

**DOCUMENTS SUBMITTED BY ESSEX COUNTY COUNCIL
TO THE PLANNING INSPECTORATE
(Electronic Submission)**

**IN THE MATTER OF THE DETERMINATION TO CONFIRM
PUBLIC PATH DIVERSION ORDER 2022 FOOTPATHS 3 AND 8 TENDRING
IN THE DISTRICT OF TENDRING
SECTION 119 – HIGHWAYS ACT 1980**

DOCUMENTS REQUIRED BY THE PLANNING INSPECTORATE

1. Electronically sealed Order (there is no paper form of this order) and associated plan
2. Statement of the grounds on which it is considered the order should be confirmed
3. OMA's submission letter
4. Representations and objections to the order (including supporters) along with a covering list of their names
5. Statement containing the OMA's comments on the objections
6. Copy of the notice publicising the order together with a copy of the advertisement voucher copy
7. Certificate that notices have been published, served and posted on site and at the local offices
8. Certificate that the necessary consultations have been carried out
9. Copies of replies to the pre-order consultation and responses by the OMA
10. Name and address of every person notified
11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served
12. Location map to enable the Inspector to identify the site
13. Written permission from the landowner allowing Inspector access to the land
14. Name and address of the applicant
15. Confirmation that the OMA is supporting the Order
16. Details of the time and place where documents relating to the order will be made available for public inspection
17. Health and Safety questionnaire document
18. Undertaking by OMA to provide new paths in readiness for public use
19. Extract from the Definitive Map and Statement
20. Extract from the Essex County council Rights of Way Improvement Plan (ROWIP)
21. PROW Officer's statement

1. Electronically sealed Order and plan

See submitted PDF file:

1-Copy of Made Order inc. plan.pdf

2. Statement of the grounds on which it is considered the Order should be confirmed

This statement explains why in the opinion of Essex County Council (ECC) as the Order Making Authority (OMA) the Order meets the relevant criteria as set out in Section 119 of the Highways Act 1980 and why the diversion is expedient on the grounds stated. Please also see Document 21.PROW Officer's Statement.

Footpaths 3 and 8 Tendring (PUBLIC PATH DIVERSION ORDER 2022).

The applicants, who are also the main landowners, applied for a diversion of sections of the above footpaths.

The relevant statutory tests that were examined in detail and categorical evidence for their applicability was sought by the County Council before agreeing to proceed with the making of the Diversion Order. Concerning the main criteria when considering a public path diversion:

(i) **Whether it was expedient to make such an Order in the interests of the landowner.**

The applicant's primary reason for applying to divert these footpaths is safety, and specifically their wish to divert the sections of the PROW that currently run between farm buildings away from that location to reduce both the risk to walkers and the applicant's liability. Agricultural and delivery vehicles regularly access these buildings, sharing an access with the PROW routes. The applicant also has video evidence from the cab camera of one of their farm vehicles of illegal cycle use, which due to the higher speeds involved, presents a heightened risk. Unfortunately, in the time between the applicant making their application and the OMA's commencement of it a serious incident occurred on one of the PROW. A farm vehicle operating on the concrete yard where Footpath 3 passes between barns at Wolves Hall Farm ran over the applicant's mother, which resulted in her sustaining serious injuries necessitating multiple operations and ongoing physiotherapy. An investigation into the incident by the Health and Safety Executive was also undertaken.

The other reason provided by the applicant for the diversion proposal was to reduce the amount of cross-field paths over the land in question. Part lengths of Footpaths 3 and 8 run diagonally across fields used for growing arable crops. The applicant wished to reduce the loss of cultivatable land represented by these cross-field paths and the burden of their reinstatement. The initial proposal included the removal of all of the cross-field section of Footpath 8, however, following an objection by the parish

council to the loss of views of Tendring village and the church spire provided by this particular cross-field path, it was removed from the scheme and the current proposal then consulted upon. In discussions with the applicant, it was agreed that the revised proposal retained sufficient of their aims and an order was consequently made. It is therefore the consideration of the OMA that the reasons provided by the applicants fully support the making of an order in their interests.

