

From: [REDACTED]
To: Robert Lee
Subject: Proposal to divert Footpath 36
Date: 01 March 2021 20:14:46

Dear Mr Lee

I write in support of the proposed diversion.

My postal address is [REDACTED] but my property extends from [REDACTED] and along it to Private Road. [REDACTED].

For a number of years I have suffered at the hands of walkers as they try to use the path. I now have to keep my gates shut [REDACTED] to prevent walkers from using my driveway instead of the footpath, especially when it gets wet. These people see fit to walk on my concrete drive and then attempt to climb over, the well defined fence, to get back onto the path as the path bends up to Butts Way. They often cause damage to my fence in doing so.

I have had to install electrically operated gates to my drive near to my garages as it was not uncommon for walkers to undo the manual gates and walk into my garage area (100 yds from the footpath) whilst looking for directions.

I have even had one group walk up to my patio doors at the back of my house, bang on them wanting direction and asking if they can exit my garden down the side of my house into Butts Way.

On numerous occasions when people are using the path, they allow their dogs to slip under the fence, and defecate on my land / garden. I've even had small children lifted over the fence to look at the River and the Ducks swimming in it.

During the recent Covid restrictions the numbers of persons using the footpath has risen dramatically and last year I was tending to the River Bank and a walker demanded that I put my dogs (labradors) on a lead in my own garden as they were frightened of them. The dogs were paying no attention to the walkers and actually further up my driveway than the bend in the foot path.

I have had another telling me that I should not have a bonfire in my garden alongside the river. Needless to say a number of the nature loving walkers, see no problem in discarding litter as they go.

They stop and stare at my wife and I working in the garden and also our grandchildren when they were playing.

Some years back my own children were camping alongside the river when someone walked down the footpath, jumped the fence, and stole from the tents.

As such I have had to install CCTV looking along my driveway to record and or deter people.

To some extent this situation is caused by the diversion from the approved line of the footpath which has been caused by a 'Style' placed by the council some years ago. Although I complained at the time I received little support in it being placed where it should have been (closer to Butts Way) in line with the approved route of the path (across the paddock).

In short the footpath in its current route has a detrimental effect on my life and I support it being moved [REDACTED] and is diverted up Private Road to its junction with Butts Way, then along Butts Way until it meets the other end of the footpath as it comes out onto Butts Way.

Yours faithfully

[REDACTED]

[REDACTED] (mobile)

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[REDACTED]

10 March 2021

Dear Sir/Madam

Public Path Diversion Order :

Footpath 36 Chelmsford

I wish to object to the above named Order

This is a footpath that I used to use regularly when I walked from home to Hylands Park. However on the last occasion that I used this footpath it had become so overgrown that it was an absolute battle to get through. This situation has arisen due to your Council's failure to maintain the footpath in a fit condition in accordance with its statutory duties.

My grounds of objection are as follows:-

1. The diverted route follows roads whereas the existing route is off road. Therefore the diverted route is less safe and less enjoyable than the existing route.
2. The diverted route is longer and therefore less convenient to the public.
3. The Council has not complied with its greatest priority in the Essex Rights of Way Improvement Plan for 'better maintenance of rights of way.' In addition the proposed diversion does not meet the requirements of Objective 7 in the EROWIP to 'promote safety'.

In these days of reduced Council budgets and cutbacks it is deplorable that so much time and effort is devoted to an action that is clearly not in the interest of the general public when such time and effort would be better employed maintaining the rights of way network.

Yours faithfully

[REDACTED]

*Delivered by hand 10 March 2021 to ECC
office - County Hall - Seax House closed.*

[REDACTED]



Our Ref:FP36
Date:12.03.21

Dear [REDACTED],

Re: proposal to divert Footpath 36 Chelmsford

Thank you for your letter of the 10th March registering your objection to the above proposal. In this response I will provide evidence as to why Essex County Council (ECC) permitted this application and also support it. The proposal has been through a public consultation as a result of which yours was the sole objection received.

