

**DOCUMENTS SUBMITTED BY ESSEX COUNTY COUNCIL
TO THE PLANNING INSPECTORATE
(Electronic Submission)**

**IN THE MATTER OF THE DETERMINATION TO CONFIRM
PUBLIC PATH DIVERSION ORDER 2025 FOOTPATHS 17 AND 19 DEBDEN
IN THE DISTRICT OF UTTLESFORD
SECTION 119 – HIGHWAYS ACT 1980**

DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

1. Electronically sealed Order (there is no paper form of this order) and associated plan
2. Statement of the grounds on which it is considered the order should be confirmed
3. OMA's submission letter
4. Representations and objections to the order (including supporters) along with a covering list of their names
5. Statement containing the OMA's comments on the objections
6. Copy of the notice publicising the order together with a copy of the advertisement voucher copy
7. Certificate that notices have been published, served and posted on site and at the local offices
8. Certificate that the necessary consultations have been carried out
9. Copies of replies to the pre-order consultations (orig. & revised) and responses by the OMA
10. Name and address of every person notified
11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served
12. Location map to enable the Inspector to identify the site
13. Written permission from the landowner allowing Inspector access to the land
14. Name and address of the applicant
15. Confirmation that the OMA is supporting the Order
16. Details of the time and place where documents relating to the order will be made available for public inspection
17. Health and Safety questionnaire document
18. Undertaking by OMA to provide new paths in readiness for public use
19. Extract from the Definitive Map and Statement
20. Confirmation of no relevant provision within the Essex ROWIP
21. PROW Officer's statement
22. DEFRA Presumption Guidance

1. Electronically sealed Order and plan

See submitted PDF file:

1-Copy of Made Order inc. plan.pdf

2. Statement of the grounds on which it is considered the Order should be confirmed

This statement explains why in the opinion of Essex County Council (ECC) as the Order Making Authority (OMA) the Order meets the relevant criteria as set out in Section 119 of the Highways Act 1980 and why the diversion is expedient on the grounds stated. Please also see Document 21.PROW Officer's Statement.

Footpaths 17 and 19 Debden (PUBLIC PATH DIVERSION ORDER 2025).

The applicants, [REDACTED] who are also the main landowners, applied for a diversion of sections of the above footpaths.

The relevant statutory tests that were examined in detail and categorical evidence for their applicability was sought by the County Council before agreeing to proceed with the making of the Diversion Order. Concerning the main criteria when considering a public path diversion:

(i) Whether it was expedient to make such an Order in the interests of the landowner.

The [REDACTED] primary reason for applying to divert these footpaths is in respect of the effect the current routes have on the security and privacy of their residential garden. They will also benefit from easier and more productive management of the field over which the cross-field section of Footpath 19 currently runs by the removal of the need to reinstate that section of the footpath over cultivated land (the proposed diversion route of Footpath 19 is set to become a permanent grass strip). Footpath 19 currently runs across a private garden area and tennis court. If the footpaths were diverted, [REDACTED] [REDACTED] would be able to secure their garden and enjoy their garden and tennis court in privacy without the public passing through. The current alignment of the footpath affects their enjoyment of the residential property and garden, with walkers being visible (and having views into the garden and of the property) across the lawn from the house and adjacent seating area. Dogs are a natural and lawful accompaniment to walkers using a public footpath; however, not all dogs are kept under close control by their owners as the law requires. This presents an additional safety risk for the applicants and visitors to their garden, and they have experienced incidents of out-of-control dogs within their garden. The current alignment also prevents the applicants from making further planting and other improvements to the garden area.

The section of Footpath 17 proposed to be diverted is a minor cross-field path with no real purpose, which would be tidied up by this order.

The applicants' original application also included the removal of a section of Footpath 13 as part of the overall proposal, which would have represented an opportunity to deal with a long-standing obstruction issue on that footpath. However, this change required third party landowner consent, which despite concerted efforts by the applicants, was not forthcoming.

