

# NOTICE OF ORDER

## HIGHWAYS ACT 1980 SECTION 119

Essex County Council

Public Path Diversion Order 2017 Footpaths 10, 11 and 12 Mistley and Footpaths 8, 11 and 12 Bradfield in the District of Tendring

Notice is hereby given that the above referenced Order 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 Order.

The **start date** for the above Order is 11 June 2018

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

The Inquiry will be held at **The Council Chamber, Council Offices, Thorpe Road, Weeley, Essex CO16 9AJ on Tuesday 27 November 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to divert the entire length except where stated of the following footpaths:

Footpath 11 Mistley commencing from a point at the field edge on the eastern side of Clacton Road running across an arable field in an east-northeast then southeast then easterly direction crossing the parish boundary continuing as Footpath 8 Bradfield running in a generally north easterly direction for 431 metres to connect to Footpath 10 Bradfield, to an alternative route 2 metres in width commencing from the aforementioned start point running along an arable field boundary in an easterly direction crossing the parish boundary continuing as Footpath 8 Bradfield for 367 metres to connect to Footpath 12 Bradfield.

Footpath 11 Bradfield commencing from a point along the headland where it connects to Footpath 12 Bradfield running in a generally northerly direction across an arable field for 62 metres where it connects to Footpath 8 Bradfield then in a northerly direction across the field, crossing the parish boundary continuing as Footpath 10 Mistley for a final distance of 324 metres to the field edge on the south side of Steam Mill Road, to an alternative route 2 metres in width commencing from a point on the headland 31 metres northeast of the aforementioned start point running in a generally northerly direction along an arable field boundary for 366 metres to the field edge on the south side of Steam Mill Road 28 metres east of the aforementioned end point.

Footpath 12 Mistley commencing at the field edge on the eastern side of Clacton Road running across an arable field in a north easterly direction crossing the parish boundary continuing as Footpath 12 Bradfield running along the western side of a field boundary for 500 metres to a point on the field headland, to an alternative route 2 metres in width commencing from the existing field entrance on the east side of Clacton Road approximately 71 metres south of the aforementioned start point which it replaces as an access from Clacton Road running along the headland on the eastern side of Clacton Road in a generally northerly direction for 70 metres to the aforementioned start point then continuing in a north westerly then generally northerly direction for a further 402 metres to a point opposite Bridleway 13 Mistley where a new footbridge is to be

installed over the ditch to Clacton Road providing a new crossing point to Bridleway 13 Mistley, then continuing along the headland on the eastern side of Clacton Road in a northerly direction for a final distance of 74 metres to connect to Footpath 11 Mistley.

A further part length of Footpath 12 Bradfield commencing at the field edge west of Footpath 11 running in a north easterly direction across the arable field for a distance of 58 metres to a point 24 metres out from the field headland continuing in an east, north easterly direction across the field for 65 metres to reconnect to the field headland, to an alternative route 2 metres in width commencing from the aforementioned start point running along the headland in a north easterly direction for 118 metres to the aforementioned end point where it continues unaffected.

Any queries relating to this Order 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 ROW/3193897 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 The Definitive Map and Service Department, A2 County Hall, Market Road, Chelmsford, Essex CM1 1QH during normal office working hours. Telephone: 01245 342537.

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

#### **Within 8 weeks of the start date by [by 6 August 2018]**

The Order Making Authority must ensure their statement of case is received by 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 Order.

#### **Within 14 weeks of the start date [by 17 September 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 30 October 2018]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) 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:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

**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

**ESSEX COUNTY COUNCIL**

**PUBLIC PATH DIVERSION ORDER 2017  
FOOTPATHS 10, 11 AND 12 MISTLEY  
AND FOOTPATHS 8, 11 AND 12 BRADFIELD  
IN  
THE DISTRICT OF TENDRING**

**HIGHWAYS ACT 1980 – SECTION 119  
PUBLIC PATH DIVERSION ORDER**

**PUBLIC PATH DIVERSION ORDER 2017**  
**HIGHWAYS ACT 1980**  
**ESSEX COUNTY COUNCIL**  
**FOOTPATHS 10, 11 AND 12 MISTLEY**  
**AND FOOTPATHS 8, 11 AND 12 BRADFIELD**

This Order is made by Essex County Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interest of the owner of the land crossed by the footpaths described in paragraph 1 of this order it is expedient that the line of the paths should be diverted.

