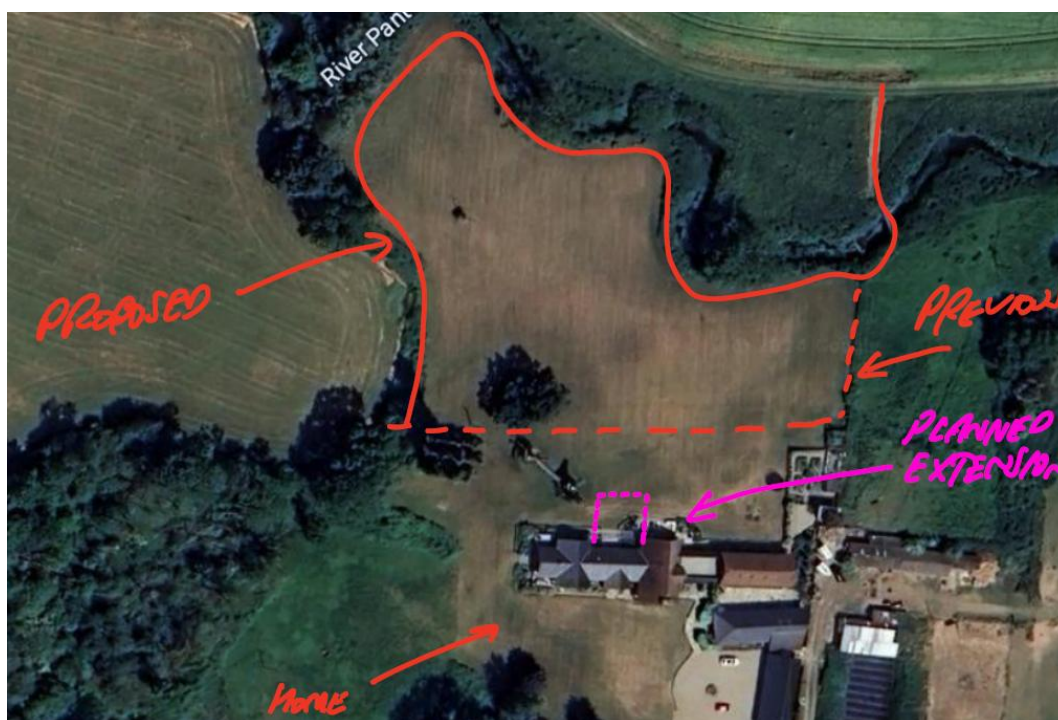


I, [REDACTED] Public Rights of Way Officer of Essex County Council will say as follows:

I have been employed (full time) by Essex County Council as a Public Rights of Way (PROW) Officer since August 2009. I am responsible for maintaining the PROW network within the District of Braintree. 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 low-level enforcement for noncompliance issues and escalate matters to the PROW Enforcement & Liaison Officer if required. Although I have no direct involvement with the management of budgets I will 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 & Highways Records Team will request I attend a site visit to determine the suitability of a proposed diverted route and what (if any) requirements are needed to ensure user safety.

Background

My colleague, [REDACTED] Public Path Order & Development Officer, who sits in our Highways Records Team, notified me that [REDACTED] had submitted an application under S119 Highways Act, 1980, seeking to divert a section of Footpath 15 that runs in a roughly east-west direction directly in front of their house.



Extract from application submitted by [REDACTED] 14th February 2024

Assessment of the proposed diversion

I was asked to attend a site meeting on the 20th March 2025 with the applicants and [REDACTED] to walk the existing route of footpath 15 and to then walk the proposed diversion. As the maintenance officer for the area my priorities are to ensure that any new route does not create a new significant liability for the Highway Authority in terms of maintenance cost, practicality of access and usability for the public in terms of being able to readily identify the new route and enjoy something that is not substantially less convenient.

The section of footpath 15 which is proposed to be diverted runs in an east-west direction, turning 90° north down a slope to a metal kissing gate.



Point A facing east towards point B

As the above photo illustrates, the existing line of footpath 15 crosses a well-maintained grassy area, close to the buildings on the right (south) and offers good views to the north. This is a low maintenance route that has previously had a handrail installed to assist walkers using the slope and a metal kissing gate (shown on the Definitive Map).



Looking at proposed diversion route, the intent is to run around the field/garden edge, following the line of the River Pant to the bridge where the PROW crosses over the footbridge.

In terms of any perceived benefit to the Highway Authority and walkers, the proposed route avoids the slope and in a discussion with the applicant at the time, [REDACTED] was

willing to remove the metal kissing gate. This would provide a route which is free of limitations. I felt there was no loss of amenity in terms of views. The location is quite open and views to the north remain.



Whilst on site we discussed the merits of walking closer to a watercourse and the opportunity for spotting wildlife.

However, as part of our assessment the obvious question to ask was whether the risk of being on lower ground could have an impact on the surface and limit availability if there are any incidents of flooding?

A conversation was had on site with the applicant who agreed that the line of the proposed diversion should be set back by a few metres from the bank of the river. This would immediately put it on higher ground thus mitigating the risk. Following the site meeting I did a check on our online reporting system called Confirm to check whether we had ever received enquiries from members of the public regarding flooding issues on nearby PROW where they run close to the river. There have been no such enquiries/reports. In addition, I understand that the Environment Agency were consulted and no issues were raised.

On this basis I am satisfied that the proposed route does not present any significant issues and does not present a route that could be considered to be substantially less convenient. Whilst asking about the flood risk is both obvious and sensible, there is no evidence of flooding here and no concerns have been raised by both the ECC Flood team or the Environment Agency.

In terms of overall length, the section of PROW to be closed is about 141 metres and the new route along the field edge and riverbank is about 278 metres. However, the overall length of Footpath 15 is currently 690 metres. In this context I do not consider this additional length a substantial inconvenience.



When considering possible and actual objections:

- **Flooding** – no evidence of flooding here. In areas that are prone to flooding you will often see a ‘tide line’ where the river deposits material in a clear line to demonstrate the extent of flooding. No such material is evident. In addition, the applicant agreed to move the diversion route to higher ground and the Environment Agency has not raised an issue.
- **The footpath has already been diverted** – there is nothing to stop an applicant making a new application for a diversion. The reasons for applications can change and a previous diversion is not relevant.
- **Additional distance** - The new route would add approximately 137 metres to a footpath which is already 690 metres. If you just turn around and walk back you will have walked over 1200 metres. If you continue over the river and walk the connecting PROW (Wethersfield Footpath 10) that adds another 836 metres. Therefore, I do not consider an additional 137 metres a substantial inconvenience.
- **The new route only benefits the applicant at the expense of users** - S119 HA 1980 first asks if the diversion is in the interests of the owner. In terms of the amenity of the public, it is the same field, same surface, same views. No gate and an easier slope.
- **Loss of view** – I disagree, the main view is over the River Pant facing northwards. This remains and also offers the opportunity to walk alongside the river which some people would consider an additional benefit.

Summary

In terms of maintenance and the risk of additional future costs for the Highway Authority, there is nothing here that raises any concerns as long as the proposed route is set back from the watercourse, is a minimum of two metres and does not have vegetation (hedges) planted along it. The proposed new route is structure free with an easier gradient. With regard to surface, length and amenity, there is nothing I would consider to merit being considered a substantial inconvenience and whilst I am sure that the majority of objections are reasonably and sincerely made, I feel that they can be addressed and mitigated and they do not present themselves as being substantially inconvenient. On this basis I am happy for this application to go forward.



Public Rights of Way Officer

10 October 2025