DEFRA Presumptions Guidance

The applicants' reasons for diverting are supported by the DEFRA Presumptions Guidance (Document 22. DEFRA Presumptions Guidance). The introductory statement from the then Government Minister (Document 22. Page 4) describes the intent of the guidance and the situation in which it applies, which is relevant to Footpath 19 and the situation currently experienced by the applicants:

"The right to apply will be supplemented by guidance that will effectively act as a presumption to divert or extinguish public rights of way that pass through the gardens of family homes, working farmyards or commercial premises where privacy, safety or security are a problem.

The guidance will give authorities more scope to confirm orders made in the interests of the landowner in circumstances where a right of way may cause hardship because it goes through the garden of a family home, a working farmyard or other commercial premises."

See also 'Context' (Document 22. Pages 4-5, points 2-6) – selected extracts below:

"Members of the public may not be comfortable following a path through a contained space of this type because doing so feels like infringing on the privacy of a house owner" "Such path alignments can deter people from exercising the public's right to use the path." "Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner:

A reasonable expectation of being able to relax in the garden or spend time with family and friends without strangers appearing in the same contained space;

Greater concerns today than in previous eras about the security of children or property in such situations;

An increased use of public rights of way for general leisure and recreational use rather than local people using them to get around the locality, particularly where rights of way are promoted by local authorities. A concern that having a public path close to the house has a negative impact on the value of the property;"

Further evidence that the guidance applies to the circumstances addressed in this order can be found in the Guiding Principles 7.a. (Document 22. Page 6).

(ii) The termination points of the diversion are not substantially less convenient to the public.

The termination points of the diversion for Footpath 19 have necessarily been altered to achieve the applicant's aims for the diversion i.e. to ensure the security and privacy of their garden. To the south, Footpath 19 currently connects to Footpath 71 Debden (Deynes Road) via a relatively short (97m) section of Footpath 13 Debden. The proposed diversion termination point instead provides a direct connection to Footpath 71 (Deynes Road) east of the current connection. To the north, the proposed route retains the current termination point's direct link to Footpath 17 Debden. In preserving termination points that connect to the same PROW (or to PROW directly connected to those PROW) the proposed diversions, while moving to the east of the current connection points, maintain and enhance (depending on the direction/origin of travel) PROW connectivity.

(iii) The diversion should not be substantially less convenient to the public (in terms of increased distance).

The proposed diversion routes of Footpaths 19 and 17 combine to provide an enhanced section of the local PROW network, which avoids the inconvenience of having to walk through the garden of a private property, and which retains and adds to existing PROW connectivity, in particular augmenting the east/west link between Footpaths 19 and 13 by placing it in a more accessible and convenient location situated away from residential properties.

It is acknowledged by both the applicants and the Order Making Authority (OMA) that the proposed diversion of Footpath 19 provides a longer walk than the current legal route. However, this is a leisure walking route where there is a benefit derived from additional footpath provision. In combination with the new east-west section of Footpath 17 (connecting Footpaths 19 and 13) the proposed diversion route for Footpath 19 would create a new circular walk around this section of the village, which is not currently available 'as of right' without this proposal. There are only two maintained objections to this diversion order and no representation was made by the user groups or other stakeholders including the parish council, so it is reasonable to assume that these groups/organisations did not deem the proposal to be inconvenient and welcomed the potential of a new circular walk.

(iv) Regard to the effect the diversion would have on the public enjoyment of the path as a whole.

In the view of the OMA the public enjoyment of these footpaths if diverted would be enhanced both by the provision of an additional length of PROW and the circular route that this creates, and the removal of Footpath 19 from within the property curtilage. Undoubtedly, as the DEFRA Presumptions Guidance highlights, some walkers will feel discomfort when walking a footpath route which takes them through a private garden and which, as a consequence, intrudes upon the privacy of that space. The proposed diversion route would remove the need to impose upon the householders' use of their garden and allow walkers to walk without any sense of awkwardness in respect of their surroundings. Both local walkers as well as those travelling from further afield who may then park in the village car park before

enjoying the local PROW network, would have a more worthwhile circular walk to utilise if the diversion order was confirmed.

(v) The effect the order will have on the land served by the existing right of way and of the land over which the right of way is created.

