

**Wildlife and Countryside Act 1981**

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

**The Essex County Council Definitive Map Modification No. 676 Restricted Byways 40 and 41 Birch, Colchester District Order 2020**

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) namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows (ii) that a right of way that is 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:

For the purpose of this order the relevant date is 1 April 2020.

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. 676 Restricted Byways 40 and 41 Birch, Colchester District Order 2020.

Given under the Common Seal of the Essex County Council this *sixteenth* day of *August* in the year Two Thousand and *twenty*

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

*Susan Mason*



*41064*

**SCHEDULE**

**PART I**

**Modification of Definitive Map**

Description of path or way to be upgraded.

- 1) A length of Footpath 13 Birch known as “Caper Lane” is upgraded to Restricted Byway number 40. This commences from Point A on Order Plan 1 in Maldon Road, and continues in a southerly direction for a distance of approximately 590 metres to meet Restricted Byway 39 Birch at Point B. From there it continues in a south westerly direction for a distance of 105 metres to meet Mill Lane.. The width of the way incorporates the whole of the land parcel numbered 40 on Order Plan 1a (which is an extract of the 2<sup>nd</sup> 25” Ordnance Survey edition) and varies between 4 and 10 metres.
  
- 2) A length of Footpath 16 Birch known as “Straightway” is upgraded to Restricted Byway number 41. This commences from Point A on Order Plan 2 at the County Road north of Layer Breton Heath and continues in a north westerly direction for a distance of 325 metres to point B on Mill Lane. The width of the way is the whole of the parcels numbered 34 and 49 on Plan 2a (which is an extract of the 2<sup>nd</sup> 25” Ordnance Survey edition) and varies between 3.5 and 9 metres.

**PART II**

**Modifications of Definitive Statement**

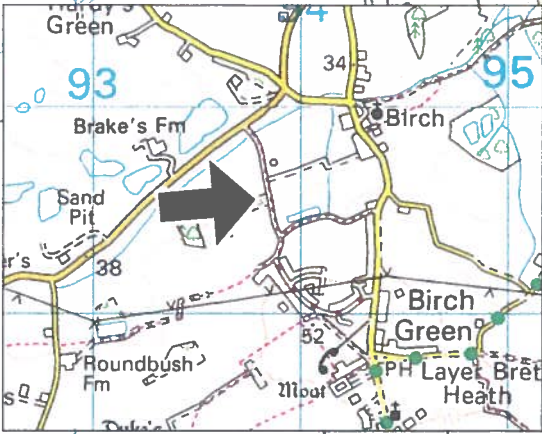
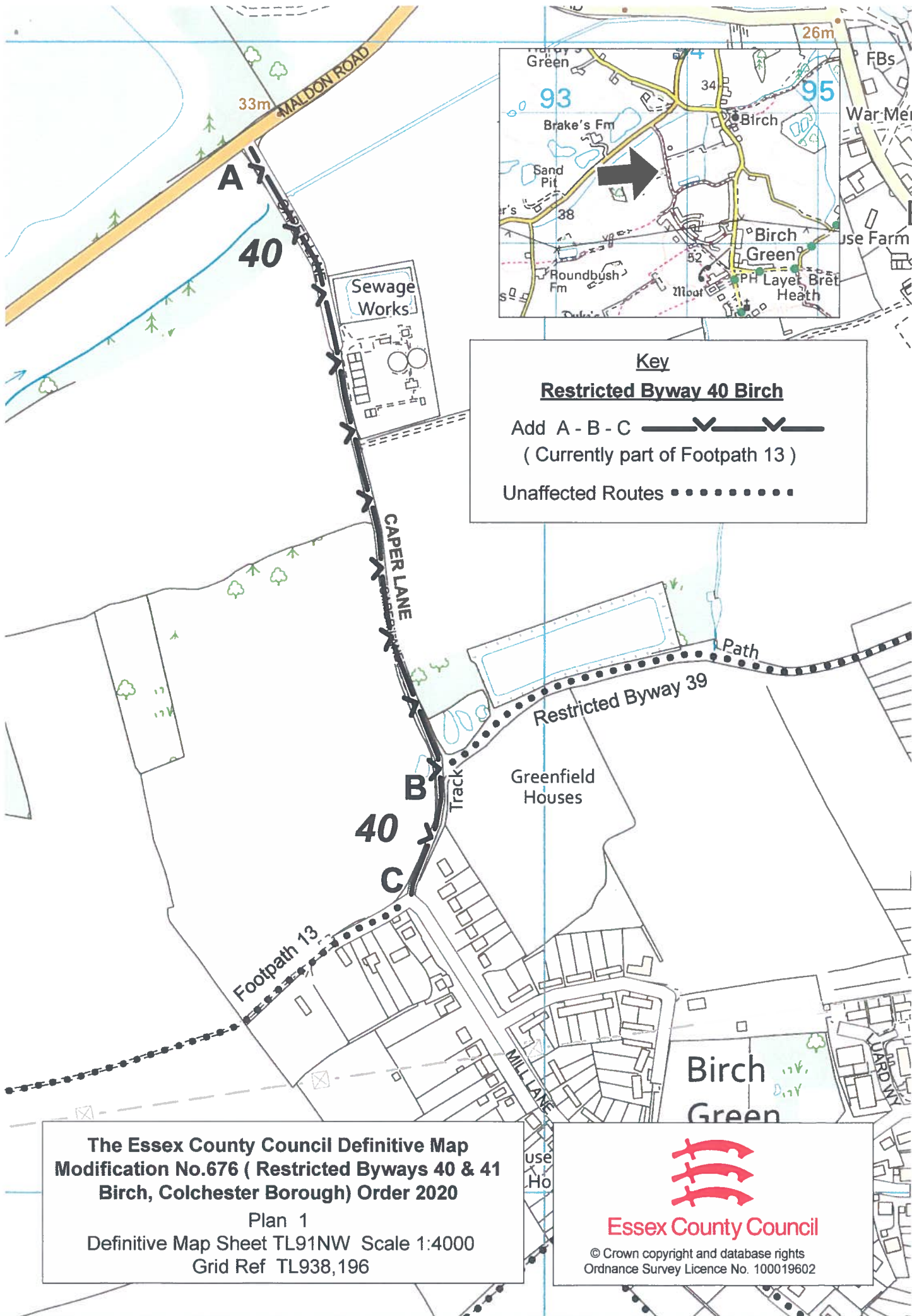
Variations of particulars of path or way:

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

<b>OS Sheet No.</b>	<b>Path No.</b>	<b>Classification</b>	<b>Position and Description</b>
91 NW	13	FP	From Caper Lane (RBWY 40) in generally westerly direction to join Roundbush Road north of Roundbush Farm.
91 NW	16	FP	From Straightway (RBWY 41) at its junction with Mill Lane in a generally westerly direction to the Parish Boundary with Layet Breton, where it continues as Footpath 2


## HIGH/10922 and HIGH/10919

91 NW	39	RBWY	Form Birch Street westward along School Lane to meet Caper Lane and RBWY 40 Birch. The width of the restricted byway is as depicted on the 1923 Ordnance Survey Map
91 NW	40	RBWY	Caper Lane. Commences at Maldon Road, and continues in a southerly direction for a distance of approximately 590 metres to meet Restricted Byway 39 Birch. From there it continues in a south westerly direction for a distance of 105 metres to meet Mill Lane and Footpath 13. The width of the way is the whole of that attached to Plan 1a attached to the order and varies between 4 and 10 metres.
91 NW	41	RBWY	Straightway. Commences at the County Road north of Layer Breton Heath and continues in a north westerly direction for a distance of 325 metres to point B on Mill Lane. The width of the way is the whole of the parcels numbered 34 and 49 on Plan 2a (which is an extract of the 2nd 25" Ordnance Survey edition) and varies between 3.5 and 9 metres.




**Key**

**Restricted Byway 40 Birch**

Add A - B - C 

( Currently part of Footpath 13 )

Unaffected Routes 

**The Essex County Council Definitive Map  
Modification No.676 ( Restricted Byways 40 & 41  
Birch, Colchester Borough) Order 2020**

Plan 1  
Definitive Map Sheet TL91NW Scale 1:4000  
Grid Ref TL938,196

  
**Essex County Council**

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**The Essex County Council Definitive Map  
Modification No.676 ( Restricted Byways 40 & 41  
Birch, Colchester Borough) Order 2020**

Plan 1a Scale 1:2500  
Showing extent of highway on historic  
2nd Edition Ordnance Survey Map  
with the proviso that any wayside  
ditches do not form part of the highway

**A**

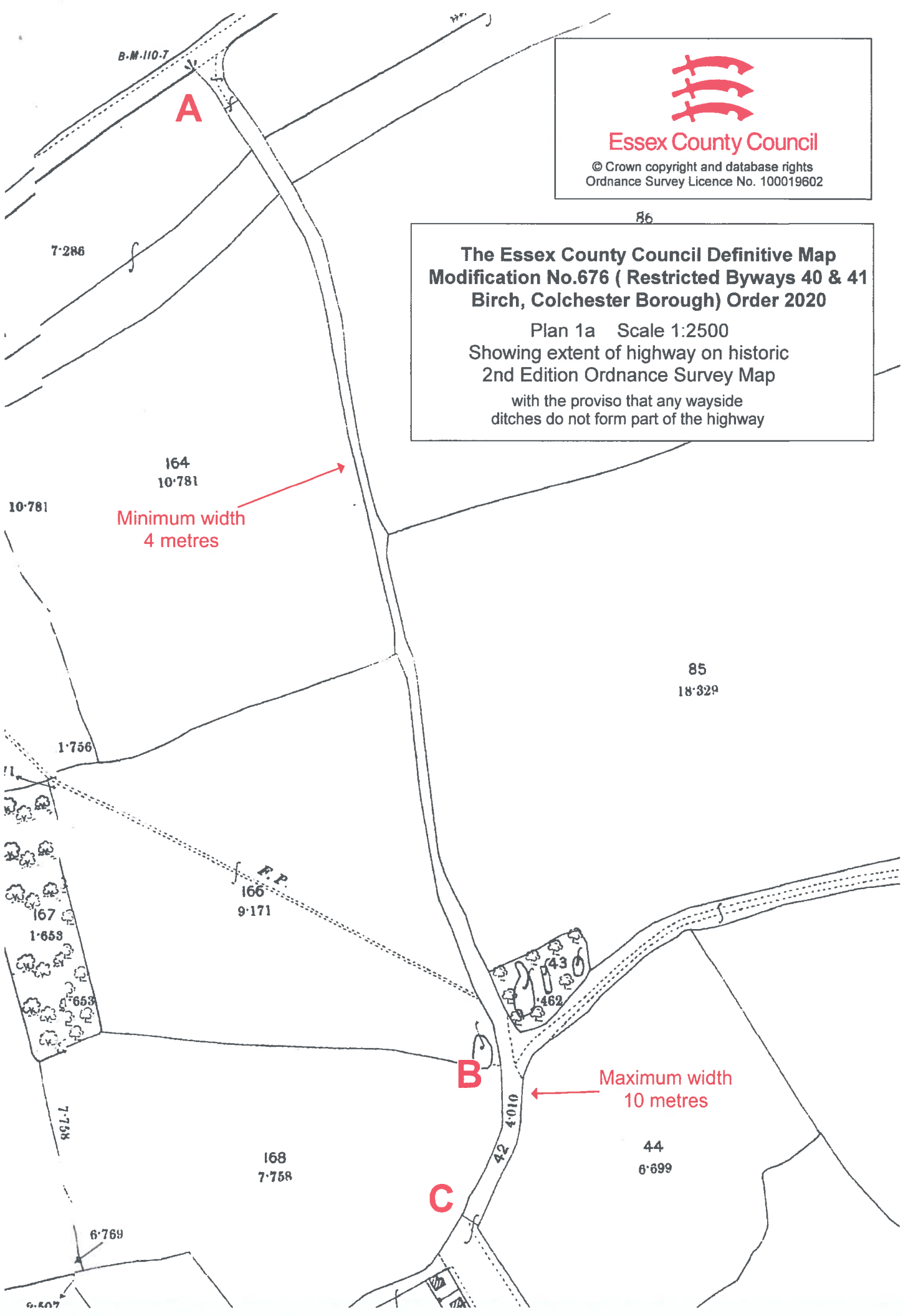
164  
10·781

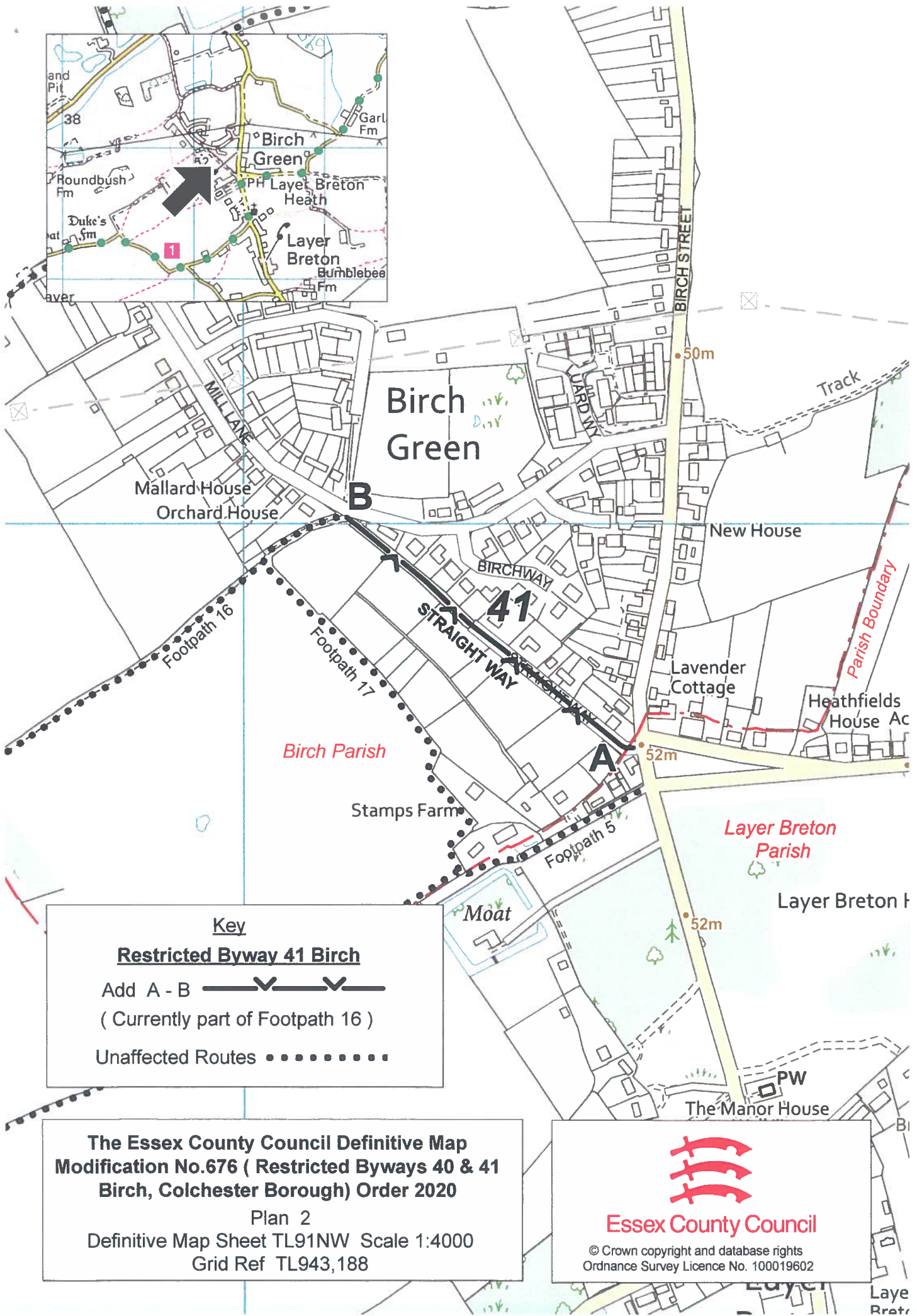
Minimum width  
4 metres

**B**

Maximum width  
10 metres


**C**






**Key**

**Restricted Byway 41 Birch**

Add A - B 

( Currently part of Footpath 16 )

Unaffected Routes 

**The Essex County Council Definitive Map Modification No.676 ( Restricted Byways 40 & 41 Birch, Colchester Borough) Order 2020**

Plan 2

Definitive Map Sheet TL91NW Scale 1:4000

Grid Ref TL943,188



**Essex County Council**

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The Essex County Council have elected pursuant to Paragraph 5(1) of Schedule 15 of the Act that this Order shall have effect as two separate Orders;

The first Order comprising the modification to which objections relate, namely the upgrade of part of Footpath 13 Birch (Caper Lane) to Restricted Byway number 40 as described in Parts 1 and 2 of the Schedule to this Order, and shown for identification purposes on the plans 1 and 2 annexed thereto;

The second Order comprising the remaining modifications, namely the upgrade of part of Footpath 16 Birch (Straightway) to Restricted Byway Number 41, as described in Parts 1 and 2 of the Schedule to this Order and shown for identification purposes on the plans 1a and 2a annexed thereto.

The Essex County Council in exercise of the powers conferred upon them by paragraph 6(1)(a) of Schedule 15 of the Act HEREBY CONFIRM the said second Order.

THE COMMON SEAL of the Essex County Council as hereunto affixed on the 3 March 2021.