LAF \(ELAF@Essexhighways.org\)](#); [historicalenvironment \(SFA@essex.gov.uk\)](#); [OSS central office \(office2@oss.org.uk\)](#); [Pathorders@ramblers.org.uk](#); [rightsofway \(rightsofway@os.uk\)](#); [s.a.crone@btinternet.com](#); [Sustrans](#); [TRF central](#); ["Watercourse Regulation"](#); [William Seward](#); [Steve Day](#); [Nicky Coleman](#); [Daniel Land](#); [Andy White](#)
Date: 22 November 2023 09:23:00
Attachments: [image001.png](#)
[HIGH12963EsealedE0722MadeOrderdd08112023S118AFP25GreatClactonpdf-V1.pdf](#)
[PROW-23-14_Rev.12.10.23.pdf](#)

Dear Sir/Madam,

Highways Act 1980 Section 118A

Essex County Council has Made an Order to extinguish Footpath 25 Great Clacton in the District of Tendring.

Attached is a copy of the Made orders and the Notice which will be posted on site and appear in the Clacton Gazette on 23 November 2023.

You have already been informed of this proposal, but if you have any further comments to make, please do so by 21 December 2023.

Kind regards,

Sarah Potter | PROW & Records Analyst



SAFER GREENER HEALTHIER

T: [REDACTED]
E: [REDACTED]
[Chat with me on Teams](#)
W: www.essex.gov.uk/highways

From: [Sarah Potter](#)
Bcc: bconnew@tendringdc.gov.uk; planning.services@tendringdc.gov.uk; lcharges@tendringdc.gov.uk; ehaward@tendringdc.gov.uk
Subject: TENDRING DISTRICT COUNCIL DEPOSIT COPY FOR PUBLIC PERUSAL - MADE ORDER, FOOTPATH 25 GREAT CLACTON EXTINGUISHMENT
Date: 22 November 2023 09:22:00
Attachments: [image001.png](#)
[HIGH12963EsealedE0722MadeOrderdd08112023S118AFP25GreatClactonpdf-V1.pdf](#)
[PROW-23-14_Rev.12.10.23.pdf](#)

Dear Sir/Madam,

If you are able to can you please make the attached Public Path Orders and associated notice available for public perusal at your offices or on boards located close to your offices. Copies will additionally be available at County Hall in Chelmsford upon request by email as the notice states.

HIGHWAYS ACT 1980 – SECTION 118A
RE: EXTINGUISHMENT OF FOOTPATH 25 GREAT CLACTON
IN THE DISTRICT OF TENDRING
Our Reference: FOOTPATH 25 GREAT CLACTON

The County Council made the above mentioned Order on 8 November 2023 and a notice will be appearing in the Clacton Gazette on 23 November 2023, accordingly, I enclose a copy of the Made Orders, and the Notice of Making the Orders for you to hold as a deposit copy should members of the public wish to view the documents

The consultation period is due to end on 21 December 2023, after this date you may deal with the paperwork as you see appropriate, I do not require the documentation to be returned.

Any enquiries regarding the content of the Order or the associated case should be directed to sarah.potter@essexhighways.org

Kind regards

Sarah Potter | PROW & Records Analyst



T: 07720097095
E: sarah.potter@essexhighways.org
[Chat with me on Teams](#)
W: www.essex.gov.uk/highways

From: [REDACTED]
To: [Sarah Potter](#)
Subject: RE: Proposed Closure of Great Clacton Footpath 25
Date: 07 February 2024 10:51:54
Attachments: [image001.png](#)

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Thank you Sarah, and on the very remote chance they don't agree with me, I'd like to apologise for causing you extra work. I just feel on this issue that I'm right and would never forgive myself if I didn't object and the path was lost with no alternative. Of course in 12 to 18 months time there is also a very remote chance that Labour will have won a general election and made good on their pledge to extend Scotland's Responsible Right to Roam to England in which case my alternative suggested route would already be available to responsible walkers (but not a high enough chance that it was a risk I was willing to take).