The path is being diverted from and onto land in the ownership of the applicants and 3rd party landowners who have consented to the proposal. The application was made by the main landowners (and house/garden owners) at their instigation and in their interests, and therefore there is no negative effect on the land from this proposal. The effect would be beneficial in respect of the land crossed by the current routes as if the diversion order is confirmed it will enable the landowners to enjoy their garden and property in peace and to feel secure doing so. It will also enable them to fully utilise their tennis court and garden and design its layout and planting in ways that suit them without reference to the current footpath alignment.

The replacement of the cross-field path section of Footpath 19 with a diversion route where the applicant will create a permanent grass strip will create a larger cultivatable field making management of it easier for them.

Taking all the above factors into account, the OMA conclude that the proposed diversion for the Public Rights of Way meets the relevant tests as laid down in section 119 of the Highways Act 1980.

3. OMA's submission letter

The Planning Inspectorate
Rights of Way Section
Room 3A Eagle
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date 05.09.25
Our Ref: Footpaths 17&19 Debden
Diversion

Dear Sir/Madam,

**Highways Act 1980 – Section 119 Public Path Diversion Order 2022
Footpaths 17 & 19 Debden Parish, Uttlesford District, Essex**

Essex County Council, being both the Order Making Authority and Highway Authority, are writing with regard to the above proposed diversion application which has undergone a statutory consultation period of the order made on 09/01/2025. Following the expiry of the statutory consultation period and

ensuing negotiations the County Council were unable to achieve withdrawal of the two maintained objections.

The County Council having considered the criteria for making and confirming the order are satisfied that the application meets the relevant tests and therefore support the Order. Accordingly, I write to formally request the Secretary of State in pursuance of section 2(2) of Schedule 6 to the Highways Act 1980 determines to confirm the above-mentioned Order. I enclose by email attachment documentation required for the submission of Public Path Orders to the Secretary of State for consideration.

The list of documents follows the order given on The Planning Inspectorate's *'Documents Required By The Planning Inspectorate (Checklist for Order Making Authorities)*.

I would request that where possible the dates below are avoided in respect of possible dates for attendance at a hearing or inquiry. The Council also hereby confirms that it would be in agreement and preferable for the matter to be resolved by written representations given the two objections should that be acceptable to all interested parties.

Dates to avoid:

[REDACTED]

[REDACTED]

[REDACTED]

Yours sincerely

[REDACTED] Public Path Order and Development Officer

4. Representations and objections to the order (including supporters) with a covering list of names (includes OMA response)

See submitted PDF file:

04-Debden FPs17 & 19 Representation Contacts.pdf

04-(1) [REDACTED] (withdrawn).pdf

04-(2) [REDACTED] (withdrawn).pdf

04-(3) [REDACTED] (comment).pdf

04-(4) [REDACTED] (comment).pdf

04-(5) [REDACTED] (objection maintained).pdf

04-(6) [REDACTED] (objection maintained).pdf

5. Statement containing the OMA's comments on the objection

The OMA's actual written/email responses to the objection letters/emails are included in Documents no.4-(1)to(6).

However, for the sake of clarity these have been expanded upon below.

Representation 1 (objection withdrawn) - [REDACTED]

1. [REDACTED] referenced the current obstructions and Footpath 13 Debden, which for reasons already explained did not form part of this order and is not entirely within the control/ownership of the applicants.
2. He also referenced a 'walked' route along the northern boundary of Deynes Farm, which is not a recorded PROW and again was not part of the order and so was not consulted upon, but which the applicant allows some permissive use of.

In respect of the diversion order specifically, [REDACTED] objected to the additional length of the proposed diversion route and had concerns that section D-E (of Footpath 19) would be cultivated.

OMA response:

Subsequent to a meeting with [REDACTED] (applicant), [REDACTED] withdrew his objection.

Representation 2 (objection withdrawn) - [REDACTED]

[REDACTED] objected on the following points:

1. The obstruction of Footpath 13 (see 1. above)
2. Reference to an alternative garden boundary route (see 2. above)

3. They also stated their belief that the whole of Footpath 19 was being closed

OMA response:

1. The current obstruction of Footpath 13 and the responsibility for reopening that route was acknowledged, however, the public path order process does not deal with maintenance or enforcement issues. It should also be noted that while the applicant has some control over that footpath, they do not own the land required to completely reopen it.