The landowner has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in the order making and bringing the new site of the paths into a fit condition for use by the public.

Tendring District Council have been consulted and have consented to the making of the order as required by section 120(2) of the 1980 Act.

**BY THIS ORDER:**

- 1) The public rights of way over the land situated between Clacton Road and Steam Mill Road in the parishes of Mistley and Bradfield in the District of Tendring known as Footpaths 10, 11 and 12 Mistley and Footpaths 8, 11 and 12 Bradfield and shown by bold continuous lines on the map numbered PROW-17-13 rev.03.07.17 contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 35 days from the date of confirmation of this order.
- 2) There shall at the end of 28 days from the date of confirmation of this order be public footpaths over land situated between Clacton Road and Steam Mill Road in the parishes of Mistley and Bradfield in the District of Tendring known as Footpaths 10, 11 and 12 Mistley and Footpaths 8, 11 and 12 Bradfield described in Part 2 of the Schedule and shown by bold broken lines on the map numbered PROW-17-13 rev.03.07.17 contained in this order

## **SCHEDULE**

(PART 1)

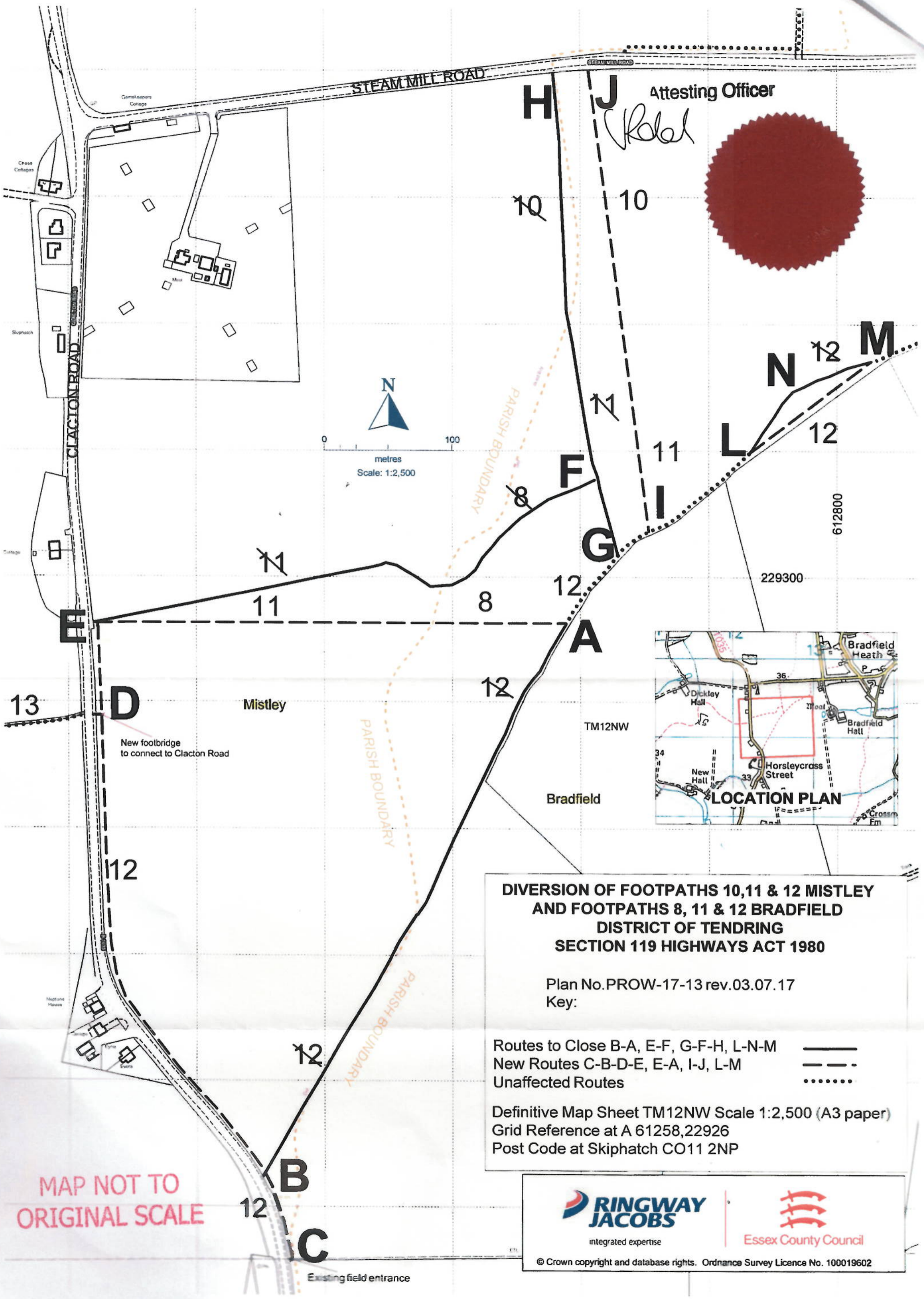
### **DESCRIPTION OF SITE OF EXISTING PATHS OR WAYS**

#### Footpaths 11 Mistley and 8 Bradfield

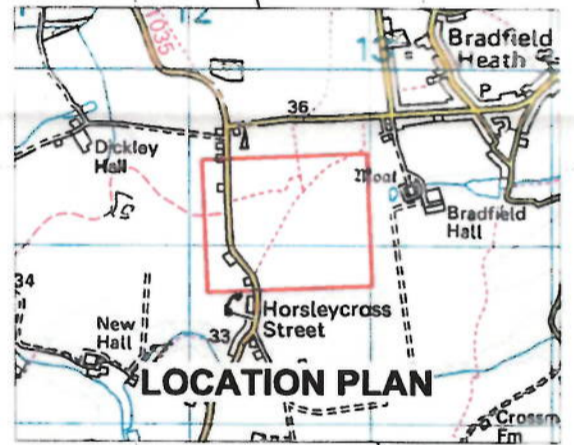
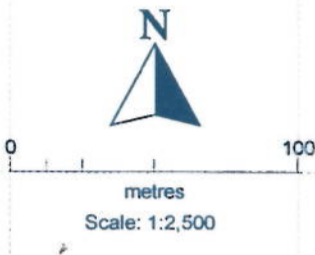
The entire length of Footpath 11 Mistley of unknown width shown by a bold continuous line on the order map commencing from point E at grid reference 61222,22926 at a point at the field edge on the eastern side of Clacton Road running across an arable field in an east-northeast then southeast then easterly direction crossing the parish boundary continuing as Footpath 8 Bradfield running in a generally north easterly direction for a total distance of approximately 431 metres to point F at grid reference 61261,22937 where it connects to Footpath 10 Bradfield.

#### Footpaths 11 Bradfield and 10 Mistley

The entire length of Footpath 11 Bradfield of unknown width shown by a bold continuous line on the order map commencing from point G at grid reference 61262,22931 at a point along the headland where it connects to Footpath 12 Bradfield running in a generally northerly direction across an arable field for approximately 62 metres where it connects to Footpath 8 Bradfield at point F at grid reference 61261,22937 then in a northerly direction across the field crossing the parish boundary continuing as Footpath 10 Mistley for a final distance of approximately 324 metres to point H at grid reference 61257,22969 connecting to the field edge on the south side of Steam Mill Road .



Attesting Officer  
*[Signature]*




**DIVERSION OF FOOTPATHS 10, 11 & 12 MISTLEY AND FOOTPATHS 8, 11 & 12 BRADFIELD DISTRICT OF TENDRING SECTION 119 HIGHWAYS ACT 1980**

Plan No. PROW-17-13 rev.03.07.17  
 Key:


- Routes to Close B-A, E-F, G-F-H, L-N-M
- New Routes C-B-D-E, E-A, I-J, L-M
- Unaffected Routes

Definitive Map Sheet TM12NW Scale 1:2,500 (A3 paper)  
 Grid Reference at A 61258, 22926  
 Post Code at Skipchatch CO11 2NP

**MAP NOT TO ORIGINAL SCALE**



**RINGWAY JACOBS**  
integrated expertise



**Essex County Council**

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### Footpath 12 Mistley and Footpath 12 Bradfield

The entire length of Footpath 12 Mistley of unknown width shown by a bold continuous line on the order map commencing at point **B** at grid reference 61235,22882 from the field edge on the eastern side of Clacton Road running across an arable field in a north easterly direction crossing the parish boundary continuing as Footpath 12 Bradfield running along the western side of a field boundary for a total distance of approximately 500 metres to point **A** at grid reference 61258,22926.

### Footpath 12 Bradfield

A further section of Footpath 12 Bradfield commencing at point **L** at grid reference 61273,22939 at the field edge being approximately 199 metres north east of the aforementioned point **A** running in a north easterly direction across the arable field for a distance of approximately 58 metres to point **N** at grid reference 61276,22944 continuing in an east, north easterly direction across the field for a final distance of approximately 65 metres to point **M** at grid reference 61282,22947 where it continues unaffected.



(PART 2)

DESCRIPTION OF SITE OF NEW PATHS OR WAYS

Footpath 11 Mistley and Footpath 8 Bradfield (E-A)

A footpath being 2 metres in width shown by a bold broken line on the order map commencing from the aforementioned point **E** running along an arable field boundary in an easterly direction crossing the parish boundary continuing as Footpath 8 Bradfield for a total distance of approximately 367 metres to the aforementioned point **A** connecting to Footpath 12 Bradfield.

Footpath 11 Bradfield and 10 Bradfield (I-J)

A footpath being 2 metres in width shown by a bold broken line on the order map commencing from point **I** at grid reference 61265,22933 a point on the headland located approximately 31 metres northeast of the aforementioned point **G** running in a generally northerly direction along an arable field boundary for a total distance of approximately 366 metres to point **J** at grid reference 61260,22970 terminating at the field edge on the south side of Steam Mill Road at point **J** at grid reference 61260,22970 located approximately 28 metres east of the aforementioned point **H**.

Footpath 12 Mistley (C-B-D-E)

A footpath being 2 metres in width shown by a bold broken line on the order map commencing from point **C** at grid reference 61237,22875 at the existing field entrance on the east side of Clacton Road approximately 71 metres south of the aforementioned point **B** which it replaces as an access from Clacton Road running along the headland on the eastern side of Clacton Road in a generally northerly direction for approximately 70 metres to the aforementioned point **B** then continuing in a north westerly then generally northerly direction for a further distance of approximately 402 metres to point **D** at grid reference 61222,22918 opposite Bridleway 13 Mistley where a new footbridge is to be installed over the ditch to Clacton Road providing a new crossing point to Bridleway 13 Mistley, then continuing along the headland on the eastern side of Clacton Road in a northerly direction for a

final distance of approximately 74 metres to the aforementioned point **E** connecting to Footpath 11 Mistley.

Footpath 12 Bradfield (L-M)

A footpath being 2 metres in width shown by a bold broken line commencing from the aforementioned point **L** running along the headland in a north easterly direction for a total distance of approximately 118 metres to the aforementioned point **M** where it continues unaffected.

Given under the Common Seal of Essex County Council this *THIRTEENTH* day of *OCTOBER* 2017

The common seal of **ESSEX** )  
**COUNTY COUNCIL** was here- )  
unto affixed in the presence of: )

  
Attesting Officer:



Dated: 13 day of October 2017\*

**PUBLIC PATH DIVERSION ORDER**

**HIGHWAYS ACT 1980 - SECTION 119**

Footpaths 10, 11 and 12 Mistley  
and Footpaths 8, 11 and 12 Bradfield in the  
District of Tendring

Paul Turner  
Director of Legal and Assurance

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