

Footpath 37 July 2012

Island Lane to Mill Lane

Frinton and Walton Town Council have decided to support the campaign to put footpath37 from Island Lane to Mill Lane on the definitive map of public rights of way held by Essex County Council.

FWTC will act as collection point for evidence forms and they will actually make the application to Essex County Council and they will also serve notice on the landowners.

FWTC have decided they will collect forms up until the end of July 2012 and then submit the application.

If you have ever walked all or part of this route and wish to ensure this route is open for the public to walk please fill in an ECC evidence form, draw the route you walked on a map and hand the completed form into FWTC at the triangle in Frinton.

Remember you have to submit your form before the end of July.

If you have an electronic copy of this document here are links to pdf documents you can download

ECC evidence form

[Update 4 July 2012]

Richard Marsh of Essex County Council Legal Services yesterday recommended using a different map to the one I recommended.

New Map

[End Update]

One page flyer

Pdf version of this report

ECC guidance notes note these are for person making the application not the one filling in evidence forms. But they are the only guidance notes there are. It is interesting to compare what is said in these guidance notes with what the planning inspector said when confirming footpath 48, from Foundry Creek to North Street. More of this below.

If you have a printed copy evidence forms and maps may be collected from FWTC office, or you can download a copy from jeremyshiers.com/blog/footpath37-july-2012/

FWTC have just been through a similar exercise regarding the alleyway that has been blocked up next to the shop where King's the greengrocers used to be. They found ECC were very fussy about the type of map used and how it was filled in.

It is essential you indicate the path you walked using a thin red pen, otherwise your evidence form will be rejected. The map links to a pdf with

1. some notes on how to draw on the map
2. a copy of the map I intend to use
3. a copy of an OS map which may be helpful to guide you when drawing your route as it more clearly indicates the sea wall. I don't intend to use this map, just to look at it.

I have asked Richard Marsh of Essex County Council Legal services whether the map is acceptable for submitting with the evidence form but he has yet to reply.

The application guidelines give the contact as Lloyd Simpson (01245 430625). The document is out of date, Richard has taken over from Lloyd.

You can contact Richard on 01245 506732 or richard.marsh@essex.gov.uk.

It would be very helpful if you could tell other people who may have walked this section of sea wall

1. either by pointing them at this post
2. or by handing out the one page flyer

If possible please take a copy of your evidence form and map before you hand it in to FWTC.

I was tasked with finding a suitable map and in my search I came across this site

<http://www.essexhighways.org/Public-Rights-of-Way/Definitive-map/Definitive-map-review/Schedule-14-applications-Tendring.aspx>

Case 622 concerns the footpath48 which runs from footpath 31 by Foundry Creek to North Street in Walton. I have copied the documents and the planning inspectors report here.

The map accompanying the application for footpath48 shows another short footpath, footpath 45, which goes from Mill Lane to the Mere, just past the flood gates, so it goes through the southern part of Halls boatyard.

I was surprised to see case 873 was an application made by Andy Lawrence in January 2011 to have this footpath deleted from the definitive map. This application seems to have been made in conditions of complete secrecy as I had not heard of it before.

Apparently the Walton Town Hard Association are planning to oppose this application but I have not heard anything from them.

Ash and Beth Hatwell were very active in the 'Save The Mere' campaign. They are currently campaigning to have the grass and seawall on the north side of the Mere declared a village green. I had heard nothing about this either until I saw them on 30 June. If I remember right there is an inquiry about the proposed green this autumn.

I went to look at footpath 45 on Sunday, all right I didn't I went to post a letter at the school, but the town was so crowded as parking had been banned on Prince's Esplanade, so the only place I could park was Mill Lane and whilst I was there I thought I might as well have a look.

Curiously the last time I was there when Andy Lawrence took two of my children and me on a boat trip.

Any way I was glad I made the effort as I bumped into Harold Lilley. Harold now lives in Dorset but visits regularly as he has plenty of relatives here!

Harold told me over the years he has regularly walked on both footpath 45 and footpath 37 and would be happy to sign and evidence form for footpath37.

He also remembers writing to Environment Agency (or whoever preceded them) to say there should have been an application to divert footpath37 when the marina was built.

Apparently EA said the footpath had fallen into disuse so an application to divert it was not necessary.

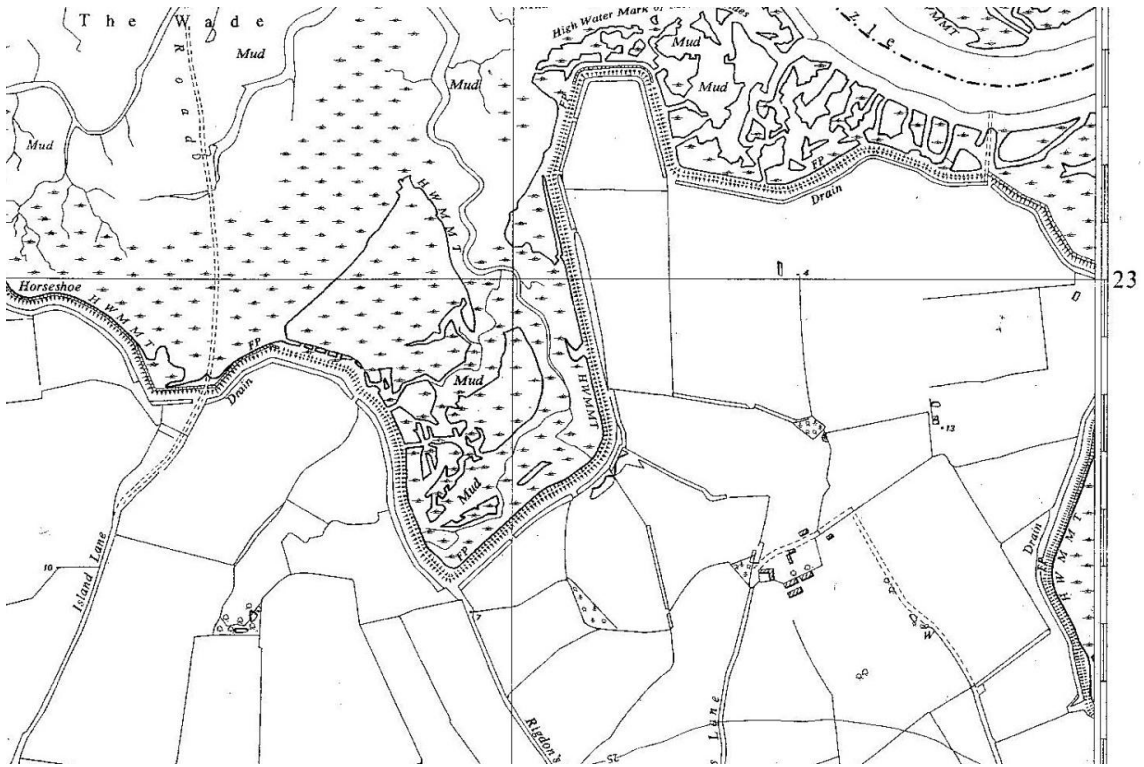
Friends of footpath 36 (and EA!) will feel this is just like deja vue all over again.

Now we are use to EA saying things which are wrong and/or misleading but it is curious they said the footpath had fallen into disuse and not that it was not a public footpath as repeatedly said during the recent proceedings over footpath 36.

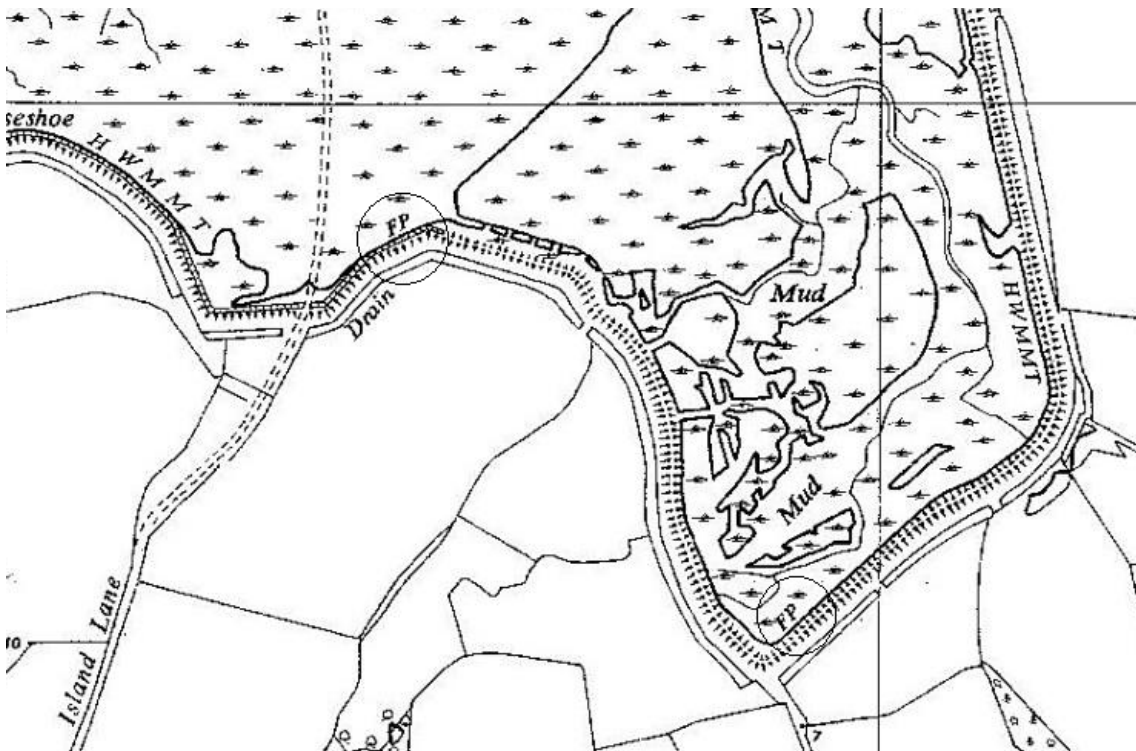
The system of definitive maps was created by the 1949 National Parks and Access to Countryside Act. County councils were required to maintain a definitive map of rights of way. To start the process county councils required urban district and rural councils to provide a schedule of paths in their area.

Note councils did NOT have to identify new public footpaths they only had to walk and document *EXISTING PUBLIC FOOTPATHS*.

A pre 1960 OS Map shows the footpath marked with FP



and this enlarged section of the map has 2 of the FP's circled



So I guess they thought it was a footpath.

It is true Andy Lawrence, who lives 2 doors from me, did a lot of work in 2011 researching footpaths. However he wouldn't show me what he'd found until I had independently done some

research.

Sigh

Anyway I spent a morning at council offices on 28 December 2011 going through minutes. It is there in black and white the UDCCW clearly regarded footpath37 as a public footpath in 1952 when they added it to the schedule of footpaths to be sent to ECC.

They still regarded it as footpath in 1963 when they were in discussion with Yacht Club Trust about access to the wall. In the mean time D.F. Blyth, who had opposed the footpath, had written to the council agreeing to public use of the sea wall footpath from Mill Lane to Colonel's Hard.

I have photocopies of the more significant minutes yet these are not very clear as the volumes are quite thick and the fluorescent lights caused dark patches on the photocopies. These are still readable but when I scan them the results are not readable so I not currently able to post images here.

Vol	Page	Minute
XIX	163	<p>Minute 536 The Clerk referred to Minute No. 369 wherein consideration of the inclusion or otherwise in the Schedule of Public Footpaths, of that footpath running from Quay Lane to Island Lane and the beach thereat, was referred to the Council-in-Committee.</p> <p>RECOMMENDED - That the above footpath to be included in the Schedule of Public Footpaths, together with the footpath along the sea wall from Island Lane to Mill Lane Walton-on-the-Naze.</p>
XXIX	147	<p>Minute 433 National Parks and Access To Countryside Act 1949 - WALTON-ON-THE-NAZE</p> <p>RECOMMENDED - That application be made to the Essex County Council and Ministry of Housing and Local Government for an access order or agreement under National Parks and Access To Countryside 1949 to be applied from Mill Lane Walton-on-the-Naze, along the sea wall to Colonel's Hard.</p>
XXIX	181	<p>Minute 529 Further to the Minute No. 433 the Clerk submitted a letter from Mr D.F. Blyth, agreeing to the public use of the sea wall footpath from Mill Lane to Colonel's Hard, subject to his rights as owner of the land and to a suitably worded notice being erected in a prominent position.</p> <p>RESOLVED -</p> <p>i) That the thanks of the Council be expressed to Mr D.F. Blyth for his public spirited action.</p> <p>ii) That Minute No. 433 be rescinded, but that application be made to the Essex County Council and the Ministry of Housing and Local Government for an Access Order or Agreement under the National Parks and Access To Countryside Act, 1949, to be applied from Mill Lane, Walton-on-the-Naze to the sea wall in a westerly direction.</p>

Vol	Page	Minute
XXIX	267	<p>Minute 798 Further to Minute No. 529 and to a pedestrian access being obtained from Mill Lane to the sea wall, to connect to Colonel's Hard, a letter was submitted from Walton and Frinton Yacht Trust Limited, stating that a means of access from their gates to the sea wall would not be very satisfactory, and for that reason the Directors of the Trust would prefer to consider the matter more fully. It was suggested that a Meeting of representatives of the Council and the Trust should take place, together with owners of the properties 'Landermere' and 'Fenland' Mill Lane, which might lead to a more suitable situation being evolved.</p> <p>RECOMMENDED - That the Councillors A.W. Manley, Mrs. P.M. Mead, W.A. Narbeth, R.H.C Edmunds, Mrs. Richard Gray and W. Spencer Wilson, J.P., meet representatives of the Walton and Frinton Yacht Trust to discuss this matter further.</p>
XXIX	376	<p>Minute 1143 A very long minute which I'm not going to retype right now. Basically listing 4 suggestions the Council could carry out to construct and define a pathway, and to put up a notice you use the path at your own risk.</p> <p>RECOMMENDED - i) That the Clerk ask the Yacht Trust whether they would be prepared to share with the Council equally the cost involved which is estimated to be £55.</p>

In 1953 both JF Eagle and DF Blyth objected to footpath37 being placed on the definitive map, the fact their objections indicates the footpath was put on the map - otherwise they couldn't have objected could they?

For more information contact

Frinton and Walton Town Council	fawtc@btconnect.com
Jeremy Shiers	jeremy@jeremysniers.com

FWTC are not involved with either the application for a village green by the Mere or to delete footpath 45 from the definitive map.

What about Andy Lawrence? He sent me an email to say, among other things:

I am lost for words and annoyed that you have done this.

Apart from that I have no idea what he is doing. But then I never did.