

PROPOSED DIVERSION OF PUBLIC FOOTPATH 9, HULLBRIDGE

1 SUMMARY

- 1.1 This report outlines details of an application from the Environment Agency for the realignment of Footpath 9 as a direct consequence of proposed tidal defence works at Kingsmans Farm Road, Hullbridge.

2 INTRODUCTION

- 2.1 The Council has received an application from the Environmental Agency for the diversion of Footpath 9, so that the route can continue along the top of the tidal defences and not divert into an adjacent field which is to become an intertidal habitat as part of the improvements to the flood defences at Hullbridge.
- 2.2 Authority is sought under Section 257 of the Town & Country Planning Act 1990 to divert the footpath as shown on the attached map. (Appendix 1). Under the provisions of the Act, the District Council may make Orders for the diversion of footpaths when it considers such to be necessary to enable development to be carried out in accordance with a planning permission or by a Government Department. In making the Order, the Council must be satisfied that the diversion does not alter the point of termination of the path other than to another point on the same highway that is just as convenient to the public. In addition, consideration must be given as to whether the diversion will affect public enjoyment of the path as a whole.

3 PROPOSED DIVERSION

- 3.1 The application for the footpath is made by the Environment Agency which is carrying out tidal defence works at Kingsmans Farm Road, Hullbridge. As part of the works it is proposed to provide 'compensatory measures' to offset the effect of the proposed works on the nearby nature conservation sites. These measures include the creation of an intertidal habitat (saltmarsh). This area will be prone to flooding at high tides.
- 3.2 At the moment the designated route of the footpath runs for much of its length along the top of the existing tidal defences. However, at one point the route drops down from the defences onto the adjacent field for about 200m and then goes back on top of the defences. Most users of the footpath will not use this stretch of footpath and continue on the more logical route along the top of the tidal defence wall. This field is part of the proposed intertidal habitat and will therefore be flooded on occasions and become unusable. The Environment Agency has been

advised that as their proposal will affect the authorised route of the footpath, then an application is required to divert it.

- 3.3 The existing authorised route of Footpath 9 is depicted hatched black on the map attached to this report. The footpath currently runs along the hatched black line ABECD. The proposal is for the formal diversion of the footpath to take the route ABCD excluding the public use of the existing section of footpath BEC.
- 3.4 Whilst the catalyst for this diversion is the proposed tidal defence works, it will clearly regularise the existing situation which appears to have existed for a number of years. It is also a more convenient and more enjoyable route for members of the public to use.
- 3.5 In the event that the Council supports the proposed diversion, statutory consultation will need to be undertaken and any representations considered prior to the confirmation of the Order. The Highway Authority has indicated that in principle, it has no objection to the proposed diversion.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 The proposed diversion will provide an authorised route that is more convenient to the public and will also enable the implementation of the pending planning permission for the tidal defence works. The creation of the intertidal habitat will improve the local environment.

5 RESOURCE IMPLICATIONS

- 5.1 The Council's expenses in making the Order will be borne in full by the applicant.

6 PARISH IMPLICATIONS

- 6.1 The site falls within the Hullbridge Parish Council area. They will be consulted on the application for the diversion. It should be noted that, as part of the planning application process, the Parish Council raised no objection to the proposal.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**
- (1) That, subject to the Environment Agency bearing the cost of any necessary accommodation works and all the Council's expenses recoverable under the Local Government (Recovery of Costs for Public Path Orders) Regulations 1993 as amended, the proposal to divert Footpath 9 to the route ABCD as indicated on the map annexed to this report, be approved.

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- (2) The Head of Legal Services be authorised to take all necessary steps to secure the making and confirmation of a Public Path Diversion Order under the terms of Section 257 of the Town & Country Planning Act 1990. (HLS)

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