

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Essex County Council
Definitive Map Modification No. 598 Bridleway 11 Chappel and 64 Great Tey and
Restricted Byway 28 Chappel, (Colchester District) Order 2015

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 21 July 2016

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

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 Restricted Byway, to be known as Restricted Byway 28 Chappel, from the northern property boundary of High Garrett at Swanscomb Road, travelling along Ryeland Lane in an easterly then south easterly direction for a distance of approximately 430 metres where it meets Footpath 4 Chappel. The width of the way varies between 2.5-8 metres.
2. Upgrading a length of Footpath 4 Chappel, to be known as Restricted Byway 28 Chappel, from Oak Road, north of the Oaklands, travelling in a south westerly direction until meeting Footpath 26 where the path travels northerly along the western boundary of Priory House, then continues north for a distance of approximately 830 metres to meet the unaffected part of the Footpath 4. the width of the way varies between 3-9 metres.
3. Upgrading Footpath 11 Chappel, to be known as Bridleway 11 Chappel, travelling from Lamberts Lane down Sere Lane in an easterly then north easterly direction for a distance of approximately 710 metres where it meets Restricted Byway 28. The most westerly 285 metres is a moiety path which should also be recorded in the Parish of Great Tey. The width of the way varies between 2.5-8.5 metres.

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/Z1585/7/84 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 from Monday to Friday between 9:30am and 5:pm. Telephone: 03330 139679.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 4 August 2016]

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, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 15 September 2016]

Everyone who has made an objection or representation or any other written representation 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 copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, 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.

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, Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 27 October 2016]

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

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order 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. 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 w/r

Wildlife and Countryside Act 1981

The Definitive Map and Statement for the County of Essex

**The Essex County Council Definitive Map Modification No. 598
Bridleway 11 Chappel and 64 Great Tey and Restricted Byway 28
Chappel, (Colchester District) Order 2015**

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 events specified in Section 53(3)(c)(i), (ii) & (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 (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description or (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 May 2015.

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. 598 Bridleway 11 Chappel and 64 Great Tey and Restricted Byway 28 Chappel (Colchester District) Order 2015.

Given under the Common Seal of the Essex County Council this
day of *June* in the year Two Thousand and Fifteen. .

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

V. Robert

Attesting Officer



34245

SCHEDULE**PART I****Modification of Definitive Map****Description of path or way to be added:**

A length of restricted byway, numbered 28 Chappel, from Swanscomb Road at point F on the Order plan in an east north easterly then south easterly direction for a distance of approximately 430 metres to join with Footpath 4 Chappel at point D on the order plan. The width of the way is the whole of the area shaded grey on the second plan attached to the order excluding any roadside ditches and varying between 2.5 and 8 metres.

Description of paths or ways or ways to be upgraded :

(i) A length of Footpath 4 Chappel is upgraded to restricted byway, from point A on the order plan at Oak Road in a south westerly then generally northerly direction for a distance of approximately 830metres passing the junctions with Bridleway 11 and Footpath 25 to meet the unaffected part of the path at Point D. The width of the way is the whole of the area shaded grey on the second plan attached to the order.excluding any roadside ditches.

(ii) A length of Footpath 11 Chappel is upgraded to public bridleway from Lamberts Lane at Point H on the Order plan in an easterly then north easterly direction for a distance of approximately 710 metres to meet RBWY 28 at point C. The most westerly 285 metres is a moiety path which should also be recorded in the Parish of Great Tey. The width of the way is the whole of the area shaded grey on the second plan attached to the order and varies between 2.5 and 8.5 metres. .

PART II**Modifications of Definitive Statement****Variations of particulars of path or way**

The statement for the Parish of Chappel shall be amended as follows: -


OS Sheet No.	Path No.	Classification	Position and Description
82NE 8827-8828	28	RBWY	From Oak Road ,in a south westerly then generally northerly direction for a distance of approximately 830 metres passing the junctions with Bridleway 11, Footpath 25 and Footpath 4 then turning west to join Swanscomb Road opposite the property named Windy Ridge. The width of the way is the whole of the area shaded grey on the second plan attached to the Definitive Map Modification Order 598 and varies between 2.5 and 9 metres excluding any roadside ditches.
82 NE 8827-8727	11	BR	From Fen Hill (RBWY 28) north-west of Priory Cottages in a south westerly direction to its junction with Footpath 12 near the parish boundary , continues westerly along the Parish boundary to exit onto the road north of Lamberts Farm. The most westerly 285 metres is also recorded in the Parish of Great Tey. The width of the way is the whole of the area shaded grey on the plan on the second plan attached to Definitive map Modification Order 598 and varies between 2.5 and 8.5 metres
82NE 8827	4	FP	Continuation of FP 26 (Wakes Colne) in a south westerly direction to the junction with RBWY 28.