Best wishes

[REDACTED]

From: Sarah Potter
Sent: Wednesday, February 7, 2024 9:43 AM
To: [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear Mr Loach

Thank you for confirming you maintain your objection.

I will refer the case on to the Secretary of State, who will be in touch with you in due course (likely to take around 12 – 18 months).

Kind regards,

Sarah Potter | PROW & Records Analyst



SAFER GREENER HEALTHIER

E: [REDACTED]
[Chat with me on Teams](#)
W: www.essex.gov.uk/highways

From: [REDACTED]
Sent: Tuesday, February 6, 2024 9:19 AM
To: Sarah Potter [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Dear Sarah,

My objections have always been, and continue to be, on the grounds of safety.

Considering section 118A that you tell me is what will be considered. Item 1 reads:
"This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath bridleway or restricted byway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up."

This suggests that whatever section of the act Network Rail choose to reference when making their proposed closure, it is down to the council to determine whether the closure of the footpath (and not just the crossing section) will increase safety or not, and so whether the section applies or not. The council can say "this does not increase safety" and Network Rail would then need to use section 119A to close the crossing, by also safely diverting the footpath.

As the proposal is to extinguish a footpath (that crosses a railway line) between points A and B the council should be deciding whether this makes the members of the public walking between points A and B safer or not (and not solely the crossing section in the middle). Based on the existing available alternative routes (which in this case are via national speed limit lanes), my unofficial traffic counts, and my timings of approaching trains to show that at the speed they actually travel the crossing is even safer than the mathematical model seems to predict, then closing the footpath would not improve the safety of members of the public getting between the current start and end points of Great Clacton footpath 25 and would make it more dangerous for such walkers via whatever alternative route they would have to walk instead. So section 118A does not apply, as closure will not overall increase safety, and instead Network Rail should be using section 119A to divert the footpath (and close the crossing) along the route I suggested (or any other equally as safe) as that would increase safety. It is not about whether is it safer to walk the footpath (including the crossing section) or not do the walk at all.

I am confident that the Secretary of State will agree with me that the council is mistaken in thinking that closing the footpath would be in the interests of safety and that section 118A therefore does not apply, and that to both close the crossing and increase safety section 119A is the section that should be used.

So in the interests of safety I must continue to object.

For reference the photos and videos that I took when going to time the trains first with a stopwatch, and then by videoing them and creating a trimmed video from first frame I could see the train to when they reach the crossing to get a more accurate time, have been uploaded to this album in my Flickr account

[REDACTED]

(I'm afraid it also includes a few other photos taken while waiting between trains, sorry, but I spot so many things of interest from the local footpaths.)

Yours faithfully,

[REDACTED]

From: Sarah Potter
Sent: Monday, February 5, 2024 2:11 PM
To: [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear [REDACTED]

Thank you for your most recent responses.

I feel like there is perhaps some confusion. The routes mentioned in the document provided by Network Rail are not diversion routes in the sense that those routes will be provided as an alternative within the extinguishment Order. They are merely routes that follow highway which are available to users if they so wish to use them in the event the crossing is closed.

Network Rail have applied to close the pedestrian crossing on safety grounds under S118A Highways Act 1980 which does not require the provision of a diversion route, it is an extinguishment Order. Therefore, the provision of a diverted route does not form part of the criteria for the Secretary of State to consider. The consideration is purely on the safety of the crossing. Item 1 under S118A Highways Act 1980 is referring to the crossing and when considering the safety concerns raised by Network Rail the Council is satisfied it is expedient to close the crossing in the interest of the safety of members of the public using it or likely to use it. If you wish to maintain your objection, then you would be required to present evidence to the Secretary of State to the contrary.

The Council is satisfied that the application from Network Rail to extinguish Footpath 25 Great Clacton meets the criteria under S118A Highways Act 1980 and is prepared to take the decision to the Secretary of State if you wish to maintain your objection.

