Hadham Farms

Quality Hay Growers

Mrs Claire Waters
Castle Hedingham Parish Council
Castle Hedingham
Essex

15th January 2021
castlehedinghamparishclerk@gmail.com

Dear Members of Castle Hedingham Parish Council

RE: Rushley Green Footpath 25 Upgrade

Thank you for the letter dated 15th January 2021 regarding the Parish Council response to the proposed upgrade to the footpath.

Naturally it is unfortunate that the Council have decided not to be pro active in making footpath 25 fit for purpose and bringing a historic path into the 21st century.

Unfortunately, it would appear that the council has considered only the emotional issues, rather than the practical or legal ones.

1. To begin the body of the letter with 'inconvenience a public footpath can cause to landowners' demonstrates that the proposal has either not been read or not understood.

2. The first point is correct, it is popular. In excess of 100 persons per day use this path, and during lock down over 200 per day on some days, and the path was not intended for this level of use.

3. The Rosemary Lane Gate and area is as it is due to excess traffic and will remain so. The upgraded path has no stiles, or gates and a more solid surface.

4. The exact line of the 'Magna Carta' walk is not known and is not capable of determination. There is also no proposal to stop the path or move it from the field. The line through the field has varied many times over the last 800 years.

5. The gradient and surface were the issue (we were there). As per the last letter, the upgraded path would have considerable earthworks to create the correct gradients for access and a more level and secure surface.

6. The upgraded path would not be less visible, it would in fact be considerably more visible, access obvious, and the gradient more suited to recovery of a patient.

7. Fencing the existing line of the path with stockproof fence is a perfectly legal alternative, and potentially the only alternative to a successful upgrade. It would be beneficial for the council to understand this would be two stockproof fences 1.5m high, 1.2m apart for the length of the field. There would be no passing places and no upgrade to the surface. This path would become impassable during the winter and a danger to all but the most robust walkers.
   Any attempt to damage the fences would be prosecuted as criminal damage.
   Any unauthorised access to the pastures would be prosecuted as an act of trespass.

8. The council appears to be disregarding the requirements of the more senior residents, many of whom have walked this path for years but are no longer able to do so due to its condition. A condition created by increased use.

9. As per the previous letter, yes there has been discussion between the relevant land owners, and yes there is agreement to the upgrading of the entire length of the footpath from Pye Corner to Rosemary lane.

10. It is the Parish Council and Essex County Highways responsibility to ensure safe access to footpaths. It is not possible for the Council to discharge this legal obligation on this path in its current condition, thus creating a Health and Safety issue.

11. In the event of a second accident on the path the council's refusal to support the upgrade would have to be called into question. This could potentially create a liability on the part of the Parish Council or County Highways for compensation to the injured party.

It would be beneficial to arrange a meeting with the Parish Council on site to discuss the options and explain the proposal for the upgraded path.

Yours sincerely

David Collins
Rushley Green Farm

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