

Robert Lee,
Definitive Map Service,
Essex County Council,
Seax House,
2nd Floor,
Victoria Road South,
Chelmsford,
CM1 1QH.

04/03/2022

Ref: Public Path Diversion Order 2022, Footpaths 14 & 15 South Hanningfield.

Dear Mr Lee,

Further to the public notices posted on footpaths 14 and 15 in South Hanningfield, I would like to express my objection to the proposed re routing on the following grounds:

1. Ancient rights of way should be respected and maintained and not re-routed purely for the convenience of the land owner and the inconvenience of the footpath users.
2. The current route from A to B on footpath 14 and D to E on footpath 15 is the most direct route. The proposed re-route is c. 40% longer than the current routes.
3. I fear that the request to re route around the perimeter of each field will lead to the enclosure of the footbath by a post and rail/post and barbed wire fence, or other similar barrier, in order to force walkers down the proposed new route and also allow for the fields to be used for livestock grazing.

The proposed new route of footpath 14 of B to C to A (rather than B to A) would require footbath users to walk directly under some significant overhanging branches from some well established trees especially in the latter stage of route B to C and the first half of route C to A. See images below:





Some of these trees have over hanging branches encroaching up to 10 meters into the field. The proposed new route would require walkers to walk directly beneath these branches with no option to avoid them if the path was enclosed from the field by a fence. In high winds this would pose a significant risk to walkers. The current route B to A has no such hazards.

Similarly the proposed new route of D to G to E also has similar hazards on the D to G section while the current route D to E has no such hazards.

4. The current route for both footpaths allows walkers to enjoy uninterrupted countryside views as per images below.

Footpath 14 from B looking down to A



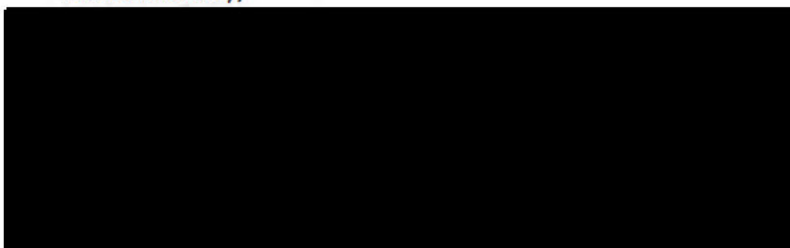
Footpath 15 from D looking to E



It would be a travesty if both of these footpaths were re-routed and enclosed resulting in yet another footpath that resembles the below, which we already have far too many of in the area:



Yours sincerely,



[REDACTED]

23 March 2022

Dear [REDACTED]

Re: proposal to divert Footpaths 14 & 15 South Hanningfield

Thank you for your objection letter of the 4th March 2022 re the above proposal. Please be advised that after the consultation period closed yours was the only objection received to this proposal, which as well as being advertised on site and in the Essex Chronicle, was directly consulted upon with user groups and the parish and district councils.

I enclose a separate document, which explains the reasons behind the landowner's application. It further indicates how, in the opinion and experience of the order making authority, the diversion order fully meets the requirements of Section 119 of the Highways Act 1980.

The landowner has also asked me to extend an invitation to you to meet with them on site if you would find this helpful.

I would be grateful if after perusing the attached document you would give consideration to the withdrawal of your objection. This can be done by email to the address below. If I have not had your response by 6 April 2022 I will assume that you wish to withdraw the objection.

Yours sincerely



Robert Lee
PROW & Records Analyst
Email: Robert.lee@essexhighways.org
www.essex.gov.uk/highways
www.twitter.com/essexhighways



Information provided by the landowner in respect of their diversion application.

Over the years the footfall of FP 14 & 15 has increased considerably, especially since the Covid epidemic of 2020. The footpaths have been enjoyed by individuals, the Ramblers Association, running clubs and so many other organisations. These paths are used not just in daylight hours, but also in hours of darkness, which is another cause for concern not just for safety reasons, but also security. The primary usage of the fields has been for grazing of livestock and they have been cut annually for hay. On the advice of the insurance company who provide our public liability insurance we took the decision to stop allowing the fields to be used for grazing to protect members of the public's safety until a solution could be found. The only income we receive from the fields comes from cutting the fields for hay once a year. This involves machinery, which again presents another safety issue for the public walking across the fields whilst this is happening. All the revenue from the sale of the hay is used to maintain fencing and gates, cleaning ditches, cutting hedgerows and the general upkeep of the land. The insurance premium for public liability is a further cost and the income does not cover this. We are not complaining, but merely explaining that there is a cost to us to keep the land as it is so that others can, as we do, enjoy the countryside. Some consideration of this from the public is appreciated so that we can continue to maintain the land.

