



**MINUTES**  
**Held via Teams**  
**Tuesday, 7<sup>th</sup> November 2023 at 2pm - 4.30pm**

**Present members:**

|                                                  |                        |
|--------------------------------------------------|------------------------|
| Katherine Evans – Chair                          | Ray Booty – Vice Chair |
| John Victory                                     | Martyn Towns           |
| Vernon Glashier                                  | Rowena Macaulay        |
| Jan Arthur                                       | Malcolm Lees           |
| Geoff Fletcher – Trailnet, Thorndon Country Park |                        |

**Apologies:**

|               |               |
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| Sam Iddison   | Louise Fuller |
| Martin Crisp  | Ed Dixon      |
| John Buchanan |               |

**LA Officers present:**

Shirley Anglin (SA)  
 Robert Lee (RL) – Planning Merwin Man (MM) – re A12

**Minute Taker:** Diana Lloyd

| 1 | Chairman’s Welcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Action |
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|   | <p>Katherine provided the Chairman’s welcome and introduced Geoff Fletcher from Trailnet, a new member, and Robert Lee from the Definitive Map and Records team to talk about Planning.</p> <p>Shirley advised that Merwin Man from ECC would join this meeting at 2:30 pm to provide an update on where Essex County Council Highways are with the A12 DCO and the process surrounding that.</p>                                                                                                                                                                                                                                                                                                                                                |        |
| 2 | <p><b>Minutes of the previous virtual meeting held on 9<sup>th</sup> May 2023 and matters arising.</b></p> <p>Actions from the 9<sup>th</sup> May meeting were discussed. Katherine requested an amendment on page 6, about the A12, in which Katherine clarified that she was speaking about Boreham 21, not Feering. The underpass was still there, underneath the railway on the north side of the A12.</p> <p>Minutes with the amendments requested approved.<br/>           The August meeting was an in-person site meeting and did not have minutes.</p> <p>Katherine confirmed from the amendments of the 21<sup>st</sup> February 2023 meeting that Shirley circulated the updated map of patches, though it was from January 2023.</p> |        |

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|                 | <p><b>Katherine would forward again the email about the Blackwater Rail Trail from 24/4/2023 and notes from Sandra to attendees.</b></p> <p>Shirley: action point is to get the linear country parks onto the interactive map.</p> <p>Malcolm: continuing project is to assemble an access map for the county.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>KE</p> <p>SA</p> |
| <p><b>3</b></p> | <p><b>A12 DCO Public Inquiry Update</b></p> <p>Merwin Man provided an update presentation on the A120 Widening WCH. He is the Network Programme Manager at Essex County Council, and it was his responsibility to manage the ECC response to the Planning Inspectorate examination during the DCO.</p> <p>The examination was finished in July 2023 and in October 2023 the Examining Authority provided a report with recommendations. ECC do not see this report. Once the Secretary of State for Transport has made their decision, the report will become accessible. The Secretary of State did send out a consultation letter noting the outstanding unresolved issues including two main items about the requirement 22, in which Essex does not have any issues with the current wording.</p> <p>The other item was about speed limits and part of their detailed design. Since then, ECC has been involved in the detailed design process with National Highways.</p> <p>In terms of future dates, on 9<sup>th</sup> November 2023, a response was due to the consultation letter and on the 12<sup>th</sup> of January 2024 at the earliest a decision should be received from the Secretary of State whether the A12 scheme has been approved or rejected.</p> <p>In the DCO the focus has been on classification of roads and Article 15, #5 from a cycling, horse riding, walking perspective this matters to this forum because it defines what National Highways classifies certain paths as, footpath, bridle path, cycle track etc. Part 13 is where all the classifications will be found.</p> <p>Recently ECC has been trying to rationalize and join up the paths and if they are classified correctly or need to be upgraded, minor amendments at this stage were still possible.</p> <p>Around Hatfield Peverel, National Highways has been proposing a short cycle track to join Cricks Lane and the B1137. As well as a potential adjustment to the housing development pathway at Bury Lane.</p> <p>Around Rivenhall (Braxted Road) there was no cycle network aside from the one going East to West but suggestions to keep the footways at 3 metres would allow for the ability to upgrade to a cycle track in the future.</p> <p>Kelvedon (Highfield Lane) ECC were looking to connect the bridleways north and south of the A12 by upgrading FP 30 Kelvedon and Gt Braxted 19 but because the site boundaries did not extend far enough, they could not be turned into bridleways. Legal changes could not be made to the designation as National Highways (NH) were not the landowners. Landowner consent would be needed and funds would need to be secured to make changes.</p> |                     |

