

Inspectorate reference number: ROW/3370751

Application to Divert Footpath 65: Statement of Case in Support of Confirmation of the Diversion Order

This document should be read in conjunction with accompanying documents containing relevant referenced images as follows:

- Statement of Case 22062026 Appendix 1: Aerial image (image 1)
- Statement of Case 22062026 Appendix 2: Current route images (images 2-14)
- Statement of Case 22062026 Appendix 3: Proposed alternative route images (images 15-21)
- Statement of Case 22062026 Appendix 4: Images of the lake from FP 66 (images 22-23)

Also attached are:

- The original application to divert the footpath
- The Public Footpath Diversion Order (PFDO), which includes (on page 3) a map image with details of the current and proposed routes

1. Introduction

Name of order

PUBLIC PATH DIVERSION ORDER 2024 FOOTPATH 65 SIBLE HEDINGHAM IN THE DISTRICT OF BRAINTREE – SECTION 119 HIGHWAYS ACT 1980

REF: ROW/3370751

Applicant's interest in the land

We are Robert and Jean Fuller, the owners of Brickwall Farm, [REDACTED] We have lived and farmed at Brickwall Farm since 1960 when we married. We continue to do so with the help of two of our daughters, Zoe and Patsy Fuller. We made the application for diversion of part of Footpath 65.

2. Background

Chronology of the application and order

- 3 November 2022: Application made
- February 2024: Informal Consultation started
- August-September 2024: Made Order Consultation
- September 2024: Objections and responses received
- August 2025: Order submitted

Description of the site

The site is a small family farm, comprising:

- the farmyard and buildings
- meadows, grassland and woodland used for grazing livestock (rare breed sheep and beef cattle)
- a lake
- a small converted agricultural barn in the middle of the farm known as Mount Nebo Barn (referred to here as The Barn), previously used as offices, then a children's nursery, and now used for weddings and community events

Existing route

Using the map provided in the PFDO (and also shown on the aerial image in Appendix 1) footpath 65 passes across the farm from the area of the farm buildings, along a hard surface track, before turning into a field, then through a small piece of woodland, alongside a track between The Barn and the lake, back through woodland, eventually leaving the farm and running through a neighbouring farm to the adjacent hamlet of Southey Green.

The section of footpath 65 that it is proposed to divert runs from points A-B on the PDFO map. This section starts where the footpath turns from a hard surfaced track into the field, then into woodland, and then runs alongside The Barn, until it re-joins another footpath in a further piece of woodland.

Proposed route

Using the map provided in the PFDO (and also shown on the aerial image in Appendix 1) the proposed route runs from point A to C to D. It continues along the hard surface track for the duration of the diversion, and passes along an avenue of trees with fenced grass fields on both sides (A-C), and then along a short stretch of track with a meadow on one side and a hedge on the other (C-D).

3. Description of the existing route

Alignment

The existing alignment is marked on the PFDO map as A-B.

This section of footpath travelling from A to B runs roughly North East to South West. It starts at the entrance to a small grass field passing East to West alongside the fence on the North side of the field. The path turns left into a small section of woodland, passing in a straight line in a South West direction through the trees. Leaving the woodland the path curves South, running along the boundary of The Barn. The path then turns in a more Westerly direction, meeting adjoining footpath 66.

The route, width and surface

The route is accessed via a farm gate (Appendix 2, image 2) and enters a small piece of open grass field. The field is fenced on all sides with stock fencing. The path here is fairly level and grass covered. It can be very muddy in parts in the winter, dependent on weather and amount of use.

The path then passes through a further gate (Appendix 2, image 3), entering woodland. This section of the route is slightly sloped, with a natural surface, and is wet and muddy in parts (especially in winter) because of natural springs in the area. The piece of woodland is fenced on three sides with stock fencing. Here there is vegetation and trees alongside the edges of the path (Appendix 2, images 4 and 5).

As it emerges from the woodland the track has a hard, gravel covered surface and passes alongside an earth bank (of variable height, from approximately 2m, down to 0.1m at the end) on one side (Appendix 2, image 6) with The Barn on top of this, and with views of the lake on the other side (Appendix 2, image 7). The footpath continues to run on the same surface alongside the earth bank which marks the edge of The Barn, passing to within 10 m of the building itself and with views into the building and surrounding area (Appendix 2, images 8, 9 and 10).

As it turns back into woodland towards point D, the footpath is on a fairly level, hard earth surface, passing between rows of trees (Appendix 2, image 11).

The path widths throughout are 1.5 m approximately.

Relationship to buildings operations, gardens, livestock etc

In the first section of grass field nearest to point A, the path is shared approximately 60 days per year with a small herd of 10 beef cattle (including stock of mixed ages and a bull) and around 45 sheep (including rams).

The section of woodland is currently fenced off from livestock. However as the trees are now of a size that they no longer need protection, this area will be opened up and will also then be shared with the livestock for approximately 60 days per year.

Views from this part of the footpath are mainly of vegetation and of a field (Appendix 2, images 12 and 13).