2. The objector was advised that the alternative route that they proposed is not a recorded public right of way (PROW) and was not part of the consultation. It was also not the route chosen by the applicants as being in their interests as it would still impact upon their privacy and security, and my understanding is that they do not wish for it to be dedicated as a PROW.

3. It was pointed out that Footpath 19 is being diverted not closed.

██████████ subsequently met with the applicants on site and feeling that their concerns had been addressed withdrew their objection to the order.

Representation 3 (comment) – ██████████

██████████ did not state that she objected to the order but said that she would be sad to see the footpaths 'removed' as she phrased it. If the paths were to be diverted, then she wished to see 2-metre permanent grass paths.

OMA response:

The order specifies a width of 2 metres for all the diverted sections of footpath. Sections of the proposed diversion routes are already grassed field edge paths, however, the applicant confirmed that section D-E will be a permanent grass strip path.

Representation 4 (comment) – ██████████ Open Spaces Society (OSS) Essex Local Correspondent and also Ramblers Association Braintree District representative

██████████ responding in her OSS role, did not object to the order but raised the issue of the obstruction of Footpath 13, which is not part of this order. She also referenced planning applications in respect of Footpath 13, which are not affected by, and which do not impact upon this order and were not applied for by the applicants.

OMA response:

The obstruction of Footpath 13 was acknowledged, but it was also stated that it was not possible to include this footpath into the order as it is not within the sole control of the applicants. The Ramblers Association Uttlesford District representative did not make a response to the informal or formal consultations.

Representation 5 (objection maintained) – [REDACTED]

[REDACTED] objected on the following points:

1. Her desire to continue use of the field section of Footpath 19 (albeit reached by use of a non-PROW route)
2. Reference to an alternative garden boundary route (see point 2 in Representations 1 & 2 above) that in [REDACTED] recommendation would then continue to run along the vehicular access to Deynes Farm.

OMA response:

1 & 2. It was advised that the alternative route proposed would not adequately address the applicants' privacy and security issues as well as presenting issues with it sharing a route with a vehicle access to farm buildings.

The OMA wrote to [REDACTED] on 24 April 25 inviting her to either contact the OMA or applicant (having received the applicants' permission to initiate contact and provide their contact details) with a view to her meeting the applicants on site to discuss the proposal and allow for an exchange of views. As of the date of this referral neither the OMA nor applicants have received a response to that letter.

Representation 6 (objection maintained) – [REDACTED]

[REDACTED] objected on the following points:

1. His mistaken belief that the order plan showed the existing footpaths in an incorrect location
2. He also incorrectly stated that that diversion and closure routes were shown incorrectly
3. In a subsequent email [REDACTED] also referenced the obstruction of Footpath 13 (not included in the order – see various responses above) and sections of Footpath 19 as the reason for his objection, stating; 'Apart from these observations, I have no objection to the other proposals in connection with this matter'.

OMA response:

- 1 & 2. [REDACTED] was advised that the order plan correctly depicted both the current PROW and proposed route changes. It is assumed that his objection points 1 & 2 arose from a misinterpretation by him of both the order plan and key, and the routes of the legal PROW network in that area of the parish.
3. [REDACTED] was advised that Footpath 13 was not part of the order and was not fully within the control of the applicants.

The OMA emailed [REDACTED] on 19 May 25 inviting him to either contact the applicant (having received the applicants' permission to initiate contact and provide their contact details) with a view to him meeting the applicants on site to discuss the proposal and exchange views. As of the date of this referral neither the OMA nor applicants have received a response to that email.

Broadly speaking, the objections received to the order, including those that were subsequently withdrawn, fall into several categories:

1. Distance: some respondents referenced the increased walking distance of the proposed route and the consequent loss of a shorter circular walk. It should be noted (as also pointed out by the respondents) that the legal route of Footpath 13, which is not included in this order, and sections of Footpath 19 have been unavailable to walk for a considerable period of time, obstructions which predate the applicants' ownership of this land, so the shorter walk is not currently available.