I would be grateful if you could confirm whether you have withdrawn or continue to maintain your objection. A response by the 19 February would be appreciated.

Kind regards,

Sarah Potter | PROW & Records Analyst

[REDACTED]
[Chat with me on Teams](#)

W: www.essex.gov.uk/highways

From: [REDACTED]
Sent: Wednesday, January 31, 2024 11:13 AM
To: Sarah Potter <Sarah.Potter@essexhighways.org>
Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Hi Sarah,

I'm sorry – I think our latest emails crossed. I should have warned you that I was going to do surveys and measurements (as best as I can from public rights of way) and that took the weekend and my last two lunch hours.

As I argue in the email that crossed, closing this footpath and instead forcing walkers to walk their long suggested diversions along national speed limit lanes would not be safer than using the existing crossing.

S118A of the Highways Act <https://www.legislation.gov.uk/ukpga/1980/66/section/118A> item 1 reads:

“This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath **[F3, bridleway or restricted byway]** in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.”

and closing the path would not be safer for members of the public using it or likely to use it, so I believe that the council is mistaken that this application meets the criteria. Your quote from Network Rail below seems to be more about cost than safety.

Best wishes,

[REDACTED]

From: Sarah Potter
Sent: Wednesday, January 31, 2024 9:54 AM

To: [REDACTED]

Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear [REDACTED]

Thank you for your responses to my email.

I sent your suggested diverted route to Network Rail, and they responded with the following: *"The expenditure and interference with private land entailed in creating the proposed route would be disproportionate to the very limited amenity value it would preserve."*, as stated in the letter I had sent to you dated 13 December 2023.

This footpath is well known to the Council (I personally covered the Tendring District as a PRoW Officer for 12 years) and I can confidently state that Footpath 25 Great Clacton is not a well-used Public Right of Way and the low usage count Network Rail recorded confirms that. Tendring District Council, the local County Councillor and all the user groups (includes the Ramblers Association) were consulted on this application and no objections were raised. I appreciate that you use this route and may feel personally aggrieved by the Council making an Order to extinguish the Footpath but please be assured that we do not accept applications of this nature lightly and without proper consideration. You may know about the new railway bridge soon to be provided by Rose Builders to accommodate Footpath 5 Weeley. Network Rail had proposed to close the rail crossing that serves this Footpath as they were concerned about the increased footfall from the new development and the likely safety implications (children playing on the railway line, etc.). The Footpath is well used by the local community as it connects to a vast Public Right of Way network and so it was felt reasonably practicable for the Council to insist a footbridge was installed. This is not the case with Footpath 25 Great Clacton, nor do we feel as though it is reasonably practicable for Network Rail to provide a diverted route.

Network Rail are prepared to take the decision to the Secretary of State and as the Council is satisfied their application meets the criteria under S118A Highway Act 1980 they have our support. I must reiterate that the criteria as set out under S118A Highways Act 1980 is what will be considered by the Secretary of State and if you wish to maintain your objection you will be required to present evidence to the contrary.

I would be grateful if you could consider withdrawing your objection. If you have any queries, please do not hesitate to contact me.

Network Rail are keen to progress with the application so a response by the 20 February 2024 would be appreciated.

I look forward to hearing from you.

Kind regards,

Sarah Potter | PROW & Records Analyst



SAFER GREENER HEALTHIER



[Chat with me on Teams](#)

W: www.essex.gov.uk/highways

From: [REDACTED]
Sent: Friday, January 26, 2024 10:43 AM
To: Sarah Potter [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Sorry, an afterthought:

“Footpath 25 Great Clacton does not connect to any other Public Rights of Way” – this is also inaccurate, as walkers are just as entitled to walk along lanes as they are public footpaths, and is what I use to get from public footpath 25 Great Clacton to Footpath 28, and from Footpath 28 Great Clacton to the many options off Little Clacton Road.

Best wishes,



From: [REDACTED]
Sent: Friday, January 26, 2024 9:54 AM
To: 'Sarah Potter' [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Hi Sarah,

You write “However, Network Rail has considered the alternative route you presented, and I provided their response to that proposal in my previous letter to you”, except I have seen no consideration of the alternative route I suggested, with the only ones I have seen involving walking along the lane which will be less safe than using the crossing. If you can show me where they have considered diverting the footpath along the side of the fields parallel to the railway line until it joins Burrs Road by the road crossing, similar to what they did between Kirby Cross and Pork Lane when they closed a crossing on Frinton and Walton footpath 16, I will reconsider my objection, but while they don’t seem to have considered

this alternative and their proposed alternatives via the lanes would be less safe than using the crossing I must continue to object.

If I had realised the number of objections made a difference I would have appealed online for more support.

Best wishes,

[REDACTED]
[REDACTED]

From: Sarah Potter
Sent: Friday, January 26, 2024 9:32 AM
To: [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear [REDACTED]

I apologise for my delay in responding to you.

Thank you for your letter dated 16 December 2023.

I feel that it is appropriate to inform you of the following so you may understand the basis of this Order and the process to follow if you wish to maintain your objection.

As I mentioned in my letter to you dated 13 December 2023 a Rail Crossing Extinguishment Order is being made due to the safety concerns associated by the pedestrian crossing (that also serves to provide access to Footpath 25 Great Clacton) that Network Rail addressed in the document provided to you. This Order is made under Section 118A Highways Act 1980 – further details can be found here:

<https://www.legislation.gov.uk/ukpga/1980/66/section/118A>. It is the responsibility of the Council making the Order to ensure the necessary criteria as set out in this Order are met.

The first criteria (section 1) is whether it is “...*expedient in the interests of the safety of members of the public using it or likely to use it that a footpath [F3, bridleway or restricted byway] in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.*” Network Rail are the competent authority for rail safety and the Council is satisfied that it is expedient to close the crossing having regard to the safety concerns presented by Network Rail. The second criteria (Section 2) refers to the considerations made by the Council on the extent of the extinguishment. Footpath 25 Great Clacton does not connect to any other Public Rights of Way, so it is considered appropriate by the Council to extinguish its full length. The third criteria (Section 4, sub section a) is whether “...*it is reasonably practicable to make the crossing safe for use by the public*”. The usage count recorded by Network Rail is very low and you are the sole objector. Network rail have considered options that could enable the crossing to remain open (including a tunnel or footbridge) and the cost of providing them is detailed in the document previously provided to you. The Council does not consider it to be reasonably practicable to insist that Network Rail makes the crossing safe for use for the public as the cost outweighs the

usage. You will note there is no mention of a requirement to provide a diverted route under S118A Highway Act 1980. However, Network Rail has considered the alternative route you presented, and I provided their response to that proposal in my previous letter to you.

An objection received during the Made Order stage of an application to extinguish a Public Right of Way will require referral to the secretary of State for a decision. This will be conducted either by written representation, a public hearing or by a public inquiry (at the discretion of the Secretary of State) and the criteria as set out by S118A Highways Act 1980 is what will be considered (as detailed above). The Council is satisfied the application from Network Rail to extinguish Footpath 25 Great Clacton meets the necessary criteria for a S118A Rail Crossing Extinguishment Order. As the objector you will be required to present evidence to the contrary. Further details on this process can be found here: [Object to a public right of way order - GOV.UK \(www.gov.uk\)](#) – the guidance might be particularly helpful: [Guidance on Procedures for Considering Objections to Definitive Map and Public Path Orders html - GOV.UK \(www.gov.uk\)](#)

In light of the information above, I would be grateful if you could consider withdrawing your objection. If you have any queries, please do not hesitate to contact me.

Network Rail are keen to progress with the application so a response by the 16 February 2024 would be appreciated.

I look forward to hearing from you.