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|   | <p>Feering East, near Prested Hall – is a strategic growth location and it had a lot of scope for creating a cycle path with potentially an onward route through the developments.</p> <p>Wishing Well Bridge – National Highways is proposing a 3.7 metre lane on the south side of the bridge and a 3-metre footpath. There will be a proposal to remove the 3-metre footpath and to turn into a verge.</p> <p>Designated Funds – ECC have been pushing National Highways a lot and have finally succeeded in securing feasibility study money to look at a potential cycleway between Boreham and Hatfield Peverel. Merwin is waiting to know who the lead contact is for that project and would pose the question if it could be a bridleway as well.</p> <p>Disappointing that horse riders have been neglected again though.</p> <p>National Highways stated they could not change the location of the Gershwin Boulevard Bridge at Witham without going back to Stage 1 as it would affect all the landowners. They are building a WCH bridge that will be designated a footpath, but the bridge will be safe and there will be no restriction on the public using it.</p> <p>National Highways will still be removing the Slip Road Bridge at Latney’s at the west side of Witham. The arguments were not upheld on that one.</p> <p>Merwin would distribute a copy of the slides presented at this meeting. <i>(Post-meeting note: circulated by SA on 13 November)</i></p>                                                                                                                                                          | MM |
| 4 | <p><b>New estates and un-adopted / private roads and PROW connections</b></p> <p>Katherine’s concern is that, at least in Braintree District, new roads within housing estates are often going unadopted by Essex Highways and the understanding is that they have no intention of adopting them, which leaves those roads and footway links as private and not publicly maintainable or potentially even accessible to the public. The concern is that the developers are supposed to make links into the public rights of way or the access network to allow for people to walk or actively travel. The links are on the ground but not showing on any maps at all because they are not highway.</p> <p>This has been noted in Kelvedon and Feering, and potentially Coggeshall and the Towerlands Estate in Braintree. Presumably the links are there for the people on the private estate to travel on them, but it does not mean that the public can access those links as well.</p> <p>While this means that nothing has necessarily been lost, the National Planning policy guidance is that the new developments are supposed to improve connectivity. The developers were implying in their proposals that people in general, not just inhabitants of the estate, could use the linkages but they remain private and so could be closed off. This could be a potential problem from the example of the private road in Wethersfield.</p> <p>Legally, there would be no legal access rights to the private roads as they are not adopted, and not recognised. So, they would not necessarily be accessible to the general public.</p> |    |

**Robert Lee of PROW Planning provided feedback**

For the development in Kelvedon and Feering, there was a Section 38 agreement in place, which would mean they would in time become adopted. The adoption process takes two plus years depending on the development. When at the stage of the signing off of the part 2 certificate, those roads would be publicly accessible but not publicly maintainable, as there is a period of time in which the developer would be responsible for the maintenance and the ECC development management team would inspect that site to make sure there were no issues with the materials and specifications they had used. With that period of grace going well, and it is deemed acceptable, the road then becomes fully adopted and becomes fully accessible and publicly maintainable.

For that particular estate north of the Railway line in Kelvedon, it is shown as a private road because at the moment, the adoption has not yet met the stage where the public have right of access, but it was the intention of Essex Highways development management and the developer that the carriageways and associated footways along with it would be adopted.

Overall, it was felt that less adoption was going on, particularly for smaller to medium size developments, though it varies as a majority of people want to live in a setting where they know that someone is going to be responsible for maintaining their carriageways and footways needed to enter the property. Traditionally very small developments were not adopted other than the bell-mouth into the estate.

Other things that could impact the adoption of the links would be if the developer provided any aspect of the development that was of a lesser standard than Essex would expect in order to save themselves some money. Essex Highways will not adopt anything that is sub-standard construction.

It was noted that, if there was a right of way passing through the land on which the new estate was being built, no matter what construction was being done, in theory, the developer could not obstruct people from moving through that right of way.

It would be important to try and keep an eye on planning authorities because developers have in the past forgotten to include public rights of way on their plans. It would be reliant on the LAF members living in other parts of the county to note those on the new developments and check that PROW had been consulted. If a Section 38 agreement is there and covers all the roads, then everything is going well for public rights of way.

Sometimes there is a conflict of wanting to be helpful to the public and being misleading. The roads to be adopted are being mapped, but shown as private until the construction and maintenance period has finished and EH have approved the roads for adoption – which could take 2 years. The flip-side of that is, in the meantime, the roads awaiting adoption look private on the interactive maps so people don't know they are accessible.

It was not beyond the realm of possibility for a parish council to request a development in the earlier stages to give a public right of way and for the parish council to maintain it.