The area at the end of the woodland, between the lake and the barn passes within 10 metres of both the converted barn where weddings and other events will be held, and of the field where marquees and tipis are erected for weddings (Appendix 2, image 14). This section of the footpath has a view of the lake. It is shared with wedding guests using the tipis or marquees, and runs within one metre of where the power supply is located. The power supply cable and water supply to the venue crosses the Public Footpath (and is protected when in place). No livestock uses this area.

The last section of the footpath (Appendix 2, image 11) passes through woodland and is very occasionally (once or twice a year) shared with wedding guests walking to or from one of the wedding ceremony areas.

4. Description of proposed route

Alignment

The proposed route is marked on the PFDO map A-C-D.

The proposed route runs in a straight line in a South West direction along a track between fencing (A-C) that marks the boundaries of fields and woodland. It then turns right in a North West direction (C-D), continuing along the track between the fencing of a grass field and a hedge.

The route, width and surface

The proposed alternative route passes along a hard surface track (Appendix 3, image 15 and 16), initially tarmacked for approximately one third of the route, and then compressed crushed hardcore for the remainder, with a short (approximately 10m) section of gravel (near point C). It is fenced on both sides for the majority of its length with stock fencing (Appendix 3, image 17). There are three sets of speed bumps along the 250m section of track that is also shared with The Barn.

Where the Footpath turns at point C, it then passes between a field boundary fenced with stock fencing, and a tall hedge (Appendix 3, image 19).

The route passes between grass fields, or between fields and woodland or hedge.

The width of the track allows for a footpath width of 1.5m throughout.

Relationship to buildings operations, gardens, livestock etc

The proposed alternative route is shared in part (in the A-C section) with vehicular traffic accessing The Barn. The shared section of the proposed route is approximately 250m (of a total of 390m approximately from A-D).

The entire section of the proposed alternative route is used by farm vehicles (i.e. a car, tractor or small 4WD vehicle) approximately once a day (although this can be variable depending on farm activities), and for moving livestock approximately once a month.

The proposed route passes between fields used by livestock and woodland (e.g. Appendix 3, images 17, 18 and 20). One of the fields is used for parking during weddings and community events (with a maximum of 52 events permitted each year). The proposed route passes within 10 metres of the boundary of this field and has a view of the field through livestock fencing (Appendix 3, image 21)

5. Operational evidence

Farming

The farm has a small herd of 10 rare breed beef cattle, and a flock of around 45 rare breed sheep. The livestock use the area of the current route for an estimated 60 days per year.

We are increasingly farming the livestock amongst the trees. This is in keeping with regenerative farming principles, especially silvopasturing (the practice of integrating trees in the grazing of farm animals). In this practice, animals live outdoors year round, with access to trees as much as possible, with minimal carbon inputs (e.g. without any or with less straw used for bedding). Pasturing animals amongst trees provides numerous benefits. Research suggests that silvopasture:

- far outpaces any grassland technique for counteracting the methane emissions of livestock and for sequestering carbon
- has livestock welfare benefits, providing shelter, shade, natural scratching posts, and diversity in their diet.

Around 3000 trees have been planted on the farm in the last 30 years to facilitate farming the livestock in this way. The trees are now large enough for livestock to be grazing around them without significantly damaging them.

The wooded area of the farm where this section of the footpath runs is currently fenced off from the adjoining field that is used by livestock i.e. only footpath users have access to the woodland, and no livestock can access it. To maximise the land available to use for grazing, we will be removing the fencing that separates the livestock from the trees and footpath, providing the livestock with access to additional grazing and shelter/shade when using this field. This is relevant especially in light of climate change and increasing temperatures.

At the same time, we would like to be able to keep footpath users and animals apart as much as possible, and are taking steps to facilitate this across the farm. This is because:

- the risk of disease being spread, specifically neosporosis, a cause of miscarriage/abortion in cattle which can be carried and spread through the faeces of infected dogs.
- The risk of sheep worrying in particular by dogs restricts which fields we use for the sheep, and we regularly witness dogs being walked off lead
- The section of footpath nearest point A passes through part of a grass field which is occasionally (approximately 6-10 times per year) used for animal husbandry operations such as hoof trimming, management of fly strike in sheep, and feeding of calves.
- Some people are anxious around cattle (especially when there are calves and/or when the bull is with them) and choose to avoid the fields when the cattle are in them. We are aware for example (based on conversations with them) that users of the footpaths sometimes have (without permission) used the proposed alternative route to avoid livestock. We have not kept a record of these discussions. Objections to the application also confirmed this view that some footpath users are uncomfortable around livestock. Verbal comments to us from the Ramblers included anxiety about sharing spaces with livestock.
- We often and regularly find gates on other sections of footpaths left open. With the proposed diversion there is less risk of gates being left open by footpath users and therefore a reduced risk that animals could get loose and cause incidents/accidents on the roads, damage to other land, or come into contact with other livestock.
- The need for protection of rare breeds

Venue activities

The Barn has planning permission to be used for 52 events per year:

- This will be a mixture of weddings and community events (such as training, wellbeing events, creative sessions, or yoga)
- The maximum number of attendees allowed by planning permission is 80

- Hours of operation are expected to typically be between 1pm and 11pm for weddings, and between 8am and 8pm for other events
- There are two outdoor ceremony areas, one of which is visible from the area of footpath we are seeking to have diverted (Appendix 2, image 13)
- There are two outdoor reception/relaxation areas that are overlooked by the current footpath route (Appendix 2, Image 10)
- The footpath is approximately 10m from the closest point of The Barn building

Users of The Barn would be expected to sit in the area between The Barn and the lake, enjoying the views and tranquillity. The current footpath route passes between The Barn and the lake (Appendix 2, Image 6).

Footpath users regularly pass through areas actively used for photographs, share the footpath with users of the venue passing from the car park to the area where tipis can be placed, and overlook the area where tipis and marquees can be placed (Appendix 2, Image 14).

6. Statutory tests

Test 1: is the diversion in the interests of the owner, occupier or the public?

A. The farming of livestock:

A section of the current route passes through a field and woodland which is or will be used for grazing of livestock, and for livestock husbandry (see above).

Diversion is in our interests because will allow us to use a section of woodland for grazing and livestock husbandry without contact with footpath users and dogs, and with:

- increased animal welfare
- increase in access to trees, shade and shelter for the livestock
- lower carbon use
- increased security for both the livestock and footpath users
- more efficient use of the land

The proposed diversion would maintain public access, while directing footpath users along an alternative route, reducing interaction between public users and livestock.

B. Security, privacy and safeguarding:

Separately, and subsequent to our original application to divert the footpath, we have been given Planning Permission to use The Barn at Mount Nebo (on the farm) for weddings (up to 26 per year) and community events (up to 26 per year). Our experience of this to date has added further reasons to the application for diversion in light of the combination of the need for:

- the security of equipment and wedding paraphernalia used : the need to be able to secure the area used for weddings and events when not in use

- the privacy of guests: the need to be able to provide guests with a private space for their celebrations
- the safeguarding of children attending events: the need to be able to protect children from the public accessing private spaces
- a route for footpath users that avoids the main effects of events running at the venue

The proposed diversion would maintain public access, while directing footpath users along an alternative route, reducing interaction between public users and event activities and increasing privacy, security and safeguarding.

Test 2: Is the proposed route substantially less convenient to the public?

A. Distance comparison

Using Google maps the difference in route length is:

- A to B – 330m
- A to C to D – 386m
- **Additional distance = 56m**

Further (alternative) comparison:

- A to B to D = 380m
- A to C to D = 386m
- **Additional distance = 6m**

The proposed diversion is not significantly longer.

B. Accessibility and ease of use

- The proposed alternative route has a better walking surface throughout, with a hard surface and no 'boggy' or muddy patches. It will be accessible to more people, including people with mobility restrictions or people with children in pushchairs for example.
- There are no gates along the proposed route
- There is less vegetation along the path edges that might affect walkers

The proposed alternative route is more accessible and easier to use.

Test 3: Effect on public enjoyment of the path as a whole?

The proposed alternative route offers different views to those of the current route: Images supplied provide examples of these (see e.g. Appendix 3, images 17, 18, 20). The proposed new route offers protected views of the livestock (i.e. both livestock and walkers are separated and protected by

fencing, whilst allowing footpath users to see the livestock), wider views of the countryside and of fields that are rich in wildlife (e.g. barn owls, hares, deer or birds)

The surface is firmer and more even, without muddy patches

The proposed alternative route offers a continuing rural, farm character, and will allow wider views of the fields and farm animals compared with the existing route, with a greater diversity of landscape.

The proposed alternative route is protected by trees for shade and other shelter for the majority of its length.

The proposed alternative route does not pass close to the lake as the current route does. Footpath 66 however has views of the lake which will remain available to footpath users (Appendix 3, images 22 and 23).

The proposed alternative route will be shared on some days with vehicles using The Barn. We acknowledge that this will have an effect on footpath users. Details include that:

- Vehicles for events will use approximately 250m of 390 m of the diversion
- The sightlines of the route are good
- The route has adequate width to allow walkers to safely avoid vehicles
- The route has speed bumps
- There will be a maximum of 52 permitted events at The Barn each year. For the majority of days of the year there will therefore be no traffic to The Barn.

The proposed alternative route also:

- eliminates risks for footpath users sharing the existing route with livestock
- reduces the risk from users close to the lake being tempted to go into the water or walk on ice when the lake is frozen.

Test 4 : Effect on land served by the existing route and the proposed route?

The existing route and the proposed route both start and finish on our land and the proposed changes do not affect other land served by the footpath. The footpaths continue to connect to the same places.

We therefore consider that it is in our interest and the interests of footpath users for the diversion to be allowed.