Our only wish is for the public to be able to continue to enjoy the countryside safely and to allow us as the landowners to use it for it for the grazing of livestock. We do not think that our proposal to divert the two footpaths to protect the safety of all concerned is therefore unreasonable. We would ask you please to reconsider your objection and would be happy to meet with you in person to discuss the proposal further if you would find this helpful.

My response on behalf of the Order Making Authority to the points you have raised and their applicability to the criteria of the legislation.

1. *Ancient rights of way should be respected and maintained and not re-routed purely for the convenience of the land owner and the inconvenience of the footpath users.*

This would not be considered as a valid reason for objection under s119 of the Highways Act 1980 as the legislation specifically empowers landowners to apply to divert a Public Right of Way (PROW) in their interests, and the vast majority of diversion orders are made on that basis. The law does not specify that this applies only to recently created footpaths and the age of a PROW is not a criteria of the legislation. It is also true that circumstances on land and land usage change over time and the requirement to make changes, especially when there are safety and security issues to be considered, make changes to the PROW network necessary.

2. *The current route from A to B on footpath 14 and D to E on footpath 15 is the most direct route. The proposed re-route is c. 40% longer than the current routes.*

These PROW would be considered as leisure routes rather than functional routes such as those leading directly from population centres to railway stations/schools etc. therefore the increase in distance such as we have here would not be considered significant. For FP14 the increased distance is around 31%, which is only 92m longer. Similarly, FP15 is 38% longer, which equates to 131m extra walking. Both distances are reasonable for such PROW or even beneficial for leisure walking routes.

3. *I fear that the request to re-route around the perimeter of each field will lead to the enclosure of the footpath by a post and rail/post and barbed wire fence, or other similar barrier, in order to force walkers down the proposed new route and also allow for the fields to be used for livestock grazing.*

It should be noted that this is working, agricultural land. The current activity on it is, as the landowner states, the harvesting of a hay crop and previously it has been used to graze animals, a use that the applicant would like to see return. Neither activity can take place safely while the public have access across the field due to out of control dogs etc. We would not allow barbed wire to be placed on the public-facing side of any fencing.

The proposed new route of footpath 14 of B to C to A (rather than B to A) would require footpath users to walk directly under some significant overhanging branches from some well established trees especially in the latter stage of route B to C and the first half of route C to A. Some of these trees have over hanging branches encroaching up to 10 meters into the field. The proposed new route would require walkers to walk directly beneath these branches with no option to avoid them if the path was enclosed from the field by a fence. In high winds this would pose a significant risk to walkers. The current route B to A has no such hazards. Similarly the proposed new route of D to G to E also has similar hazards on the D to G section while the current route D to E has no such hazards.

There are great many footpaths and indeed roads that pass under trees or through woods and forests in this county and the country as a whole. The public should of course take government advice and not put themselves in danger by going walking if there are severe storm warnings, which are exceptional weather events. Part of Footpath 14 that exits the applicant's field and runs along their neighbour's garden has trees running along one side of it and there have been no complaints recorded about that previously. I do not believe that it is reasonable to suggest that paths (or indeed roads) by the side of or under trees (or through woods) are inherently unsafe. Were that view taken very few PROW would be walkable or roads driveable as a great many of both are bound by trees and hedges.

The current route for both footpaths allows walkers to enjoy uninterrupted countryside. It would be a travesty if both of these footpaths were re-routed and enclosed resulting in yet another footpath that resembles the below, which we already have far too many of in the area:

In our assessment of the proposed and current routes the area PROW Officer and I believe that the views afforded from both the current and proposed routes are very similar. Footpath 15 being on lower lying land has no real difference in views and even on Footpath 14 the far-reaching views are available from the top of the diversion route as well as the cross-field. Re the photograph that you provided as an example of a fenced footpath. I would reiterate that both fields constitute working land, which is used for agricultural purposes. It is land usage such as this, which makes the land remain viable as agricultural land as an alternative to development, and that preserves the country views that we all appreciate. I would point out that the landowner could, without seeking our prior permission, fence alongside the current routes if they so wished to enable stock to graze in the fields. This could then lead to the footpaths becoming enclosed as we would have no say on the type of fencing used and whether there is hedging alongside it. We have, however, within this diversion process have the opportunity to influence such matters e.g. to request that any fencing is of the lower, open-board fencing, post and rail type so that walker's views are unaffected.

