

# NOTICE OF APPEAL

## WILDLIFE AND COUNTRYSIDE ACT 1981 SCHEDULE 14

Essex County Council

Appeal against the refusal to make an Order to vary the route of Footpath 28 from the existing route running through Robjohns Farm, Vicarage Road, Finchingfield

Notice is hereby given that the above referenced appeal has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the appeal.

The **start date** for the above appeal is 19 September 2017.

Consideration of the appeal will take the form of a public local inquiry.

The Inquiry will be held at **Courtauld Room, Braintree Town Hall, Fairfield Road, Braintree, Essex CM7 3YG** on **Tuesday 9 January 2018** at 10.00am.

An inquiry is being held because a key element in the applicant's case is the witness evidence provided by users of the route at issue. These people have provided written statements outlining their recollections of using Footpath 28 during periods before and after the definitive map was prepared in the 1950s.

Being able to test the witness evidence through cross-examination at a public inquiry will help to determine the weight the inspector should attribute to their recollections. Also, both Essex County Council and another party have queried the line claimed by the applicant which does not tally with the path illustrated on the Ordnance Survey 25" scale maps of 1878, 1896 and 1921. Resolving this before any order is made could avoid delays at a later stage.

Any queries relating to this appeal should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@pins.gsi.gov.uk. Please quote reference number FPS/Z1585/14A/13 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Essex Legal Services Reception, 5th Floor, Seax House, Victoria Road South, Chelmsford CM1 0PD. Tel 0333 0139679.

## **Timetable for sending in statements of case and proofs of evidence**

### **Within 7 weeks of the start date by [by 7 November 2017]**

As statements have already been exchanged, Essex County Council, the appellant and any interested party have a final opportunity to submit any further evidence to the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the appeal.

### **5 weeks before the date of the inquiry [by 5 December 2017]**

The Authority, everyone who has made an objection or representation, the appellant and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of all proofs of evidence to the appellant, the authority and to anyone else who has written to the Secretary of State expressing an interest in the appeal

**Proof of evidence** - *a document containing the written evidence which a person at a public inquiry will speak about. It should not rehearse all of the available evidence but should focus on the matters in dispute. It should not contain supporting documents.*

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

**We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.**

Notice of order for inquiry