7. Objections

Response to objections from Mr Occomore and Mr Mullender

Summary of objections:

- the loss of the views from the section of footpath that passes between the lake and the converted barn on the existing route
- conflict between vehicular traffic and pedestrians on the proposed route
- concerns about safety for pedestrians and dog walkers sharing a route with vehicles, especially when events are running at the converted barn, and that the proposed route is too narrow.
- that the proposed diversion is disproportionate to our claimed need for privacy

Our response:

- Footpath 66 has views of the lake, and these will remain unchanged and be available to footpath users
- the proposed new route has good sight lines, and speed bumps where it is shared with traffic to the barn
- previous use of a different section of the same track when it was used very heavily by vehicles when the converted barn was used as a children's nursery did not cause any problems
- The proposed route has better views of a more diverse landscape, and includes sections with travel through multi-species woodland of similar age as the woodland section of the current route.

Supporting evidence

- image taken from footpath 66 (Appendix 4, images 22 and 23) showing alternative views of the lake
- Images showing sightlines (Appendix 3, images 15 and 16)
- historical use:
 - For around 20 years a different part of the footpath 65 route was shared with vehicles using The Barn. In later years (approximately 2015-2023 when The Barn was used as a children's nursery) this included heavy vehicle use i.e. daily (Monday-Friday), year round use of the route by 30-50 vehicles travelling to and from the building twice each day (therefore between 120 and 200 vehicle journeys along the track each day). We are not aware of any incidents, concerns or problems caused or raised with the council, the tenants or us by the sharing of that route with public footpath users during this time.
 - As pedestrians who shared the proposed alternative route with this high volume of vehicle traffic, we did not experience any incidents or near misses.

- The children's nursery regularly (weekly) walked groups of small children down the proposed alternative route (whilst being shared with heavy traffic travelling to and from the nursery) without any incidents to our knowledge

In addition:

- The route is fitted with 3 sets of speed bumps to slow traffic
- The approximately 250m section of the proposed alternative route that is shared with The Barn would be used for vehicle access for events for a maximum permitted number of events in the barn of 52 events per year, with a maximum number of attendees of 80 per event.

8. Conclusion

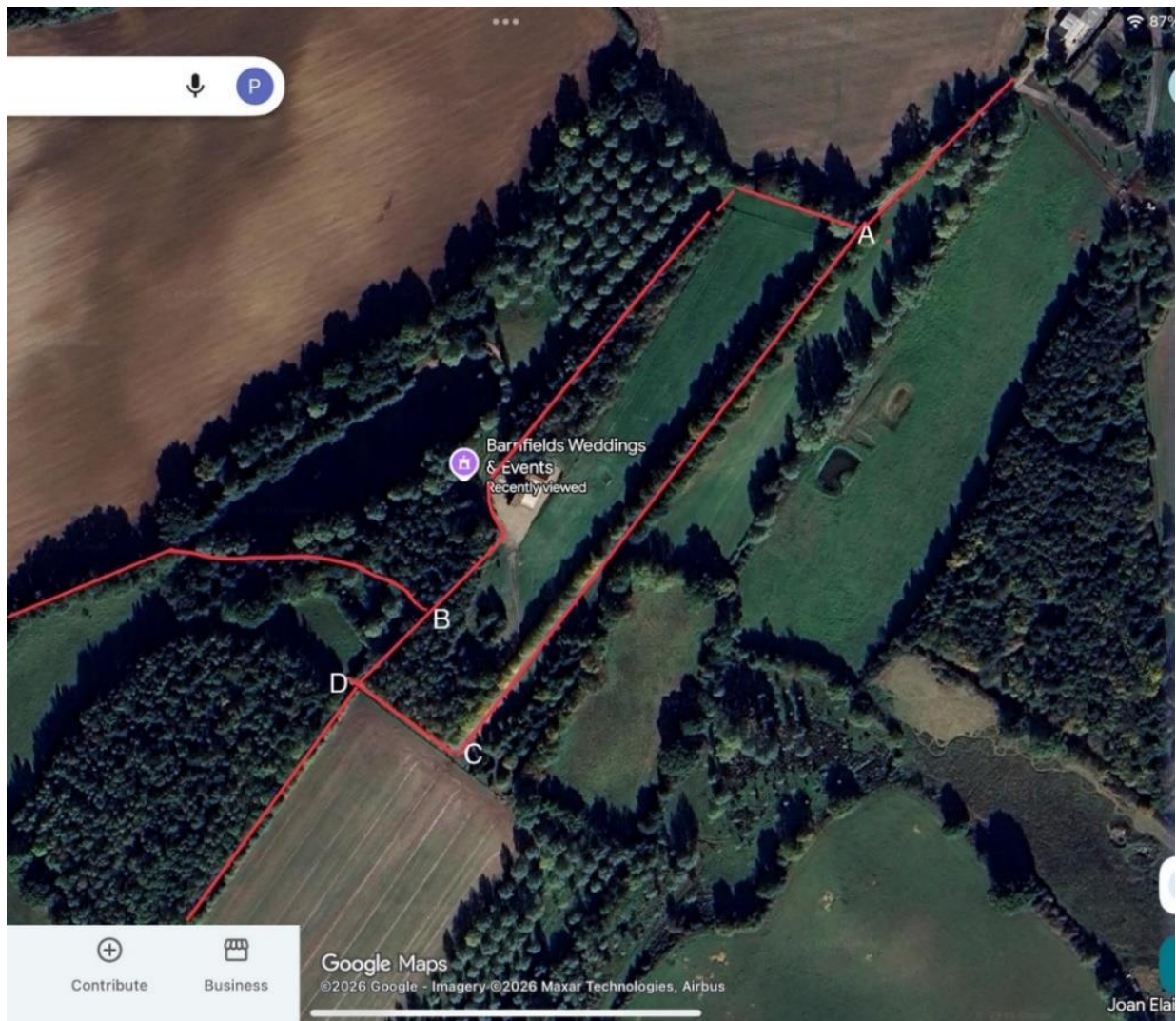
The proposed route:

- follows an established hard surface track
- avoids the livestock grazing area, reducing interactions between walkers, dogs and livestock
- improves animal welfare
- offers the opportunity to reduce slightly the carbon footprint of the farm
- avoids the principal wedding venue grounds
- improves safety for the public and venue users
- provides a clear and convenient route for the public which maintains public access to the site
- reduces conflict between public use, commercial activities and livestock management

The Fullers, Brickwall Farm, [REDACTED]

Statement of case Appendix 1: Aerial image

Image 1: aerial view of relevant area from Google Maps with red lines added to show current and proposed routes



Statement of Case Appendix 2: Current Route Images

Image 2: Taken at Point A, in the direction the current route takes, through the gate into the field



Image 3: looking towards second gate, into the woodland



Image 4: Current route through the woodland (i)



Image 5: Current route through the woodland (ii) as it continues. Area used for weddings and tipis on the immediate right



Image 6: Footpath continuing curving left, earth bank on the left, with The Barn visible. Lake is to the right (not visible in this image)



Image 7: View of the lake, taken from the footpath



Image 8: area where current footpath route turns right/west. The Barn is to the left of the picture.



Image 9: View of the footpath (running next to the grass bank) and The Barn, looking back towards point A, and the lake.



Image 10: View of The Barn showing areas overlooked from the footpath



Image 11: Footpath continuation through woodland, towards Point D



Image 12: View to the south from footpath in woodland



Image 13: View to the north from footpath in woodland area, including ceremony area overlooked from the footpath



Image 14: Area used for weddings and tipis, image taken from footpath



Statement of case Appendix 3: Proposed alternative route images

Image 15: Taken from point A (current route with edge of access gate just visible at far right of picture). Set of speed bumps visible.



Image 16: Continuation of proposed alternative route, towards point C



Image 17: Track edge and outlook (looking north) showing fencing



Image 18: View of meadow with cattle, taken from part of proposed route at point C



Image 19: Proposed alternative route, from point C to D. Field to the left, on the other side of the fence



Image 20: View from proposed alternative route looking South



Image 21: View of field taken from proposed route, showing The Barn and field where cars park when events are running



Statement of Case Appendix 4: Images of lake from footpath 66

Image 22: View of the lake from footpath 66 (i)



Image 23: View of the lake from Fothpath 66 (ii)



APPLICATION FOR A PUBLIC PATH DIVERSION ORDER
FOR FOOTPATHS, BRIDLEWAYS & RESTRICTED BYWAYS
HIGHWAYS ACT 1980 – SECTION 119

TO: Essex Highways Definitive Map Service
Seax House 2nd Floor
Victoria Road South
Chelmsford
CM1 1QH

Email: publicpathorders@essexhighways.org

Please complete all sections in clear print and return to the above address. Emailed scans of originally signed forms are acceptable. All 5 pages must be completed and submitted for an application to be considered. (it is advisable to retain a copy for your records)

The Public Right(s) of Way

Parish in which the public right(s) of way is located Sible Hedingham

Path numbers (if known) 65

Name of Applicant Robert and Jean Fuller

Address [REDACTED]

Postcode [REDACTED] Telephone [REDACTED]

Email address [REDACTED]

Are you the owner of the land from which the public right of way is to be diverted? YES *

Are you the owner of the land to which the new route is to be located? YES *

If NO then state whether you are:

☐ Occupier /Tenant ☐ Agent ☐ Other

Name of landowner(s)

Address

Postcode Telephone

Email address

***Where 3rd party landowner consent is required for a diversion the applicant is responsible for obtaining that consent. ECC will provide the 3rd party with a form for completion, signing and return. It will not be possible to proceed with any application without the landowner's consent.**

Please provide a PLAN showing the line of the current path and the route where you wish to divert the public right of way.

Include road names, place names and any other identifiable features on the plan.

GUIDANCE ON STATUTORY CRITERIA FOR A DIVERSION

1. In the case of an application for a diversion order; that in the interests of the owner, lessee or occupier of land crossed by the path or way, or in the interest of the public, it is expedient that the line of the path should be diverted
2. The public path diversion should not alter the point of termination if the new point is not on another public path or highway
3. The new termination point should be on the same path/highway or one connected with it, and which is substantially as convenient to the public
4. The new path or way should not be substantially less convenient to the public in consequence of the diversion having regard to:
 - i) public enjoyment of the path or way as a whole,
 - ii) the effect the order will have on other land served by the existing right of way, and
 - iii) the effect on land over which the new right of way is created

Please provide reasons below for the diversion of the path and any further comments you wish to make. See 'Guidance on Statutory Criteria for a Diversion' above, (use additional paper if required).

Important note: In order to determine the merits of Applications, ECC must be convinced that an order should be made in the interests of the owner, lessee or occupier, it is therefore extremely important to use the space below to clearly identify the reasons why the proposals are in your interests. If it is not clear why a diversion would be in your interest we may not be able to proceed with your application. Orders that receive objections which are unable to be withdrawn, will be forwarded to the Secretary of State (The Planning Inspectorate) for determination at the discretion of ECC, and the reasons given below will form the basis for requesting the Planning Inspectorate to confirm any opposed orders.

The farmland is used for raising livestock: specifically, rare breed cattle and sheep. We have been transforming the farming towards more nature and environment friendly Pasture Fed, Regenerative Farming. This requires the animals to be able to graze more freely, more frequent rotation of fields, and for the animals to have access to shelter from extreme weather, whether hot, wet or cold. It includes using less inputs in the form of hay, straw etc and so reduces the carbon footprint of the farm. There is therefore a need to maximise access to land that can be used safely by the animals. Part of this footpath passes through pasture and woodland. It is not possible to safely use this land for grazing or shelter due to the risks to the stock of gates being left open, littering, harassment/worrying from dogs, and from possible diseases that could be spread by dogs (e.g. neosporosis via faeces).

A different part of the footpath passes alongside (less than 10 metres from) a building used for office/commercial purposes. This building is let to tenants, being occupied by a children's nursery.

We would like to therefore divert the footpath to:

1. Allow this area of the farm to be used for grazing and sheltering of the animals during extreme weather, and
2. Allow greater privacy,safety and security for the users of the property

TERMS AND CONDITIONS – IMPORTANT – PLEASE READ BEFORE SIGNING

I/We acknowledge that a non-refundable assessment fee of £520.00 will be invoiced when notification is received of the commencement of the processing of the application.

I/We acknowledge and undertake that:

1. The application will not proceed to the next stage until the assessment fee invoice has been paid.
2. The assessment fee amount paid covers the following costs:
 - (a) land ownership verification
 - (b) determining if we will process the application i.e. accept, consider and issue decision
 - (c) initial site visit
 - (d) drawing up of a proposal plan
 - (e) pre-Order 'informal' consultations and negotiations
3. The total amount paid is currently a fixed fee of £3,196 (which includes the £520 above). Any additional orders required which may form part of the same scheme will cost a further £813 per order, and a fee of £376 will apply for the second and each additional path within any order. The set fee includes the following costs:
 - (a) making an Order/s including legal costs and compiling final order plans (see above and PPO Fee Guide re additional Orders/paths).
 - (b) advertising and consultation of Orders
 - (c) confirmation of Orders including legal costs
 - (d) the certification of the diversion routes including site visits
 - (e) * works costs are not included – see below

*NB. Any works required to bring the new route into being will be paid for by the applicant unless in exceptional circumstances other terms are agreed with the Council. 'Works' includes any work requiring execution on land other than that owned by the applicant to meet the legal schedule as set out in the conditions of the Order. The applicant will meet any costs incurred by the Council as a consequence of any alteration or replacement of any statutory undertaker's apparatus including telecommunications apparatus, arising from the effect of the Order together with any costs provided for under the 1980 Act. It may be possible in some circumstances for applicants to undertake or commission their own works to ECC design standards subject to certification by ECC. Please note: works connecting with highways with vehicular rights, such as carriageways and roads, can only be undertaken by ECC or their nominated contractors.
4. **IMPORTANT - Non-ECC works:** please note it is your responsibility to check for any underground cables, pipes or any other equipment before breaking the ground and commencing the installation of any approved structures on the diverted route. You must contact the relevant Statutory Undertakers (i.e. BT, gas, water, electricity companies etc.) to ascertain whether they have apparatus within the area proposed to install the structure. If there is any objection from any of the relevant Statutory Undertakers then the highway authority must be informed and the installation must not proceed.
5. To pay on demand costs at the made Order stage of £1,926 (plus extra costs as 3. above).
6. To pay on demand the remaining fees at the confirmation Order stage – plus works.
7. If objections lodged are not withdrawn and upon referral to the Secretary of State, they subsequently dismiss the Order, but not on the ground of invalidity, monies paid by the applicant for costs incurred up to the made Order stage are not refundable. Please be advised that opposed orders will only be forwarded to the Secretary of State for Rural Affairs at the discretion of the Highway Authority who will determine if the benefit of the order outweighs the costs to the tax payer of a referral.

8. To pay any compensation in respect of a diversion onto land owned by persons other than the applicant under provisions of Section 28 (as applied by Section 121) of the Highways Act 1980 which may become payable to a person whose interest in the land has depreciated or who has suffered damage by being disturbed in enjoyment of the land, in consequence of the coming into operation of the said Order.
9. Where immediately before the date on which part of the public right of way is diverted, there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
10. I/We will notify the Highway Authority the name and address of any other person(s) known as having an interest in any of the land or premises affected by either the existing or proposed new routes; please complete the Requisition for Information form overleaf as appropriate.
11. Please advise if any Statutory Undertakers/Utility Companies have rights of access over the land subject to the existing Public Right of Way:

Name of

company N/A

Details of
rights.....

.....
.....

12. If any of the land appertaining to the diversion proposals is registered with Land Registry please provide the relevant Land Registry Extract No.s:

EX 818409

.....

Please note - land that is not yet registered, whether on the current legal or proposed diversion route/s, will result in delays in the processing of your application. Essex Legal Services will not accept an instruction to make an order where landownership is not confirmed by Land Registry title plans and registers or alternative suitable proof (at ECC's discretion). Applicants are therefore urged to use the waiting list time to register any affected land parcels to prevent delays.

I/We have read and agree the terms and conditions and these provide a legally binding agreement between Essex County Council and the applicant.

Signature(s)



Date 3 November 2022

Requisition for Information - Essex County Council

Pursuant to the provisions of section 16 of the Local Government (Miscellaneous Provisions) Act 1976, the above-named authority hereby requires you to state in writing the nature of your interest in the land affected by this application. This information is required by the Council with a view to performing their function in relation to public path orders under Section 119 of the Highways Act 1980. You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freeholder, lessee or otherwise, mortgagee or who receives rent for the land.

My/our interest in the land is as (owner, lessee, licensee, occupier)	Owner
Full name and address of occupier	Robert and Jean Fuller, [REDACTED] [REDACTED]
State whether premises held on weekly tenancy, agreement or lease and term	N/A
Full name and address of person to whom rent is paid, if he is Agent for another person state full name and address of such person	N/A
Full name and address of Freeholder	As above
Full name and address of Leaseholder	N/A
Full name and address of Mortgagee (Bank, Building Society etc.)	N/A
Full name and address of any other person having an interest in the premises	N/A

ESSEX COUNTY COUNCIL

PUBLIC PATH DIVERSION ORDER 2024

FOOTPATH 65 SIBLE HEDINGHAM

IN THE DISTRICT OF BRAINTREE

HIGHWAYS ACT 1980 - SECTION 119

PUBLIC PATH DIVERSION ORDER

ESSEX COUNTY COUNCIL
HIGHWAYS ACT 1980 – SECTION 119
PUBLIC PATH DIVERSION ORDER
FOOTPATH 65 SIBLE HEDINGHAM

This Order is made by Essex County Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interest of the owners of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

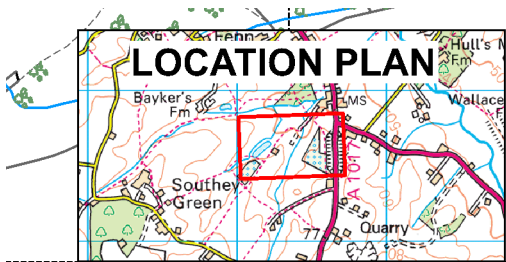
The landowners have agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses incurred in the order making and bringing the new site of the path into a fit condition for use by the public.

Epping Forest District Council have been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

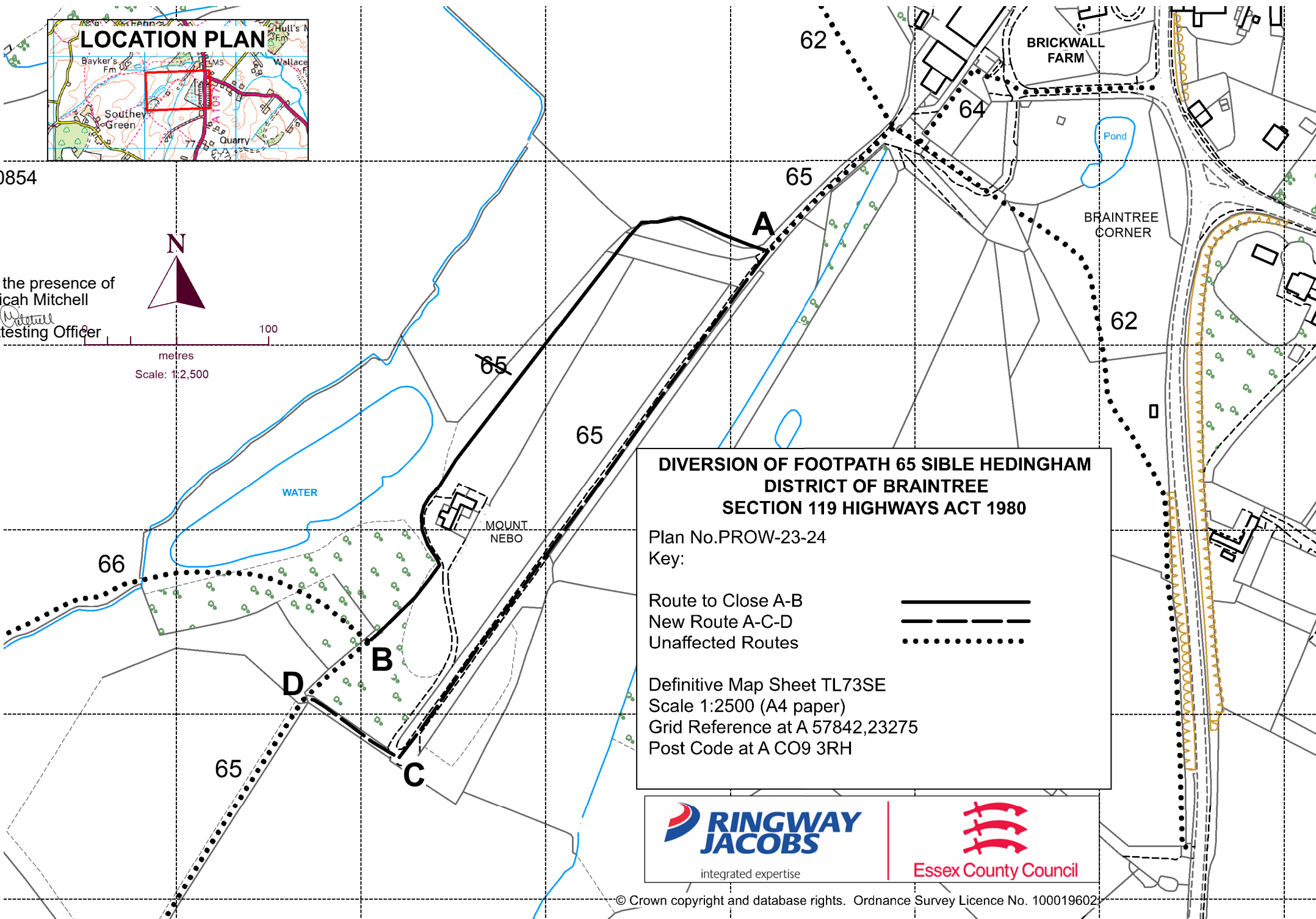
- 1) The public right of way over the land south of Brickwall Farm known as Footpath 65 Sible Hedingham in the District of Braintree and shown by a bold continuous line on the order map numbered PROW-23-24 contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 35 days from the date of confirmation of this order.

- 2) There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land south of Brickwall Farm known as Footpath 65 Sible Hedingham in the District of Braintree as described in Part 2 of the Schedule and shown by a bold broken line on the order map numbered PROW-23-24 contained in this order.



E0854

in the presence of
Micah Mitchell
Micah Mitchell
Attesting Officer



**DIVERSION OF FOOTPATH 65 SIBLE HEDINGHAM
DISTRICT OF BRAINTREE
SECTION 119 HIGHWAYS ACT 1980**

Plan No. PROW-23-24

Key:

Route to Close A-B
New Route A-C-D
Unaffected Routes



Definitive Map Sheet TL73SE

Scale 1:2500 (A4 paper)

Grid Reference at A 57842,23275

Post Code at A CO9 3RH



integrated expertise



Essex County Council

SCHEDULE

(PART 1)

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

A part length of Footpath 65 Sible Hedingham of unknown width shown by a bold continuous line on the order map commencing from point **A** at grid reference 57842,23275 in a north westerly direction through a gate into a paddock then in a generally south westerly direction through another gate and along a tree lined path with a natural surface then continuing to follow the western boundary of the property known as Mount Nesbo for a total distance of approximately 356 metres to point **B** at grid reference 57820, 23253 where it continues unaffected.

(PART 2)

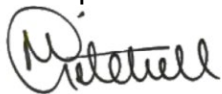
DESCRIPTION OF SITE OF NEW PATH OR WAY

A footpath being 2 metres in width shown by a bold broken line on the order map commencing at the aforementioned point **A** in a south westerly direction along a private access road for a distance of approximately 339 metres to point **C** at grid reference 57822,23247 then continuing in a north westerly direction along a natural surfaced path for a final distance of approximately 60 metres to point **D** at grid reference 57816,23250 where it continues unaffected.

The Common Seal of Essex County Council was hereunto affixed on the ninth
day of July 2024

E0854

in the presence of



Micah Mitchell
Attesting Officer

Dated: 9th day of July 2024

PUBLIC PATH DIVERSION ORDER

**HIGHWAYS ACT 1980
SECTION 119**

Footpath 65 Sible Hedingham in the
District of Braintree

Paul Turner
Director, Legal and Assurance

Seax House
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Essex
CM1 1QH