

Done PUBLIC PATH DIVERSION OR...



HIGHWAYS ACT 1980 SECTION 119

PUBLIC PATH DIVERSION ORDER 2022
FOOTPATHS 26 AND 29 IN THE PARISH OF LANGHAM
IN
THE CITY OF COLCHESTERPERMISSION ALLOWING INSPECTOR TO ACCESS LAND AT THE ABOVE
RIGHTS OF WAY

In pursuance of Section 119 of the Highways Act, the owner of the land as specified below hereby authorises:

The Planning Inspector and accompanying parties access to the Rights of Way known as Footpaths 26 and 29 in the parish of Langham and the land around them for the purpose of investigating and determining the objection lodged in respect of Essex County Council Public Path Diversion Order in respect of Footpaths 26 and 29 in the parish of Langham in the City of Colchester.

Signature: _____

Print Name: _____

Date: 21/2/2023

I, Sarah Potter, 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. At the time of this application, I was responsible for maintaining the network within the District/Boroughs of Tendring and Colchester. This involved assessing and prioritising enquiries I received, initiating maintenance work by liaising with our maintenance supervisor and landowners and requesting underground utility searches. I also undertook low-level enforcement for noncompliance issues and escalated matters to the PROW Enforcement & Liaison Officer if required. Although I had no direct involvement with the management of budgets I always strived to provide the best value for money and prevent financial burdens for the organisation. It was therefore often the case that my colleagues within the Definitive Map & Records Team requested my attendance at site visits 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

In my role as a PROW Officer, I became very familiar with the footpaths included within [REDACTED] application. I have witnessed the waterlogged condition of Footpath 29 during periods of wet weather when following up on reports from users, including numerous reports concerning the overgrown condition of the path from Langham Parish Council. Drainage is usually considered a landowner responsibility and I am aware [REDACTED] attempted to alleviate it. During inspections, it was evident the land is much lower than its surroundings where the footpath passes behind his property and rainwater is likely to collect at that point. I therefore took the view that it is a natural, seasonal occurrence and is therefore not the responsibility of the landowner to resolve. My PPO colleague, Robert Lee informed me of [REDACTED] application to permanently divert the footpath, which immediately seemed sensible to me considering the issues described above.

Assessment of the Proposed Diversions

Rob 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. The proposed diverted section of Footpath 29 places the footpath onto much higher ground, which is not enclosed by vegetation and will therefore afford users a much drier, firmer surface condition all year round. In terms of cost benefit for the highway authority, the diverted route is unlikely to require any maintenance, whereas the current alignment requires the regular clearance of up-growth (particularly in the spring/summer months) and the issues pertaining to seasonal flooding may eventually require surface dressing of some description. The proposed diverted route of Footpath 26 is in my view an insignificant change as it is only moving a few metres to a position around the perimeter of the field offering users a similar if not identical surface condition and views.

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 reduces the maintenance burden on the Highway Authority.

21. Confirmation of no relevant provision with the Essex ROWIP

It is the view of the Order Making Authority that no relevant provision exists within the Essex Right of Way Improvement Plan (ROWIP) in respect of the changes proposed by this diversion order.