Kind regards,

Sarah Potter | PROW & Records Analyst



[Chat with me on Teams](#)
W: www.essex.gov.uk/highways

From: [Redacted]
Sent: Monday, December 18, 2023 1:34 PM
To: [Redacted]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Thanks Sarah,

And best seasonal wishes to you too.



From: Sarah Potter

Sent: Monday, December 18, 2023 12:17 PM

To: [REDACTED]

Cc: cllr.camos@tendringdc.gov.uk; cllr.mjskeels@tendringdc.gov.uk;
cllr.daniel.land@essex.gov.uk

Subject: RE: Proposed Closure of Great Clacton Footpath 25



Thank you for your letter to which I acknowledge. The consultation ends 21 December, and I will be on leave soon after. I will therefore send a response to you in the new year.

I hope you have enjoyable Christmas.

Kind regards,

Sarah Potter | PROW & Records Analyst



Chat with me on Teams

W: www.essex.gov.uk/highways

-----Original Message-----

From: [REDACTED]

Sent: Sunday, December 17, 2023 1:28 PM

To: Sarah Potter <Sarah.Potter@essexhighways.org>

Cc: cllr.camos@tendringdc.gov.uk; cllr.mjskeels@tendringdc.gov.uk;
cllr.daniel.land@essex.gov.uk

Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Dear Sarah,

Thank you for replying to my letter of 3rd December. I attach a scanned copy of your

letter so my district and county councillors can see what I am replying to, along with my reply.

Yours faithfully,



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From: [REDACTED]
To: [Sarah.Potter](#)
Subject: RE: Proposed Closure of Great Clacton Footpath 25
Date: 31 January 2024 10:53:25
Attachments: [image001.png](#)
[image002.png](#)

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 Sarah,

I've been reviewing what you sent me previously, and I think some of my confusion is due to me missing a Network Rail document. You mention in your letter of 13th December

Network Rail have considered the alternative route you have proposed and your comments concerning the essential link Footpath 25 Great Clacton provides if traveling eastwards towards Kirby Cross or Kirby-le-Soken. The footpath is quite isolated and is not considered to provide a beneficial link to the wider Public Right of Way network. This was reflected in the low usage count recorded by Network Rail between 15 September 2022 and 25 October 2022. Network Rail acknowledges that the proposed alternative route would avoid road walking between the eastern boundary of the railway and the eastern terminal point of the footpath, however this would not improve the current hazardous onward pedestrian travel towards the Tendring Peninsula along national speed limit roads with no footways or grass verges available. Network Rail considers that the expenditure and interference with private land entailed in creating the proposed route would be disproportionate to the very limited amenity value it would preserve.

But the document from Network Rail that you provided didn't include this consideration. I wondered if you have a different or additional document where they do?

I have previously addressed their erroneous claim about there being no grass verges available, and the minimal distance needed to be walked at the side of national speed limit lanes (which are still public rights of way, with pedestrian access often maintained even if the road is closed to motor vehicles) before reaching the 30 mph limit, and having taken photos of both ends of the diversion I can see no reason why the existing uncultivated field margins aren't suitable for a diversion with the only expenditure being to re-sign the route (as opposed to removing the existing signs as they would need to do anyway). Interference will be minimal if their usage estimate of less than one person per day is accurate. So I could do with seeing the document that explains the rest of their reasoning.

As I have said previously, if they were willing to divert the path rather than extinguish it I would have no objection to the closing of the crossing. There have been previous crossing closures in Tendring but all have had an alternative route put in place: two east of Great Bentley have been diverted along an existing bridleway, and I mentioned previously the one between Kirby Cross and Pork Lane, also a national speed limit lane, where they put in a diversion almost identical to that which I'm proposing here. Looking back at earlier closure proposals

<https://www.essexhighways.org/getting-around/public-rights-of-way/level-crossing-proposals>

the document mentions:

"However, Essex County Council has a responsibility to protect and maintain the Public Rights of Way (PRoW) network, ensuring that it is accessible and safe for the many users of the network. The PRoW network also provides invaluable local transport links, use of the network provides proven health benefits and the network is also a valuable contributor to the local economy.

