

Wildlife and Countryside Act 1981

The Definitive Map and Statement for the County of Essex

The Essex County Council Definitive Map Modification No.683
(Restricted Byway 43 Birch, Colchester Borough) Order 2021

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 the Secretary of State (who has directed the authority to that effect) 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) & (ii) 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.

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:

1. For the purpose of this order the relevant date is 14 September 2021.
2. 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.
3. This order shall take effect on the date it is confirmed and may be cited as the Essex County Council Definitive Map Modification No.683 (Restricted Byway 43 Birch Colchester Borough) Order 2021 .

Given under the Common Seal of the Essex County Council this 14th day of October in the year Two Thousand and Twenty One .

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

J. Nimmer

Solicitor

E0293



Essex County
Council
2021.10.14
16:12:20
+01'00'

The foregoing order is hereby confirmed

Catherine Beeby 19 DEC 2023

An Inspector appointed by The Secretary
of State for Environment, Food and
Rural Affairs

SCHEDULE

PART I

Modification of Definitive Map

Description of path or way to be added

A length of restricted byway, numbered 43 Birch from Point B on the order plan in a southerly direction for approximately 410 metres to Point C where it turns east for approximately 237 metres to Point D. From here it turns south south east for a distance of approximately 110 metres to Point E before turning east for a distance of approximately 66 metres to meet the B1022 at Point F

Description of path or way to be upgraded

A length of Footpath 5 Birch from Birch Road at Point A on the Order plan in an easterly direction for a distance of approximately 340 metres to Point B is upgraded to restricted byway (number 43)