There is a big development in Colchester and Council planning policy has been to gain continuous access for the walking and cycling public along the riverfront development by development. The developer moved something like 125 tenants

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|                 | <p>in before planning consent was granted. The Planning enforcement officer went in and closed the place down as the lifts were not yet finished either and the University had to relocate all those people. Now that development is a dead end, and it was supposed to be continuous access. Now the front face of the building is less than 4 metres from the water. The planning details and conditions was 4 metres with steps and seating and trees set back from that. There was also a possibly 2 metre drop with no mention for inclusive access and it's covered in rubble and overgrown with a big metal fence around it, but there had been no mention of this whatsoever.</p> <p>There's no public right of there, but now, as long as that huge empty building is there, they've lost the hope of having continuous riverside access and everyone was silent on the subject. Though 4 metres is enough to make a path, it would be difficult to make it a continuous cycling path with the drop.</p> <p><b>Rowena wanted to check on the public access in the Colchester City Council's Green Infrastructure planning and would keep in touch regarding that.</b></p> <p>In Brentwood there was supposedly a cycle track and until it was adopted the planning conditions would remain with the planning authority, the Borough Council.</p> <p>Some email exchanges with examples should be shared among LAF members to see if it could potentially be taken farther, firstly to the Planning department, maybe Planning Enforcement. Then possibly complaining to the Ombudsmen and then Judicial Review. Would be worth making the political representatives aware.</p> <p><b>Geoff Fletcher</b> would share the information with the team after getting in touch and continuing to follow up with the developer on the cycle track.</p> | <p>RM</p> <p>GF</p> |
| <p><b>5</b></p> | <p><b>Lost Ways, cut-off dates and EH "list of anomalies / list for minor Modification Orders"</b></p> <p>Katherine volunteered to be the Rambler's Coordinator for Lost Ways and the cut off date has been extended to 2031, unlike Wales which has dispensed with a cut off date completely. It is extremely difficult to find documentary evidence for footpaths that cross fields only. Claims for public rights of way missed off the definitive map pre-1949 which relate to the 2031 cut off date are <del>These would be</del> worked through by ELS.</p> <p>At the last PROW User Group, Essex Highways mentioned a list of minor modification orders which are things that are not quite right with the definitive map, noted by officers over the years. It was a matter for Essex Legal Services (ELS) to check the history and advise necessary changes but there is a lack of available staffing. This is a separate issue.</p> <p>The list of anomalies is in-house Essex Highways list. It is a list where there are existing public rights of way on the definitive map where there are concerns of potential drafting errors between one version and another, where boundaries might be slightly adjusted. They could just be drafting errors. There was a definite map review and a lot of them have been picked up on already but there are a few still remaining and Essex Highways has had to ask Essex Legal Services to review and decide whether the current definitive map or previous versions are is the correct one. Those only apply to current existing public rights of way and are not affected by the 2031 cut off. They will only become an issue if they will have</p>                                                                                                                                               |                     |

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|                 | <p>to be enforced.</p> <p><b>Shirley would check with Simon Taylor if the list of anomalies could be shared with LAF.</b></p> <p>Where there are gaps in the network where the public rights of way do not quite match up with the public carriage ways and if they were causing a problem, it would be good to chase them up, but this only needs a highway records search to get them to clarify it.</p> <p>Katherine would be happy to have more volunteers to get involved.</p> <p>Essex Bridleways Association: part of the evidence they could submit would be the cycle use of the route. It does not necessarily have to be horse that has used the route.</p> <p>Malcolm would volunteer for Ramblers a well.</p> <p><b>Martyn Towyns</b> confirmed that a Green Road is an old map version of a public right of way. Quite often Green Lanes or long greens were wide expanses of land used for highways and could become bridleways or restricted byways. The landowner has blocked access and Martyn would share the information with both Jan and Malcolm to see if it could be sorted.</p> <p>Ray noted that, if there were anomalies it could create problems considering the government had promised to deliver a package of exceptions and gave safeguards to documents, but it had not yet been done.</p> <p>Vernon would send the historic list of streets from 2007 to Katherine.<br/><i>(Post-meeting note: done)</i></p> <p>Shirley noted the section of Green Road Martyn was looking at could be claimed as a PROW through usage if people were using it for many years. Also, Jan thought Martyn could do historic research on it and look at Chapman and Andre 1778 and see if it was on there. If people were currently using it and used it for the last 20 years without being questioned, could claim it under the 20-year rule use, but then it would not be maintained by the county, but it would be on the definitive map. Martyn could also look on the National Library of Scotland for old maps, or the Finance Act map. If it was a white road on the Finance Act Map, then that would be good.</p> | <p>SA</p> <p>MT, JA, ML</p> <p>VG</p> <p>MT</p> |
| <p><b>6</b></p> | <p><b>August site meeting review</b></p> <p>The site meeting was held on the England Coast Path in Heybridge. Rowena found the access easier the second time. It was good to have Chloe France from Natural England there and she mentioned the minimum ideal width would be 4 metres, 2 metres on either side of the central line of the trail. In many places that would not be achievable but normally they would accept 2 metres of width where that cannot be achieved, and she would recommend not to go below 1.5 metres unless there was a section in which 1 metre would be accepted if there was no alternative. Chloe was very supportive of the Inclusive access project in general.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                 |
| <p><b>7</b></p> | <p><b>Coastal Path inclusive access – Next steps</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                 |