(ii) The termination points of the diversion are not substantially less convenient to the public.

The termination points of the diversion for Footpath 3 are substantially unaltered.

The start point (D) connects to the same carriageway (Wolves Hall Lane) as the existing start point (A) and is located approximately 350 metres west of that point. The diversion of this footpath ends by connecting to the ongoing, unaffected, route of Footpath 3 thus that termination point remains the same.

The termination point of the start of the western end of the diversion route of Footpath 8 (H) is unaltered. That diverted section ends (point F) where it connects to the diverted route of Footpath 3 and the unaffected cross-field section of Footpath 8 (G), at a point approximately 170 metres north of the current footpath's connection to that cross-field path, and so is substantially unaltered. At the south eastern end of Footpath 8 the termination point at the start of the diversion (I) remains the same whereas the end points for the sections of the current and proposed routes (J and K respectively) are only approximately 116 metres apart and form connections to the same PROW.

The new start point of Footpath 3 is arguably more convenient than the current one as it moves the start point closer to both Footpaths 1 and 2, and the closest population centre at Tendring Green. The diversion route for Footpath 8 also provides more direct access to that footpath's ongoing (south eastwards) route and to Footpath 22, while having a negligible effect on its connection to Footpath 17.

(iii) The diversion should not be substantially less convenient to the public (in terms of increased distance).

The diversion route of Footpath 3 is approximately 172 metres longer than the current route, which is an increase of 23.5%. In the context of a leisure rather than functional route where longer walking distances are more likely to be viewed as beneficial, the OMA do not view the diversion route as being substantially less convenient. The field-edge diversion route has the added convenience of not being subject to periodic disturbance by ploughing, and is arguably more pleasant to walk, especially in winter months or in wet conditions, than the existing cross-field footpath. Footpath 3's connectivity to Footpath 8 is maintained through this diversion proposal, and its connectivity to population centres and other PROW (Footpaths 1 and 2) is enhanced, which adds to the convenience of the diversion route.

The diversion route for Footpath 8 at its eastern end (H-G, diverted to H-F-G) is 69 metres longer, which equates to an increase of 22%. In respect of the very small distance change and the benefit of moving the footpath from a cross-field to the field-edge, the OMA does not view the change as being any less convenient. In respect of the diversion route of Footpath 8 around Tendring Lodge (I-K) the distance is

318 metres, or 51% less. If measurement of the diversion route is extended to include reaching the original end point (I-K-J) then the route is still 198 metres or 32% less than the current route. As well as reducing the walking distance the proposed diversion route maintains connectivity to other PROW (Footpaths 17 and 22) and is therefore not detrimental to the convenience of the public in terms of either distance or connectivity.

(iv) Regard to the effect the diversion would have on the public enjoyment of the path as a whole.

Both diversions utilise field-edge routes, which benefit from tree cover provided by well-established, mature boundary trees. The sole objector's main reason given for objecting to the diversions was the loss of two wooded areas; where Footpath 8 passes through a small spinney at its north western end, and a wooded walk and pond view at that footpath's south eastern end. The loss of shade was specifically referenced by the objector as factor in their preference for the current routes. However, the proposed headland routes, as indicated above, also benefit from shade, unlike the cross-field routes that are proposed to be replaced. In addition, the wooded section in the north west is very quickly passed through, affords incomplete cover, and does not in the OMA's opinion provide the quality of experience to warrant its retention on grounds of enjoyment. The wooded area at the south eastern section of Footpath 8 is more extensive, but the proposed diversion route also includes a wooded section as well as the view of an alternative pond. No other responses were received concerning the replacement of the aforementioned wooded areas, which would lead the OMA to conclude that for the rest of the public this diversion proposal would not have an adverse effect upon their walking enjoyment. I would also point out that there is no public access (permissive or otherwise) to the woodland itself, and that the public only have the right to pass and repass along the footpaths.