Essex County Council therefore has had to balance the different responsibilities we have; accepting that there are locations where closure of a level crossing may improve safety or benefit our strategic aims, but noting that there are also locations where the level crossing has a value to the local community or local economy that outweighs any potential strategic benefit for rail services. "

I value this path, and believe Essex County Council (who work for their electorate rather than Network Rail) should be supporting diversion over extinguishment. Closure would suggest that the only way people should visit "Great Holland Pits Nature Reserve" is by driving.

In terms of their suggestions that pedestrians instead walk along the lanes, I did non-rigorous traffic count surveys on Sunday between 11am and 11:30 (perhaps you have some official figures?). On the Sladbury Lane section of their proposed diversion I had 24 motor vehicles pass me in 5 minutes, and on the Holland Road section there were 37 that passed me in five minutes. These support my assertion that walking the lanes would be less safe than using the

existing crossing (and the diversion safer than both).

There also seems to be a problem with the approved mathematical model. I'm guessing due to the discrepancies between predictions and actual it may assume trains will be travelling at the speed limit on that section of track, but because of the curvature that is unlikely. I have videoed trains approaching from each direction from outside the stile on the Telford Road side of the track (so even further back from the rails than the 2m Network Rail mention in their figures, so reducing the lines of visibility further) and the train approaching from the Clacton direction was visible about 8.1 seconds before reaching the crossing and the one from Thorpe about 10.4 seconds before the crossing. Using a stopwatch on the other side of the track these times were even longer (and the 10.4 seconds is based on the time when the train came around the bend – I was able to see it even sooner over the tops of the hedge even before it sounded its horn, but understand that the hedge may grow. From the other side of the track I timed 17 seconds between it coming into view and reaching the crossing). If their 7.65seconds used in the model is accurate that means 8.1 seconds is more than enough to class this crossing as safe, though having timed four crossings at normal walking pace my slowest time between the Stop, Look, Listen signs was 7 seconds and that was when I paused briefly as I could still hear the train I'd just videoed passing and even though I knew no more trains were timetabled I did an extra check because I could still hear one. So the theory is over-estimating the risk based on actual measurements.

I look forward to receiving the Network Rail document that I seem to be missing where they consider the proposed diversion along the field margins.

Best wishes,

■

From: ■
Sent: Friday, January 26, 2024 10:43 AM
To: 'Sarah Potter' ■
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Sorry, an afterthought:

"Footpath 25 Great Clacton does not connect to any other Public Rights of Way" – this is also inaccurate, as walkers are just as entitled to walk along lanes as they are public footpaths, and is what I use to get from public footpath 25 Great Clacton to Footpath 28, and from Footpath 28 Great Clacton to the many options off Little Clacton Road.

Best wishes,

■

From: ■
Sent: Friday, January 26, 2024 9:54 AM
To: 'Sarah Potter' ■
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Hi Sarah,

You write "However, Network Rail has considered the alternative route you presented, and I provided their response to that proposal in my previous letter to you", except I have seen no consideration of the alternative route I suggested, with the only ones I have seen involving walking along the lane which will be less safe than using the crossing. If you can show me where they have considered diverting the footpath along the side of the fields parallel to the railway line until it joins Burrs Road by the road crossing, similar to what they did between Kirby Cross and Pork Lane when they closed a crossing on Frinton and Walton footpath 16, I will reconsider my objection, but while they don't seem to have considered this alternative and their proposed alternatives via the lanes would be less safe than using the crossing I must continue to object.

If I had realised the number of objections made a difference I would have appealed online for more support.

Best wishes,

From: Sarah Potter
Sent: Friday, January 26, 2024 9:32 AM
To: [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear [REDACTED]

I apologise for my delay in responding to you.

Thank you for your letter dated 16 December 2023.

I feel that it is appropriate to inform you of the following so you may understand the basis of this Order and the process to follow if you wish to maintain your objection.