I should first make clear in reference to your letter that there is no cost to the public with this diversion as the applicants for a public path order such as this are obliged to pay the associated costs in processing it. The order is made in the interest of the landowner as the law allows and is the case for nearly all public path orders. It does, however, have the full support of the highway authority.

I note that you have previously walked the current footpath route as a means of accessing Hylands Park. You will therefore have already had to walk along Butts Way (a quiet dead-end private road) as roughly half of it already shares an alignment with the current route of Footpath 36, and also Private Road (a quiet road with speed bumps and a narrow bridge, both of which limit vehicle speed), which shares an alignment with Footpath 35.

The diversion route was assessed on site by myself and the Area Public Rights of Way Inspector and we do not agree that the small additional amount of road walking required along Butts Way is unsafe, and there is no evidence to support that concern.

By contrast, a significant section of the current definitive route is within an Environment Agency (EA) Flood Zone 3 area, and due to its close proximity to the River Wid and the geographical feature which sees it situated at the foot of two hills, is regularly flooded by the river overflowing after rainfall (see enclosed photos and map). This for us presents a far greater risk to use (the water level is such that it effectively prevents usage) as well as a potential hazard. ECC have no power to address the flooding issue and it is an



Seax House
2nd Floor
Victoria Road South
Chelmsford
Essex
CM1 1QH

acknowledged fact through its designation by the EA that there is a high risk of the river flooding the land over which the current footpath runs at this location.

In respect of the Rights of Way Improvement Plan (ROWIP) the proposed diversion route in our view improves accessibility on the rights of way network, by provision of an all-weather route, (which it should be noted is already well used by the public), rather than one which is repeatedly unavailable after heavy rainfall. This is also beneficial with regard to maintenance as the surface of the current line is not only sometimes impassable due to flooding, but it also suffers at its eastern end with water damaging the substrate and creating deep channels down the hill (see enclosed photo). The newly diverted route will be on a metalled surface, thereby providing an improved surface for the walker than previously, reducing the cost of maintenance, and consequently freeing up budget to spend elsewhere.

I respect of convenience the diversion route (proposed c.263m) is only marginally longer (difference c.66m) than the existing one (current c.197m) and therefore in our view it fully meets the test of the legislation in being substantially as convenient, especially when used as part of the longer walk that you mentioned.

I would be grateful in consideration of the above if you would give some thought therefore to withdrawing your objection. This can be done via email to [REDACTED] or for my attention by post to the address above please. I would appreciate it if you could respond by 29th March 2021 and if no reply is received by that date it will be assumed that you are content for the proposal to go ahead.

Thank you again for your consideration of this letter and your interest in the public rights of way network.

Robert Lee

Yours faithfully

Essex Highways

Telephone: [REDACTED]