(v) The effect the order will have on the land served by the existing right of way and of the land over which the right of way is created.

The path is being diverted from and onto land in the ownership of the applicant and a 3rd party landowner who consented to the proposal. The application was made by the main landowner at their instigation and in their interests, and therefore there is no negative effect on the land from this proposal. The effect would be beneficial in respect of the land crossed by the current routes as if the diversion order is confirmed it will enable the landowners to manage and maintain their land more easily, most noticeably by the removal of sections of cross-field path. It will also benefit them by reducing the likelihood of an accident where the footpaths run between working farm buildings and consequently lessen their liability, as well make it safer for them to operate machinery and vehicles on the farm. In addition, by being able to remove public rights from those areas and restrict access to them if necessary, it will improve security in respect of any farm vehicles and machinery stored at those locations.

Taking the above factors into account, the OMA conclude that the proposed diversion for the Public Rights of Way meets the relevant tests as laid down in section 119 of the Highways Act 1980.

3. OMA's submission letter

The Planning Inspectorate
Rights of Way Section
Room 3A Eagle
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Date 04.07.22
Our Ref: Footpaths 3 & 8 Tendring
Diversion

Dear Sir/Madam,

Highways Act 1980 – Section 119 Public Path Diversion Order 2022 Footpaths 3 & 8 Tendring Parish, Tendring District, Essex

Essex County Council, being both the Order Making Authority and Highway Authority, are writing with regard to the above proposed diversion application which has undergone a statutory consultation period of the order made on 02/02/2022. Following the expiry of the statutory consultation period and ensuing negotiations the County Council were unable to achieve withdrawal of the one duly made objection.

The County Council having considered the criteria for making and confirming the order are satisfied that the application meets the relevant tests and therefore support the Order. Accordingly I write to formally request the Secretary of State in pursuance of section 2(2) of Schedule 6 to the Highways Act 1980 determines to confirm the above mentioned Order. I enclose by email attachment documentation required for the submission of Public Path Orders to the Secretary of State for consideration. The list of documents follows the order given on The Planning Inspectorate's *'Documents Required By The Planning Inspectorate (Checklist for Order Making Authorities)*.

I would request that where possible the dates below are avoided in respect of possible dates for attendance at a hearing or inquiry. The Council also hereby confirms that it would be in agreement and preferable for the matter to be resolved by written representations given the sole objection should that be acceptable to all interested parties.

Dates to avoid:

██████████: w/c 25th July, w/c 1st August, 19th to 26th August, 1st to 2nd September, w/c 27th to 31st October, 26th December (all 2022) to 1st January 24th, 29th March and 5th April (2023)

██████████: w/c 5th, w/c 12th September, w/c 26th December (all 2022), w/c 1st January (2023)

Yours sincerely
Robert Lee, PROW & Records Analyst, Essex County Council

4. Representations and objections to the order (including supporters) with a covering list of names (includes OMA response)

See submitted PDF file:

4-Representations and objections to the order - objection [REDACTED].pdf

5. Statement containing the OMA's comments on the objection

The OMA's actual written responses to the objection letters are included in Document no.4.

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

The objector's reasons for objecting to the diversion proposal are provided in their own words as quotes below with the OMA's comments underneath and in italics. Additional information to help identify the areas referred to by them in their letters is in brackets. To order the information addressed in my responses I have combined elements from both of the objector's letters and given them numbers, which will not necessarily reflect the numbering used in their letters, as I have tried where possible/logical to separate by subject, and to combine points where repetition has occurred.

Document 21.PROW Officer's Statement also applies:

1. 'These objections relate mainly to the loss of two canopy-covered sections of footpath, both on path 8. The Tendring area is severely lacking in tree cover, and other recent footpath changes in the area have already reduced access to canopied sections. These sections, though tiny, are a disproportionately large part of the enjoyment of walking these footpaths. In addition, they are important places to shelter from the heat in summer. It should be noted that walking along the edge of a wooded area is a poor substitute for passing through it.