As I mentioned in my letter to you dated 13 December 2023 a Rail Crossing Extinguishment Order is being made due to the safety concerns associated by the pedestrian crossing (that also serves to provide access to Footpath 25 Great Clacton) that Network Rail addressed in the document provided to you. This Order is made under Section 118A Highways Act 1980 – further details can be found here:

<https://www.legislation.gov.uk/ukpga/1980/66/section/118A>. It is the responsibility of the Council making the Order to ensure the necessary criteria as set out in this Order are met.

The first criteria (section 1) is whether it is “...*expedient in the interests of the safety of members of the public using it or likely to use it that a footpath [E3, bridleway or restricted byway] in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.*” Network Rail are the competent authority for rail safety and the Council is satisfied that it is expedient to close the crossing having regard to the safety concerns presented by Network Rail. The second criteria (Section 2) refers to the considerations made by the Council on the extent of the extinguishment. Footpath 25 Great Clacton does not connect to any other Public Rights of Way, so it is considered appropriate by the Council to extinguish its full length. The third criteria (Section 4, sub section a) is whether “...*it is reasonably practicable to make the crossing safe for use by the public*”. The usage count recorded by Network Rail is very low and you are the sole objector. Network rail have considered options that could enable the crossing to remain open (including a tunnel or footbridge) and the cost of providing them is detailed in the document previously provided to you. The Council does not consider it to be reasonably practicable to insist that Network Rail makes the crossing safe for use for the public as the cost outweighs the usage. You will note there is no mention of a requirement to provide a diverted route under S118A Highway Act 1980. However, Network Rail has considered the alternative route you presented, and I provided their response to that proposal in my previous letter to you.

An objection received during the Made Order stage of an application to extinguish a Public Right of Way will require referral to the secretary of State for a decision. This will be conducted either by written representation, a public hearing or by a public inquiry (at the discretion of the Secretary of State) and the criteria as set out by S118A Highways Act 1980 is what will be considered (as detailed above). The Council is satisfied the application from Network Rail to extinguish Footpath 25 Great Clacton meets the necessary criteria for a S118A Rail Crossing Extinguishment Order. As the objector you will be required to present evidence to the contrary. Further details on this process can be found here: [Object to a public right of way order - GOV.UK \(www.gov.uk\)](#) – the guidance might be particularly helpful: [Guidance on Procedures for Considering Objections to Definitive Map and Public Path Orders html - GOV.UK \(www.gov.uk\)](#)

In light of the information above, I would be grateful if you could consider withdrawing your objection. If you have any queries, please do not hesitate to contact me.

Network Rail are keen to progress with the application so a response by the 16 February 2024 would be appreciated.

I look forward to hearing from you.

Kind regards,

Sarah Potter | PROW & Records Analyst



SAFER GREENER HEALTHIER

[REDACTED]
[Chat with me on Teams](#)

W: www.essex.gov.uk/highways

From: [REDACTED]
Sent: Monday, December 18, 2023 1:34 PM
To: Sarah Potter [REDACTED]
Subject: RE: Proposed Closure of Great Clacton Footpath 25

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Thanks Sarah,

And best seasonal wishes to you too.

[REDACTED]

From: Sarah Potter
Sent: Monday, December 18, 2023 12:17 PM
To: [REDACTED]
Cc: cll.campos@tendringdc.gov.uk; cll.mjskeels@tendringdc.gov.uk; cll.daniel.land@essex.gov.uk
Subject: RE: Proposed Closure of Great Clacton Footpath 25

Dear [REDACTED]

Thank you for your letter to which I acknowledge. The consultation ends 21 December, and I will be on leave soon after. I will therefore send a response to you in the new year.

I hope you have enjoyable Christmas.