www.essex.gov.uk/highways

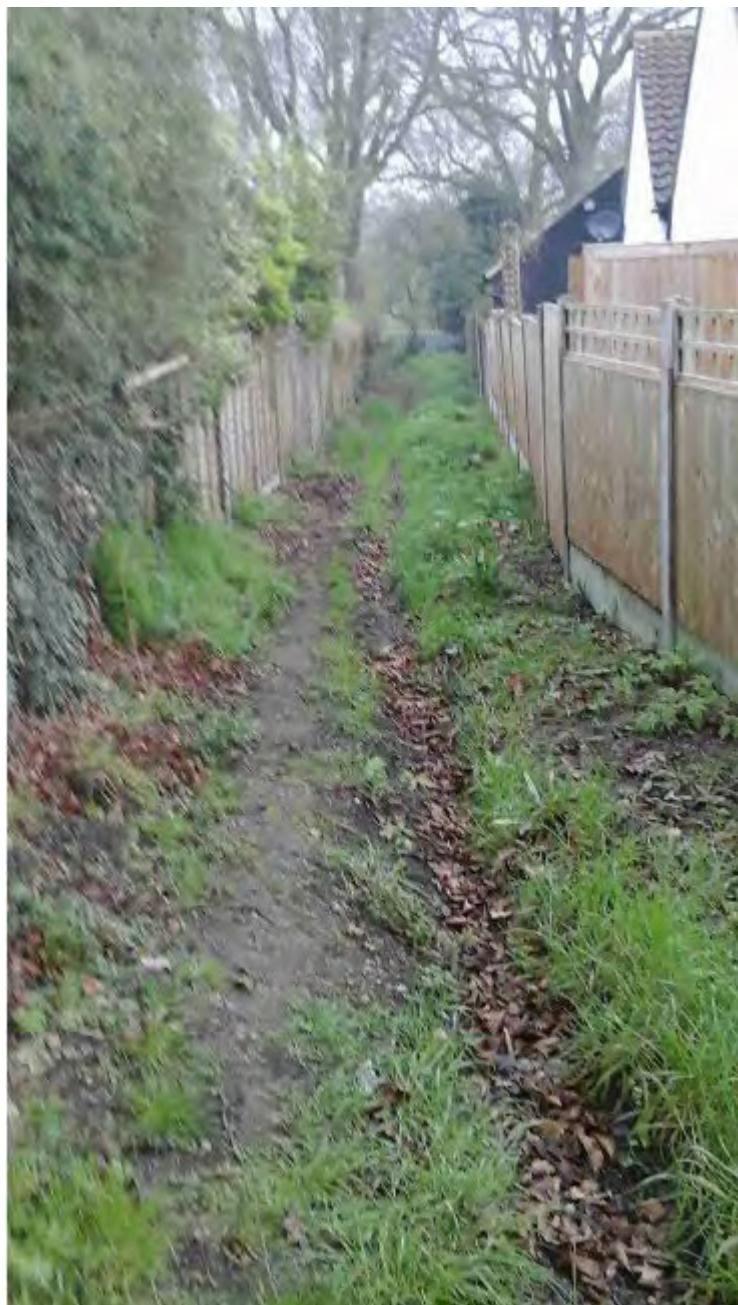
www.essex.gov.uk/enquiries

Enc. 1x photo document, 1x flood map extract, 1x plan PROW-20-34



Photo evidence re existing route:

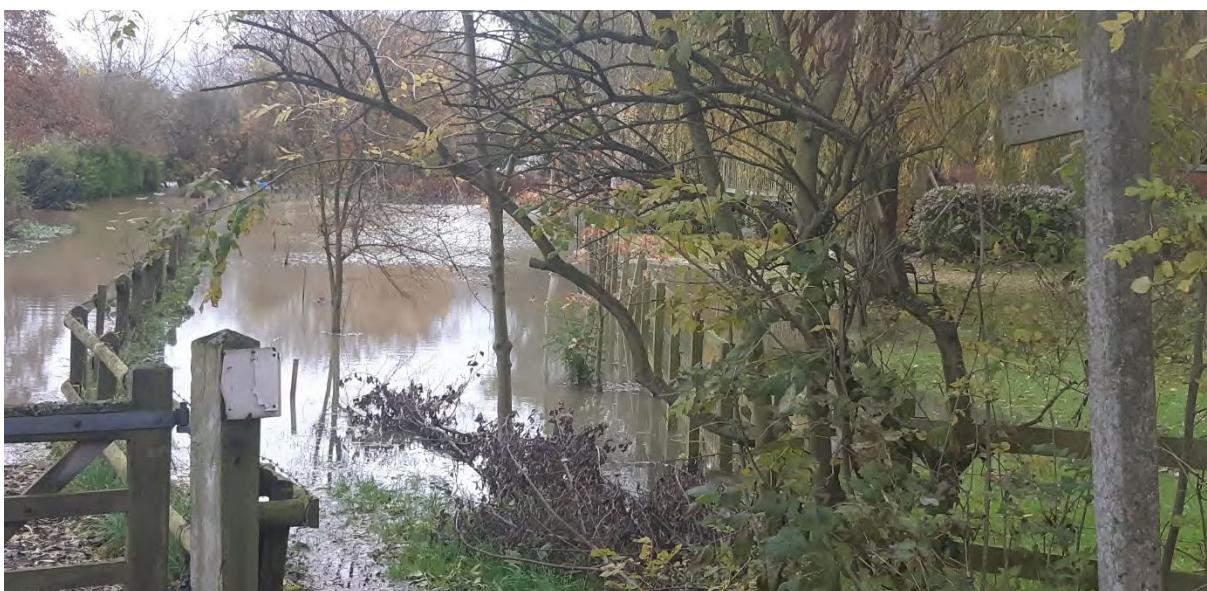
1. Surface damage from water at eastern end of footpath:



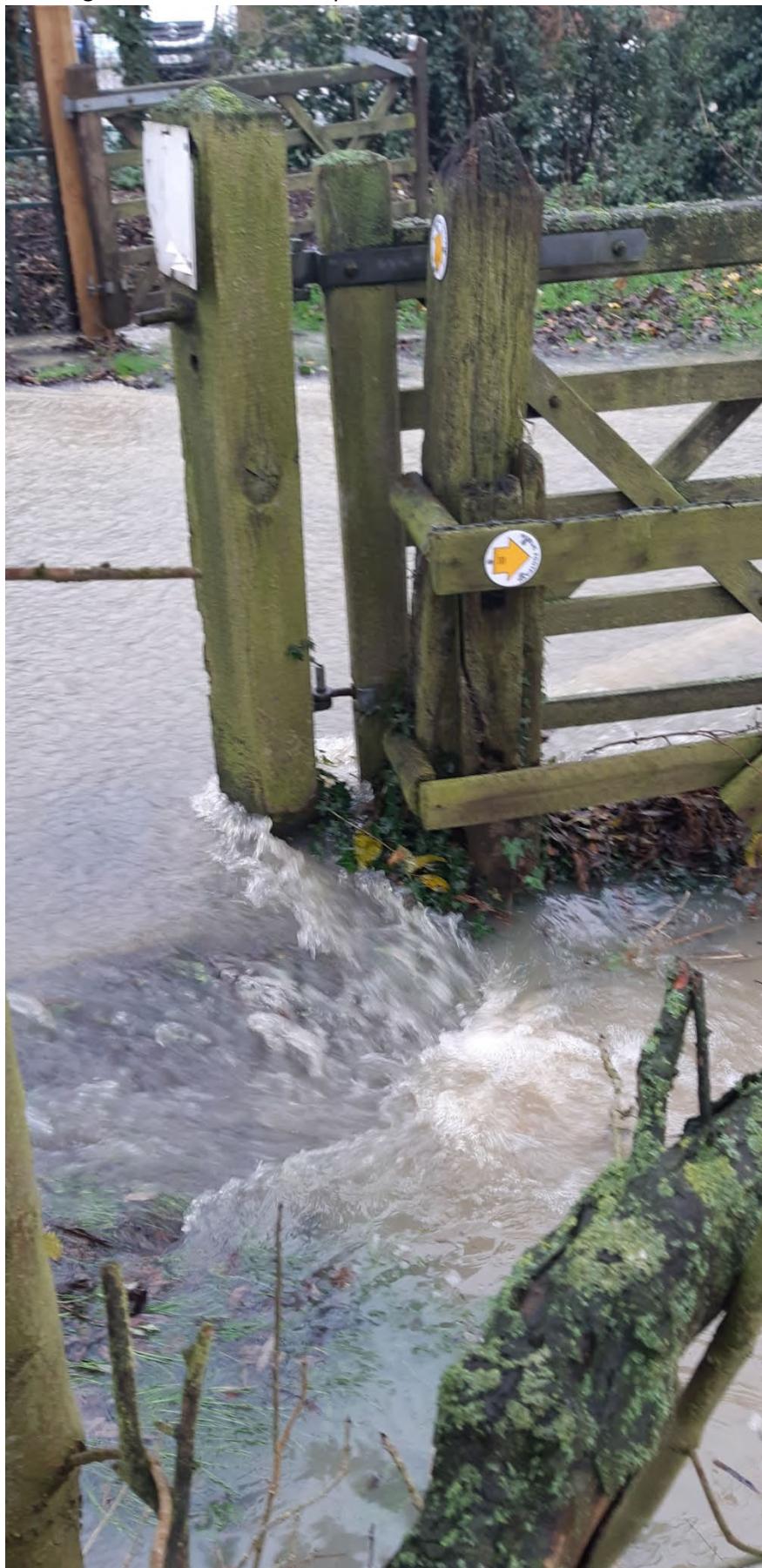
2. Flooding January 2021 western end of footpath:



3. Flooding western end of footpath December 2020:



4. Flooding at western end of footpath November 2020:





Environment
Agency

Flood map for planning

Your reference

Footpath 36

Location (easting/northing)

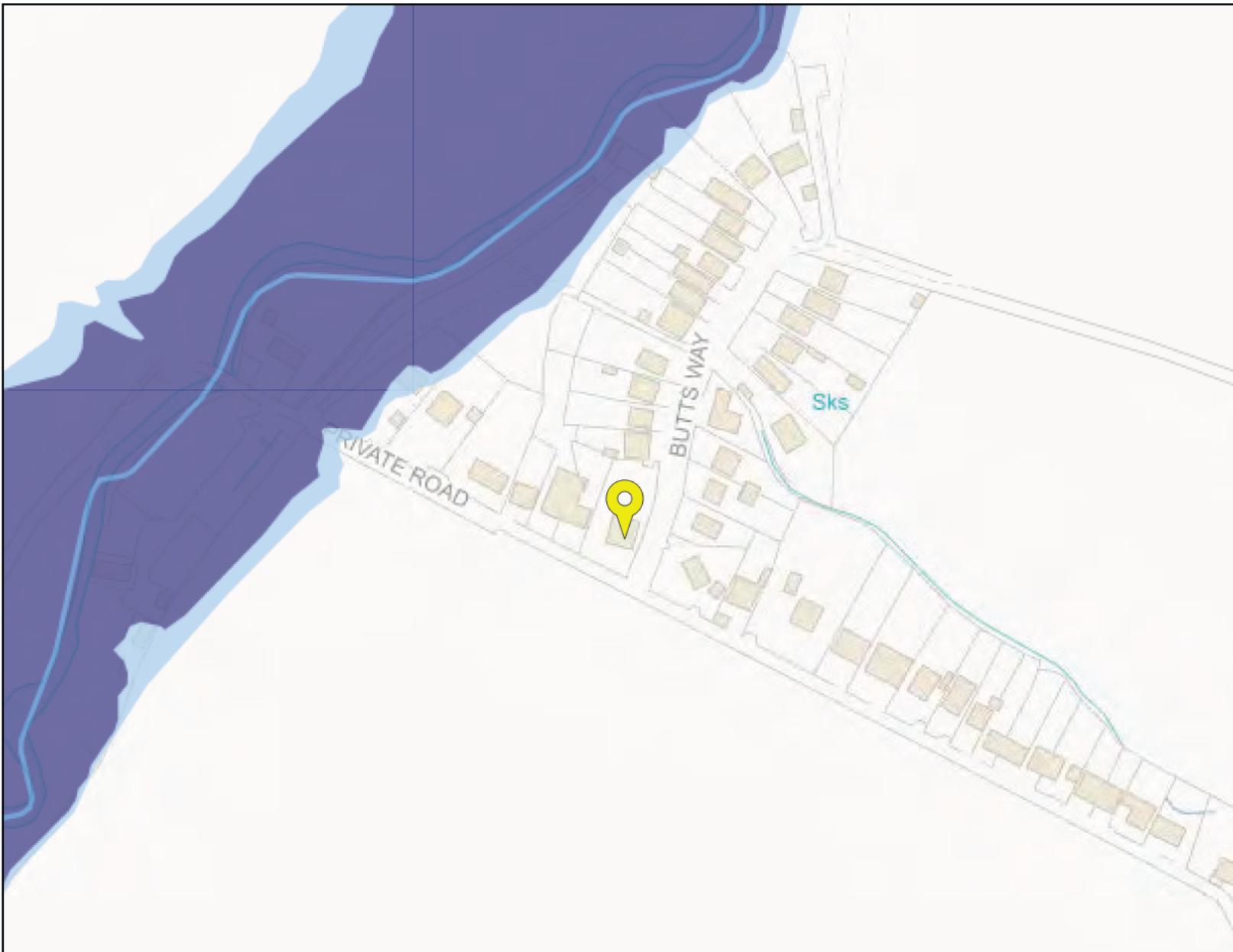
569279/203373

Scale

1:2500

Created

16 Nov 2020 11:15



Selected point



Flood zone 3



Flood zone 3: areas
benefitting from flood
defences



Flood zone 2



Flood zone 1



Flood defence



Main river



Flood storage area



0 20 40 60m

Page 2 of 2

From: [REDACTED]
To: [Robert Lee](#)
Subject: Chelmsford : Footpath 36
Date: 23 March 2021 10:52:41

Dear Mr Lee

Thank you for your letter of 12 March 2021.

My further comments are as follows:-

1. A large number of rights of way in Essex are at risk of flooding after periods of sustained heavy rainfall. Are you proposing to close them all? Even some very well used footpaths in Central Chelmsford sometimes flood. All I can say is that on all the occasions that I have used Footpath 36 it has never been flooded and I suspect that the risk of flooding is only likely to occur on a few days every year.
2. You have correctly stated that the diverted route is already open to the public and indeed it has been for so long as I can remember going back over many years. Therefore the proposal is in practice an extinguishment rather than a diversion.
3. I can only reiterate that before it became overgrown through lack of maintenance the existing route was far more enjoyable than the proposed diversion along roads

I am not prepared to withdraw my objection.

Yours faithfully

[REDACTED]

Sent from [Mail](#) for Windows 10

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From: Robert Lee
To: [REDACTED]
Cc: Alan Roscoe
Subject: RE: Chelmsford : Footpath 36
Date: 23 March 2021 11:16:00

Dear [REDACTED]

Thank you for your email and for coming back to me so quickly.
Your decision to maintain your objections is of course duly noted.

However, I hope you won't mind if I respond briefly in respect of the points in your email:

1. It is certainly true that some public rights of way and some carriageways for that matter are subject to flooding due in exceptional weather conditions. However, not all of these would be located within a Flood Zone 3 area. The flooding issue on this footpath is in our view not comparable with areas susceptible to occasional flooding, as the flooding here is a regular occurrence after heavy rainfall.