The replacement field-edge paths are themselves predominantly under the shelter of the canopies of mature trees. In the objector's own words the areas being referred to are 'tiny' and 'not large' and as a consequence are quickly passed through. The public have the right to pass and repass along the footpaths, and anyone sheltering from the sun for any prolonged period of time would not be doing that. The objector has not acknowledged that by proposing to remove the exposed cross-field section of Footpath 3 and replace it with a headland route, which is lined with overhanging, mature tree canopies, that the order would arguably provide more shelter than the current footpath routes. It is also the case that in order to reach the wooded areas both headland and cross-field paths would need to be negotiated, making the value of the shelter from the sun afforded by the small wooded sections minimal. With both of the wooded areas mentioned herein and indeed any such areas elsewhere there are no guarantees that they will remain as they are now. Their appearance and size could change due to disease, storm damage or through a reduction in size/cover by harvesting for commercial purposes etc. In response to their comment that the Tendring area is severely lacking in

tree cover we drew their attention in our letter response to the close proximity of Gravel Wood, which has PROW both within and alongside it (see also the answer provided to 6. below). The objector also references 'other recent footpath changes in the area have already reduced access to canopied sections,' but did not provide any details to enable any such changes if they took place to be identified and the statement responded to. The Area PROW Officer and I have processed other diversion orders in the parish of Tendring, however those changes moved a cross-field path to a headland route (with actually a small increase in tree canopy cover), and a garden path to a canopied headland route. As neither diversion involved any woodland areas, we do not know what changes they are referring to, and consider that they may instead be referring to either permissive paths or unauthorised routes that they have made for themselves. As no details were provided and as non-PROW routes are not within the remit of the Highway Authority, we do not see any relevance to this process from their statement.

2. 'The current route (north west section) passes under one of the only wooded areas left in the area, and so diverting it around the edge would prevent the public from experiencing and enjoying being under tree canopy.'

The above referenced wooded area is, as the objector says elsewhere, 'tiny,' and consequently walkers using the footpath pass through it very quickly. In fact, this area when walked is mainly open to the sky above walkers with mainly nettles and other low, ground vegetation on either the side of the footpath, and no cover present for the majority of the route. Trees providing any sort of cover are restricted to either end of this section of the footpath so that reference to this section as a wooded area is misleading. Such cover as is afforded amounts to what is in effect two sets of headland boundary trees and it is not substantially different therefore to that provided by the proposed headland routes.

3. 'The current path (south east section) passes alongside (though sadly not through) a patch of woodland, and then through another patch, past a small pond. Although not large, this section of the footpath is among the most enjoyable section of path 8 to walk due to the shade of the trees and slope of the land down to the water. The proposed diversion (a bare track) would not pass under the canopy or past the pond'.

This section of wooded area is larger than the other section, though again as they say it is in patches and tree cover is not continuous, with sections of the route remaining open to the elements. Part of the proposed replacement route, like the current route, is also exposed to the elements (along the initial section of the farm track), but it then goes through its own tree-canopy-covered section by Tendring Brook wherein it also provides walkers with a view of an alternative pond. With both ponds the possibility that vegetation will in time obscure any views afforded is a possibility. These are wildlife areas, which are not open to the public and the current views of them cannot be guaranteed to stay the same.

4. 'Firstly, we are very sorry to hear that there was an injury of a pedestrian on footpath 8. You are probably aware that there has been a lot of development of the site over the last couple of years

by the landowners. However, it would be slightly misleading to refer to these as 'working farm buildings', as some at least must be related to 'Smart Bodyworkz Essex', which appears to operate on the site. In any case, we can now see that the proposed footpath diversion is an attempt to reconcile their business development ambitions with their concerns and legal responsibilities for the safety of pedestrians.