The statement for the Parish of Great Tey shall be amended by the addition of the following


OS Sheet No.	Path No.	Classification	Position and Description
82 NE 8827 - 8727	64	BR	From Lamberts Lane in a generally easterly direction along the parish boundary with Chappel for a distance of approximately 290 metres when the path continues wholly in the Parish of Chappel. The width of the way is the whole of that shaded grey on the second plan attached to the Definitive Map Modification Order 598 and varies between 3.5 and 8.5 metres

Key


Restricted Byway 28 Chappel


Add Route A - B - C - D - E - F 
Section A - B - C - D is currently part of Footpath 4

Bridleway 11 Chappel

Add Route C - G - H 
This is currently Footpath 11

Bridleway 64 Great Tey

Add G - H 
This section runs along the Chappel / Great Tey boundary and will be numbered in both parishes

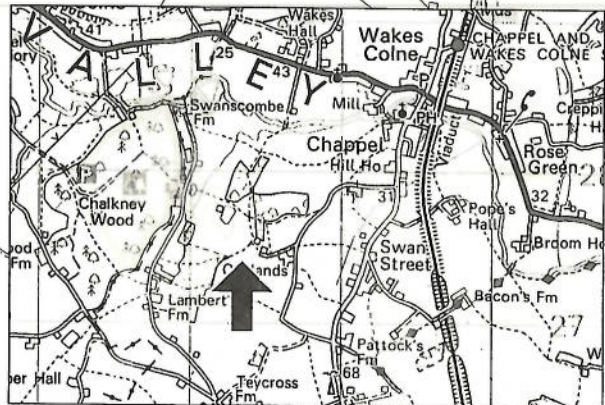
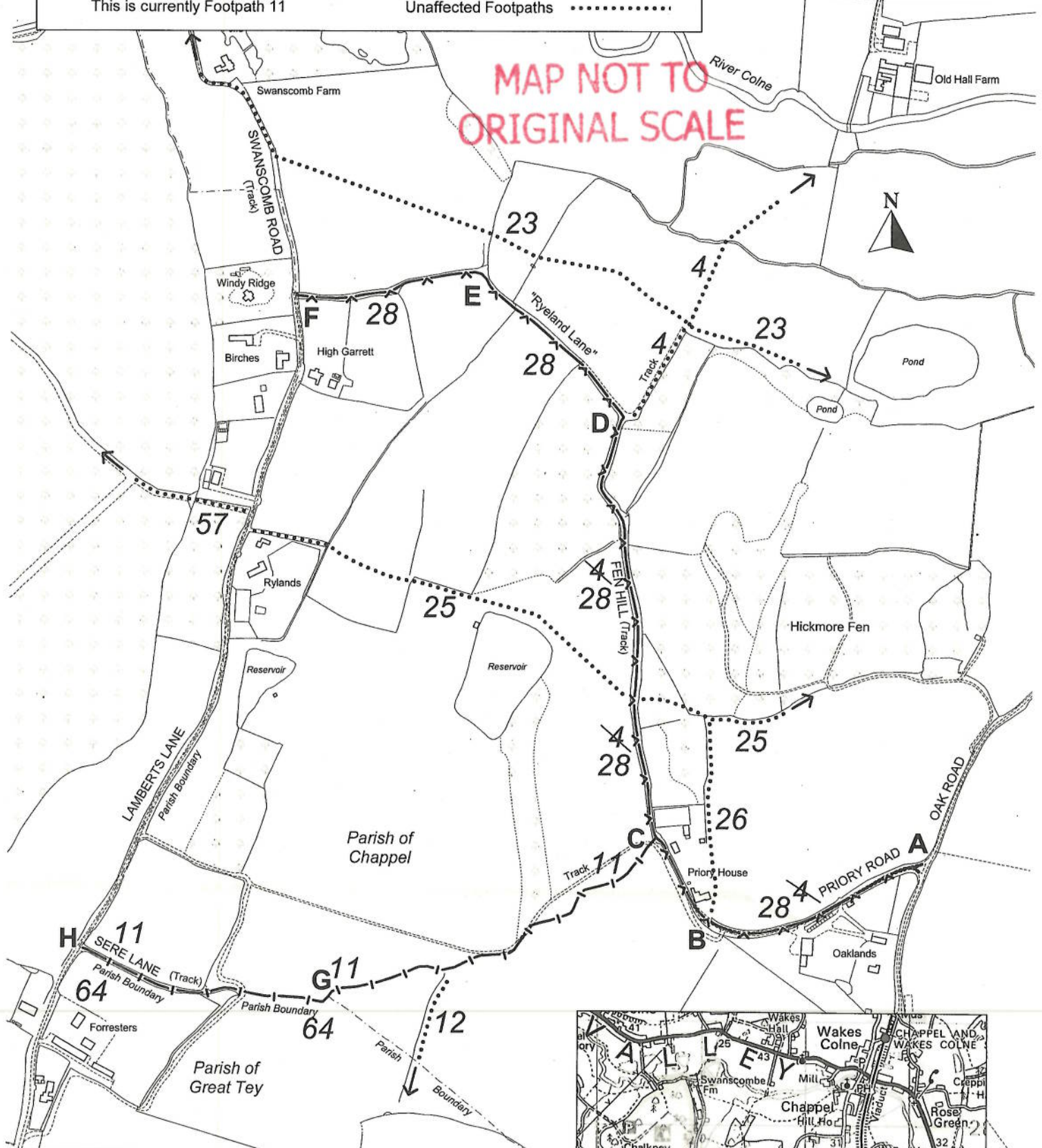
Unaffected Footpaths 



