The Essex County Council (Byways 21 and 23, North Weald Bassett) (Width Restriction) Order 202*

Statement of Reasons

Byway 21 in the Parish of North Weald Bassett is a registered public right of way, within the Epping Forest District of Essex. Byway 23 connects with Byway 21 and forms part of the local public rights of way network available for use by walkers, horse riders, cyclists and motor vehicles.

For a number of years, this section of byway has been persistently affected by incidents of fly-tipping. Unauthorised deposits of waste have regularly accumulated along the route, resulting in obstructions to the highway, detracting from the rural environment and giving rise to concerns regarding public safety and accessibility. On occasions, the volume and nature of the waste deposited have rendered parts of the route difficult or unsafe to use for legitimate users and have required significant resources to remove.

Essex County Council, working alongside relevant partners, has considered a range of measures to address the problem. Evidence from similar sites has demonstrated that physical width restrictions can be an effective deterrent to vehicles commonly used in fly-tipping activities whilst still allowing access for the majority of legitimate users of the byway.

The proposed restriction seeks to strike an appropriate balance between protecting the route from ongoing misuse and maintaining public access rights. The measure would consist of the installation of substantial concrete blocks positioned on either side of the byway, creating a minimum gap of two metres. This arrangement would continue to permit access for pedestrians, equestrians, cyclists, motorcycles, mobility scooters and most conventional motor vehicles, whilst restricting access by larger vehicles more commonly associated with the illegal deposit of waste.

The Council considers that the proposed restriction is necessary and proportionate in order to prevent the obstruction of the highway by fly-tipped material, preserve the amenity of the surrounding area, improve public safety and ensure that the byway remains available for lawful use by the public. The proposal is intended to protect the long-term accessibility and enjoyment of Byways 21 and 23 for legitimate users whilst reducing opportunities for environmental crime and the associated costs of clearance and enforcement.

Accordingly, the Council is satisfied that the proposed width restriction is in the interests of maintaining the byway for public use and preventing activities that have repeatedly undermined its safe and convenient use by the public.