The objectors are incorrect in their assumptions re development as was advised to them in the OMA's letter of the May, which forms part of Document 0.4. The applicant's business is farming and the majority of the buildings are used for that purpose as are the main access tracks/roads such as the one that shares an alignment with a section of Footpath 8. Smart Bodyworkz Essex is a small, family-run car repair and restoration business who are a tenant of the applicant, leasing part of one barn for their small operation. There are obviously some vehicle movements associated with that business, which in addition to the agricultural business vehicle movements supports the case for the proposed footpath diversion. There is no development associated with this site or the other buildings and the applicant's actual reasons for applying have already been addressed in Document 0.2. In that document the applicants agricultural use of the buildings at both Wolves Hall Farm and Tendring Lodge is made clear. Development proposals would in any case be subject to the local planning authority's application and consultation processes. In the view of the OMA the objector's reference to the path changes being related to development is therefore incorrect and without foundation. The applicant is well aware of their legal responsibilities and applied to divert the footpaths away from working farm buildings before the accident and injuries to their mother happened. It is perfectly legitimate that a landowner would seek to limit the risks to people on their land rather than face the possibility of having to live with the consequences of a serious or fatal incident on their land, which could be avoidable. To portray this as the landowner seeking to reconcile these responsibilities with non-existent development activities as the objector has done, is in the view of the OMA a misrepresentation.

5. 'However, if the owners are unable or unwilling to make the current path safe again, there are at least two ways that the footpath could be diverted while maintaining access to the wooded area and pond we referred to in my last letter. The first would be to simply divert it around 20m north-west to pass around the site before joining its original path. The second would be to designate the track from Wolves Hall Lane a public footpath, which would then also join the original route. We've included these suggestions as figures 1a and 1b respectively, where the suggested changes are marked as a double red line. In a similar way, the other diversion of footpath 8 to the west could also be made without cutting off access, as suggested in figure 2. The above suggestions would appear to satisfy both the safety and route rationalisation concerns detailed in your letter.'

The OMA find the suggestion by the objector that the applicant is either unwilling or unable to make the current footpaths safe again an unfortunate statement given the serious injuries to the their mother, and in the view of the OMA it should be disregarded. The diversion suggestions made by the applicant can be viewed within their letter dated 13 April 2022, which forms part of Document 0.4. The first suggestion made by them would deposit walkers back onto the farm track right at the point

where the applicant's other access tracks connect to that point from the north west and south east and thus expose anyone using it to risk. The second suggestion exacerbates this problem by actually proposing to have walkers use the farm track up to Wolves Hall Lane, which is in use by the applicant with farm vehicles and deliveries. Clearly, these suggestions do not in any way address the safety concerns of the applicant, and demonstrate a lack of knowledge of the land usage and the associated vehicle movements at those locations. In the view of the OMA the applicant whose farming activities take place at that location is best placed to determine which routes best avoid conflict between vehicles and pedestrians. The third suggestion by the objector would impose two footpath sections onto the 3rd party landowner and therefore would be unlikely to be acceptable to them. It is also the OMA's view that the route suggestion is an unwarranted measure and burden on the landowner/s to retain a very small, part-wooded, part-open area in response to a single request to do so.

6. 'We can see from some perspectives that the loss of access to two small canopied areas does seem minor. However, these are the last two areas with any cover at all between Tendring and Gravel wood (itself hardly a large area). These tiny wooded areas are like the last scraps of food at the table: all the more important because they are already so diminished.'

In respect of the above statement, it is the contention of the OMA that loss of the small wooded areas is minor and that the replacement routes provide adequate alternatives. This is supported by the lack of other objections on this matter. We cannot agree with the objector's description of Gravel Wood as a small area as it is significantly larger than the wooded areas the loss/replacement of which is objected to and it is, unlike them, a properly recognisable wood providing continuous cover. Gravel wood provides both a walk through the wood in the form of Footpath 22 and field edge paths (Footpath 29 and one section of Footpath 22) with tree canopy cover. Combined these PROW provide 1,335 metres of walking, which we would not consider to be insubstantial. In respect of their last statement, while agreeing that the areas objected to are tiny, it is difficult to comment (as advised in our answer to 1. above) on the un-evidenced suggestion that the wooded areas in that area are already so diminished.

6. Copy of the notice publicising the order together with a copy of the newspaper cutting

See submitted PDF file:

6-Copy of notice publicising the order plus newspaper cutting.pdf

7. Certificate that in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices

I hereby certify that:

1. A Notice in the form numbered 1 of Schedule 2 to the Public Path Orders Regulations 1993[Si 1993 No. 11] in respect of Orders under the Highways Act 1980 was published in the Colchester Gazette on 17th February, 2022. The time allowed for objections was not less than 28 days from date of publication of the Notice and the last date for objections was 17th March 2022
2. Notices in form 1 referred to above, were duly served on every owner, lessee and occupier of the land to which the Order relates, Tendring District Council, Tendring Parish Council and prescribed persons as specified in Schedule 3 of the said Regulations. The Notices were served by email on 16th February 2022.
3. A copy of the Order and Map were uploaded to our website (<https://www.essexhighways.org/public-path-notices>) on 16th February 2022. It was also specified in the site notice and newspaper advertisement that copies of the order and notice could be requested to be posted or viewed by emailing publicpathorders@essexhighways.org to arrange a suitable time to inspect the documents quoting the Order title. Documents can be made available for inspection 8.30am-4.30pm Mon-Fri at Essex County Council, County Hall, E block main reception, Market Road, Chelmsford if so required following the current social distancing restrictions.
4. A copy of the Notice and Plan were posted on site on 16th February 2022 by [REDACTED], Area Public Rights of Way Officer.

Robert Lee
PROW & Records Analyst
Essex County Council

8. Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers)

I hereby certify that:

1. Tendring District Council, Tendring Parish Council, statutory undertakers, owners and occupiers of affected land and prescribed persons as specified in the Regulations were consulted on 6th October 2021 (for the original proposal) and then again on 9th November 2021 (for the revised proposal). Note: the Made Order consultation on the revised proposal took place on 16 February 2022.
2. Those responses received from statutory undertakers confirmed that no apparatus would be affected by the proposed diversions.
3. Such comments as were received from the District Council, Parish Council or other statutory and ECC policy consultees are included in the PDF Documents numbered 0.9

Robert Lee
PROW & Records Analyst
Essex County Council

9. Copies of any replies to the pre-order consultation and the responses by the OMA

See submitted PDF files:

- 9-Tendring Parish Council replies to Original pre-order consultation and responses by the OMA.pdf
- 9-Other replies to Original pre-order consultation and responses by the OMA.pdf
- 9-Other replies to Revised pre-order consultation and responses by the OMA.pdf

10. Name and address of every person, council or prescribed organisation notified under

- (i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales, The Public Path Orders regulations 1993;

See submitted PDF file:

10-Name and address of every person notified under Schedule 6 of the 1980 Act.pdf

11. Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served

Essex County Council, hereby undertakes as the relevant order making authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That if the aforementioned Highways Act Order to divert sections of Footpaths 3 and 8 Tendring is confirmed by the Secretary of State, the Council will duly publish and serve notice of the same or if not confirmed notice to that effect will be duly served in accordance with the directions of the Secretary of State

Robert Lee, PROW & Records Analyst
Essex County Council

12. Location map to enable Inspector to locate the site

The diversion of Footpaths 3 and 8 Tendring is located at;
Wolves Hall, Tendring, Clacton on Sea, Essex CO16 0DG

See submitted PDF file:

12-Location map Footpaths 3 & 8 Tendring.pdf

13. Written permission from the landowner allowing the Inspector access to the land

See submitted PDF file:

13-Landowner consent form [REDACTED].pdf

13-Landowner consent form [REDACTED].pdf

14. Name and address of applicant



15. Confirmation that the OMA is supporting the order

Essex County Council as the Order Making and Highway Authority hereby confirms it is supporting the order as made to divert Footpaths 3 and 8 in the parish of Tendring.

We also confirm the County Council will continue to support the order should the matter be dealt with by Inquiry or Hearing.

Robert Lee
PROW & Records Analyst
Essex County Council

16. Details of the time and place where documents relating to the order will be made available for public inspection by the authority

The documents relating to the Order will be made available for public inspection on Essex Highways website at: <https://www.essexhighways.org/getting-around/opposed-orders>

Copies of the documents relating to the order can also be made available to view at Essex County Council Offices, County Hall, E block main reception, Market Road, Chelmsford, Essex CM1 1HQ between the hours of 8.30am to 4.30pm Monday to Friday, or posted or emailed (subject to a recipients' email file size limitations). To arrange to view or be sent the documents, requests should be submitted by email to robert.lee@essexhighways.org or publicpathorders@essexhighways.org

17. Health and Safety issues questionnaire

Health and safety at the site questionnaire

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

No specific risks are known of that would require PPE other than normal walking clothing/footwear. The proposed diversion routes include a requirement for two ditch crossings. These crossings have not yet been installed as they will only be required if the order is confirmed and the footpaths diverted. Navigation of the entirety of the proposed diversion routes will therefore require a certain amount of back walking to avoid these ditches. For the same reason (the diversion not yet coming into force) some headland diversion sections may as yet be uneven or have upgrowth on them.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

The PROW in this area are popular with walkers including dog walkers so there is a reasonable probability of encountering dogs. There are also sometimes some friendly dogs around the barns at Tendring lodge. There are no grazing animals in this area, which is arable farmland.

3. Is the site remote and/or can it be seen from other highways or rights of way?

The site covers a large field and so while some sections are visible from Lodge Lane and Wolves Hall Lane, most of the site is only visible from the current/proposed PROW routes.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Ofcom's mobile service checker indicates that there is an 'ok' to 'good' coverage for voice and data services with the Three, O2, EE and Vodafone networks in the site area. I have not been able to find any functioning public telephone boxes close to the site. The status of the phone box at Pilcox Hall Lane is unknown, and the one in Tendring village (both as indicated on Document 12.) is now functioning as a community library. Therefore, in the event of an emergency and no mobile phone signal, the Inspector is advised to call upon the applicants at [REDACTED], this being the closest residence to the footpaths.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

The PROW are accessible by car and suggested parking locations are given on the location plan (Document 12.). The nearest railway station is Weeley, which connects to London Liverpool Street via Colchester station. The 2 and 2A Ipswich Buses bus services would appear to connect Weeley Station (via The Street, Weeley) and also Clacton Station to the post office stop (no longer a post office) located on Heath Road, Tendring, and Footpath 8 is accessible from that road. No prior notice is required.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

Agricultural and delivery vehicles/equipment operate in/around the barns at Wolves Hall and Tendring Lodge. To the knowledge and in the experience of this officer no equipment or substances are stored along the PROW.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

Please check if any local Covid-19 restrictions are in place prior to attending site (none at the time of referral). Also, due the relatively rural location of the site, the nearest significant public facilities inc. shops/fuel etc. are located in either Weeley and Clacton.

18. Undertaking that any new path or way to be provided will be ready for use before the order comes into operation;

Essex County Council, hereby undertakes as the relevant authority for the area of land in question, in accordance with the requirements of the Planning Inspectorate the following:

That any new path or way to be provided in accordance with the above Diversion Order confirmed by the Secretary Of State will be ready for use before the Diversion Order comes into operation.

Robert Lee
PROW & Records Analyst
Essex County Council

19. Extract from the definitive map and statement;

See submitted PDF file:

19-Extract from the Definitive Map and Statement.pdf

20. Copy of relevant part of the County Councils Rights of Way Improvement Plan;

See submitted PDF file:

20-ROWIP Extract Page 28.pdf

Relevant section has been highlighted.

21. PROW Officer's Statement;

See submitted PDF file:

21-PROW Officer's Statement.pdf