

**ESSEX COUNTY COUNCIL
HIGHWAYS ACT 1980 – SECTION 119
PUBLIC PATH DIVERSION ORDER**

**IN THE MATTER OF AN APPLICATION
BY [REDACTED]
UNDER SECTION 119 OF THE
HIGHWAYS ACT ORDER 1980
TO DIVERT FOOTPATH 36,
CHELMSFORD**

**ALAN ROSCOE, AREA PROW INSPECTOR
STATEMENT**

I, Alan Roscoe, c/o of Essex County Council, County Hall, Market Road, Chelmsford, Essex WILL SAY as follows:

1. I have been employed by Ringway Jacobs/Essex County Council as a Public Rights of Way (PROW) Inspector since December 2018. My area of responsibility encompasses seven parishes in the district of Chelmsford as well as parishes in the district of Uttlesford. In this role, as part of the PROW Maintenance Team, I have responsibility for undertaking scheduled rolling programme and ease of use inspections as well as responding to all customer enquiries in respect of the PROW network in my area. I also raise job packs and initiate STATs (statutory undertaker) searches in respect of any work requirements, identify, evidence and apply for Local Highways Panel schemes for PROW improvements and organise PROW volunteer activities within my area. I also respond to correspondence regarding PROW issues in my area and initiate enforcement action where appropriate in coordination with ECC's Enforcement and Liaison officer.

Background

During a scheduled Rolling Programme inspection in April 2019, I noted that the definitive line of FP36 Chelmsford was obstructed by a fence to the west of Butts Way and that an alternative route, passing over a stile some 20m to the west, was being used instead. This issue was recorded as a defect although, having spoken to local residents that day, it was established that the resident of the parcel of land concerned was a very elderly lady at [REDACTED] and I thought it wise not to make a direct approach to discuss the obstruction at that time as this might cause some distress to the resident.

In addition, we have received a total of five enquiries about the route, all between June 2017 and June 2020. Of these, three related to issues around upgrowth/drainage and another concerned a fence thought to be restricting the width of the path. Although upon investigation upgrowth was not found to be a problem, a channel had been formed by water running off Butts Way down towards the river. The route was however, still passable at the time of my inspection although it will continue to deteriorate due to the movement of water off the adjacent metalled surface. The fifth enquiry, received in January 2020, was from a resident of Butts Way complaining that walkers approaching from the west along FP35 Chelmsford (Hylands Park direction) would often mistake his metalled drive for the adjacent public footpath (FP36 Chelmsford) with the result that members of the public were walking into his back garden (See Document 03 and the letter from [REDACTED] of [REDACTED] Butts Way). I met the enquirer on 10 February 2020 to discuss the issue and although more directional discs were fitted, there was little else I could do. (I believe walkers continue to walk the incorrect line to this resident's back garden.) I took the opportunity while on site that day to speak to the residents of the property

██████████' and it became apparent that, having recently purchased a small part of the land over which the definitive line currently passes, they were now considering a diversion application and there was some subsequent email correspondence. Following a change of ownership at nearby ██████████', that application has now been made as a joint application by the owners of both these properties.

Following receipt of the application, I had several conversations with my colleague Rob Lee and attended a site visit with Mr Lee and ██████████ of ██████████' on 2 December 2020 to walk both the current and proposed routes and assess them. Legal notices advertising the made order were put out on site in February 2021.

Assessment of the proposed diversions

As the PROW Inspector, my focus is on ensuring that the public gain maximum use of and benefit from the rights of way network in my area. Having been closely involved with the route for over two years, I consider the proposed diverted line to provide greater benefit to the public when compared to the current line. Specifically:

- The proposed diverted line would legitimise the current de facto walked line along the length of Butts Way. The inspector has visited the site on six occasions* and, whilst many people have been seen walking along Butts Way and Private Road (FP35 Chelmsford) no one has been observed using the current line of FP36 Chelmsford, now proposed for diversion.
- The proposed diverted line would remove 120m of PROW from the Environment Agency's Flood Zone 3 ('high' risk of flooding), thereby improving user safety

- The eastern part of the PROW section proposed for diversion will continue to deteriorate through loss of substrate as a result of the action of water flowing off Butts Way. By moving the line onto a metalled surface, any further deterioration will no longer affect user enjoyment. The diversion of the path will also provide for 'better maintenance of rights of way', per the Essex Rights of Way Improvement Plan (see Document 21.ROWIP Extract Page 28).

I would also like to consider the specific objections raised to the application:

I do not accept the suggestion raised by the objection that the proposed diversion is less safe than the existing route. The available data from the EA suggests the diversion will improve, not reduce, user safety and there is no evidence presented to the contrary. As regards the objection point that the new route will be less enjoyable, the section proposed for diversion is already surrounded on all sides by metalled surfaces that have to be walked in order to reach it. In any case, my anecdotal observations of walkers preferentially using the metalled surface of Butts Way also indicate that the proposed route is no less enjoyable than the existing one for the majority of users and that any difference is insignificant. It is also suggested that the proposed diversion is less convenient to the public due to the additional length that would have to be walked although that additional length amounts to only c.70m. In addition, to put this increase into context, many walkers will be passing through on their way to Hylands Park, which is a further 750m to the west. In terms of 'better maintenance' and the promotion of safety, as above, this application will help Essex Highways to satisfy the requirements of the Essex Rights of Way Improvement Plan (see Document 21.ROWIP Extract Page 28).

* 17.12.2018, 08.04.2019, 11.02.2020, 01.07.2020, 02.12.2020, 27.04.2021

I confirm my support for this application.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed

A handwritten signature in black ink, appearing to be 'M. G.', written over a faint circular stamp.

Dated

25 May 2021