

**The Essex County Council (Little Waltham Byway 51, City of  
Chelmsford) (Prohibition of Use to All, Including Vehicles,  
Equestrians & Pedestrians) Order 202\*.  
STATEMENT OF REASONS**

The byway through the river has been little used for many years but a recent attempt at use by a 4x4 group of drivers called into question the safety of the byway and as a result Essex County Council (ECC) closed the byway to all users under a Temporary Traffic Regulation Order (TTRO). Further concerns were raised by members of the public, the Environment Agency and the Essex Wildlife Trust over the ecological impact of vehicles in the river. This permanent traffic regulation order prohibiting all classes of user from crossing through the River Chelmer is made on the basis that the Council are not able to provide a safe crossing (e.g. vehicular ford or bridge) without causing a significant negative ecological impact.

Byway 51 Little Waltham passes through a quiet, rural area just north of Chelmsford, bordered by land within the management of the Essex Wildlife Trust. The byway is situated directly south of Croxton's Mill, a Grade 2 Listed building designated in 1967, where it crosses through the River Chelmer. Byways are open to all types of users: pedestrian, horse rider, cyclist, carriage driver and motorist, however, this byway is not safe for walkers, cyclists or horse riders to attempt due to the depth and flow of the water during the majority of the year. Whilst the area is prone to flooding during wet periods, during the summer the flows can be low enough to allow vehicle passage. There have only been 2 known instances of river crossings by vehicles here in the last 25years.

ECC have been investigating the works required to make it safe for vehicular traffic to pass down into the river, cross the river along the correct alignment and then exit the river again. In order to provide safe passage for vehicles a number of things need to happen:

- Both riverbanks require re-grading and surfacing to facilitate vehicles safely and easily up/down the banks into the river channel.
- The vegetation on and hanging off, of the islands that obstruct passage needs to be cleared.
- Depth gauges are required through the river channel to mark the edge of the byway and to provide drivers with the information needed to decide whether the depth of the river is suitable for their vehicle.

Construction of a hard surface ford over the riverbed is not considered appropriate for a rural byway. Any works to alter the bed or banks of a river require a Flood Risk Activity Permit for works to Main River from the Environment Agency (EA). A site meeting was undertaken with the EA to discuss the intentions of the Council to undertake these works and the environmental matters that the Council would have to take into consideration in order to gain EA consent for works.

On site the EA raised two main concerns:

- The river and bank habitat is particularly good and they're keen to build on previous habitat enhancements to the wetland habitat on the Essex Wildlife Trust Land bordering the byway. Vehicle use would be extremely likely to cause damage to this stretch of river resulting in a deterioration to healthy fish populations over a wider reach.
- In administering consents for works the Environment Agency has to discharge its duties under its founding 1995 Environment Act. This includes a duty to conserve and enhance the environment and also consider landscape beauty in all they do. They advised that it would be significantly difficult to deliver conserving the river environment here with the intended works, let alone delivering it with enhancements.

In addition to the general duties to biodiversity under the Natural Environment and Rural Communities Act 2006, Essex County Council has a duty to support delivery of the Water Framework Directive and ensure no deterioration of quality elements.

Currently this reach of the Chelmer is failing for phosphates, dissolved oxygen and geomorphology. The Little Waltham Meadows Nature Reserve downstream was enhanced with funding from the Healthy Headwaters Catchment Restoration in 2015 and the fast-flowing gravelly river just below Croxton Mill complements the slower flows downstream providing an ideal combination of habitats locally. Use of the Byway compromises this sensitive habitat and there is high risk it will cause a deterioration of elements under the Water Framework Directive.

The length of the river Chelmer between Little Waltham village and Broomfield village, where the byway passes through is designated a Local Wildlife Site in recognition of its valuable matrix of river and floodplain meadow and wet woodland habitats. This designation is designed to protect against unsympathetic development and adverse impacts to the site.

The Wildlife and Countryside Act 1981, The Habitats Directive, and the International Union for the Conservation of Nature (IUCN) Red List all identify and provide protection for wildlife. Protected species that are present within the vicinity of the byway are Otter (*Lutra Lutra*), Water voles (*Arvicola amphibius*), Bullhead (*Cottus gobio*), European eels (*Anguilla Anguilla*), Brown/sea trout (*Salmo trutta*), Dace (*Leuciscus leuciscus*) and Kingfisher (*Alcedo atthis*).

As this area is so rich in biodiversity and such a locally important habitat for several species, 20% biodiversity net gain for the required works to make the crossing safe is not achievable. Both the works and the subsequent usage by vehicles would have a negative impact on the environment.

Little Waltham Parish Council and the Councillor for Broomfield and The Walthams are in support of prohibiting vehicular traffic through the river. In addition, ECC received a petition asking for the removal of highway rights for vehicles which included over 200 signatories.

The Public Rights of Way network in Essex covers 6,400km of rural paths, of that only 3.8% are byways, and not all of these permit vehicle use. So the right to drive in the countryside is fiercely defended both by users and by the Public Rights of Way team within Essex Highways. The impacts of river use at the location have been discussed with representatives of the leading driving groups in the county and whilst they are disappointed, they do not want to damage the environment and accept the TRO is necessary in this particular case.

All TROs affecting byways are discussed with the Public Rights of Way Team's Byway Working Group. The group acknowledge and respect that each byway is considered on a case-by-case basis.