Kind regards,

Sarah Potter | PROW & Records Analyst

T: [REDACTED]
[REDACTED]

[Chat with me on Teams](#)

W: www.essex.gov.uk/highways

-----Original Message-----

From: [REDACTED]
Sent: Sunday, December 17, 2023 1:28 PM
To: Sarah Potter [REDACTED]
Cc: cll.campos@tendringdc.gov.uk; cll.mjskeels@tendringdc.gov.uk; cll.daniel.land@essex.gov.uk

Subject: RE: Proposed Closure of Great Clacton Footpath 25

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 Sarah,

Thank you for replying to my letter of 3rd December. I attach a scanned copy of your letter so my district and county councillors can see what I am replying to, along with my reply.

Yours faithfully,

■
■
■■■■■

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If you do find a computer virus please inform us immediately so that we may take appropriate action.

Our Ref: FP25GtClacton
Date: 13 December 2023

Dear [REDACTED]

Re: proposal to extinguish Footpath 25 Great Clacton – Section 118A Rail Crossing Extinguishment Order 2023

Thank you for your letter dated 3 December 2023. I acknowledge that you wish to object to this proposal.

Section 118A Rail Crossing Extinguishment Orders are made in the interest of the safety of members of the public using or likely to use a Public Right of Way which crosses a railway. Network Rail have produced a document that outlines the reasons for the closure of the pedestrian crossing and why it is necessary for the safety of users, which I have enclosed. We are therefore satisfied that this proposal meets the necessary criteria for a s118A Rail Crossing Extinguishment Order.

Network Rail have considered the alternative route you have proposed and your comments concerning the essential link Footpath 25 Great Clacton provides if traveling eastwards towards Kirby Cross or Kirby-le-Soken. The footpath is quite isolated and is not considered to provide a beneficial link to the wider Public Right of Way network. This was reflected in the low usage count recorded by Network Rail between 15 September 2022 and 25 October 2022. Network Rail acknowledges that the proposed alternative route would avoid road walking between the eastern boundary of the railway and the eastern terminal point of the footpath, however this would not improve the current hazardous onward pedestrian travel towards the Tendring Peninsula along national speed limit roads with no footways or grass verges available. Network Rail considers that the expenditure and interference with private land entailed in creating the proposed route would be disproportionate to the very limited amenity value it would preserve.

Continued...

In light of the above information, I would be grateful if you could give consideration to withdrawing your objection and for any future correspondences to be sent to me directly via email, using the address below.

Yours Sincerely,

Sarah Potter
Essex Highways

Telephone: [REDACTED]

Email: [REDACTED]

www.essex.gov.uk/highways

www.essex.gov.uk/enquiries

Enc. Network Rail's explanation for the proposed extinguishment.

[REDACTED]
[REDACTED]
[REDACTED]

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

3 December 2023

Re: Notice of Making an Order Highways Act 1980 – Section 118A Rail Crossing Extinguishment Order 2023 Footpath
25 Great Clacton

Dear Sarah,

I am writing to object to this proposed closure. Essex County Council has a policy of promoting Active Travel and this footpath is essential for much of Clacton when walking from Great Clacton to Kirby Cross and/or Kirby-le-Soken (and for much of north Clacton to Great Holland – those further south have the option of the seawall and across the golf course). Closing this path without a suitable alternative would go against the council's policy. There are so few trains in and out of Clacton, and the stretch is fairly straight with the trains sounding their horns as they approach that there is no rush to close this path while an alternative route is put in place. I imagine the railway doesn't want the cost of a footbridge where the existing crossing is, which would divert the path by the smallest amount, but looking at a map and if the footpath were to start where it does currently on Sladburys Lane, takes the track up to the existing farm gate where the footpath currently crosses, then turns left to follow the eastern side of the railway until it reaches Burrs Road on the eastern side of the road crossing that would be a relatively small diversion yet leave a viable walking route between Clacton and Kirby.

So until an alternative route is available I suggest this footpath should be retained.

I will send a copy of this letter by email to my local district councillors, Chris Amos and Mick Skeels Jnr, and my county councillor, Dan Land, in the hope that they can support me in this. I see the deadline for representations and objections is 21st December.

Yours sincerely,

[REDACTED]