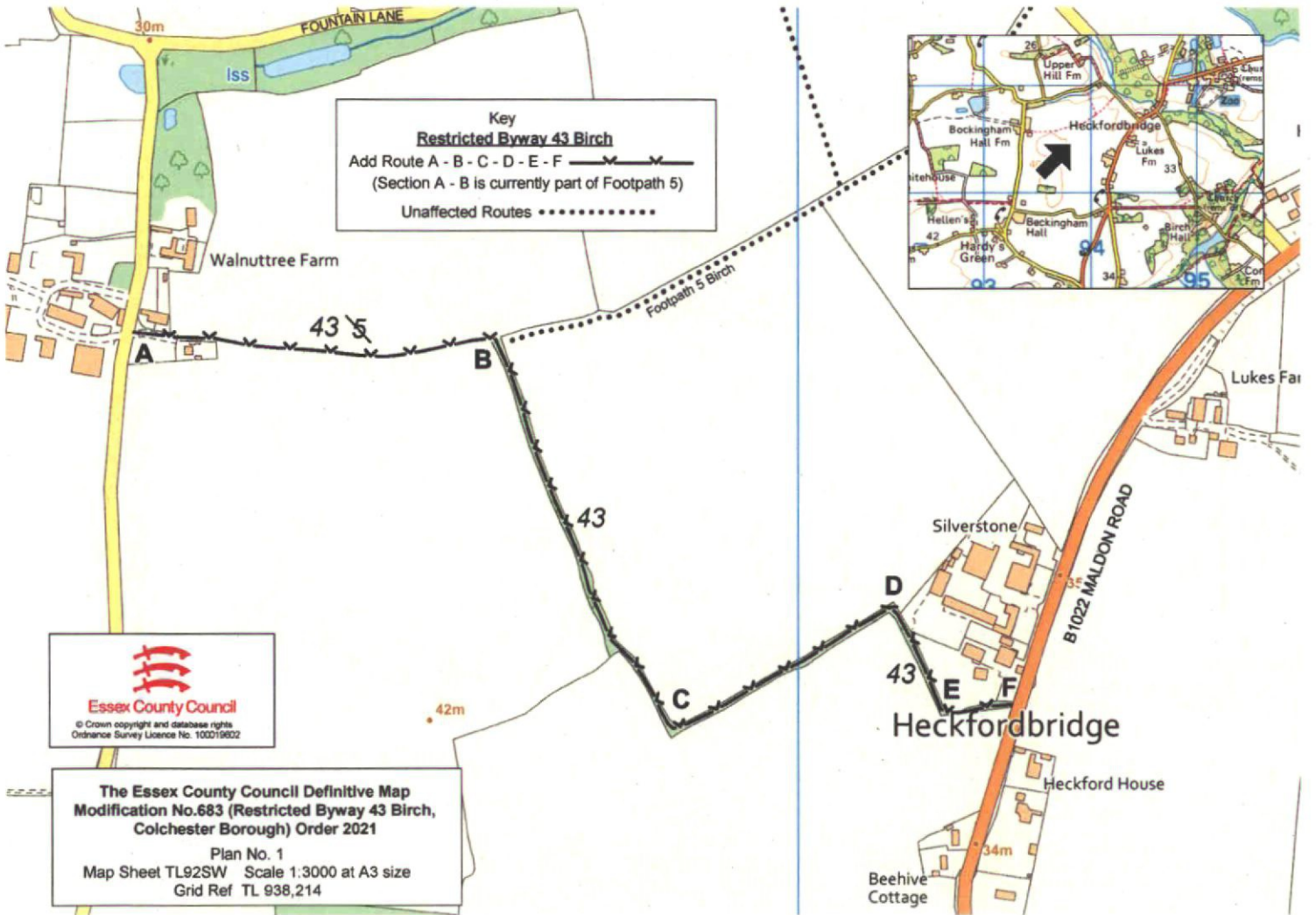
PART II

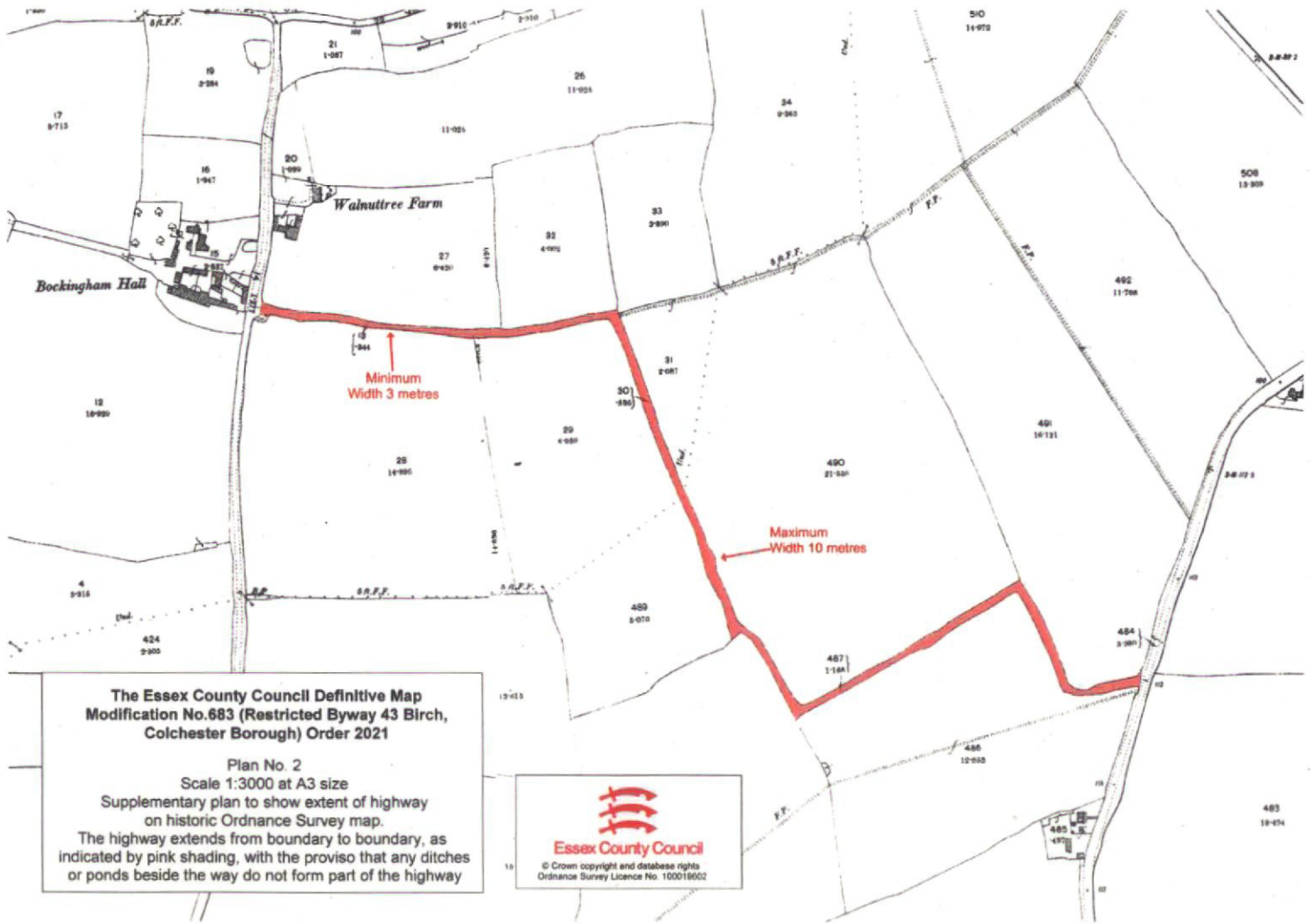
Modifications of Definitive Statement

Variations of particulars of path or way

The statement for the parish of Birch shall be amended as follows: -

OS Sheet No.	Path No.	Classification	Position and Description	Remarks
92SW 9321	5	FP	From the junction with RBWY 43 runs east, is joined by FP 7 continues to meet road north west of Angel Inn.	
92SW 9321 & 9421	43	RBWY	From Birch Road in an easterly direction for 325 metres then running in a southerly and easterly direction to meet the B1022. The width of the way is as indicated on Order Plan 2, varying between 3 and 10 metres, with the proviso that any ditches beside the way are not included.	





**The Essex County Council Definitive Map
Modification No.683 (Restricted Byway 43 Birch,
Colchester Borough) Order 2021**

Plan No. 2
Scale 1:3000 at A3 size
Supplementary plan to show extent of highway
on historic Ordnance Survey map.
The highway extends from boundary to boundary, as
indicated by pink shading, with the proviso that any ditches
or ponds beside the way do not form part of the highway



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