2. This proposal is not an extinguishment. While the public have used and are currently using the diversion route they are not doing so 'as of right'. This diversion seeks to legitimise and protect that usage.
3. Yours was the sole objection received to this proposal and while I acknowledge your personal preference for the existing route, there was no evidence from the consultation of that view being more widely held.

Thank you again for your interest in the public right of way network.

Kind regards

Robert Lee | PROW & Records Analyst

Definitive Map Team



SAFER/GREENER/HEALTHIER

E: [REDACTED]
W: www.essex.gov.uk/highways



From: [REDACTED]
Sent: 23 March 2021 10:53
To: Robert Lee [REDACTED]
Subject: Chelmsford : Footpath 36

Dear Mr Lee

Thank you for your letter of 12 March 2021.

My further comments are as follows:-

- 1 A large number of rights of way in Essex are at risk of flooding after periods of sustained heavy rainfall. Are you proposing to close them all? Even some very well used footpaths in Central Chelmsford sometimes flood. All I can say is that on all the occasions that I have used Footpath 36 it has never been flooded and I suspect that the risk of flooding is only likely to occur on a few days every year.
 - 2 You have correctly stated that the diverted route is already open to the public and indeed it has been for so long as I can remember going back over many years. Therefore the proposal is in practice an extinguishment rather than a diversion.
 - 3 I can only reiterate that before it became overgrown through lack of maintenance the existing route was far more enjoyable than the proposed diversion along roads
- I am not prepared to withdraw my objection.

Yours faithfully



Sent from [Mail](#) for Windows 10

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From: [REDACTED] ; [Public Path Orders; Town Planning](#)
Subject: RE: FAO: Robert Lee, Definitive Map Service, Essex CC: Public Path Diversion Order - Footpath 36 - Butts Way Chelmsford CM2 8TJ
Date: 11 March 2021 15:20:03

Dear Mr Lee

I refer to my email below.

Although I received a standard reply from the town planning department on 3 March stating someone would contact me shortly, regrettably I have not received anything since. I say regrettably, because now the wall has been built. It would have been far better if the Council had responded earlier because the main issue is how close to a road can a 6 foot wall be built? Not to mention, where does the road start. As you know, grass grows over the road and narrows it over time.

I get the feeling that the Council doesn't take these matters seriously. However, I watch huge refuse lorries painstakingly reversing around this junction. Every foot counts. Visibility is essential. I believe in consultation before making changes, hence my contact with the Council.

So, perhaps you would ask the Planning Department why they have not responded to me. Also, would you please confirm whether the footpath has been diverted and, if so, when the old sign will be removed and when and where the new ones will go. I am assuming that you will contact the road residents' association before putting up new signs as it is a private road.

Kind regards

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

From: [REDACTED]
To: "Public Path Orders" [REDACTED]
Sent: Wednesday, 3 Mar, 21 At 16:15
Subject: RE: FAO: Robert Lee, Definitive Map Service, Essex CC: Public Path Diversion Order - Footpath 36 - Butts Way Chelmsford CM2 8TJ

Dear Mr Lee

I am disappointed that your team do not work alongside the planning department, so I have taken up my concern with them instead. Unfortunately, contrary to what you seem to believe, there is no application for planning permission.

I note your comments, but I have lived here for nearly 12 years and my partner's parents lived here for 30 years prior to this. So, my partner and I know the area very well indeed. This is why I raised my concerns because of problems that have been highlighted during lockdown. Blind corners or junctions and lack of passing points are common problems. If people adhered to the 10 mph speed limit this might not be of such concern, but unfortunately they don't. I note what you state about the current Footpath 36 already using the second half of Butts Way, but I think you will find that

this part of Butts Way is twice as wide as the top end.

I was particularly interested in your comment about the wall not being on a highway, from which I understand you mean Butts Way is not a 'highway'. This is contrary to what I was told when I rang the Planning Department though. You also state that the grass verge was being used as a parking area for cars. This is not correct. The owners of the property moved the rocks to allow their builders to park their van, but as soon as the works were completed the rocks were replaced so that there is no parking. Indeed, it is this area, alongside the house, that the wall foundations have been put in.

What I cannot understand is why the Council does not liaise with the owners of properties and ask them to keep their hedges as low as possible on corners to promote good visibility. This may not be a legal requirement, but it is always good to remind people how important visibility is. Surely if the footpath is re-directed, this is something the Council should consider doing. You may not be aware, but the owners removed the hedging so now is the time to have this discussion.

I do not require a response to my email because, as mentioned above, I have now taken up the matter with planning.

Kind regards

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

From: "Public Path Orders" <[REDACTED]>
To: [REDACTED]
Cc: "Planning, Town" <Town.Planning@chelmsford.gov.uk>
Sent: Monday, 1 Mar, 21 At 11:58
Subject: RE: FAO: Robert Lee, Definitive Map Service, Essex CC: Public Path Diversion Order - Footpath 36 - Butts Way Chelmsford CM2 8TJ

Good morning [REDACTED],

Thank you for your enquiry and interest in this proposal.

Prior to a diversion order being made the proposed diversion route was thoroughly assessed on site by myself and the area Public Rights of Way

Inspector and in our view the carriageway (inc. verge) is of sufficient width to allow walkers and vehicles to pass safely.

The current footpath route as you may be aware is highly susceptible to flooding from the River Wid, especially after sustained rainfall.

It is our understanding that the diversion route is already well used by the public both as a consequence of the above issue but also because of its better surface and direct connection to Private Road/Footpath 35.

While we attended site and walked the proposed diversion route a number of walkers took advantage of this connection and walked passed us towards Private Road.

Regarding your point 1. We did not feel from our analysis therefore that the route was at all unsafe and the low vehicle speed and general good visibility along this generally straight road support this.

I would also advise that approximately half the length of Butts Way already accommodates an existing section of Footpath 36 without issue.

In respect of the purported wall I am sure that any such structure of a type and size that requires planning permission will receive the appropriate scrutiny at that time.

As the wall would not be on the highway I am not overly concerned by this. In fact, during our site visit the open area that you referred to was being used as a parking area by cars, which due to their overhanging the highway seems more of a hazard for both walkers and drivers and so there may be a nett benefit to removing the temptation for cars to park there.

Thank you also for your clarification that you do not wish to object to the proposal. In respect of a wall if it requires planning permission this authority is not the responsible authority, a role which lies with Chelmsford City Council. They would be better placed therefore to advise on whether an objection to any planning application (if made) can remain anonymous.

In respect of your email to me raising concerns re the proposed diversion I am happy to confirm that your details will not be shared with anyone and that the matters raised have been considered internally only.

Should you object to the diversion this does then become a matter of public record though details would not become public unless/until an opposed order is referred to the Planning Inspectorate for determination.

I hope I have been able to answer your questions and address your concerns.

Kind regards

Robert Lee | PROW & Records Analyst

Definitive Map Team



SAFER/GREENER/HEALTHIER

[REDACTED]

[REDACTED]

W: www.essex.gov.uk/highways



From: [REDACTED]
Sent: 28 February 2021 17:51
To: Planning, Town <Town.Planning@chelmsford.gov.uk>; Public Path Orders
[REDACTED]
Subject: FAO: Robert Lee, Definitive Map Service, Essex CC: Public Path Diversion Order - Footpath 36 - Butts Way Chelmsford CM2 8TJ

Dear Mr Lee

Although I do not oppose the redirection of the above-mentioned footpath, I wish to draw your attention to a couple of things that you need to take into account when considering the safety aspect:

1. Grass verge: The proposed re-direction requires walkers to walk along a tarmac private road. This is fine, but parts of it are narrow and so there must be room for traffic to pass walkers. This means walkers must be able to use the grass verge to walk along.
2. Junction between Butts Way and Private Road: The proposed re-direction requires walkers to turn into and out of Butts Way so it is important that this junction is unobstructed. Although it is very open at

present, I understand from local residents that the owners of the corner house are about to erect a wall along the side of their property. Accordingly the length, height etc of this wall needs to be taken into account. I am not familiar with planning rules, so it may be that this would be considered as a planning issue. However, I would not wish my neighbours to erect a wall just to be told it has to come down again. So, if this re-direction affects their plans this needs to be looked at as soon as possible.

Please note that I am not opposing the re-direction of the footpath, I'm just concerned that the increased level of walkers along the new route requires consideration of the above safety issues. I would also like to make it clear that I am not objecting to the erection of any wall in principal. However, I can see that this could potentially obstruct vision.

As residents in this area are very sensitive to comments made by their neighbours so I would ask you not to make public my name and details. My only concern is safety.

Kind regards

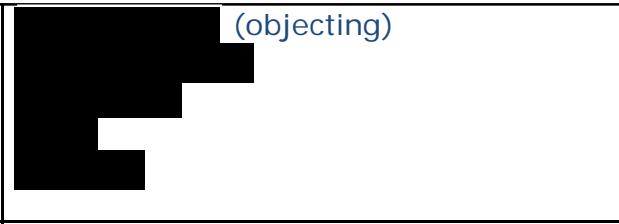
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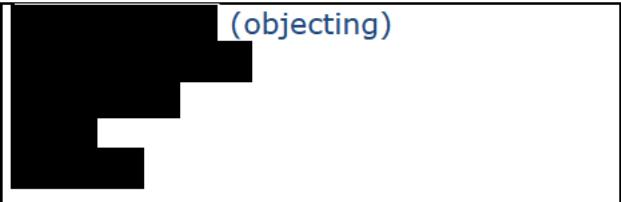
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Covering list of respondents and objector's names:

| | | | |
|---|--------------|--|-------------|
|  | (supporting) |  | (objecting) |
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Covering list of respondents and objector's names:

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|---|--------------|--|-------------|
|  | (supporting) |  | (objecting) |
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