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|                 | <p>As agreed, Rowena has produced a draft for how the webpage might look and some graphic design input for the guides themselves. Rowena has created a draft webpage.</p> <p><b>Rowena would share the draft webpages with the LAF members after the meeting.</b></p> <p>The first page was the opening ECC PROW page, then the access guide page, and ideally, there would be a third page for the Essex Coastal Path. Rowena suggested a link to the Essex Coastal Path and then the further link to the Access Guide page would sit within that.</p> <p>The guides have been updated a bit removing the barrier image 11 and some of the numbers links. There was also a bollard in the centre of the walkway that could cause issue to bulkier off-road all terrain chairs. Not ideal, not going to stop the majority of chair users but needs a more considered view. It needs more updates which Rowena may be able to do next summer. Some adjustments John proposed was to bring the map on the last page to the forefront and to minimise too much information, for instance the image locations on the map. John also thought maybe not to include the bus route as it could go out of date, but it does exist on a bus route currently.</p> <p>Possible funding was discussed as producing access guides for the entire Essex Coastal Path stretches is too much work for volunteers alone. Public Health Accelerator Bids: two programs are open now, one small grant up to £15k and major grants upwards from £15k with no upper limit. All of those rounds were open at this time and included staffing costs for small projects e.g funding some graphic design work or even a short-term volunteer coordinator to try and recruit and train volunteers, identify new sections of the coastal path, etc. It could extend over the spring and summer months of 2024. It would not be part of the currently planned Coastal Path works. The organisations that could apply seemed fairly wide.</p> <p><b>Rowena will share the PHAB link with the LAF members.</b></p> <p>Shirley could put things on the webpage and could track the data of webpage clicks. Once the content was provided Shirley could take it to her advisor who may make some suggestions to make it more user friendly. May also check how it looks on mobile view. <b>Once happy with the content, Shirley would take it to her advisor and upload it to the webpage. Hopefully before Christmas 2023.</b></p> <p>So long as Rowena provided access to the PDF and can change it then could make the necessary adjustments as needed.</p> <p>Katherine requested a feedback link on the page as well.</p> <p>Jan hoped to include some riding paths on that page eventually as well.</p> | <p>RM</p> <p>RM</p> <p>SA</p> <p>RM, SA</p> |
| <p><b>8</b></p> | <p><b>Solar Farms – Update from sub-group</b></p> <p>The Subgroup does not exist yet. Malcolm suggested contacting planning authorities in Essex and their MPs asking them to consider making it compulsory for residential developers to install solar panels on new housing where practical rather than on farming land. Though it would be worth looking at the local plans as Braintree’s local plan requires solar panels on roofs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                             |

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|           | <b>Malcolm hoped everyone in ELAF could look at their local plans and would email everyone with his idea.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ML,<br>ALL |
| <b>9</b>  | <p><b>Mapping of Green Spaces</b> (Malcolm Lees)</p> <p>Natural England recently released a Green Spaces map. It listed quite a range of accessible land, though it did not specify to whom. It would be nice to have all the maps stitched together to see the Natural England accessible spaces map, the Magic map, the Essex Highways PROW map, and the cycleway map to see what was actually there.</p> <p>Would be good to see if it was possible to secure funding to pull together all the maps to see what was actually accessible.</p> <p>Could come up with some categories of what is missing on the Green Infrastructure map.</p> |            |
| <b>10</b> | <p><b>Interactive map – aerial view and linear country parks</b></p> <p>Shirley noted that she was able to add some country parks onto the interactive map. Great Notley, the Blackwater Rail Trail and this was an internal view to see if it would be useful.</p> <p>The issue was the smaller parks rather than the Country Parks.</p> <p><b>Shirley could request the aerial view to be fixed on the Essex interactive map. Might be better to put Country Parks on Map Essex rather than the Essex Highways website.</b></p>                                                                                                             | SA         |
| <b>11</b> | <p><b>Items for next agenda and next meeting dates.</b></p> <p>The next Regional LAF meeting is in January 2024. If anyone wants to bring up anything at the Regional LAF meeting, please let Katherine know.</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |            |
|           | <p><b>Dates of 2024 meetings:</b></p> <p>13<sup>th</sup> February, 14<sup>th</sup> May, 13<sup>th</sup> August, 12<sup>th</sup> November</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |