

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Essex County Council  
Definitive Map Modification No. 617 Footpath 59 Nazeing (Epping Forest  
District) Order 2016

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. Following an earlier hearing, the Inspector appointed to determine the Order issued a letter in which he proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is 6 October 2017.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the Inspector's proposed modifications only.

The effect of the Order, if confirmed without modifications will be to modify the Definitive Map for the area by:-

1. Adding a length of Footpath 59 Nazeing, from Waltham Road (Nazeing Long Green) at the western boundary of the property known as "Selways" in a north-north-westerly direction for a distance of 70 metres then turning north-east for a distance of 55 metres to join the unaffected part of the route. The width of the added section is four feet (1.22 metres)
2. Deleting a length of Footpath 59 Nazeing from a point D on the order plan in a south-south-easterly direction for a distance of 70 metres to meet Waltham Road at Point A.

The effect of the proposed modifications would be to:

- Delete all of the text relating to the provisions of Section 53(3)(c)(iii) of the 1981 Act.
- Insert after "*route*" in the fourth line of the first description in Part I of the Order Schedule, "*The footpath proceeds along the western and northern boundaries of the land held within Land Registry Title Number EX292306 (points G-B-H on the attached map). It then continues along the southern boundary of the land immediately to the north of registered Title Number EX292306 (points H-D on the attached map)*".
- Delete the second description in Part I of the Order Schedule.
- Delete the solid line shown on the Order Map between points A-D and amend the map key accordingly.

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 FPS/Z1585/7/86M 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 Offices of Essex Legal Services, Seax House, Victoria Road South, Chelmsford CM1 1QH Monday to Friday between 9:30am and 5:00pm. Telephone: 0333 013 9679.

### **Timetable for sending in statements of case and comments**

#### **Within 8 weeks of the start date [by 1 December 2017]**

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

#### **Within 14 weeks of the start date [by 12 January 2018]**

Everyone who has made an objection or representation following the proposed modifications, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the above date, the Secretary of State will send copies of the comments received to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Orders must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time.

**All parties must keep to the timetable set out above and ensure that statements of case 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.

**Wildlife and Countryside Act 1981**

**The Definitive Map and Statement for the County of Essex**

**The Essex County Council Definitive Map Modification No. 617  
Footpath 59 Nazeing (Epping Forest District) Order 2016**

This Order is made by Essex County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 "the Act" because it appears to that authority that the Definitive Map and Statement for the County of Essex requires modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) & (iii) namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this Part applies and (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The authority has consulted with every local authority whose area includes the land to which the order relates. The Essex County Council hereby order that:

For the purpose of this order the relevant date is 1 February 2016.

The Definitive Map and Statement for the County of Essex shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.

This order shall take effect on the date it is confirmed and may be cited as the Essex County Council Definitive Map Modification No. 617 Footpath 59 Nazeing (Epping Forest District) Order 2016.

Given under the Common Seal of the Essex County Council this 15 day of February in the year Two Thousand and Sixteen .

The COMMON SEAL of the ESSEX )  
COUNTY COUNCIL was hereunto )  
Affixed in the presence of: )

**Attesting Officer**



35177

## SCHEDULE

### PART I

#### Modification of Definitive Map

**Description of path or way to be added:**

A length of Footpath 59 Nazeing, from Waltham Road (Nazeing Long Green) at the western boundary of the property known as "Selways" in a north north westerly direction for a distance of 70 metres then turning north east for a distance of 55 metres to join the unaffected part of the route. The width of the added section is four feet (1.22 metres)

**Description of path or way to be deleted:**

A length of Footpath 59 Nazeing from a point D on the order plan in a south-south- easterly direction for a distance of 70 metres to meet the Waltham Road at Point A.

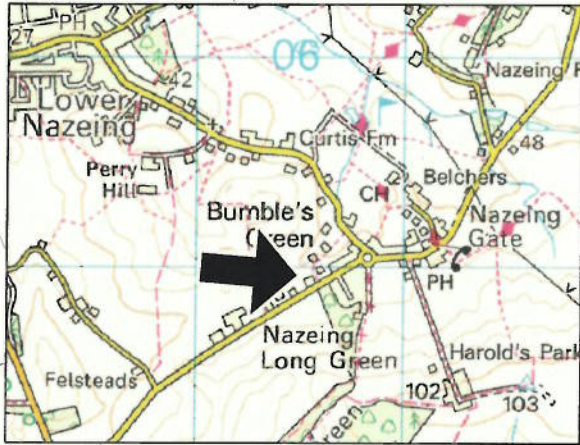
### PART II

#### Modifications of Definitive Statement

##### Variations of particulars of path or way

The statement for the parish of Nazeing shall be amended to read as follows:

OS Sheet No.	Path No.	Classification	Position and Description
40 NW, SW 4005- 4004	59	FP	<p>From Middle Street and the access track to the dwellings of Bumbles Green Farm leading south –westwards adjacent to and on the north side of the ditch to a culvert where it deviates around a large tree over the culvert. Then immediately re-joining the north side of the ditch to a point opposite the property known as Jamesmead, approximately 220 mt south-west of Middle Road. Up to this point the path has a width of 1.5 mt and shall be no less than 1 metre from the brow of the ditch.</p> <p>Then continuing in the same direction to a point approximately 226 metres south-west of Middle Street . This section has a width of 1.5 mt and shall be no less than 2mt from the brow of the ditch, on the north side of the ditch.</p> <p>Then continuing, at a width of 1.22 metres in a south westerly direction for a distance of 35 metres, before crossing the boundary on to Selways where it continues in the same direction for 20 metres. It then turns south-south- east along the western boundary of Selways for a distance of 70 metres to meet the Waltham Road.</p>



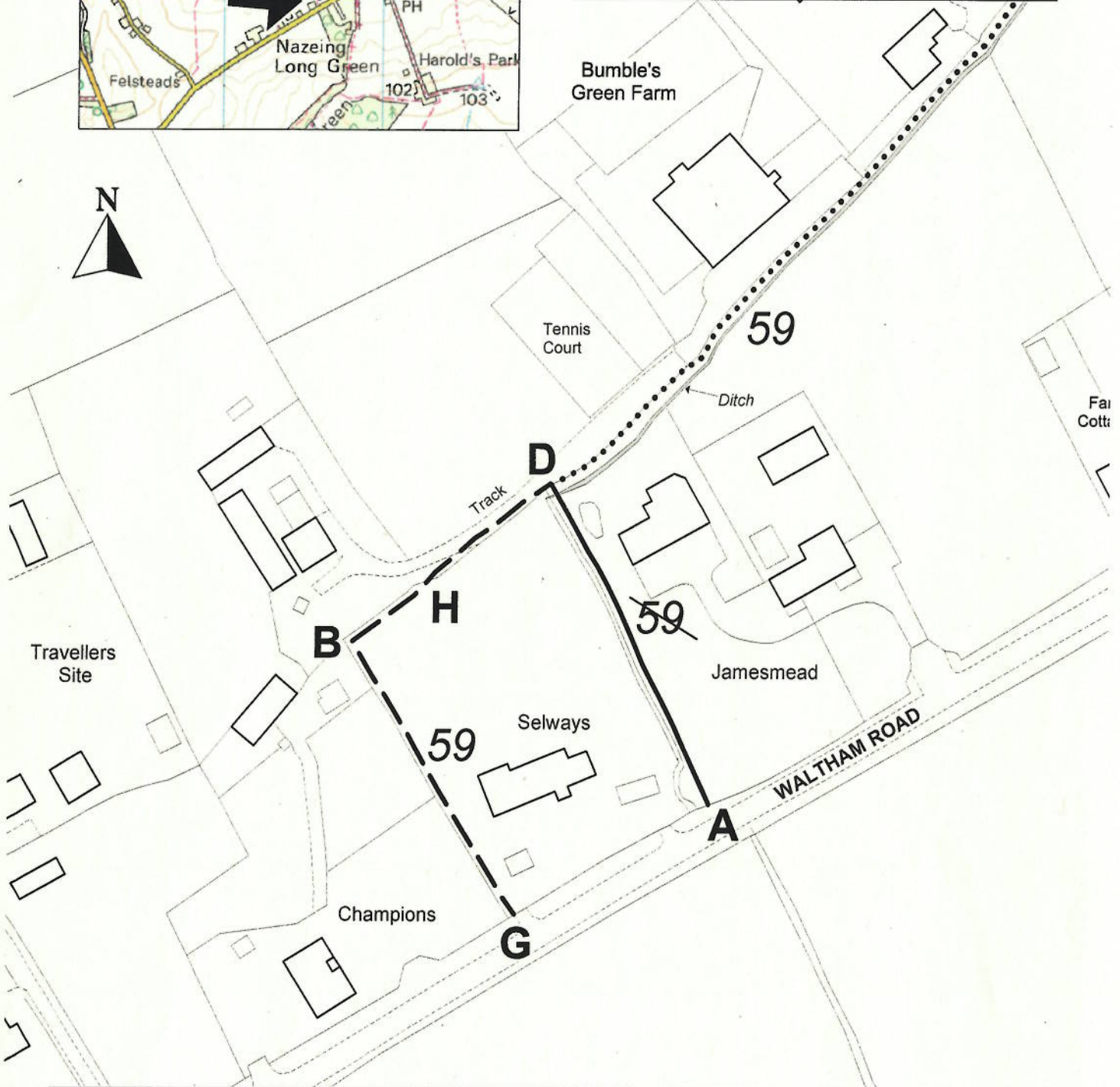
**Key**

**Footpath 59 Nazeing**

Delete Route A - D

Add Route G - B - H - D

Unaffected Route



**The Essex County Council Definitive Map Modification No. 617 (Footpath 59 Nazeing, Epping Forest District) Order 2016**

Definitive Map Sheet TL40SW Scale 1:1250  
Grid Ref TL406,049 or 5406,2049

**Essex County Council**

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