The diversion order would undoubtedly result in a longer circular walk, although it should be noted that the PROW network in the parish of Debden already contains a significant number of PROW routes from which shorter circular walks can be derived e.g. by utilising sections of Footpaths 71, 21 & 24, to give a nearby example (see also Documents 12 & 19 for the wider network). The provision of a longer distance, circular, predominantly off-road route located so close the village centre and its car park is not quite so easily replicated by use of the existing network and would benefit anyone seeking additional walking.

2. Obstructions: the current obstruction of Footpath 13 is a known issue, but it was not included in the diversion order and did not form part of the consultation. For reasons already specified it was not possible to include it as part of this order, nor is it solely within the gift of the applicants to reinstate it. The maintenance and enforcement of PROW are the responsibility of the Highway Authority, but they are a separate process to the public path order process and to the opposed order in this referral. Sections of Footpath 19 are obstructed (which took place prior to the current ownership) but this order specifically look to address that in seeking to relocate the footpath from within the property garden.

3. Alternative proposals/confusion as to legal routes: one objector was unaware as to the correct legal alignments of the PROW in this vicinity. Others referenced a path, north of the property, which they proposed as an alternative diversion route. It should be noted that this is a diversion order that was made in the interests of the landowner as is their right and in a circumstance and a situation wherein the DEFRA Presumptions Guidance is applicable. The applicant does not consider that the route suggested by several respondents would adequately address their privacy and security needs, and they would consequently wish to control any access along this route by providing limited permissive access to people that they know. It also appears that some respondents are claiming a prolonged period of usage of this alternative route, though it is unclear whether this is permissively or claimed, 'as of (presumed) right'. The applicants are confident that there has not been uninterrupted usage with an intention to dedicate it as a PROW (they have challenged and stopped people from using the path, including those with out-of-control dogs) and the OMA can confirm that as of the date of this referral no application for a claim based on usage or a mapping error has been made to Essex Legal Services in respect of this route.

4. Surface and width: one respondent who did not object was concerned about the width of the diverted routes and the surface of one section. The order provides for 2-metre-wide footpaths, which exceeds both the current Crossfield (1m) and field-edge (1.5m) sections. The applicant has agreed that if the order is confirmed that he will instate section D-E of the diversion route as a permanent grass strip.

6. Copy of the notice publicising the order together with a copy of the newspaper cutting

See submitted PDF file:

6-Copy of notice publicising the order plus newspaper cutting.pdf

7. Certificate that in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices

I hereby certify that:

1. A Notice in the form numbered 1 of Schedule 2 to the Public Path Orders Regulations 1993[Si 1993 No. 11] in respect of Orders under the Highways Act 1980 was published in the Saffron Walden Reporter on 23rd January 2025. The time allowed for objections was not less than 28 days from date of publication of the Notice and the last date for objections was 20th February 2025.
2. Notices in form 1 referred to above, were duly served on every owner, lessee and occupier of the land to which the Order relates, Uttlesford District Council, Debden Parish Council and prescribed persons as specified in Schedule 3 of the said Regulations. The Notices were served by email on 23rd January 2025.
3. 3. A copy of the Order and Map were uploaded to our website (<https://www.essexhighways.org/public-path-notices>) on 22nd January 2025. It was also specified in the site notice and newspaper advertisement that copies of the order and notice could be requested to be posted or viewed by emailing publicpathorders@essexhighways.org to arrange a suitable time to inspect the documents quoting the Order title. Documents can be made available for inspection 8.30am-4.30pm Mon-Fri at Essex County Council, County Hall, E block main reception, Market Road, Chelmsford if so required.
4. A copy of the Notice and Plan were posted on site on 23rd January 2025 by [REDACTED] Area Public Rights of Way Officer.

[REDACTED]
PPO & Development Officer
Essex County Council

8. Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers)

I hereby certify that:

1. Uttlesford District Council, Debden Parish Council, statutory undertakers, owners and occupiers of affected land and prescribed persons as specified in the Regulations were informally consulted on 3rd November 2024 (for the original proposal) and then again on 15th November 2025 (for the revised proposal, which omitted FP13 due to a lack of 3rd party landowner consent). Note: the Made Order consultation on the revised proposal took place on 23rd January 2025.
2. Those responses received from statutory undertakers confirmed that no apparatus would be affected by the proposed diversions.
3. Such comments as were received from the District Council, Parish Council or other statutory and ECC policy consultees are included in the PDF Documents numbered 0.9


PPO & Development Officer
Essex County Council

9. Copies of any replies to the pre-order consultation and the responses by the OMA

See submitted PDF files:

9a-Councillors Foley and Luck replies to Original pre-order consultation and responses by the OMA.pdf

9b-Other replies (utilities) to Original pre-order consultation and responses by the OMA.pdf

9c-Other replies (utilities) to Revised pre-order consultation and responses by the OMA.pdf

10. Name and address of every person, council or prescribed organisation notified under

- (i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;

See submitted PDF file:

10-Name and address of every person notified under Schedule 6 of the 1980 Act.pdf

11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served

Essex County Council, hereby undertakes as the relevant order making authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That if the aforementioned Highways Act Order to divert sections of Footpaths 17 and 19 Debden is confirmed by the Secretary of State, the Council will duly publish and serve notice of the same

or

if not confirmed notice to that effect will be duly served in accordance with the directions of the Secretary of State

██████████ PPO & Development Officer
Essex County Council

12. Location map to enable Inspector to locate the site

The diversion of Footpaths 17 & 19 is located at;
Deynes Farm, Deynes Road, Debden, Essex CB11 3LG

See submitted PDF file:

12-Location map Footpaths 17&19 Debden.pdf

13. Written permission from the landowner allowing the Inspector access to the land

See submitted PDF file:

13-Landowner consent form ██████████.pdf

14. Name and address of applicant

[REDACTED]

15. Confirmation that the OMA is supporting the order

Essex County Council as the Order Making and Highway Authority hereby confirms it is supporting the order as made to divert Footpaths 17 and 19 in the parish of Debden.

We also confirm the County Council will continue to support the order should the matter be dealt with by Inquiry or Hearing.

[REDACTED]
PPO & Development Officer
Essex County Council

16. Details of the time and place where documents relating to the order will be made available for public inspection by the authority

The documents relating to the Order will be made available for public inspection on Essex Highways website at: <https://www.essexhighways.org/permanent-closures-or-diversions/opposed-orders>

Copies of the documents relating to the order can also be made available to view at Essex County Council Offices, County Hall, E block main reception, Market Road, Chelmsford, Essex CM1 1HQ between the hours of 8.30am to 4.30pm Monday to Friday, or posted or emailed (subject to a recipients' email file size limitations). To arrange to view or be sent the documents, requests should first be submitted by email to publicpathorders@essexhighways.org

17. Health and Safety issues questionnaire

Health and safety at the site questionnaire

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

We are not aware of any specific risks that would require PPE other than normal walking clothing/footwear. The proposed diversion routes include a requirement for a gap to be created in a hedge and a culvert at point C. The applicants have not yet undertaken these works as they will only be required if the order is confirmed and the footpaths diverted. Navigation of the entirety of the proposed diversion routes will therefore require a certain amount of back-walking to avoid this. For the same reason (the diversion not yet coming into force) some new headland diversion sections may as yet be uneven or have upgrowth or cropping on them and cross-field sections awaiting a permanent grass strip may similarly be cropped or ploughed.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

The PROW in this general area are popular with walkers including dog walkers so there is a reasonable probability of encountering dogs on or off lead.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The site including the current and proposed diversion routes should all be visible to some extent from the current PROW network.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Ofcom's mobile service checker evidences a 'good' outdoor coverage for the O2, EE and Vodafone networks in the site area with less comprehensive cover for the Three network. There are no known functioning public telephone boxes close to the site. The nearest hospitals with an A& E department in case of an emergency are Addenbrooke's Hospital Cambridgeshire, Princess Alexander Hospital Harlow, or Broomfield Hospital near Chelmsford, all of which are of a similar distance to the site.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

The PROW are accessible by car and a suggested parking location is shown on the location plan (Document 12.). The nearest railway station is Newport, which connects to London Liverpool Street. The 451 'Stephensons of Essex' bus service would appear to connect Newport (bus stop located outside Joyce Franklin Academy) to Debden (bus stop outside Debden CofE primary school) with some walking required at either end.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

To the best of our knowledge no equipment or substances are stored along the PROW or proposed routes, but as some of these areas are in agricultural usage caution is urged especially for visits at planting or harvesting time.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

Due to the rural location of the site, the nearest significant public facilities inc. shops/fuel etc. are located in either Newport or Saffron Walden.

18. Undertaking that any new path or way to be provided will be ready for use before the order comes into operation;

Essex County Council, hereby undertakes as the relevant authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That any new path or way to be provided in accordance with the above Diversion Order confirmed by the Secretary of State will be ready for use before the Diversion Order comes into operation.


PPO & Development Officer
Essex County Council

19. Extract from the definitive map and statement;

See submitted PDF file:

19-Extract from the Definitive Map and Statement.pdf

20. Confirmation of no relevant provision within the Essex ROWIP

See submitted PDF file:

20- Confirmation of no relevant provision within the Essex ROWIP.pdf

21. PROW Officer's Statement;

Public Rights of Way Officer STATEMENT

I, [REDACTED] c/o of Essex County Council, County Hall, Market Road, Chelmsford, Essex

WILL SAY as follows:

- I have been employed (full time) by Ringway Jacobs as a Public Rights of Way (PROW) Officer since January 2019. At the time of this application, I am responsible for maintaining the network within the District of Uttlesford. This involves assessing and prioritising enquiries I receive, initiating maintenance work by liaising with our maintenance supervisor and landowners and requesting underground utility searches. I also undertake first line enforcement for non-compliance issues and escalate matters to the PROW Enforcement & Liaison Officer where required for formal legal action. Although I have no direct involvement with the management of budgets, I always strive to provide the best value for money and prevent financial burdens for the organisation. It is therefore often the case that my colleagues within the Definitive Map & Records Team request my attendance at site visits to determine the suitability of a proposed diversion or extinguishment. I am also able to provide knowledge on the local demographic, the types and frequency of users on a particular PROW and common issues reported.

Background

The proposed diversion of the relevant section of Footpath 19, Debden, has been applied for by [REDACTED] the landowner of the property 'Deynes Farm' and resident at the Old Barn, Deynes Road within the site. The primary reason for the application is to maintain privacy and security within their property and garden. This will also benefit them by removing the cross-field section of Footpath 19 making the land management more productive.

The section of this footpath has been obstructed and unavailable for public use for many years due to the garden fence, a tennis court and vegetation. Since our records began, the enquiry reporting system used by Essex Highways have received a total of five enquiries directly relating to the obstructed section of Footpath 19 Debden, the first recorded was on 02/09/14.

From previous site visits and reports from the public, it does appear that some people have been using an alternative, unofficial route across the top of the gardens and past the entrance to Deynes Farm to rejoin onto Footpath 71 Debden.

Assessment of the Proposed Diversion

As outlined in the background, this section of the footpath has been inaccessible for many years. Although people may have been using an alternative unofficial route, as this passes the front of the applicant's house, through their small yard and along the back of their garden, it doesn't maintain their privacy and security.

The diverted route does result in an increase of approximately 259m to the footpath network. The extension of Footpath 17 does maintain the link between the current network and creates a circular route for walkers. The diverted route of Footpath 19 maintains the link from Footpath 71 to Footpath 17 and again creates another circular route. The agreement to leave a 2m grass strip along the diverted route enables it to remain much more accessible all year round.

The footpath being diverted doesn't seem to be an important access route and is mainly used for leisurely walks so the increase on the network and improved links could be seen as beneficial to the public.


In conclusion, I determine that the proposed diversion of Footpath 19 and the extension of footpath 17 would meet the requirements to the applicant by increasing their privacy and security around their property and garden as well as resolving the long-term obstruction issues and creating, extending and improving the network for the public.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed



 Public Rights of Way Officer

Dated

31st July 2025

22. DEFRA Presumptions Guidance;

See submitted PDF file:

22-DEFRA Presumptions Guidance.pdf