Essex County Council

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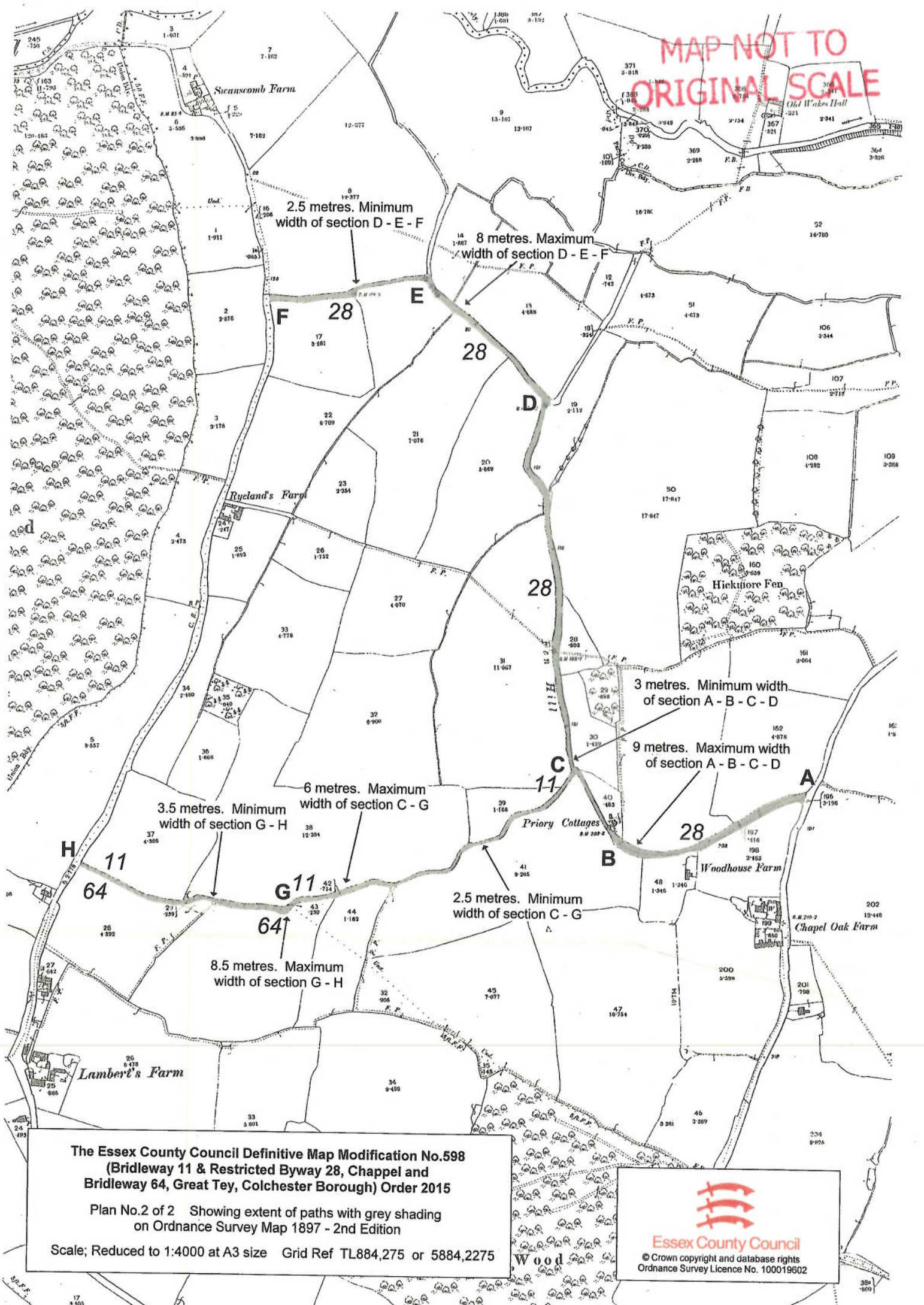
MAP NOT TO ORIGINAL SCALE



The Essex County Council Definitive Map Modification No.598
(Bridleway 11 & Restricted Byway 28, Chappel and
Bridleway 64, Great Tey, Colchester Borough) Order 2015

Plan No. 1 of 2 Scale: Reduced to 1:4000 at A3 size
Definitive Map Sheet TL82NE Grid Ref TL884,275 or 5884,2275

MAP NOT TO ORIGINAL SCALE



The Essex County Council Definitive Map Modification No.598
(Bridleway 11 & Restricted Byway 28, Chappel and
Bridleway 64, Great Tey, Colchester Borough) Order 2015

Plan No.2 of 2 Showing extent of paths with grey shading
on Ordnance Survey Map 1897 - 2nd Edition

Scale; Reduced to 1:4000 at A3 size Grid Ref TL884,275 or 5884,2275



Essex County Council

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