From: [REDACTED]
To: [Robert Lee](#)
Subject: Proposal to divert footpaths 14 and 15 in South Hanningfield
Date: 30 March 2022 14:39:20

Dear Mr Lee,

I hope you are well and thank you for your letter dated 23rd March 2022 in response to my objection to the diversion of both footpaths. Thank you also for the commentary to each of my objection points.

Unfortunately the responses are not sufficient for me to withdraw my objection as it is clear that the key driver for the diversion of the footpaths is to enable the land owner to fence in the footpaths from the field for the reasons given.

As you say in one of your responses the land owner could, without your permission fence in the existing routes to enable the grazing of livestock in these fields so my question would be, then why divert them? The fact that the land owner has not taken this action so far leads me to believe that there is a chance that they won't if the existing PROW remains but it is an absolute certainty if the PROW are diverted to the proposed new routes.

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Kind regards,

[REDACTED]

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From: [Robert Lee](#)
To: [REDACTED]
Subject: RE: Proposal to divert footpaths 14 and 15 in South Hanningfield
Date: 31 March 2022 10:47:00

Good morning [REDACTED],

Thank you for responding to my letter.

Your decision to maintain your objection and the reasons for so doing are duly noted.

Kind regards

Robert Lee | PROW & Records Analyst

Definitive Map Team



SAFER / GREENER / HEALTHIER

[REDACTED]
E: robert.lee@essexhighways.org
W: www.essex.gov.uk/highways



From: [REDACTED]
Sent: 30 March 2022 14:39
To: Robert Lee <Robert.Lee@essexhighways.org>
Subject: Proposal to divert footpaths 14 and 15 in South Hanningfield

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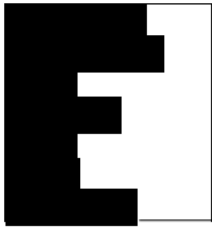
Kind regards,

[REDACTED]

[REDACTED]

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03. Covering list of objector's name and address:



Public Footpath Diversion Order 2022

Footpaths 14 & 15 South Hanningfield

Provisional Objection

7th March 2022

Dear Mr Lee

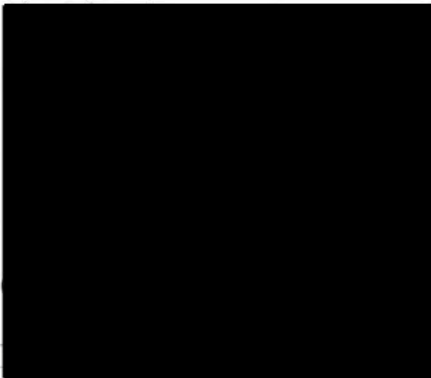
I own a field which has legal right of vehicular access on a section of the proposed diverted path.

This can be seen on the map. I had shown my access running from the Chase at around "E" to a gate at "G". This runs through property owned by Mr Sean Brown.

If the proposed diversion of the path can lead to a loss of legal access by vehicles, then I object.

If you can confirm in writing that my legal access is unaffected by the diversion, then my objection is withdrawn.

I look forward to hearing from you.



From: [Robert Lee](#)
To: [REDACTED]
Subject: FW: RE FOOTPATHS 14& 15 SOUTH HANNINGFIELD DIVERSION PROVISIONAL OBJECTION
Date: 01 April 2022 13:10:00
Attachments: [REDACTED]
[PROW-21-17_rev.05.11.21.pdf](#)

Dear [REDACTED],

Thank you for your letter (attached).

The footpath diversion proposal is solely concerned with public (pedestrian) rights.

As private vehicular access rights are a matter for the landowner and not the highway authority I will need to forward your letter to the landowner and would be grateful if you can confirm by return that you are happy for me to do that.

Diverting the footpaths would not affect any private rights or easements, but neither are these within the control or responsibility of the highway authority.

Any letter concerning them would therefore necessarily need to come from the landowner and not this authority.

Kind regards

Robert Lee | PROW & Records Analyst

Definitive Map Team



SAFER / GREENER / HEALTHIER

[REDACTED]
E: robert.lee@essexhighways.org

W: www.essex.gov.uk/highways



From: [REDACTED]
To: [Robert Lee](#)
Cc: [REDACTED]
Subject: Withdrawal of provisional objection
Date: 25 April 2022 14:14:22

Hi Robert

We spoke less than an hour ago.

This was related to the proposed re-routing of a footpath that touches on De Beauvoir Chase.

I had been concerned over any implications to my access (by vehicle) to a field if it were now congruent with a public right of way.

Having discussed this with you, I am happy to drop the provisional objection.

Thank you

[REDACTED]

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03. Covering list of objector's name and address:

