

0.4 Statement of the OMA's comments on the sole maintained objection

The OMA's letter and email response to the objector (document no.3) contain its actual responses.

However, for the sake of clarity these will be listed and expanded upon within this document.

The objector's reasons for objecting to the diversion proposal are provided in their own words below with the OMA's comments underneath in italics. Appendix 1.PROW Officer's Statement also applies:

1. 'Ancient rights of way should be respected and maintained and not re-routed purely for the convenience of the landowner and the inconvenience of the footpath users'.

Paragraph 1 of Section 119 of the Highways Act 1980 specifically allows for orders to be made to divert public rights of way (PROW) in the interest of the landowner, therefore the OMA's view is that the reason given by the objector above is not valid. The issue of convenience is expanded upon by the objector in a separate paragraph and is responded to directly thereafter. It should also be noted that there are no known historic sites of interest (ruins, churches etc.) on/by either the current or proposed routes, and Essex County Council's (ECC) Historic Environment team did not respond to the diversion consultation to raise any concerns.

2. 'The current route from A to B on footpath 14 and D to E on footpath 15 is the most direct route. The proposed re-route is c. 40% longer than the current routes'.

The overall figure of a 40% increase in walking distance is not accepted by the OMA. Our measurement of the differences in distance is: for FP14 around 31%, which is only 92m longer, and for FP15 38% longer, which equates to 131m extra. Neither of the routes could be described as functional, and therefore being footpaths that are used for leisure/exercise, the additional walking distance of the amounts indicated above are not considered significant and could be viewed as beneficial. At their western ends, both footpaths connect via the continuation of Footpath 15 and a bridleway (using De Beauvoir Chase a private road) to a small settlement of houses. There are no public facilities at this location (schools, shops etc.) and none of the residents objected to the proposed diversion. It is notable also that no user group representations were made in respect of the diversion proposals, which might have been expected were the additional walking distances viewed as significant or unwanted.

3. 'I fear that the request to re-route around the perimeter of each field will lead to the enclosure of the footpath by a post and rail/post and barbed wire fence, or other similar barrier, in order to force walkers down the proposed new route and also allow for the fields to be used for livestock grazing'.

The objector's response to the public path order consultation process has been used by them to express their opposition to the land in question being used for livestock grazing. Grazing livestock was the former use of this land until a few years ago. Currently it is being used for a hay crop, which is less commercially viable and is still potentially hazardous when the public have access across the fields at harvesting time. It is of course the landowner's decision (where planning consent is not required) and not the objector's nor the OMA's as to what use the land receives, as this is not public open space, or parkland. There is perhaps a lack of understanding by the respondent that this is working farmland, which necessitates a productive agricultural purpose in order to be viable for the owners. The objector did not take up an offer from the applicant to meet and discuss the proposal on site, which might have furthered their understanding of the current and intended land uses and the issues arising. It is a perfectly understandable and

legitimate aim of the landowner to see the previous land use return. It is to facilitate the safe return of animal grazing that they have applied to divert the PROW, as their insurers and prospective tenants expressed a reluctance for that to happen while the public have access across the grazing area. Unfortunately, signage and the law are no barriers to dogs still being allowed to be out of control on PROW, and while this represents a minority of inconsiderate dog owners, incidents of dogs attacking or worrying sheep and other animals are not uncommon. The landowner supports the public's right of access and welcomes people walking and enjoying the countryside. Barbed wire has not ever been a consideration discussed re this diversion proposal, and any fencing to delineate the diversions routes would be post and rail (not close-boarded) to allow for uninhibited views and to maintain an open aspect.

4. 'The proposed new route of footpath 14 of B to C to A (rather than B to A) would require footpath users to walk directly under some significant overhanging branches from some well established trees especially in the latter stage of route B to C and the first half of route C to A. Some of these trees have over hanging branches encroaching up to 10 meters into the field. The proposed new route would require walkers to walk directly beneath these branches with no option to avoid them if the path was enclosed from the field by a fence. In high winds this would pose a significant risk to walkers. The current route B to A has no such hazards. Similarly the proposed new route of D to G to E also has similar hazards on the D to G section while the current route D to E has no such hazards'.

The objectors comments were made on the 4th March 2022, shortly after a period of storms in February and would seem to have been made in reaction to that. Storms are a seasonal weather feature that can sometimes affect various parts of the UK to differing degrees and where appropriate the government, meteorological office and other relevant agencies issue appropriate warnings and advice to the public in respect of them. It is important in the view of the OMA to put the purported risk raised by the applicant into a grounded and proportionate context. If the objector chose to ignore any relevant warnings and walk the current legal routes they would be under tree cover: on Footpath 14 at point B, from point B northwards both on Footpath 14 and Footpath 63, from point D to point A, along the section of Footpath 15 eastwards of point D/De Beauvoir Chase and on most if not all of the PROW connecting to that section of Footpath 15 (see order plan/Document 01.).

In addition the quickest route to Footpath 14 (and thereafter Footpath 15) from the objector's home is via Downham Road, Church Road and the aforementioned unaffected sections of Footpath 14. Downham Road itself is tree-lined on the objector's side of the road with many of the properties located there having large trees bounding their properties or within their gardens. There is a footway located on the opposite side of Downham Road, which while less tree-lined than on the southern side, still has a number of mature trees adjacent to his likely route as well as telegraph poles and overhead cables that could fall from the opposite (to his dwelling's) side of the road across the carriageway. Church Road has trees and hedges adjacent to its footway as well as telegraph poles and overhead cables and, as has already been mentioned, the section of Footpath 14 required to access the cross-field section is itself bounded by hedging and trees. Given that the objector could not access either footpath or indeed leave their property by foot or vehicle without encountering a significant number of trees and other overheard potential hazards (in the event of a storm sufficient to generate warnings not to travel) their argument for the diversion routes being unsafe does not seem reasoned or logical. If the diversion route poses a risk then so does the current route as well as the objector's access to it, and so their view that the current route has no such hazards is, by reasons of necessary access to it, incorrect.

5. 'The current route for both footpaths allows walkers to enjoy uninterrupted countryside.'

The OMA disagree that the diversion routes would have an adverse effect on the views available. Footpath 15 is at a lower elevation (than Footpath 14) with less expansive views and the diversion route would not substantially alter them. In respect of Footpath 14 the site visit undertaken by myself and the Area PROW Officer specifically considered the different views of both the current and diverted routes. As both achieve the same elevation our conclusion was that the views were substantially equitable. For anyone walking Footpath 14 uphill (A-B on the order plan/Document 01.) the views are mostly behind walkers and are arguably less present than those achieved by walking the section of the diversion route between C-B. Far-reaching views are available from both routes and so we do not accept that the diversion routes diminish them.